

1 AN ACT relating to student safety.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, a "Kentucky guardian" or "guardian" means an*
6 *employee of a local board of education who is employed for the purpose of*
7 *providing school safety and security to students and staff on a school site. A*
8 *person providing services as a guardian may only include honorably discharged*
9 *veterans, retired Kentucky state troopers, retired special and sworn law*
10 *enforcement officers, and former federal law enforcement officers. A guardian*
11 *certified by the Center for School Safety as having met all requirements of this*
12 *section is deemed to be an authorized individual under KRS 527.070(3)(f) and*
13 *may be armed with a firearm on school property.*

14 *(2) Local boards of education may employ as many guardians as the board considers*
15 *necessary for the safety and security of its schools.*

16 *(3) Prior to hiring a guardian, the local board of education shall require the*
17 *applicant to provide certification from the Center for School Safety that he or she*
18 *meets all of the following minimum requirements:*

19 *(a) Is a citizen of the United States and the Commonwealth of Kentucky;*

20 *(b) Has received a high school diploma or a High School Equivalency*
21 *Diploma;*

22 *(c) Is currently licensed under KRS 237.110 to carry a concealed weapon;*

23 *(d) Has completed and passed background checks as required pursuant to KRS*
24 *160.380(6)(a), and has not been convicted of any felony, any misdemeanor*
25 *under KRS 510.120, 510.130, 510.140, or 510.148, or a criminal attempt,*
26 *conspiracy, facilitation, or solicitation to commit any degree of rape,*
27 *sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510, or*

- 1 have had any offense listed in this paragraph expunged;
- 2 (e) Has passed a medical examination completed by a licensed physician,
3 physician assistant, or advanced practice registered nurse to determine if he
4 or she can perform the duties of a guardian;
- 5 (f) Has passed a drug screening test administered or approved by the Kentucky
6 Law Enforcement Council. A person shall be deemed to have passed a drug
7 screening test if the results of the test are negative for the use of an illegal
8 controlled substance or prescription drug abuse;
- 9 (g) Has passed the following examinations administered by the Kentucky Law
10 Enforcement Council:
- 11 1. A background investigation to determine the person's suitability for
12 the position of guardian;
- 13 2. A psychological suitability screening to determine the person's
14 suitability to perform guardian duties; and
- 15 3. A polygraph examination to determine the person's suitability to
16 perform guardian duties;
- 17 (h) Has passed the following courses provided by the Department of Criminal
18 Justice Training:
- 19 1. Active Shooter Response;
- 20 2. Enhanced Handgun Performance; and
- 21 3. Patrol Rifle;
- 22 (i) Has passed the marksmanship qualification requirement for a retired peace
23 officer as specified in KRS 237.140;
- 24 (j) Has been honorably discharged from the Armed Forces of the United States
25 within the five (5) years immediately preceding an initial contract to be a
26 guardian as evidenced by a Department of Defense form DD 214, or is a
27 retired Kentucky state trooper, retired special or sworn law enforcement

- 1 officer, or former federal law enforcement officer. Each agency that
2 employed a retired Kentucky state trooper, retired special law enforcement
3 officer, or sworn law enforcement officer shall provide to the retired
4 individual proof of prior employment in a prompt and efficient manner,
5 without charge to the individual; and
- 6 (k) Has met any other requirements imposed by the local board of education,
7 which may include but are not limited to a preemployment written
8 examination.
- 9 (4) Each guardian shall be required to complete annual firearm proficiency testing
10 and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a)
11 to (c).
- 12 (5) Each guardian shall be required to complete the course requirements for School
13 Resource Officer Training I (SRO I) as set forth in subsection (8) of Section 4 of
14 this Act.
- 15 (6) The employing local board of education may require the completion of any
16 additional courses and training as determined to be necessary by the board.
- 17 (7) Any cost associated with subsections (3) to (6) of this section shall be the
18 responsibility of the guardian unless otherwise agreed to by the employing local
19 board of education. The Kentucky Law Enforcement Council shall not charge
20 more to guardians for tests, assessments, or training completed than what is
21 customarily charged to any other type of applicant tested, assessed, or trained by
22 the council.
- 23 (8) A local board of education employing a guardian shall collaborate with the local
24 police department, local sheriff, area post of the Department of Kentucky State
25 Police, and the state school security marshal in order to adopt school district
26 policy regarding:
- 27 (a) The job description of the guardian, including but not limited to the scope

- 1 of duties, responsibilities, and direct supervisor of the guardian;
- 2 (b) The uniform to be worn by guardians that would best suit the needs of the
- 3 schools while also allowing outside agencies to easily identify guardians;
- 4 (c) The procedures, processes, and chain of command to be used during an
- 5 emergency in which law enforcement agencies are called to the school; and
- 6 (d) The type of firearm and ammunition to be used by the guardian, if any.
- 7 (9) A local board of education shall be immune from civil or criminal liability in all
- 8 claims arising out of any action of a guardian.
- 9 (10) Guardians shall possess all the immunities and defenses now available or
- 10 hereafter made available under state law to sheriffs, constables granted peace
- 11 officer powers, and police officers in any suit brought against them in
- 12 consequence of acts done in the course of their employment.
- 13 (11) Nothing in this section requires a local board of education to hire or provide
- 14 guardians. Participation by a local board of education in the use of a guardian is
- 15 voluntary and subject to the availability of local school district funds. Any local
- 16 board of education that opts to participate shall do so at its own expense.

17 ➔Section 2. KRS 158.442 is amended to read as follows:

- 18 (1) The General Assembly hereby authorizes the establishment of the Center for School
- 19 Safety. The center's mission shall be to serve as the central point for data analysis;
- 20 research; dissemination of information about successful school safety and school
- 21 security programs, best practices, training standards, research results, and new
- 22 programs; and, in collaboration with the Department of Education and others, to
- 23 provide technical assistance for safe schools.
- 24 (2) To fulfill its mission, the Center for School Safety shall:
- 25 (a) Establish a clearinghouse for information and materials concerning school
- 26 violence prevention;
- 27 (b) Provide program development and implementation expertise and technical

- 1 support to schools, law enforcement agencies, and communities, which may
2 include coordinating training for administrators, teachers, students, parents,
3 and other community representatives;
- 4 (c) Analyze the data collected in compliance with KRS 158.444;
- 5 (d) Research and evaluate school safety programs so schools and communities are
6 better able to address their specific needs;
- 7 (e) Administer a school safety grant program for local districts as directed by the
8 General Assembly;
- 9 (f) Promote the formation of interagency efforts to address discipline and safety
10 issues within communities throughout the state in collaboration with other
11 postsecondary education institutions and with local juvenile delinquency
12 prevention councils;
- 13 (g) Prepare and disseminate information regarding best practices in creating safe
14 and effective schools;
- 15 (h) Advise the Kentucky Board of Education on administrative policies and
16 administrative regulations relating to school safety and security;
- 17 (i) ~~Beginning July 1, 2020 and~~ By July 1 of each ~~subsequent~~ year, provide an
18 annual report to the Governor, the Kentucky Board of Education, and the
19 Interim Joint Committee on Education regarding the status of school safety in
20 Kentucky, including the number and placement of school resource officers
21 working in school districts in Kentucky and the source of funding and method
22 of employment for each position in accordance with KRS 158.4414;
- 23 (j) Develop and implement a school safety coordinator training program based on
24 national and state best practices in collaboration with the Kentucky
25 Department of Education for school safety coordinators appointed pursuant to
26 KRS 158.4412. The training shall be approved by the board of directors of the
27 Center for School Safety and include instruction on at least the following:

- 1 1. Policies and procedures for conducting emergency response drills using
2 an all-hazards approach including hostage and active shooter situations;
3 2. Identification and response to threats to school safety and security; and
4 3. Preparing for, conducting, and reviewing school security risk
5 assessments in accordance with KRS 158.4410;~~and~~
- 6 (k) **Develop and implement a system to provide certification to school districts**
7 **that the center has verified that:**
- 8 **1. A potential Kentucky guardian, as defined in Section 1 of this Act, has**
9 **met all of the requirements of subsection (3) of Section 1 of this Act;**
10 **and**
- 11 **2. Individuals employed as guardians meet the requirements of**
12 **subsections (4) and (5) of Section 1 of this Act, as necessary;**
- 13 (l) **If funds are available, employ an individual whose job responsibilities**
14 **include oversight of the guardian program, including but not limited to:**
- 15 **1. The requirements of paragraph (k) of this subsection; and**
16 **2. The creation of model policy to be used by local boards of education**
17 **when adopting the policies in subsection (8) of Section 1 of this Act;**
- 18 (m) **Administer and oversee the School Mapping Data Program established**
19 **pursuant to Section 11 of this Act; and**
- 20 (n) Award a school safety coordinator certificate of completion to a school safety
21 coordinator upon satisfactory completion of the training program.
- 22 (3) The Center for School Safety shall be governed by a board of directors consisting of
23 fifteen (15) members. Members shall consist of:
- 24 (a) The commissioner or a designee of the Department of Education;
25 (b) The secretary or a designee of the Cabinet for Health and Family Services;
26 (c) The commissioner or a designee of the Department for Behavioral Health,
27 Developmental and Intellectual Disabilities;

- 1 (d) The commissioner or a designee of the Department of Kentucky State Police;
- 2 (e) The commissioner or a designee of the Department of Criminal Justice
- 3 Training;
- 4 (f) The executive director or a designee of the Kentucky Office of Homeland
- 5 Security;
- 6 (g) A representative which shall be appointed by the Governor from one (1) list
- 7 of three (3) names submitted by the Kentucky League of Cities;
- 8 (h) A representative which shall be appointed by the Governor from one (1) list
- 9 of three (3) names submitted by the Kentucky School Boards Association;
- 10 (i) A representative which shall be appointed by the Governor from one (1) list
- 11 of three (3) names submitted by the Kentucky Association of School
- 12 Superintendents;
- 13 (j) A representative which shall be appointed by the Governor from one (1) list
- 14 of three (3) names submitted by the Kentucky Association of School Resource
- 15 Officers;
- 16 (k) A representative which shall be appointed by the Governor from one (1) list
- 17 of three (3) names submitted by the Kentucky Education Association;
- 18 (l) A representative which shall be appointed by the Governor from one (1) list
- 19 of three (3) names submitted by the Kentucky School Nurses Association;
- 20 (m) A representative which shall be appointed by the Governor from one (1) list
- 21 of three (3) names submitted by the Kentucky Association for Psychology in
- 22 the Schools;
- 23 (n) A representative which shall be appointed by the Governor from one (1) list
- 24 of three (3) names submitted by the Kentucky School Counselor Association;
- 25 and
- 26 (o) A representative which shall be appointed by the Governor from one (1) list
- 27 of three (3) names submitted by the Kentucky Parent Teacher Association.

1 (4) Notwithstanding KRS 12.028, the Center for School Safety and its board of
2 directors shall not be subject to reorganization by the Governor.

