

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, or 510.140, a second or subsequent offense*
26 *under KRS 510.148, or a criminal attempt, conspiracy, facilitation, or*
27 *solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual*

1 misconduct under KRS Chapter 510, or have had any offense listed in this
2 paragraph expunged;

3 (e) Has passed a medical examination completed by a licensed physician,
4 physician assistant, or advanced practice registered nurse to determine if he
5 or she can perform the duties of a guardian;

6 (f) Has passed a drug screening test administered or approved by the Kentucky
7 Law Enforcement Council. A person shall be deemed to have passed a drug
8 screening test if the results of the test are negative for the use of an illegal
9 controlled substance or prescription drug abuse;

10 (g) Has passed the following examinations administered by the Kentucky Law
11 Enforcement Council:

12 1. A background investigation to determine the person's suitability for
13 the position of guardian;

14 2. A psychological suitability screening to determine the person's
15 suitability to perform guardian duties; and

16 3. A polygraph examination to determine the person's suitability to
17 perform guardian duties;

18 (h) Has passed the following courses provided by the Department of Criminal
19 Justice Training:

20 1. Active Shooter Response;

21 2. Enhanced Handgun Performance; and

22 3. Patrol Rifle;

23 (i) Has passed the marksmanship qualification requirement for a retired peace
24 officer as specified in KRS 237.140;

25 (j) Has been honorably discharged from the Armed Forces of the United States
26 within the five (5) years immediately preceding an initial contract to be a
27 guardian, or is a retired Kentucky state trooper, retired special or sworn law

- 1 enforcement officer, or former federal law enforcement officer. Each
2 agency that employed a retired Kentucky state trooper, retired special law
3 enforcement officer, or sworn law enforcement officer shall provide to the
4 retired individual proof of prior employment in a prompt and efficient
5 manner, 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 to determine the uniform to be worn
26 by guardians that would best suit the needs of the schools while also allowing
27 outside agencies to easily identify guardians.

1 (9) A local board of education shall not be held civilly or criminally liable for any
 2 action of a guardian acting within the scope of the duties for which his or her
 3 services were employed unless the local board of education is shown to be grossly
 4 negligent or committed willful misconduct.

5 (10) Guardians shall possess all the immunities and defenses now available or
 6 hereafter made available under state law to sheriffs, constables granted peace
 7 officer powers, and police officers in any suit brought against them in
 8 consequence of acts done in the course of their employment.

9 (11) Nothing in this section requires a local board of education to hire or provide
 10 guardians. Participation by a local board of education in the use of a guardian is
 11 voluntary and subject to the availability of local school district funds. Any local
 12 board of education that opts to participate shall do so at its own expense.

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

14 (1) The General Assembly hereby authorizes the establishment of the Center for School
 15 Safety. The center's mission shall be to serve as the central point for data analysis;
 16 research; dissemination of information about successful school safety and school
 17 security programs, best practices, training standards, research results, and new
 18 programs; and, in collaboration with the Department of Education and others, to
 19 provide technical assistance for safe schools.

20 (2) To fulfill its mission, the Center for School Safety shall:

21 (a) Establish a clearinghouse for information and materials concerning school
 22 violence prevention;

23 (b) Provide program development and implementation expertise and technical
 24 support to schools, law enforcement agencies, and communities, which may
 25 include coordinating training for administrators, teachers, students, parents,
 26 and other community representatives;

27 (c) Analyze the data collected in compliance with KRS 158.444;

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

1 assessments in accordance with KRS 158.4410;~~and~~

2 (k) **Develop and implement a system to provide certification to school districts**
 3 **that the center has verified that:**

4 **1. A potential Kentucky guardian, as defined in Section 1 of this Act, has**
 5 **met all of the requirements of subsection (3) of Section 1 of this Act;**

6 **and**

7 **2. Individuals employed as guardians meet the requirements of**
 8 **subsections (4) and (5) of Section 1 of this Act, as necessary;**

9 (l) **Administer and oversee the School Mapping Data Program established**
 10 **pursuant to Section 11 of this Act; and**

11 (m) Award a school safety coordinator certificate of completion to a school safety
 12 coordinator upon satisfactory completion of the training program.