3 ➔Section 3. KRS 158.441 is amended to read as follows:

4 As used in this chapter~~[, unless the context requires otherwise]~~:

5 (1) "Intervention services" means any preventive, developmental, corrective,
6 supportive services or treatment provided to a student who is at risk of school
7 failure, is at risk of participation in violent behavior or juvenile crime, or has been
8 expelled from the school district. Services may include, but are not limited to,
9 screening to identify students at risk for emotional disabilities and antisocial
10 behavior; direct instruction in academic, social, problem solving, and conflict
11 resolution skills; alternative educational programs; psychological services;
12 identification and assessment of abilities; counseling services; medical services; day
13 treatment; family services; work and community service programs;

14 (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky
15 State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010,
16 who is employed by a school district as a school resource officer, as defined in this
17 section, through a contract as secondary employment for the officer;

18 (3) "School activities" means official school functions held on school property,
19 including student attendance days as defined in KRS 158.070, athletic events, and
20 graduation;

21 (4) "School property" means any public school building, public school vehicle, public
22 school campus, grounds, recreational area, or athletic field in the charge of the
23 school district;

24 (5) "School resource officer" or "SRO" means an officer whose primary job function is
25 to work with youth at a school site as described in KRS 158.4414, who has
26 specialized training to work with youth at a school site pursuant to KRS 158.4414,
27 and who is:

- 1 (a) 1. A sworn law enforcement officer *certified under KRS 15.380 to 15.404*;
- 2 2. A special law enforcement officer appointed pursuant to KRS 61.902
- 3 *and certified under KRS 15.380 to 15.404*; or
- 4 3. A police officer appointed pursuant to KRS 158.471; and
- 5 (b) Employed:
- 6 1. Through a contract between a local law enforcement agency and a
- 7 school district;
- 8 2. Through a contract as secondary employment for an officer, as defined
- 9 in KRS 16.010, between the Department of Kentucky State Police and a
- 10 school district; or
- 11 3. Directly by a local board of education;
- 12 (6) "School safety" means a program of prevention that protects students and staff from
- 13 substance abuse, violence, bullying, theft, the sale or use of illegal substances,
- 14 exposure to weapons and threats on school grounds, and injury from severe
- 15 weather, fire, and natural disasters; and
- 16 (7) "School security" means procedures followed and measures taken to ensure the
- 17 security of school buildings, classrooms, and other school facilities and properties.
- 18 ➔Section 4. KRS 158.4414 is amended to read as follows:
- 19 (1) Local boards of education, school district superintendents, administrators of state-
- 20 controlled facilities, and local and state law enforcement agencies shall cooperate to
- 21 assign~~[, by August 1, 2022,]~~ one (1) or more certified school resource officers to
- 22 serve each campus where one (1) or more school buildings are used to deliver
- 23 instruction to students on a continuous basis.
- 24 (2) Local boards of education shall ensure, for each campus in the district, that at least
- 25 one (1) certified school resource officer is assigned to and working on-site full-time
- 26 in the school building or buildings on the campus. If sufficient funds and qualified
- 27 personnel are not available for this purpose for every campus, the local board of

1 education shall fulfill the requirements of this subsection on a per campus basis, as
2 approved in writing by the state school security marshal, until a certified school
3 resource officer is assigned to and working on-site full-time on each campus in the
4 district.

5 (3) Beginning with the 2025-2026 school year, a local board of education that is
6 unable to meet the requirement of subsection (2) of this section may, after
7 consultation with and approval by the state school security marshal, employ one
8 (1) or more guardians pursuant to Section 1 of this Act to provide safety and
9 security measures for schools within the district. The use of guardians under this
10 subsection shall not be used to replace the certified school resource officer
11 required under subsection (2) of this section, but only to provide safety and
12 security resources until a certified school resource officer is available.

13 (4) Beginning with the 2025-2026 school year, a local board of education that has
14 met the requirement of subsection (2) of this section may employ one (1) or more
15 guardians pursuant to Section 1 of this Act to provide additional school safety
16 and security measures within the district.

17 (5) Local boards of education utilizing a school resource officer employed by a law
18 enforcement agency or the Department of Kentucky State Police shall enter into a
19 memorandum of understanding with the law enforcement agency or the Department
20 of Kentucky State Police that specifically states the purpose of the school resource
21 officer program and clearly defines the roles and expectations of each party
22 involved in the program. The memorandum shall provide that the school resource
23 officer shall not be responsible for school discipline matters that are the
24 responsibility of school administrators or school employees.

25 ~~(6)~~(4) Local boards of education utilizing a school resource officer employed
26 directly by the local board of education shall adopt policies and procedures that
27 specifically state the purpose of the school resource officer program and clearly

1 define the roles and expectations of school resource officers and other school
2 employees.

3 ~~(7)~~⁽⁵⁾ In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each
4 school resource officer shall be armed with a firearm, notwithstanding any
5 provision of local board policy, local school council policy, or memorandum of
6 agreement.

7 ~~(8)~~⁽⁶⁾ ~~{On or before January 1, 2020, }~~The Kentucky Law Enforcement Council, in
8 collaboration with the Center for School Safety, shall promulgate administrative
9 regulations in accordance with KRS Chapter 13A to establish, **update, and**
10 **maintain** three (3) levels of training for certification of school resource officers **as**
11 **follows**~~{ first employed as a school resource officer on or after March 11, 2019}~~:
12 School Resource Officer Training I (SRO I), School Resource Officer Training II
13 (SRO II), and School Resource Officer Training III (SRO III). Each level shall
14 consist of forty (40) hours of training, with SRO I to be completed within one (1)
15 year of the date of the officer's employment and SRO II and SRO III within the
16 subsequent two (2) years.

17 ~~(9)~~⁽⁷⁾ Course curriculum for school resource officers ~~{employed on or after March~~
18 ~~11, 2019, }~~shall include but not be limited to:

- 19 (a) Foundations of school-based law enforcement;
- 20 (b) Threat assessment and response;
- 21 (c) Youth drug use and abuse;
- 22 (d) Social media and cyber security;
- 23 (e) School resource officers as teachers and mentors;
- 24 (f) Youth mental health awareness;
- 25 (g) Diversity and bias awareness training;
- 26 (h) Trauma-informed action;
- 27 (i) Understanding students with special needs; and

1 (j) De-escalation strategies.

2 ~~(10)~~~~(8)~~ ~~[Effective January 1, 2020,]~~ All school resource officers with active school
3 resource officer certification status shall successfully complete forty (40) hours of
4 annual in-service training that has been certified or recognized by the Kentucky
5 Law Enforcement Council for school resource officers.

6 ~~(11)~~~~(9)~~ In the event of extenuating circumstances beyond the control of an officer that
7 prevent the officer from completing the in-service training within one (1) year, the
8 commissioner of the Department of Criminal Justice Training or a designee may
9 grant the officer an extension of time, not to exceed one hundred eighty (180) days,
10 in which to complete the training.

11 ~~(12)~~~~(10)~~ Any school resource officer who fails to successfully complete training
12 requirements within the specified time periods, including any approved time
13 extensions, shall lose his or her school resource officer certification and shall no
14 longer serve in the capacity of a school resource officer in a school.

15 ~~(13)~~~~(11)~~ When a school resource officer is deficient in required training, the
16 commissioner of the Department of Criminal Justice Training or his or her designee
17 shall notify the council, which shall notify the officer and the officer's employing
18 agency.

19 ~~(14)~~~~(12)~~ A school resource officer who has lost school resource officer certification
20 due solely to the officer's failure to meet the training requirements of this section
21 may regain certification status as a school resource officer and may resume service
22 in the capacity of a school resource officer in a school setting upon successful
23 completion of the training deficiency.

24 ~~(15)~~~~(13)~~ No later than November 1 of each year, the local school district
25 superintendent shall report to the Center for School Safety the number and
26 placement of school resource officers in the district. The report shall include the
27 source of funding and method of employment for each position.

1 ~~(16)~~~~(14)~~ Nothing in this section shall be interpreted or construed to require a local
2 government or any of its agencies or offices to fund the school resource officer
3 positions required of local boards of education under this section. For purposes of
4 this subsection, "local government" has the same meaning as in KRS 65.8840.

5 ~~(17)~~~~(15)~~ Nothing in this section shall prevent a private or parochial school from
6 entering into a memorandum of understanding with a local law enforcement agency
7 or the Department of Kentucky State Police to provide school resource officers
8 employed by the local law enforcement agency or the Department of Kentucky
9 State Police.

10 ➔Section 5. KRS 158.4416 is amended to read as follows:

11 (1) For purposes of this section:

12 (a) *"Direct services" means in-person or virtual services provided directly to a*
13 *student by a school counselor, including but not limited to individual*
14 *counseling, group counseling, and individual student planning, scheduling,*
15 *and registration;*

16 (b) *"Indirect services" means services provided on behalf of a student as a*
17 *result of interactions with others, including but not limited to consultation*
18 *and collaboration with parents, teachers, and other educators;*

19 (c) "School counselor" means an individual who holds a valid school counselor
20 certificate issued in accordance with the administrative regulations of the
21 Education Professional Standards Board;

22 ~~(d)~~~~(b)~~ *"School psychologist" means an individual who holds a valid school*
23 *psychology certificate issued in accordance with the administrative*
24 *regulations of the Education Professional Standards Board;*

25 (e) *"School social worker" means an individual who holds a valid school social*
26 *work certificate issued in accordance with the administrative regulations of*
27 *the Education Professional Standards Board;*

1 (f) "School-based mental health services provider" means a ~~licensed or~~ certified
 2 school counselor, school psychologist, school social worker, or other qualified
 3 mental health professional as defined in KRS 202A.011; ~~and~~

4 ~~(g)(e)~~ **"Trauma" means physical, emotional, or life-threatening harm; and**

5 (h) "Trauma-informed approach" means incorporating principles of trauma
 6 awareness and trauma-informed practices~~, as recommended by the federal~~
 7 ~~Substance Abuse and Mental Health Services Administration,~~ in a school in
 8 order to foster a safe, stable, and understanding learning environment for all
 9 students and staff and ensuring that all students are known well by at least one
 10 (1) adult in the school setting.

11 (2) The General Assembly recognizes that all schools must provide a place for students
 12 to feel safe and supported to learn throughout the school day, and that any trauma a
 13 student may have experienced can have a significant impact on the ability of a
 14 student to learn. The General Assembly directs all public schools to adopt a trauma-
 15 informed approach to education in order to better recognize, understand, and
 16 address the learning needs of students impacted by trauma and to foster a learning
 17 environment where all students, including those who have been traumatized, can be
 18 safe, successful, and known well by at least one (1) adult in the school setting. **The**
 19 **requirements of this subsection shall apply to public charter schools as a health**
 20 **and safety requirement under KRS 160.1592(1).**

21 (3) (a) ~~Beginning July 1, 2021, or~~ As funds and qualified personnel become
 22 available:

23 1. Each school district and each public charter school shall employ at least
 24 one (1) school counselor in each school with the goal of the school
 25 counselor spending **at least** sixty percent (60%) or more of his or her
 26 time providing **direct services**~~[counseling and related services directly]~~
 27 to students **and no more than forty percent (40%) of his or her time**

1 *providing indirect services to students*; and

2 2. It shall be the goal that each school district and each public charter
3 school shall provide at least one (1) school counselor or school-based
4 mental health services provider who is employed by the school district
5 for every two hundred fifty (250) students, including but not limited to
6 the school counselor required in subparagraph 1. of this paragraph.