13 (3) The Center for School Safety shall be governed by a board of directors consisting of
 14 fifteen (15) members. Members shall consist of:

15 (a) The commissioner or a designee of the Department of Education;

16 (b) The secretary or a designee of the Cabinet for Health and Family Services;

17 (c) The commissioner or a designee of the Department for Behavioral Health,
 18 Developmental and Intellectual Disabilities;

19 (d) The commissioner or a designee of the Department of Kentucky State Police;

20 (e) The commissioner or a designee of the Department of Criminal Justice
 21 Training;

22 (f) The executive director or a designee of the Kentucky Office of Homeland
 23 Security;

24 (g) A representative which shall be appointed by the Governor from one (1) list
 25 of three (3) names submitted by the Kentucky League of Cities;

26 (h) A representative which shall be appointed by the Governor from one (1) list
 27 of three (3) names submitted by the Kentucky School Boards Association;

- 1 (i) A representative which shall be appointed by the Governor from one (1) list
2 of three (3) names submitted by the Kentucky Association of School
3 Superintendents;
- 4 (j) A representative which shall be appointed by the Governor from one (1) list
5 of three (3) names submitted by the Kentucky Association of School Resource
6 Officers;
- 7 (k) A representative which shall be appointed by the Governor from one (1) list
8 of three (3) names submitted by the Kentucky Education Association;
- 9 (l) A representative which shall be appointed by the Governor from one (1) list
10 of three (3) names submitted by the Kentucky School Nurses Association;
- 11 (m) A representative which shall be appointed by the Governor from one (1) list
12 of three (3) names submitted by the Kentucky Association for Psychology in
13 the Schools;
- 14 (n) A representative which shall be appointed by the Governor from one (1) list
15 of three (3) names submitted by the Kentucky School Counselor Association;
16 and
- 17 (o) A representative which shall be appointed by the Governor from one (1) list
18 of three (3) names submitted by the Kentucky Parent Teacher Association.

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

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

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

- 23 (1) "Intervention services" means any preventive, developmental, corrective,
24 supportive services or treatment provided to a student who is at risk of school
25 failure, is at risk of participation in violent behavior or juvenile crime, or has been
26 expelled from the school district. Services may include, but are not limited to,
27 screening to identify students at risk for emotional disabilities and antisocial

- 1 behavior; direct instruction in academic, social, problem solving, and conflict
2 resolution skills; alternative educational programs; psychological services;
3 identification and assessment of abilities; counseling services; medical services; day
4 treatment; family services; work and community service programs;
- 5 (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky
6 State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010,
7 who is employed by a school district as a school resource officer, as defined in this
8 section, through a contract as secondary employment for the officer;
- 9 (3) "School activities" means official school functions held on school property,
10 including student attendance days as defined in KRS 158.070, athletic events, and
11 graduation;
- 12 (4) "School property" means any public school building, public school vehicle, public
13 school campus, grounds, recreational area, or athletic field in the charge of the
14 school district;
- 15 (5) "School resource officer" or "SRO" means an officer whose primary job function is
16 to work with youth at a school site as described in KRS 158.4414, who has
17 specialized training to work with youth at a school site pursuant to KRS 158.4414,
18 and who is:
- 19 (a) 1. A sworn law enforcement officer **certified under KRS 15.380 to 15.404**;
20 2. A special law enforcement officer appointed pursuant to KRS 61.902
21 **and certified under KRS 15.380 to 15.404**; or
22 3. A police officer appointed pursuant to KRS 158.471; and
- 23 (b) Employed:
- 24 1. Through a contract between a local law enforcement agency and a
25 school district;
- 26 2. Through a contract as secondary employment for an officer, as defined
27 in KRS 16.010, between the Department of Kentucky State Police and a

1 school district; or

2 3. Directly by a local board of education;

3 (6) "School safety" means a program of prevention that protects students and staff from
4 substance abuse, violence, bullying, theft, the sale or use of illegal substances,
5 exposure to weapons and threats on school grounds, and injury from severe
6 weather, fire, and natural disasters; and

7 (7) "School security" means procedures followed and measures taken to ensure the
8 security of school buildings, classrooms, and other school facilities and properties.

9 ➔Section 4. KRS 158.4414 is amended to read as follows:

10 (1) Local boards of education, school district superintendents, administrators of state-
11 controlled facilities, and local and state law enforcement agencies shall cooperate to
12 assign~~[, by August 1, 2022,]~~ one (1) or more certified school resource officers to
13 serve each campus where one (1) or more school buildings are used to deliver
14 instruction to students on a continuous basis.

15 (2) Local boards of education shall ensure, for each campus in the district, that at least
16 one (1) certified school resource officer is assigned to and working on-site full-time
17 in the school building or buildings on the campus. If sufficient funds and qualified
18 personnel are not available for this purpose for every campus, the local board of
19 education shall fulfill the requirements of this subsection on a per campus basis, as
20 approved in writing by the state school security marshal, until a certified school
21 resource officer is assigned to and working on-site full-time on each campus in the
22 district.

23 (3) **Beginning with the 2025-2026 school year, a local board of education that is**
24 **unable to meet the requirement of subsection (2) of this section may, after**
25 **consultation with and approval by the state school security marshal, employ one**
26 **(1) or more guardians pursuant to Section 1 of this Act to provide safety and**
27 **security measures for schools within the district. The use of guardians under this**

1 subsection shall not be used to replace the certified school resource officer
2 required under subsection (2) of this section, but only to provide temporary safety
3 and security resources until a certified school resource officer is available.

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

8 (5) Local boards of education utilizing a school resource officer employed by a law
9 enforcement agency or the Department of Kentucky State Police shall enter into a
10 memorandum of understanding with the law enforcement agency or the Department
11 of Kentucky State Police that specifically states the purpose of the school resource
12 officer program and clearly defines the roles and expectations of each party
13 involved in the program. The memorandum shall provide that the school resource
14 officer shall not be responsible for school discipline matters that are the
15 responsibility of school administrators or school employees.

16 ~~(6)~~~~(4)~~ Local boards of education utilizing a school resource officer employed
17 directly by the local board of education shall adopt policies and procedures that
18 specifically state the purpose of the school resource officer program and clearly
19 define the roles and expectations of school resource officers and other school
20 employees.

21 ~~(7)~~~~(5)~~ In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each
22 school resource officer shall be armed with a firearm, notwithstanding any
23 provision of local board policy, local school council policy, or memorandum of
24 agreement.

25 ~~(8)~~~~(6)~~ ~~{On or before January 1, 2020, }~~The Kentucky Law Enforcement Council, in
26 collaboration with the Center for School Safety, shall promulgate administrative
27 regulations in accordance with KRS Chapter 13A to establish, update, and

1 *maintain* three (3) levels of training for certification of school resource officers *as*
2 *follows* ~~first employed as a school resource officer on or after March 11, 2019~~:
3 School Resource Officer Training I (SRO I), School Resource Officer Training II
4 (SRO II), and School Resource Officer Training III (SRO III). Each level shall
5 consist of forty (40) hours of training, with SRO I to be completed within one (1)
6 year of the date of the officer's employment and SRO II and SRO III within the
7 subsequent two (2) years.

8 *(9)* ~~*(7)*~~ Course curriculum for school resource officers ~~employed on or after March~~
9 ~~11, 2019,~~ shall include but not be limited to:

- 10 (a) Foundations of school-based law enforcement;
- 11 (b) Threat assessment and response;
- 12 (c) Youth drug use and abuse;
- 13 (d) Social media and cyber security;
- 14 (e) School resource officers as teachers and mentors;
- 15 (f) Youth mental health awareness;
- 16 (g) Diversity and bias awareness training;
- 17 (h) Trauma-informed action;
- 18 (i) Understanding students with special needs; and
- 19 (j) De-escalation strategies.

20 *(10)* ~~*(8)*~~ ~~Effective January 1, 2020,~~ All school resource officers with active school
21 resource officer certification status shall successfully complete forty (40) hours of
22 annual in-service training that has been certified or recognized by the Kentucky
23 Law Enforcement Council for school resource officers.