7 (b) A school counselor or school-based mental health services provider at each
8 school shall *be the facilitator*~~[facilitate the creation]~~ of a trauma-informed
9 team to identify and assist students whose learning, behavior, and
10 relationships have been impacted by trauma. The trauma-informed team may
11 consist of school administrators, school counselors, *school psychologists,*
12 *school social workers,* school-based mental health services providers,
13 *community-based mental health services providers hired by the district,*
14 family resource and youth services coordinators, school nurses, *school*
15 *resource officers,* and any other school or district personnel.

16 *(c) The trauma-informed team shall:*

17 *1. Provide assistance to school personnel to enable them to support*
18 *students whose learning, behavior, and relationships have been*
19 *impacted by trauma;*

20 *2. Identify ways to recognize and respond to mental health issues in all*
21 *students;*

22 *3. Identify ways to build resiliency and wellness in all students;*

23 *4. Compile an annual record of its activities during the course of the*
24 *school year to be used in the annual comprehensive school*
25 *improvement plan process required by 703 KAR 5:225; and*

26 *5. Submit the record created in accordance with subparagraph 4. of this*
27 *paragraph to the department.*

1 ~~(d)~~~~(e)~~ Each school counselor or school-based mental health services provider
2 providing services pursuant to this section, and the trauma-informed team
3 members described in paragraph (b) of this subsection, shall provide training,
4 guidance, and assistance to other administrators, teachers, and staff on:

- 5 1. Recognizing symptoms of trauma in students;
- 6 2. Utilizing interventions and strategies to support the learning needs of
7 those students; and
- 8 3. Implementing ~~the~~~~a~~ plan for a trauma-informed approach as described
9 in subsection (5) of this section.

10 ~~(e)~~~~(d)~~ 1. School districts may employ or contract for the services of school-
11 based mental health services providers to assist with the development
12 and implementation of a trauma-informed approach and the
13 development of a trauma-informed team pursuant to this subsection and
14 to enhance or expand student mental health support services as funds
15 and qualified personnel become available.

16 2. School-based mental health services providers may provide services
17 through a collaboration between two (2) or more school districts or
18 between school districts and educational cooperatives or any other
19 public or private entities, including but not limited to local or regional
20 mental health day treatment programs.

21 ~~(f)~~~~(e)~~ No later than November 1 of each year, ~~[2022, and each subsequent~~
22 ~~year,]~~ the local school district superintendent shall report to the department
23 the number of school-based mental health service providers, the position held,
24 placement in the district, certification or licensure held, the source of funding
25 for each position, a summary of the job duties and work undertaken by each
26 school-based mental health service provider, and the approximate percent of
27 time devoted to each duty over the course of the year.

1 ~~(g)~~~~(f)~~ The department shall annually compile and maintain a list of school-
 2 based mental health service providers by district which shall include the
 3 information required in paragraph ~~(f)~~~~(e)~~ of this subsection.

4 ~~(h)~~~~(g)~~ No later than June 1 ***of each year***, ~~{2023, and each subsequent year, }~~the
 5 department shall provide the Interim Joint Committee on Education with the
 6 information reported by local school district superintendents and compiled in
 7 accordance with paragraph ~~(g)~~~~(f)~~ of this subsection.

8 (4) ~~{On or before July 1, 2020, }~~The department~~{ of Education }~~ shall make available a
 9 toolkit that includes guidance, strategies, behavioral interventions, practices, and
 10 techniques to assist school districts and public charter schools in developing a
 11 trauma-informed approach in schools.

12 (5) ~~{On or before July 1, 2021, }~~Each local board of education and board of a public
 13 charter school shall develop a plan for implementing a trauma-informed approach
 14 in its schools. The plan shall include but not be limited to strategies for:

- 15 (a) Enhancing trauma awareness throughout the school community;
- 16 (b) Conducting an assessment of the school climate, including but not limited to
 17 inclusiveness and respect for diversity;
- 18 (c) Developing trauma-informed discipline policies;
- 19 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,
 20 and the local chief of police to create procedures for notification of trauma-
 21 exposed students; and
- 22 (e) Providing services and programs designed to reduce the negative impact of
 23 trauma, support critical learning, and foster a positive and safe school
 24 environment for every student.

25 **(6) The trauma-informed approach plan developed in accordance with subsection (5)**
 26 **of this section shall be reviewed and updated annually, incorporated into the**
 27 **annual comprehensive district improvement plan required by 703 KAR 5:225,**

1 and submitted to the department. The department shall annually provide a
2 summary of the trauma-informed approach strategies being used in districts to
3 the board and the Legislative Research Commission for referral to the Interim
4 Joint Committee on Education.

5 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) The Kentucky Department of Education shall annually provide to the Kentucky
8 Board of Education and the Legislative Research Commission for referral to the
9 Interim Joint Committee on Education a summary of the data gathered pursuant
10 to subsection (2)(a) to (c) of this section.

11 (2) The department shall:

12 (a) Collect the plans for a trauma-informed approach required by subsection
13 (5) of Section 5 of this Act;

14 (b) Compile information from the 2020-2021 school year and each year
15 thereafter regarding Medicaid billing for school-based mental health
16 services provided by school-based or contracted mental health services
17 providers;

18 (c) Compile and monitor the number and types of mental health services
19 providers who are providing services in schools and the progress being
20 made toward reaching the goal specified in subsection (3)(a) of Section 5 of
21 this Act; and

22 (d) Coordinate technical assistance, professional development, and evidence-
23 based training of school staff on childhood trauma-related experiences.

24 (3) The department shall collaborate with the Center for School Safety to develop
25 model interagency agreements between local school districts and other local
26 public agencies, including but not limited to health departments, departments of
27 social services, mental health agencies, and courts, in order to provide

1 *cooperative services and sharing of costs for services to students who are at risk*
2 *of academic failure, at risk of mental health crises, at risk of participation in*
3 *juvenile crime, or who have been expelled from the school district.*

4 ➔Section 7. KRS 158.443 is amended to read as follows:

- 5 (1) Each nonstate-government employee member of the board of directors for the
6 Center for School Safety shall serve a term of four (4) years or until his or her
7 successor is duly qualified. A member may be reappointed, but shall not serve more
8 than two (2) consecutive terms.
- 9 (2) The members who are nonstate-government employees shall be reimbursed for
10 travel, meals, and lodging and expenses relating to official duties of the board from
11 funds appropriated for this purpose.
- 12 (3) The board of directors shall meet a minimum of four (4) times per year. The board
13 of directors shall be attached to the Office of the Secretary of the Education and
14 Labor Cabinet for administrative purposes.
- 15 (4) The board of directors shall annually elect a chair and vice chair from the
16 membership. The board may form committees as needed.
- 17 (5) The board of directors shall appoint an executive director for the Center for School
18 Safety and establish all positions for appointment by the executive director.
- 19 (6) Using a request-for-proposal process, the board of directors shall select a public
20 university or a nonprofit education entity to administer the Center for School Safety
21 for a period of not less than four (4) years unless funds for the center are not
22 appropriated or the board determines that the administrator for the center is
23 negligent in carrying out its duties as specified in the request for proposal and
24 contract. The administrator for the center shall be the fiscal agent for the center and:
- 25 (a) Receive funds based on the approved budget by the board of directors and the
26 General Assembly's appropriation for the center. The center shall operate
27 within the fiscal policies of the administrator of the center and in compliance

- 1 with policies established by the board of directors per the request for proposal
2 and contract; and
- 3 (b) Employ the staff of the center who shall have the retirement and employee
4 benefits granted other similar employees of the administrator of the center.
- 5 (7) The board of directors shall annually approve:
- 6 (a) A work plan for the center;
- 7 (b) A budget for the center;
- 8 (c) Operating policies as needed; and
- 9 (d) Recommendations for grants to local school districts and schools to assist in
10 the development of programs and individualized approaches to work with
11 violent, disruptive, or academically at-risk students, and consistent with
12 provisions of KRS 158.445.
- 13 (8) The board of directors shall prepare a biennial budget request to support the Center
14 for School Safety and to provide program funds for local school district grants.
- 15 (9) The board of directors shall additionally:
- 16 (a) Approve a school safety coordinator training program developed by the
17 Center for School Safety in accordance with KRS 158.442;
- 18 (b) Approve a school security risk assessment tool and updates as necessary in
19 accordance with KRS 158.4410 to be incorporated by reference within an
20 administrative regulation promulgated in accordance with KRS Chapter 13A;
21 and
- 22 (c) ~~Within one (1) year of March 11, 2019,]~~Review the organizational structure
23 and operations of the Center for School Safety and provide recommendations,
24 as needed, for improvements in its organizational and operational
25 performance.
- 26 (10) The board shall *collaborate with the department as directed in subsection (3) of*
27 *Section 6 of this Act, to* develop model interagency agreements between local

1 school districts and other local public agencies, including but not limited to,
2 ~~among others~~, health departments, departments of social services, mental health
3 agencies, and courts, in order to provide cooperative services and sharing of costs
4 for services to students who are at risk of school failure, are at risk of participation
5 in juvenile crime, or have been expelled from the school district.

6 ➔Section 8. KRS 158.4451 is amended to read as follows:

7 (1) ~~[By July 1, 2019,]~~The Kentucky Office of Homeland Security, after collaborating
8 with the Center for School Safety, the Kentucky Department of Education, the
9 Department of Criminal Justice Training, and the Department of Kentucky State
10 Police, shall make available to each local school district an anonymous reporting
11 tool that allows students, parents, and community members to anonymously supply
12 information concerning unsafe, potentially harmful, dangerous, violent, or criminal
13 activities, or the threat of these activities, to appropriate public safety agencies and
14 school officials. The reporting tool shall be accessible at least by telephone call,
15 electronic email~~[e-mail]~~, and a mobile device application.

16 (2) The reporting tool shall notify the reporting individual of the following:

17 (a) The reporting individual may supply the information anonymously; and

18 (b) If the individual chooses to disclose his or her identity, that information shall
19 be shared with the appropriate law enforcement agency and school officials.
20 Law enforcement and school officials shall be required to maintain the
21 information as confidential.

22 (3) Information reported using the tool shall immediately be sent to the administration
23 of each school district affected and the law enforcement agencies responsible for
24 protection of those school districts, including but not limited to the local sheriff's
25 office, the local city police department, and the Kentucky State Police.

26 (4) Law enforcement dispatch centers, school districts, schools, and other entities
27 identified by the Kentucky Office of Homeland Security shall be made aware of the

1 reporting tool.

2 (5) The Kentucky Office of Homeland Security, in collaboration with the Center for
3 School Safety, the Kentucky Department of Education, the Department of Criminal
4 Justice Training, and the Department of Kentucky State Police, shall develop and
5 provide a comprehensive training and awareness program on the use of the
6 anonymous reporting tool.

7 (6) The Kentucky Office of Homeland Security shall maintain and update the
8 anonymous reporting tool and shall collaborate with the agencies listed in
9 subsection (1) of this section prior to making substantial changes to the tool.

10 (7) Each local school district shall provide an anonymous reporting tool that allows
11 students, parents, and community members to anonymously supply information
12 concerning unsafe, potentially harmful, dangerous, violent, or criminal activities,
13 or the threat of these activities, to appropriate public safety agencies and school
14 officials.