24 *(11)* ~~*(9)*~~ In the event of extenuating circumstances beyond the control of an officer that
25 prevent the officer from completing the in-service training within one (1) year, the
26 commissioner of the Department of Criminal Justice Training or a designee may
27 grant the officer an extension of time, not to exceed one hundred eighty (180) days,

1 in which to complete the training.

2 ~~(12)~~~~((10))~~ Any school resource officer who fails to successfully complete training
3 requirements within the specified time periods, including any approved time
4 extensions, shall lose his or her school resource officer certification and shall no
5 longer serve in the capacity of a school resource officer in a school.

6 ~~(13)~~~~((11))~~ When a school resource officer is deficient in required training, the
7 commissioner of the Department of Criminal Justice Training or his or her designee
8 shall notify the council, which shall notify the officer and the officer's employing
9 agency.

10 ~~(14)~~~~((12))~~ A school resource officer who has lost school resource officer certification
11 due solely to the officer's failure to meet the training requirements of this section
12 may regain certification status as a school resource officer and may resume service
13 in the capacity of a school resource officer in a school setting upon successful
14 completion of the training deficiency.

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

19 ~~(16)~~~~((14))~~ Nothing in this section shall be interpreted or construed to require a local
20 government or any of its agencies or offices to fund the school resource officer
21 positions required of local boards of education under this section. For purposes of
22 this subsection, "local government" has the same meaning as in KRS 65.8840.

23 ~~(17)~~~~((15))~~ Nothing in this section shall prevent a private or parochial school from
24 entering into a memorandum of understanding with a local law enforcement agency
25 or the Department of Kentucky State Police to provide school resource officers
26 employed by the local law enforcement agency or the Department of Kentucky
27 State Police.

1 →Section 5. KRS 158.4416 is amended to read as follows:

2 (1) For purposes of this section:

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

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

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

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

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

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

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

23 (h) "Trauma-informed approach" means incorporating principles of trauma
 24 awareness and trauma-informed practices~~, as recommended by the federal~~
 25 ~~Substance Abuse and Mental Health Services Administration,~~ in a school in
 26 order to foster a safe, stable, and understanding learning environment for all
 27 students and staff and ensuring that all students are known well by at least one

- 1 (1) adult in the school setting.
- 2 (2) The General Assembly recognizes that all schools must provide a place for students
3 to feel safe and supported to learn throughout the school day, and that any trauma a
4 student may have experienced can have a significant impact on the ability of a
5 student to learn. The General Assembly directs all public schools to adopt a trauma-
6 informed approach to education in order to better recognize, understand, and
7 address the learning needs of students impacted by trauma and to foster a learning
8 environment where all students, including those who have been traumatized, can be
9 safe, successful, and known well by at least one (1) adult in the school setting. **The**
10 **requirements of this subsection shall apply to public charter schools as a health**
11 **and safety requirement under KRS 160.1592(1).**
- 12 (3) (a) ~~[Beginning July 1, 2021, or]~~As funds and qualified personnel become
13 available:
- 14 1. Each school district and each public charter school shall employ at least
15 one (1) school counselor in each school with the goal of the school
16 counselor spending **at least** sixty percent (60%) or more of his or her
17 time providing **direct services**~~[counseling and related services directly]~~
18 to students **and no more than forty percent (40%) of his or her time**
19 **providing indirect services to students**; and
- 20 2. It shall be the goal that each school district and each public charter
21 school shall provide at least one (1) school counselor or school-based
22 mental health services provider who is employed by the school district
23 for every two hundred fifty (250) students, including but not limited to
24 the school counselor required in subparagraph 1. of this paragraph.
- 25 (b) A school counselor or school-based mental health services provider at each
26 school shall **be the facilitator**~~[facilitate the creation]~~ of a trauma-informed
27 team to identify and assist students whose learning, behavior, and

1 relationships have been impacted by trauma. The trauma-informed team may
 2 consist of school administrators, school counselors, school psychologists,
 3 school social workers, school-based mental health services providers,
 4 community-based mental health services providers hired by the district,
 5 family resource and youth services coordinators, school nurses, school
 6 resource officers, and any other school or district personnel.