15 (8) In order to meet the requirement of subsection (7) of this section, local school
16 districts shall:

17 (a) Use the anonymous reporting tool described in subsections (1) to (4) of this
18 section; or

19 (b) 1. Provide an alternative anonymous reporting tool other than the tool
20 made available pursuant to subsection (1) of this section, as long as
21 the chosen reporting tool satisfies all of the requirements established
22 in subsections (1) to (4) of this section; and

23 2. Develop and provide a comprehensive training and awareness
24 program on the use of the chosen anonymous reporting tool.

25 ➔Section 9. KRS 156.095 is amended to read as follows:

26 (1) The Kentucky Department of Education shall establish, direct, and maintain a
27 statewide program of professional development to improve instruction in the public

1 schools.

2 (2) Each local school district superintendent shall appoint a certified school employee
3 to fulfill the role and responsibilities of a professional development coordinator
4 who shall disseminate professional development information to schools and
5 personnel. Upon request by a school council or any employees of the district, the
6 coordinator shall provide technical assistance to the council or the personnel that
7 may include assisting with needs assessments, analyzing school data, planning and
8 evaluation assistance, organizing districtwide programs requested by school
9 councils or groups of teachers, or other coordination activities.

10 (a) The manner of appointment, qualifications, and other duties of the
11 professional development coordinator shall be established by Kentucky Board
12 of Education through promulgation of administrative regulations.

13 (b) The local district professional development coordinator shall participate in the
14 Kentucky Department of Education annual training program for local school
15 district professional development coordinators. The training program may
16 include, but not be limited to, the demonstration of various approaches to
17 needs assessment and planning; strategies for implementing long-term,
18 school-based professional development; strategies for strengthening teachers'
19 roles in the planning, development, and evaluation of professional
20 development; and demonstrations of model professional development
21 programs. The training shall include information about teacher learning
22 opportunities relating to the core content standards. The Kentucky Department
23 of Education shall regularly collect and distribute this information.

24 (3) The Kentucky Department of Education shall provide or facilitate optional,
25 professional development programs for certified personnel throughout the
26 Commonwealth that are based on the statewide needs of teachers, administrators,
27 and other education personnel. Programs may include classified staff and parents

1 when appropriate. Programs offered or facilitated by the department shall be at
2 locations and times convenient to local school personnel and shall be made
3 accessible through the use of technology when appropriate. They shall include
4 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
5 including reducing the achievement gaps as determined by an equity analysis of the
6 disaggregated student performance data from the state assessment program
7 developed under KRS 158.6453; engage educators in effective learning processes
8 and foster collegiality and collaboration; and provide support for staff to
9 incorporate newly acquired skills into their work through practicing the skills,
10 gathering information about the results, and reflecting on their efforts. Professional
11 development programs shall be made available to teachers based on their needs
12 which shall include but not be limited to the following areas:

- 13 (a) Strategies to reduce the achievement gaps among various groups of students
14 and to provide continuous progress;
- 15 (b) Curriculum content and methods of instruction for each content area,
16 including differentiated instruction;
- 17 (c) School-based decision making;
- 18 (d) Assessment literacy;
- 19 (e) Integration of performance-based student assessment into daily classroom
20 instruction;
- 21 (f) Nongraded primary programs;
- 22 (g) Research-based instructional practices;
- 23 (h) Instructional uses of technology;
- 24 (i) Curriculum design to serve the needs of students with diverse learning styles
25 and skills and of students of diverse cultures;
- 26 (j) Instruction in reading, including phonics, phonemic awareness,
27 comprehension, fluency, and vocabulary;

1 (k) Educational leadership; and

2 (l) Strategies to incorporate character education throughout the curriculum.

3 (4) The department shall assist school personnel in assessing the impact of professional
4 development on their instructional practices and student learning.

5 (5) The department shall assist districts and school councils with the development of
6 long-term school and district improvement plans that include multiple strategies for
7 professional development based on the assessment of needs at the school level.

8 (a) Professional development strategies may include but are not limited to
9 participation in subject matter academies, teacher networks, training institutes,
10 workshops, seminars, and study groups; collegial planning; action research;
11 mentoring programs; appropriate university courses; and other forms of
12 professional development.

13 (b) In planning the use of the four (4) days for professional development under
14 KRS 158.070, school councils and districts shall give priority to programs that
15 increase teachers' understanding of curriculum content and methods of
16 instruction appropriate for each content area based on individual school plans.
17 The district may use up to one (1) day to provide district-wide training and
18 training that is mandated by state or federal law. Only those employees
19 identified in the mandate or affected by the mandate shall be required to
20 attend the training.

21 (c) State funds allocated for professional development shall be used to support
22 professional development initiatives that are consistent with local school
23 improvement and professional development plans and teachers' individual
24 growth plans. The funds may be used throughout the year for all staff,
25 including classified and certified staff and parents on school councils or
26 committees. A portion of the funds allocated to each school council under
27 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and

1 teaching practices related to the content and subject matter that are required
2 for their specific classroom assignments.

3 (6) (a) ~~[By August 1, 2010,]~~The Kentucky Cabinet for Health and Family Services
4 shall post on its web page **evidence-based** suicide prevention awareness
5 information, to include recognizing the warning signs of a suicide crisis. The
6 web page shall include information related to suicide prevention training
7 opportunities offered by the cabinet or an agency recognized by the cabinet as
8 a training provider.

9 (b) ~~[By September 15 of each year,]~~Every public school **and public charter**
10 **school** shall provide **two (2) evidence-based** suicide prevention awareness
11 **lessons each school year, the first by September 15 and the second by**
12 **January 15, either**~~[information]~~ in person, by live streaming, or via a video
13 recording to all students in grades six (6) through twelve (12). **Every public**
14 **school shall provide an opportunity for any student absent on the day the**
15 **evidence-based suicide prevention awareness lesson was initially presented**
16 **to receive the lesson at a later time.** The information may be obtained from
17 the Cabinet for Health and Family Services or from a commercially developed
18 suicide prevention training program.

19 (c) 1. **Each school year**~~[Beginning with the 2018-2019 school year, and every~~
20 ~~year thereafter]~~, a minimum of one (1) hour of high-quality **evidence-**
21 **based** suicide prevention training, including **risk factors, warning signs,**
22 **protective factors, response procedures, referral, postvention, and** the
23 recognition of signs and symptoms of possible mental illness, shall be
24 required for all school district employees with job duties requiring direct
25 contact with students in grades **four (4)**~~[six (6)]~~ through twelve (12).
26 The training shall be provided either in person, by live streaming, or via
27 a video recording and may be included in the four (4) days of

1 professional development under KRS 158.070. As used in this
2 subparagraph, "postvention" means a series of planned supports and
3 interventions with persons affected by a suicide for the purpose of
4 facilitating the grieving or adjustment process, stabilizing the
5 environment, reducing the risk of negative behaviors, and limiting the
6 risk of further suicides through contagion.

7 2. When a staff member subject to the training under subparagraph 1. of
8 this paragraph is initially hired during a school year in which the
9 training is not required, the local district shall provide suicide prevention
10 materials to the staff member for review.

11 (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
12 public charter schools as a health and safety requirement under KRS
13 160.1592(1).

14 (7) (a) By November 1 of each year, ~~[2019, and November 1 of each year~~
15 ~~thereafter,~~] a minimum of one (1) hour of training on how to respond to an
16 active shooter situation shall be required for all school district employees with
17 job duties requiring direct contact with students. The training shall be
18 provided either in person, by live streaming, or via a video recording prepared
19 by the Kentucky Department of Criminal Justice Training in collaboration
20 with the Kentucky Law Enforcement Council, the Kentucky Department of
21 Education, and the Center for School Safety and may be included in the four
22 (4) days of professional development under KRS 158.070.

23 (b) When a staff member subject to the training requirements of this subsection is
24 initially hired after the training has been provided for the school year, the
25 local district shall provide materials on how to respond to an active shooter
26 situation.

27 (c) The requirements of this subsection shall also apply to public charter schools

1 as a health and safety requirement under KRS 160.1592(1).

2 (8) (a) The Kentucky Department of Education shall develop and maintain a list of
3 approved comprehensive evidence-informed trainings on child abuse and
4 neglect prevention, recognition, and reporting that encompass child physical,
5 sexual, and emotional abuse and neglect.

6 (b) The trainings shall be web-based or in-person and cover, at a minimum, the
7 following topics:

- 8 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 9 2. Reporting suspected child abuse and neglect in Kentucky as required by
10 KRS 620.030 and the appropriate documentation;
- 11 3. Responding to the child; and
- 12 4. Understanding the response of child protective services.

13 (c) The trainings shall include a questionnaire or other basic assessment tool upon
14 completion to document basic knowledge of training components.

15 (d) Each local board of education shall adopt one (1) or more trainings from the
16 list approved by the Department of Education to be implemented by schools.

17 (e) ~~[All current school administrators, certified personnel, office staff,
18 instructional assistants, and coaches and extracurricular sponsors who are
19 employed by the school district shall complete the implemented training or
20 trainings by January 31, 2017, and then every two (2) years after.~~

21 ~~(f)~~ All school administrators, certified personnel, office staff, instructional
22 assistants, and coaches and extracurricular sponsors who are employed by the
23 school district ~~[hired after January 31, 2017,]~~ shall complete the implemented
24 training or trainings within ninety (90) days of being hired and then every two
25 (2) years after.

26 ~~(f)~~ ~~(g)~~ Every public school shall prominently display the statewide child abuse
27 hotline number administered by the Cabinet for Health and Family Services,

1 and the National Human Trafficking Reporting Hotline number administered
2 by the United States Department for Health and Human Services.

3 **(g) The requirements of this subsection shall also apply to public charter**
4 **schools as a health and safety requirement under KRS 160.1592(1).**

5 (9) The Department of Education shall establish an electronic consumer bulletin board
6 that posts information regarding professional development providers and programs
7 as a service to school district central office personnel, school councils, teachers, and
8 administrators. Participation on the electronic consumer bulletin board shall be
9 voluntary for professional development providers or vendors, but shall include all
10 programs sponsored by the department. Participants shall provide the following
11 information: program title; name of provider or vendor; qualifications of the
12 presenters or instructors; objectives of the program; program length; services
13 provided, including follow-up support; costs for participation and costs of
14 materials; names of previous users of the program, addresses, and telephone
15 numbers; and arrangements required. Posting information on the bulletin board by
16 the department shall not be viewed as an endorsement of the quality of any specific
17 provider or program.

18 (10) The Department of Education shall provide training to address the characteristics
19 and instructional needs of students at risk of school failure and most likely to drop
20 out of school. The training shall be developed to meet the specific needs of all
21 certified and classified personnel depending on their relationship with these
22 students. The training for instructional personnel shall be designed to provide and
23 enhance skills of personnel to:

24 (a) Identify at-risk students early in elementary schools as well as at-risk and
25 potential dropouts in the middle and high schools;

26 (b) Plan specific instructional strategies to teach at-risk students;

27 (c) Improve the academic achievement of students at risk of school failure by

1 providing individualized and extra instructional support to increase
2 expectations for targeted students;

3 (d) Involve parents as partners in ways to help their children and to improve their
4 children's academic progress; and

5 (e) Significantly reduce the dropout rate of all students.

6 (11) The department shall establish teacher academies to the extent funding is available
7 in cooperation with postsecondary education institutions for elementary, middle
8 school, and high school faculty in core disciplines, utilizing facilities and faculty
9 from universities and colleges, local school districts, and other appropriate agencies
10 throughout the state. Priority for participation shall be given to those teachers who
11 are teaching core discipline courses for which they do not have a major or minor or
12 the equivalent. Participation of teachers shall be voluntary.

13 (12) The department shall annually provide to the oversight council established in KRS
14 15A.063, the information received from local schools pursuant to KRS 158.449.

15 ➔Section 10. KRS 158.162 is amended to read as follows:

16 (1) As used in this section:

17 (a) "Emergency management response plan" or "emergency plan" means a
18 written document to prevent, mitigate, prepare for, respond to, and recover
19 from emergencies; and

20 (b) "First responders" means local fire, police, and emergency medical personnel.

21 (2) (a) Each local board of education shall require the school council or, if none
22 exists, the principal in each school building in its jurisdiction to adopt an
23 emergency plan. The emergency plan shall include:

24 1. Procedures to be followed in case of medical emergency, fire, severe
25 weather, earthquake, or a building lockdown as defined in KRS
26 158.164;

27 2. A written cardiac emergency response plan; and

- 1 Agency, and post the location of safe zones in each room of the school;
- 2 (c) Develop practices for students to follow during an earthquake;
- 3 (d) Develop and adhere to practices to control the access to each school building.
- 4 Practices shall include but not be limited to:
- 5 1. Controlling outside access to exterior doors during the school day;
- 6 2. Controlling the main entrance of the school with electronically locking
- 7 doors, a camera, and an intercom system;
- 8 3. Controlling access to individual classrooms;
- 9 4. Requiring classroom doors to be equipped with hardware that allows the
- 10 door to be locked from the outside but opened from the inside;
- 11 5. Requiring classroom doors to remain closed and locked during
- 12 instructional time, except:
- 13 a. In instances in which only one (1) student and one (1) adult are in
- 14 the classroom; or
- 15 b. When approved in writing by the state school security marshal;
- 16 6. Requiring classroom doors with windows to be equipped with material
- 17 to quickly cover the window during a building lockdown;
- 18 7. **Allowing for the use of secondary locking mechanisms on classroom**
- 19 **doors, notwithstanding any provisions of the Kentucky Building Code**
- 20 **promulgated pursuant to KRS Chapter 198B to the contrary;**
- 21 **8.** Requiring all visitors to report to the front office of the building, provide
- 22 valid identification, and state the purpose of the visit; and
- 23 **9.**~~18.~~ Providing a visitor's badge to be visibly displayed on a visitor's outer
- 24 garment;
- 25 (e) Maintain a portable automated external defibrillator in a public, readily
- 26 accessible, well-marked location in every middle and high school building
- 27 and, as funds become available, at school-sanctioned middle and high school

- 1 athletic practices and competitions and:
- 2 1. Adopt procedures for the use of the portable automated external
 - 3 defibrillator during an emergency;
 - 4 2. Adopt policies for compliance with KRS 311.665 to 311.669 on
 - 5 training, maintenance, notification, and communication with the local
 - 6 emergency medical services system;
 - 7 3. Ensure that a minimum of three (3) employees in the school and all
 - 8 interscholastic athletic coaches be trained on the use of a portable
 - 9 automated external defibrillator in accordance with KRS 311.667; and
 - 10 4. Ensure that all interscholastic athletic coaches maintain a
 - 11 cardiopulmonary resuscitation certification recognized by a national
 - 12 accrediting body on heart health; and
- 13 (f) Require development of an event-specific emergency action plan for each
- 14 school-sanctioned nonathletic event held off-campus to be used during a
- 15 medical emergency, which may include the provision of a portable automated
- 16 external defibrillator. The plan shall:
- 17 1. Include a delineation of the roles of staff and emergency personnel,
 - 18 methods of communication, any assigned emergency equipment
 - 19 including a portable automated external defibrillator, a cardiac
 - 20 emergency response plan, and access to and plan for emergency
 - 21 transport; and
 - 22 2. Be in writing and distributed to any member of school personnel
 - 23 attending the school-sanctioned event in an official capacity.
- 24 (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this
- 25 section~~[no later than July 1, 2022]~~.
- 26 (5) (a) Each local board of education shall require the principal in each public school
- 27 building in its jurisdiction to conduct, at a minimum, emergency response

1 drills to include:

2 1. One (1) severe weather drill, one (1) earthquake drill, and one (1)
3 lockdown drill within the first thirty (30) instructional days of each
4 school year and again during the month of January; and

5 2. The emergency response plan rehearsal by simulation required by
6 subsection (2) of this section and the venue-specific emergency action
7 plan rehearsal by simulation required by KRS 160.445(5) prior to the
8 beginning of each athletic season.

9 (b) Required fire drills shall be conducted according to administrative regulations
10 promulgated by the Department of Housing, Buildings and Construction.
11 Whenever possible, first responders shall be invited to observe emergency
12 response drills.

13 (6) No later than November 1 of each school year, a local district superintendent shall
14 send verification to the Kentucky Department of Education that all schools within
15 the district are in compliance with the requirements of this section.

16 (7) A district with a school not in compliance with the requirements of subsection
17 (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the
18 Kentucky Department of Education for new building construction or expansion in
19 the 2022-2023 school year and any subsequent year without verification of
20 compliance, except for facility improvements that specifically address the school
21 safety and security requirements of this section, when deemed necessary for the
22 protection of student or staff health and safety, or to comply with other legal
23 requirements or orders.

24 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
25 READ AS FOLLOWS:

26 *(1) As used in this section, "school mapping data" means mapping information*
27 *provided in an electronic or a digital format to assist first responders in*

1 responding to emergencies at schools.

2 (2) (a) The General Assembly does hereby establish the School Mapping Data
3 Program to be administered by the Center for School Safety. The Center for
4 School Safety shall utilize available funds to develop school mapping data
5 for each public school, public charter school, and any private school that
6 requests to participate in the program. The program shall be administered
7 by the Center for School Safety pursuant to this section, which may include
8 contracting for services pursuant to the relevant provisions of the Kentucky
9 Model Procurement Code in KRS Chapter 45A. The Center for School
10 Safety shall be responsible for ensuring that all funds received for and
11 expended related to the School Mapping Data Program are utilized for the
12 purposes of school mapping.

13 (b) The Center for School Safety shall provide the data developed by the
14 program to the state security marshal, participating schools, participating
15 districts, and local law enforcement and public safety agencies for use in
16 response to emergencies and for conducting drills required under
17 subsection (5) of Section 10 of this Act. The school mapping data shall be
18 excluded from the application of KRS 61.870 to 61.884.

19 (c) The Center for School Safety shall apply for any federal grant funds that
20 may be used to accomplish the purposes of the program. The Center for
21 School Safety may also solicit private funds to support the program.

22 (3) The School Mapping Data Program shall establish a single verified source of
23 mapping data for each participating school campus in the state that is
24 standardized, accurate, and accessible to public safety agencies to ensure efficient
25 response to any emergency on a school campus. The school mapping data
26 provided shall:

27 (a) Be compatible with software platforms used by local, county, state, and

- 1 *federal public safety agencies that provide emergency services to the specific*
2 *school for which the data is provided without requiring such agencies to*
3 *purchase additional software or requiring a fee to view or access the data;*
- 4 *(b) Be compatible with security software platforms in use by the participating*
5 *school or district for which the data is provided without requiring the school*
6 *or district to purchase additional software or requiring a fee to view or*
7 *access the data;*
- 8 *(c) Be in a printable format and, if requested by a law enforcement or public*
9 *safety agency or participating school or district in addition to those*
10 *described in paragraph (a) of this subsection, be in a digital file format that*
11 *can be integrated into interactive mobile platforms in use;*
- 12 *(d) Be verified by the Center for School Safety for accuracy by a walk-through*
13 *of school buildings and grounds;*
- 14 *(e) Be oriented to true north;*
- 15 *(f) Include accurate floor plans overlaid on current, verified aerial imagery of*
16 *campus;*
- 17 *(g) Contain site-specific labeling that matches the structure of school buildings*
18 *that includes:*
- 19 *1. Room labels;*
20 *2. Hallway names or identifiers;*
21 *3. External door or stairwell numbers;*
22 *4. Locations of hazards;*
23 *5. Critical utility locations;*
24 *6. Key boxes;*
25 *7. Automated external defibrillators; and*
26 *8. Trauma kits;*
- 27 *(h) Contain site-specific labeling that matches the school grounds that*

1 includes:

2 1. Parking areas;

3 2. Athletic fields;

4 3. Surrounding roads; and

5 4. Neighboring properties;

6 (i) Be overlaid with a gridded coordinate system;

7 (j) Not be modified or updated independently without corresponding updates to
 8 school mapping data within software platforms used by local, county, state,
 9 and federal public safety agencies that provide emergency services to the
 10 specific school; and

11 (k) Provide to public safety agencies and participating schools or districts the
 12 school mapping data developed pursuant to the program perpetually and at
 13 no cost to the public safety agencies or participating schools or districts.

14 (4) A participating school district or campus shall not be required to adopt new
 15 school mapping data if, as of July 1, 2024, the school district or campus
 16 previously implemented school mapping data with capabilities that meet the
 17 requirements of subsection (3)(a) to (k) of this section.

18 ➔Section 12. KRS 158.4412 is amended to read as follows:

19 (1) Beginning with the 2019-2020 school year, each local school district superintendent
 20 shall appoint an individual to serve as the district's school safety coordinator and
 21 primary point of contact for public school safety and security functions.

22 (2) The district's school safety coordinator shall:

23 (a) Complete the school safety coordinator training program developed by the
 24 Center for School Safety within six (6) months of his or her date of
 25 appointment;

26 (b) Designate a school safety and security threat assessment team at each school
 27 of the district consisting of two (2) or more staff members in accordance with

- 1 policies and procedures adopted by the local board of education to identify
2 and respond to students exhibiting behavior that indicates a potential threat to
3 school safety or security. Members of a threat assessment team may include
4 school administrators, school counselors, school resource officers, school-
5 based mental health services providers, teachers, and other school personnel;
- 6 (c) Provide training to school principals within the district on procedures for
7 completion of the school security risk assessment required pursuant to KRS
8 158.4410;
- 9 (d) Review all school security risk assessments completed within the district and
10 prescribe recommendations as needed in consultation with the state school
11 security marshal;
- 12 (e) Advise the local school district superintendent by July 1, 2021, and annually
13 thereafter of completion of required security risk assessments;
- 14 (f) Formulate recommended policies and procedures, which shall be excluded
15 from the application of KRS 61.870 to 61.884, for an all-hazards approach
16 including conducting emergency response drills for hostage, active shooter,
17 and building lockdown situations in consultation and coordination with
18 appropriate public safety agencies to include but not be limited to fire, police,
19 and emergency medical services for review and adoption as part of the school
20 emergency plan required by KRS 158.162. The recommended policies shall
21 encourage the involvement of students, as appropriate, in the development of
22 the school's emergency plan; ~~and~~
- 23 **(g) Maintain the district's copies of the school mapping data created through**
24 **the School Mapping Data Program pursuant to Section 11 of this Act to be**
25 **made available to appropriate public safety agencies, but which shall be**
26 **excluded from the application of KRS 61.870 to 61.884; and**
- 27 **(h)** ~~(g)~~ Ensure each school campus is toured at least once per school year, in

1 consultation and coordination with appropriate public safety agencies, to
2 review policies and procedures and provide recommendations related to
3 school safety and security.