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

- 8 **1. Provide assistance to school personnel to enable them to support**
 9 **students whose learning, behavior, and relationships have been**
 10 **impacted by trauma;**
- 11 **2. Identify ways to recognize and respond to mental health issues in all**
 12 **students;**
- 13 **3. Identify ways to build resiliency and wellness in all students;**
- 14 **4. Compile an annual record of its activities during the course of the**
 15 **school year to be used in the annual comprehensive school**
 16 **improvement plan process required by 703 KAR 5:225; and**
- 17 **5. Submit the record created in accordance with subparagraph 4. of this**
 18 **paragraph to the department.**

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

- 23 1. Recognizing symptoms of trauma in students;
- 24 2. Utilizing interventions and strategies to support the learning needs of
 25 those students; and
- 26 3. Implementing the~~[a]~~ plan for a trauma-informed approach as described
 27 in subsection (5) of this section.

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

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

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

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

22 ~~(h)~~~~(g)~~ No later than June 1 ***of each year***, ~~[2023, and each subsequent year,]~~ the
 23 department shall provide the Interim Joint Committee on Education with the
 24 information reported by local school district superintendents and compiled in
 25 accordance with paragraph ~~(g)~~~~(f)~~ of this subsection.

26 (4) ~~[On or before July 1, 2020,]~~ The department ~~[of Education]~~ shall make available a
 27 toolkit that includes guidance, strategies, behavioral interventions, practices, and

1 techniques to assist school districts and public charter schools in developing a
2 trauma-informed approach in schools.

- 3 (5) ~~{On or before July 1, 2021, }~~Each local board of education and board of a public
4 charter school shall develop a plan for implementing a trauma-informed approach
5 in its schools. The plan shall include but not be limited to strategies for:
- 6 (a) Enhancing trauma awareness throughout the school community;
 - 7 (b) Conducting an assessment of the school climate, including but not limited to
8 inclusiveness and respect for diversity;
 - 9 (c) Developing trauma-informed discipline policies;
 - 10 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,
11 and the local chief of police to create procedures for notification of trauma-
12 exposed students; and
 - 13 (e) Providing services and programs designed to reduce the negative impact of
14 trauma, support critical learning, and foster a positive and safe school
15 environment for every student.

16 **(6) The trauma-informed approach plan developed in accordance with subsection (5)**
17 **of this section shall be reviewed and updated annually, incorporated into the**
18 **annual comprehensive district improvement plan required by 703 KAR 5:225,**
19 **and submitted to the department. The department shall annually provide a**
20 **summary of the trauma-informed approach strategies being used in districts to**
21 **the board and the Legislative Research Commission for referral to the Interim**
22 **Joint Committee on Education.**

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

25 **(1) The Kentucky Department of Education shall annually provide to the Kentucky**
26 **Board of Education and the Legislative Research Commission for referral to the**
27 **Interim Joint Committee on Education a summary of the data gathered pursuant**

1 to subsection (2)(a) to (c) of this section.

2 (2) The department shall:

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

5 (b) Compile information from the 2020-2021 school year and each year
6 thereafter regarding Medicaid billing for school-based mental health
7 services provided by school-based or contracted mental health services
8 providers;

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

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

15 (3) The department shall collaborate with the Center for School Safety to develop
16 model interagency agreements between local school districts and other local
17 public agencies, including but not limited to health departments, departments of
18 social services, mental health agencies, and courts, in order to provide
19 cooperative services and sharing of costs for services to students who are at risk
20 of academic failure, at risk of mental health crises, at risk of participation in
21 juvenile crime, or who have been expelled from the school district.

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

23 (1) Each nonstate-government employee member of the board of directors for the
24 Center for School Safety shall serve a term of four (4) years or until his or her
25 successor is duly qualified. A member may be reappointed, but shall not serve more
26 than two (2) consecutive terms.