4 (3) The school district, school safety coordinator, and any school employees
5 participating in the activities of a school safety and security threat assessment team,
6 acting in good faith upon reasonable cause in the identification of students pursuant
7 to subsection (2)(b) of this section shall be immune from any civil or criminal
8 liability that might otherwise be incurred or imposed from:

9 (a) Identifying the student and implementing a response pursuant to policies and
10 procedures adopted under subsection (2)(b) of this section; or

11 (b) Participating in any judicial proceeding that results from the identification.

12 ➔Section 13. KRS 61.637 is amended to read as follows:

13 (1) A retired member who is receiving monthly retirement payments under any of the
14 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed
15 as an employee by a participating agency prior to August 1, 1998, shall have his or
16 her retirement payments suspended for the duration of reemployment. Monthly
17 payments shall not be suspended for a retired member who is reemployed if he or
18 she anticipates that he or she will receive less than the maximum permissible
19 earnings as provided by the Federal Social Security Act in compensation as a result
20 of reemployment during the calendar year. The payments shall be suspended at the
21 beginning of the month in which the reemployment occurs.

22 (2) Employer and employee contributions shall be made as provided in KRS 61.510 to
23 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,
24 except where monthly payments were not suspended as provided in subsection (1)
25 of this section or would not increase the retired member's last monthly retirement
26 allowance by at least one dollar (\$1), and the member shall be credited with
27 additional service credit.

1 (3) In the month following the termination of reemployment, retirement allowance
2 payments shall be reinstated under the plan under which the member was receiving
3 payments prior to reemployment.

4 (4) (a) Notwithstanding the provisions of this section, the payments suspended in
5 accordance with subsection (1) of this section shall be paid retroactively to the
6 retired member, or his or her estate, if he or she does not receive more than
7 the maximum permissible earnings as provided by the Federal Social Security
8 Act in compensation from participating agencies during any calendar year of
9 reemployment.

10 (b) If the retired member is paid suspended payments retroactively in accordance
11 with this section, employee contributions deducted during his or her period of
12 reemployment, if any, shall be refunded to the retired employee, and no
13 service credit shall be earned for the period of reemployment.

14 (c) If the retired member is not eligible to be paid suspended payments for his or
15 her period of reemployment as an employee, his or her retirement allowance
16 shall be recomputed under the plan under which the member was receiving
17 payments prior to reemployment as follows:

18 1. The retired member's final compensation shall be recomputed using
19 creditable compensation for his or her period of reemployment;
20 however, the final compensation resulting from the recalculation shall
21 not be less than that of the member when his or her retirement allowance
22 was last determined;

23 2. If the retired member initially retired on or subsequent to his or her
24 normal retirement date, his or her retirement allowance shall be
25 recomputed by using the formula in KRS 61.595(1);

26 3. If the retired member initially retired prior to his or her normal
27 retirement date, his or her retirement allowance shall be recomputed

- 1 using the formula in KRS 61.595(2), except that the member's age used
2 in computing benefits shall be his or her age at the time of his or her
3 initial retirement increased by the number of months of service credit
4 earned for service performed during reemployment;
- 5 4. The retirement allowance payments resulting from the recomputation
6 under this subsection shall be payable in the month following the
7 termination of reemployment in lieu of payments under subparagraph 3.
8 of this paragraph. The member shall not receive less in benefits as a
9 result of the recomputation than he or she was receiving prior to
10 reemployment or would receive as determined under KRS 61.691; and
- 11 5. Any retired member who was reemployed prior to March 26, 1974, shall
12 begin making contributions to the system in accordance with the
13 provisions of this section on the first day of the month following March
14 26, 1974.
- 15 (5) A retired member, or his or her estate, shall pay to the retirement fund the total
16 amount of payments which are not suspended in accordance with subsection (1) of
17 this section if the member received more than the maximum permissible earnings as
18 provided by the Federal Social Security Act in compensation from participating
19 agencies during any calendar year of reemployment, except the retired member or
20 his or her estate may repay the lesser of the total amount of payments which were
21 not suspended or fifty cents (\$0.50) of each dollar earned over the maximum
22 permissible earnings during reemployment if under age sixty-five (65), or one
23 dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- 24 (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a
25 retired member who has been ordered reinstated by the Personnel Board under
26 authority of KRS 18A.095.
- 27 (b) A retired member who has been ordered reinstated by the Personnel Board

1 under authority of KRS 18A.095 or by court order or by order of the Human
2 Rights Commission and accepts employment by an agency participating in the
3 Kentucky Employees Retirement System or County Employees Retirement
4 System shall void his or her retirement by reimbursing the system in the full
5 amount of his or her retirement allowance payments received.

6 (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this
7 section shall no longer apply to a retired member who is reemployed in a
8 position covered by the same retirement system from which the member
9 retired. Reemployed retired members shall be treated as new members upon
10 reemployment. Any retired member whose reemployment date preceded
11 August 1, 1998, who does not elect, within sixty (60) days of notification by
12 the retirement systems, to remain under the provisions of subsections (1) to
13 (4) of this section shall be deemed to have elected to participate under this
14 subsection.

15 (b) A retired member whose disability retirement was discontinued pursuant to
16 KRS 61.615 and who is reemployed in one (1) of the systems administered by
17 the Kentucky Retirement Systems or County Employees Retirement System
18 prior to his or her normal retirement date shall have his or her accounts
19 combined upon termination for determining eligibility for benefits. If the
20 member is eligible for retirement, the member's service and creditable
21 compensation earned as a result of his or her reemployment shall be used in
22 the calculation of benefits, except that the member's final compensation shall
23 not be less than the final compensation last used in determining his or her
24 retirement allowance. The member shall not change beneficiary or payment
25 option designations. This provision shall apply to members reemployed on or
26 after August 1, 1998.

27 (8) If a retired member accepts employment or begins serving as a volunteer with an

1 employer participating in the systems administered by Kentucky Retirement
2 Systems or County Employees Retirement System within twelve (12) months of his
3 or her retirement date, the retired member shall notify the Authority and the
4 participating employer shall submit the information required or requested by the
5 Authority to confirm the individual's employment or volunteer status. The retired
6 member shall not be required to notify the Authority regarding any employment or
7 volunteer service with a participating agency that is accepted after twelve (12)
8 months following his or her retirement date.

9 (9) If the retired member is under a contract to provide services as an independent
10 contractor or leased employee to an employer participating in the systems
11 administered by Kentucky Retirement Systems or County Employees Retirement
12 System within twelve (12) months of his or her retirement date, the member shall
13 submit a copy of that contract to the Authority, and the Authority shall determine if
14 the member is an independent contractor or leased employee for purposes of
15 retirement benefits. The retired member and the participating employer shall submit
16 the information required or requested by the Authority to confirm the individual's
17 status as an independent contractor or leased employee. The retired member shall
18 not be required to notify the Authority regarding any services entered into as an
19 independent contractor or leased employee with a participating agency that the
20 employee enters into after twelve (12) months following his or her retirement date.

21 (10) If a member is receiving a retirement allowance, or has filed the forms required for
22 a retirement allowance, and is employed within one (1) month of the member's
23 initial retirement date in a position that is required to participate in the same
24 retirement system from which the member retired, the member's retirement shall be
25 voided and the member shall repay to the retirement system all benefits received.
26 The member shall contribute to the member account established for him or her prior
27 to his or her voided retirement. The retirement allowance for which the member

1 shall be eligible upon retirement shall be determined by total service and creditable
2 compensation.

3 (11) (a) If a member of the Kentucky Employees Retirement System retires from a
4 department which participates in more than one (1) retirement system and is
5 reemployed within one (1) month of his or her initial retirement date by the
6 same department in a position participating in another retirement system, the
7 retired member's retirement allowance shall be suspended for the first month
8 of his or her retirement, and the member shall repay to the retirement system
9 all benefits received for the month.

10 (b) A retired member of the County Employees Retirement System who after
11 initial retirement is hired by the county from which the member retired shall
12 be considered to have been hired by the same employer.

13 (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a
14 nonhazardous member who retired prior to age sixty-five (65), is reemployed
15 within six (6) months of the member's termination by the same employer, the
16 member shall obtain from his or her previous and current employers a copy of
17 the job description established by the employers for the position and a
18 statement of the duties performed by the member for the position from which
19 he or she retired and for the position in which he or she has been reemployed.

20 (b) The job descriptions and statements of duties shall be filed with the retirement
21 office.

22 (13) If the retirement system determines that the retired member has been employed in a
23 position with the same principal duties as the position from which the member
24 retired:

25 (a) The member's retirement allowance shall be suspended during the period that
26 begins on the month in which the member is reemployed and ends six (6)
27 months after the member's termination;

- 1 (b) The retired member shall repay to the retirement system all benefits paid from
2 systems administered by Kentucky Retirement Systems or County Employees
3 Retirement System under reciprocity, including medical insurance benefits,
4 that the member received after reemployment began;
- 5 (c) Upon termination, or subsequent to expiration of the six (6) month period
6 from the date of termination, the retired member's retirement allowance based
7 on his or her initial retirement account shall no longer be suspended, and the
8 member shall receive the amount to which he or she is entitled, including an
9 increase as provided by KRS 61.691;
- 10 (d) Except as provided in subsection (7) of this section, if the position in which a
11 retired member is employed after initial retirement is a regular full-time
12 position, the retired member shall contribute to a second member account
13 established for him or her in the retirement system. Service credit gained after
14 the member's date of reemployment shall be credited to the second member
15 account; and
- 16 (e) Upon termination, the retired member shall be entitled to benefits payable
17 from his or her second retirement account.
- 18 (14) (a) If the retirement system determines that the retired member has not been
19 reemployed in a position with the same principal duties as the position from
20 which he or she retired, the retired member shall continue to receive his or her
21 retirement allowance.
- 22 (b) If the position is a regular full-time position, the member shall contribute to a
23 second member account in the retirement system.
- 24 (15) (a) If a retired member is reemployed at least one (1) month after initial
25 retirement in a different position, or at least six (6) months after initial
26 retirement in the same position, and prior to normal retirement age, the retired
27 member shall contribute to a second member account in the retirement system

1 and continue to receive a retirement allowance from the first member account.

2 (b) Service credit gained after reemployment shall be credited to the second
3 member account. Upon termination, the retired member shall be entitled to
4 benefits payable from the second member account.

5 (16) A retired member who is reemployed and contributing to a second member account
6 shall not be eligible to purchase service credit under any of the provisions of KRS
7 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was
8 eligible to purchase prior to his or her initial retirement.

9 (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this
10 section, the following shall apply to retired members who are reemployed by an
11 agency participating in one (1) of the systems administered by Kentucky
12 Retirement Systems or County Employees Retirement System on or after
13 September 1, 2008:

14 (a) If a member is receiving a retirement allowance from one (1) of the systems
15 administered by Kentucky Retirement Systems or County Employees
16 Retirement System, or has filed the forms required to receive a retirement
17 allowance from one (1) of the systems administered by Kentucky Retirement
18 Systems or County Employees Retirement System, and is employed in a
19 regular full-time position required to participate in one (1) of the systems
20 administered by Kentucky Retirement Systems or County Employees
21 Retirement System or is employed in a position that is not considered regular
22 full-time with an agency participating in one (1) of the systems administered
23 by Kentucky Retirement Systems or County Employees Retirement System
24 within one (1) month following the member's initial retirement date, the
25 member's retirement shall be voided, and the member shall repay to the
26 retirement system all benefits received, including any health insurance
27 benefits. If the member is returning to work in a regular full-time position

1 required to participate in one (1) of the systems administered by Kentucky
2 Retirement Systems:

3 1. The member shall contribute to a member account established for him or
4 her in one (1) of the systems administered by Kentucky Retirement
5 Systems or County Employees Retirement System, and employer
6 contributions shall be paid on behalf of the member by the participating
7 employer; and

8 2. Upon subsequent retirement, the member shall be eligible for a
9 retirement allowance based upon total service and creditable
10 compensation, including any additional service or creditable
11 compensation earned after his or her initial retirement was voided;

12 (b) If a member is receiving a retirement allowance from one (1) of the systems
13 administered by Kentucky Retirement Systems or County Employees
14 Retirement System and is employed in a regular full-time position required to
15 participate in one (1) of the systems administered by Kentucky Retirement
16 Systems or County Employees Retirement System after a one (1) month
17 period following the member's initial retirement date, the member may
18 continue to receive his or her retirement allowance during the period of
19 reemployment subject to the following provisions:

20 1. If a member is reemployed by a participating agency within twelve (12)
21 months of the member's retirement date, the participating agency shall
22 certify in writing on a form prescribed by the Authority that no
23 prearranged agreement existed between the employee and agency prior
24 to the employee's retirement for the employee to return to work with the
25 participating agency. If an elected official is reelected to a new term of
26 office in the same position as the elected official held prior to retirement
27 and takes office within twelve (12) months of his or her retirement date,

- 1 he or she shall be deemed by the Authority as having a prearranged
2 agreement under the provisions of this subparagraph and shall have his
3 or her retirement voided. If the participating agency fails to complete the
4 certification, the member's retirement shall be voided and the provisions
5 of paragraph (a) of this subsection shall apply to the member and the
6 employer. Employment that is accepted by the retired member after
7 twelve (12) months following the member's retirement date shall not
8 constitute a prearranged agreement under this paragraph;
- 9 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to
10 the contrary, the member shall not contribute to the systems and shall
11 not earn any additional benefits for any work performed during the
12 period of reemployment;
- 13 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
14 except for any retiree employed as a school resource officer as defined
15 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
16 this Act, the employer shall pay employer contributions as specified by
17 KRS 61.565, 61.702, and 78.635, as applicable, on all creditable
18 compensation earned by the employee during the period of
19 reemployment. The additional contributions paid shall be used to reduce
20 the unfunded actuarial liability of the systems; and
- 21 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
22 except for any retiree employed as a school resource officer as defined
23 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
24 this Act, the employer shall be required to reimburse the systems for the
25 cost of the health insurance premium paid by the systems to provide
26 coverage for the retiree, not to exceed the cost of the single premium.
27 Effective July 1, 2015, local school boards shall not be required to pay

1 the reimbursement required by this subparagraph for retirees employed
2 by the board for eighty (80) days or less during the fiscal year;

3 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member
4 who qualifies as a volunteer for an employer participating in one (1) of the
5 systems administered by Kentucky Retirement Systems or County Employees
6 Retirement System and who is receiving reimbursement of actual expenses, a
7 nominal fee for his or her volunteer services, or both, shall not be considered
8 an employee of the participating employer and shall not be subject to
9 paragraphs (a) and (b) of this subsection if:

- 10 1. Prior to the retired member's most recent retirement date, he or she did
11 not receive creditable compensation from the participating employer in
12 which the retired member is performing volunteer services;
- 13 2. Any reimbursement or nominal fee received prior to the retired
14 member's most recent retirement date has not been credited as creditable
15 compensation to the member's account or utilized in the calculation of
16 the retired member's benefits;
- 17 3. The retired member has not purchased or received service credit under
18 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for
19 service with the participating employer for which the retired member is
20 performing volunteer services; and
- 21 4. Other than the status of volunteer, the retired member does not become
22 an employee, leased employee, or independent contractor of the
23 employer for which he or she is performing volunteer services for a
24 period of at least twelve (12) months following the retired member's
25 most recent retirement date.

26 If a retired member, who provided volunteer services with a participating
27 employer under this paragraph violates any provision of this paragraph, then

1 he or she shall be deemed an employee of the participating employer as of the
2 date he or she began providing volunteer services and both the retired member
3 and the participating employer shall be subject to paragraphs (a) and (b) of
4 this subsection for the period of volunteer service;

5 (d) Notwithstanding any provision of this section, any mayor or member of a city
6 legislative body shall not be required to resign from his or her position as
7 mayor or as a member of the city legislative body in order to begin drawing
8 benefits from the systems administered by Kentucky Retirement Systems or
9 subject to any provision of this section as it relates solely to his or her service
10 as a mayor or member of the city legislative body if the mayor or member of a
11 city legislative body:

12 1. Has not participated in the County Employees Retirement System prior
13 to retirement, but is otherwise eligible to retire from the Kentucky
14 Employees Retirement System or the State Police Retirement System; or
15 2. Has been or is participating in the County Employees Retirement
16 System and is at least sixty-two (62) years of age. If a mayor or member
17 of a city legislative body who is at least sixty-two (62) years of age
18 retires from the systems administered by Kentucky Retirement Systems
19 but remains in office after his or her effective retirement date, the mayor
20 or member of the city legislative body shall not accrue any further
21 service credit or benefits in the systems administered by Kentucky
22 Retirement Systems for any employment occurring on or after the
23 effective retirement date;

24 (e) Notwithstanding any provision of this section, any current or future part-time
25 adjunct instructor for the Kentucky Fire Commission who has not participated
26 in the Kentucky Employees Retirement System prior to retirement, but who is
27 otherwise eligible to retire from the County Employees Retirement System,

1 shall not be:

- 2 1. Required to resign from his or her position as a part-time adjunct
3 instructor for the Kentucky Fire Commission in order to begin drawing
4 benefits from the County Employees Retirement System; or
5 2. Subject to any provision of this section as it relates solely to his or her
6 service as a part-time adjunct instructor for the Kentucky Fire
7 Commission;

8 (f) If a member is receiving a retirement allowance from any of the retirement
9 systems administered by the Kentucky Retirement Systems or County
10 Employees Retirement System and enters into a contract or becomes a leased
11 employee of an employer under contract with an employer participating in
12 one (1) of the systems administered by the Kentucky Retirement Systems or
13 County Employees Retirement System:

- 14 1. At any time following retirement, if the Authority determines the
15 employment arrangement does qualify as an independent contractor or
16 leased employee, the member may continue to receive his or her
17 retirement allowance during the period of the contract;
18 2. Within one (1) month following the member's initial retirement date, if
19 the Authority determines the employment arrangement does not qualify
20 as an independent contractor or leased employee, the member's
21 retirement shall be voided in accordance with paragraph (a) of this
22 subsection;
23 3. After one (1) month but within twelve (12) months following the
24 member's initial retirement, if the Authority determines the employment
25 arrangement does not qualify as an independent contractor or leased
26 employee and that a prearranged agreement existed between the member
27 and the agency for the member to return to work with the agency, the

1 member's retirement shall be voided in accordance with paragraph (a) of
2 this subsection; and

3 4. After a twelve (12) month period following the member's initial
4 retirement, the member may continue to receive his or her retirement
5 allowance during the period of the contract and the member shall not be
6 required to notify the system or submit any documentation for purposes
7 of this section to the system.

8 The initiation of a contract or the initial date of the leased employment of a
9 retired member by a participating agency that occurs after twelve (12) months
10 or more following the retired member's retirement date shall not constitute a
11 prearranged agreement under this subsection; and

12 (g) The Authority shall issue a final determination regarding a certification of the
13 absence of a prearranged agreement or the retired member's qualification as
14 an independent contractor or leased employee as required under this section
15 no later than thirty (30) days after the retired member and participating
16 employer provide all required forms and additional information required by
17 the Authority.

18 (18) The Authority shall promulgate administrative regulations to implement the
19 requirements of this section, including incorporating by reference board-prescribed
20 forms that a retired member and participating agency shall provide the systems
21 under subsections (8), (9), and (17) of this section.

22 ➔Section 14. KRS 78.5540 is amended to read as follows:

23 (1) A retired member whose disability retirement was discontinued pursuant to KRS
24 78.5528 and who is reemployed by an employer participating in the system or the
25 Kentucky Retirement Systems prior to his or her normal retirement date shall have
26 his or her accounts combined upon termination for determining eligibility for
27 benefits. If the member is eligible for retirement, the member's service and

1 creditable compensation earned as a result of his or her reemployment shall be used
2 in the calculation of benefits, except that the member's final compensation shall not
3 be less than the final compensation last used in determining his or her retirement
4 allowance. The member shall not change beneficiary or payment option
5 designations.

6 (2) (a) If a retired member accepts employment or begins serving as a volunteer with
7 an employer participating in the systems administered by Kentucky
8 Retirement Systems or the County Employees Retirement System within
9 twelve (12) months of his or her retirement date, the retired member shall
10 notify the Authority and the participating employer shall submit the
11 information required or requested by the Authority to confirm the individual's
12 employment or volunteer status. The retired member shall not be required to
13 notify the Authority regarding any employment or volunteer service with a
14 participating agency that is accepted after twelve (12) months following his or
15 her retirement date.

16 (b) If the retired member is under a contract to provide services as an independent
17 contractor or leased employee to an employer participating in the systems
18 administered by Kentucky Retirement Systems or the County Employees
19 Retirement System within twelve (12) months of his or her retirement date,
20 the member shall submit a copy of that contract to the Authority, and the
21 Authority shall determine if the member is an independent contractor or
22 leased employee for purposes of retirement benefits. The retired member and
23 the participating employer shall submit the information required or requested
24 by the Authority to confirm the individual's status as an independent
25 contractor or leased employee. The retired member shall not be required to
26 notify the Authority regarding any services entered into as an independent
27 contractor or leased employee with a participating agency that the employee

1 enters into after twelve (12) months following his or her retirement date.

2 (3) Retired members of the County Employees Retirement System who returned to
3 work with an employer that participates in the County Employees Retirement
4 System or Kentucky Retirement Systems prior to September 1, 2008, shall be
5 governed by the provisions of KRS 61.637(1) to (16).

6 (4) The following shall apply to retired members of the County Employees Retirement
7 System who are reemployed on or after September 1, 2008, by an agency
8 participating in the systems administered by the County Employees Retirement
9 System or the Kentucky Retirement Systems:

10 (a) If a retired member is receiving a retirement allowance from the County
11 Employees Retirement System, or has filed the forms required to receive a
12 retirement allowance from the County Employees Retirement System, and is
13 employed in a regular full-time position required to participate in the County
14 Employees Retirement System or one (1) of the systems administered by the
15 Kentucky Retirement Systems or is employed in a position that is not
16 considered regular full-time with an employer participating in the County
17 Employees Retirement System or in one (1) of the systems administered by
18 the Kentucky Retirement Systems within one (1) month following the
19 member's initial retirement date, the member's retirement shall be voided, and
20 the member shall repay to the system all benefits received, including any
21 health insurance benefits. If the retired member is returning to work in a
22 regular full-time position required to participate in the County Employees
23 Retirement System:

24 1. The member shall contribute to a member account established for him or
25 her in the County Employees Retirement System or in one (1) of the
26 systems administered by the Kentucky Retirement Systems, and
27 employer contributions shall be paid on behalf of the member by the

- 1 participating employer to the system; and
- 2 2. Upon subsequent retirement, the member shall be eligible for a
- 3 retirement allowance based upon total service and creditable
- 4 compensation, including any additional service or creditable
- 5 compensation earned after his or her initial retirement was voided;
- 6 (b) If a retired member is receiving a retirement allowance from the County
- 7 Employees Retirement System and is employed in a regular full-time position
- 8 required to participate in the County Employees Retirement System or in one
- 9 (1) of the systems administered by the Kentucky Retirement Systems after a
- 10 one (1) month period following the member's initial retirement date, the
- 11 member may continue to receive his or her retirement allowance during the
- 12 period of reemployment subject to the following provisions:
- 13 1. If a member is reemployed by a participating employer within twelve
- 14 (12) months of the member's retirement date, the participating employer
- 15 shall certify in writing on a form prescribed by the Authority that no
- 16 prearranged agreement existed between the employee and employer
- 17 prior to the employee's retirement for the employee to return to work
- 18 with the participating employer. If the participating employer fails to
- 19 complete the certification or the Authority determines a prearranged
- 20 agreement exists, the member's retirement shall be voided and the
- 21 provisions of paragraph (a) of this subsection shall apply to the member
- 22 and the employer. For purposes of this paragraph:
- 23 a. If an elected official is reelected to a new term of office in the
- 24 same position as the elected official held prior to retirement and
- 25 takes office within twelve (12) months of his or her retirement
- 26 date, he or she shall be deemed by the Authority as having a
- 27 prearranged agreement; and

- 1 b. Employment that is accepted by the retired member after twelve
2 (12) months following the member's retirement date shall not
3 constitute a prearranged agreement under this paragraph;
- 4 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary,
5 the member shall not contribute to the system and shall not earn any
6 additional benefits for any work performed during the period of
7 reemployment;
- 8 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
9 except for any retiree employed as a school resource officer as defined
10 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
11 this Act, the employer shall pay employer contributions as specified by
12 KRS 78.5536 and 78.635 on all creditable compensation earned by the
13 employee during the period of reemployment. The additional
14 contributions paid shall be used to reduce the unfunded actuarial liability
15 of the system; and
- 16 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
17 except for any retiree employed as a school resource officer as defined
18 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
19 this Act, the employer shall be required to reimburse the system for the
20 cost of the health insurance premium paid by the system to provide
21 coverage for the retiree, not to exceed the cost of the single premium.
22 Effective July 1, 2015, local school boards shall not be required to pay
23 the reimbursement required by this subparagraph for retirees employed
24 by the board for eighty (80) days or less during the fiscal year;
- 25 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member
26 who qualifies as a volunteer for an employer participating in the County
27 Employees Retirement System or the Kentucky Retirement Systems and who

1 is receiving reimbursement of actual expenses, a nominal fee for his or her
2 volunteer services, or both, shall not be considered an employee of the
3 participating employer and shall not be subject to paragraphs (a) and (b) of
4 this subsection if:

- 5 1. Prior to the retired member's most recent retirement date, he or she did
6 not receive creditable compensation from the participating employer in
7 which the retired member is performing volunteer services;
- 8 2. Any reimbursement or nominal fee received prior to the retired
9 member's most recent retirement date has not been credited as creditable
10 compensation to the member's account or utilized in the calculation of
11 the retired member's benefits;
- 12 3. The retired member has not purchased or received service credit under
13 any of the provisions of KRS 78.510 to 78.852 for service with the
14 participating employer for which the retired member is performing
15 volunteer services; and
- 16 4. Other than the status of volunteer, the retired member does not become
17 an employee, leased employee, or independent contractor of the
18 employer for which he or she is performing volunteer services for a
19 period of at least twelve (12) months following the retired member's
20 most recent retirement date.

21 If a retired member, who provided volunteer services with a participating
22 employer under this paragraph violates any provision of this paragraph, then
23 he or she shall be deemed an employee of the participating employer as of the
24 date he or she began providing volunteer services and both the retired member
25 and the participating employer shall be subject to paragraphs (a) and (b) of
26 this subsection for the period of volunteer service;

- 27 (d) Notwithstanding any provision of this section, any mayor or member of a city

1 legislative body shall not be required to resign from his or her position as
2 mayor or as a member of the city legislative body in order to begin drawing
3 benefits from the systems administered by the Kentucky Retirement Systems
4 or the County Employees Retirement System or subject to any provision of
5 this section as it relates solely to his or her service as a mayor or member of
6 the city legislative body, if the mayor or member of a city legislative body:

- 7 1. Has not participated in the County Employees Retirement System prior
8 to retirement, but is otherwise eligible to retire from the Kentucky
9 Employees Retirement System or the State Police Retirement System; or
- 10 2. Has been or is participating in the County Employees Retirement
11 System and is at least sixty-two (62) years of age. If a mayor or member
12 of a city legislative body who is at least sixty-two (62) years of age
13 retires from the systems administered by Kentucky Retirement Systems
14 or the County Employees Retirement System but remains in office after
15 his or her effective retirement date, the mayor or member of the city
16 legislative body shall not accrue any further service credit or benefits in
17 the systems administered by Kentucky Retirement Systems or the
18 County Employees Retirement System for any employment occurring
19 on or after the effective retirement date;

20 (e) Notwithstanding any provision of this section, any current or future part-time
21 adjunct instructor for the Kentucky Fire Commission who has not participated
22 in the Kentucky Employees Retirement System prior to retirement, but who is
23 otherwise eligible to retire from the County Employees Retirement System,
24 shall not be:

- 25 1. Required to resign from his or her position as a part-time adjunct
26 instructor for the Kentucky Fire Commission in order to begin drawing
27 benefits from the County Employees Retirement System; or

1 2. Subject to any provision of this section as it relates solely to his or her
2 service as a part-time adjunct instructor for the Kentucky Fire
3 Commission;

4 (f) If a member is receiving a retirement allowance from the County Employees
5 Retirement System and enters into a contract or becomes a leased employee of
6 an employer under contract with an employer participating in the County
7 Employees Retirement System or one (1) of the systems administered by the
8 Kentucky Retirement Systems:

9 1. At any time following retirement, if the Authority determines the
10 employment arrangement does qualify as an independent contractor or
11 leased employee, the member may continue to receive his or her
12 retirement allowance during the period of the contract;

13 2. Within one (1) month following the member's initial retirement date, if
14 the Authority determines the employment arrangement does not qualify
15 as an independent contractor or leased employee, the member's
16 retirement shall be voided in accordance with paragraph (a) of this
17 subsection;

18 3. After one (1) month but within twelve (12) months following the
19 member's initial retirement, if the Authority determines the employment
20 arrangement does not qualify as an independent contractor or leased
21 employee and that a prearranged agreement existed between the member
22 and the agency for the member to return to work with the agency, the
23 member's retirement shall be voided in accordance with paragraph (a) of
24 this subsection; and

25 4. After a twelve (12) month period following the member's initial
26 retirement, the member may continue to receive his or her retirement
27 allowance during the period of the contract and the member shall not be

1 required to notify the Authority or submit any documentation for
2 purposes of this section to the Authority. The initiation of a contract or
3 the initial date of the leased employment of a retired member by a
4 participating agency that occurs after twelve (12) months or more
5 following the retired member's retirement date shall not constitute a
6 prearranged agreement under this subsection;

7 (g) The Authority shall issue a final determination regarding a certification of the
8 absence of a prearranged agreement or the retired member's qualification as
9 an independent contractor or leased employee as required under this section
10 no later than thirty (30) days after the retired member and participating
11 employer provide all required forms and additional information required by
12 the Authority; and

13 (h) Retired members of one (1) of the systems administered by Kentucky
14 Retirement Systems who are reemployed by an employer in the County
15 Employees Retirement System on or after September 1, 2008, shall not be
16 eligible to earn a second retirement account in the County Employees
17 Retirement System for his or her service to the employer.

18 (5) The Authority shall promulgate administrative regulations to implement the
19 requirements of this section, including incorporating by reference Authority-
20 prescribed forms that a retired member and participating agency shall provide the
21 systems under subsections (1) and (4) of this section.

22 (6) "Reemployment" or "reinstatement" as used in this section shall not include a
23 retired member who has been ordered reinstated by the Personnel Board under
24 authority of KRS 18A.095. A retired member who has been ordered reinstated by
25 the Personnel Board under authority of KRS 18A.095 or by court order or by order
26 of the Kentucky Commission on Human Rights~~[-Commission]~~ and accepts
27 employment by an agency participating in the Kentucky Employees Retirement

1 System or County Employees Retirement System shall void his or her retirement by
2 reimbursing the system in the full amount of his or her retirement allowance
3 payments received.

4 ➔Section 15. KRS 156.501 is amended to read as follows:

5 (1) The Department of Education shall provide leadership and assistance to local
6 school districts relating to student health services. The department, working in
7 cooperation with the Department for Public Health, shall provide, contract for
8 services, or identify resources to improve student health services, including but not
9 limited to the following:

10 (a) Standardized protocols and guidelines for health procedures to be performed
11 by health professionals and school personnel. The protocols and guidelines
12 shall include but not be limited to the following:

- 13 1. The delegation of nursing functions consistent with administrative
14 regulations promulgated by the Kentucky Board of Nursing;
- 15 2. Training of designated nonmedical school personnel; and
- 16 3. Appropriate documentation and recordkeeping including, but not limited
17 to, notification to school administrators and parents or guardians of the
18 provision of health services by a school employee, including
19 certification of medical necessity for health services signed by a health
20 care professional, and informed consent for the provision of health
21 services by a parent or guardian.

22 A copy of the protocols and guidelines shall be made available to each school
23 in the Commonwealth and shall be maintained by each school in the school's
24 library;

25 (b) Consultation, technical assistance, and development of quality improvement
26 measures for the state and local boards of education, individual public
27 schools, and local health departments;

1 (c) Facilitation of statewide and local data collection and reporting of school
2 health services; and

3 (d) Information and resources that relate to the provision of school health
4 services.

5 (2) The Department of Education shall establish a position to assist in carrying out the
6 responsibilities required under subsection (1) of this section. The position may be
7 established with existing personnel resources, or by contract, with an individual
8 who~~[-~~:

9 ~~(a) Holds, at a minimum, a bachelor's degree in nursing with a master's degree in~~
10 ~~nursing or a related field from an accredited postsecondary institution; and~~

11 ~~(b)] is a registered nurse licensed under the provisions of KRS Chapter 314.~~

12 ~~[(3) The Department of Education shall provide fifty percent (50%) of the costs for the~~
13 ~~position required by subsection (2) of this section and the Department for Public~~
14 ~~Health shall provide the remaining fifty percent (50%) for the position. The~~
15 ~~Department of Education may enter into a contractual arrangement, such as a~~
16 ~~Memorandum of Agreement, with the Department for Public Health to share the~~
17 ~~costs.]~~