27 (2) The members who are nonstate-government employees shall be reimbursed for

1 travel, meals, and lodging and expenses relating to official duties of the board from
2 funds appropriated for this purpose.

3 (3) The board of directors shall meet a minimum of four (4) times per year. The board
4 of directors shall be attached to the Office of the Secretary of the Education and
5 Labor Cabinet for administrative purposes.

6 (4) The board of directors shall annually elect a chair and vice chair from the
7 membership. The board may form committees as needed.

8 (5) The board of directors shall appoint an executive director for the Center for School
9 Safety and establish all positions for appointment by the executive director.

10 (6) Using a request-for-proposal process, the board of directors shall select a public
11 university or a nonprofit education entity to administer the Center for School Safety
12 for a period of not less than four (4) years unless funds for the center are not
13 appropriated or the board determines that the administrator for the center is
14 negligent in carrying out its duties as specified in the request for proposal and
15 contract. The administrator for the center shall be the fiscal agent for the center and:

16 (a) Receive funds based on the approved budget by the board of directors and the
17 General Assembly's appropriation for the center. The center shall operate
18 within the fiscal policies of the administrator of the center and in compliance
19 with policies established by the board of directors per the request for proposal
20 and contract; and

21 (b) Employ the staff of the center who shall have the retirement and employee
22 benefits granted other similar employees of the administrator of the center.

23 (7) The board of directors shall annually approve:

24 (a) A work plan for the center;

25 (b) A budget for the center;

26 (c) Operating policies as needed; and

27 (d) Recommendations for grants to local school districts and schools to assist in

1 the development of programs and individualized approaches to work with
2 violent, disruptive, or academically at-risk students, and consistent with
3 provisions of KRS 158.445.

4 (8) The board of directors shall prepare a biennial budget request to support the Center
5 for School Safety and to provide program funds for local school district grants.

6 (9) The board of directors shall additionally:

7 (a) Approve a school safety coordinator training program developed by the
8 Center for School Safety in accordance with KRS 158.442;

9 (b) Approve a school security risk assessment tool and updates as necessary in
10 accordance with KRS 158.4410 to be incorporated by reference within an
11 administrative regulation promulgated in accordance with KRS Chapter 13A;
12 and

13 (c) ~~[Within one (1) year of March 11, 2019,]~~Review the organizational structure
14 and operations of the Center for School Safety and provide recommendations,
15 as needed, for improvements in its organizational and operational
16 performance.

17 (10) The board shall ***collaborate with the department as directed in subsection (3) of***
18 ***Section 6 of this Act, to*** develop model interagency agreements between local
19 school districts and other local public agencies, including ***but not limited to***~~],~~
20 ~~among others],~~ health departments, departments of social services, mental health
21 agencies, and courts, in order to provide cooperative services and sharing of costs
22 for services to students who are at risk of school failure, are at risk of participation
23 in juvenile crime, or have been expelled from the school district.

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

25 (1) ~~[By July 1, 2019,]~~The Kentucky Office of Homeland Security, after collaborating
26 with the Center for School Safety, the Kentucky Department of Education, the
27 Department of Criminal Justice Training, and the Department of Kentucky State

1 Police, shall make available to each local school district an anonymous reporting
2 tool that allows students, parents, and community members to anonymously supply
3 information concerning unsafe, potentially harmful, dangerous, violent, or criminal
4 activities, or the threat of these activities, to appropriate public safety agencies and
5 school officials. The reporting tool shall be accessible at least by telephone call,
6 electronic email~~[e-mail]~~, and a mobile device application.

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

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

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

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

17 (4) Law enforcement dispatch centers, school districts, schools, and other entities
18 identified by the Kentucky Office of Homeland Security shall be made aware of the
19 reporting tool.

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

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

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

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

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

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

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

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

17 (1) The Kentucky Department of Education shall establish, direct, and maintain a
18 statewide program of professional development to improve instruction in the public
19 schools.

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

- 1 (a) The manner of appointment, qualifications, and other duties of the
2 professional development coordinator shall be established by Kentucky Board
3 of Education through promulgation of administrative regulations.
- 4 (b) The local district professional development coordinator shall participate in the
5 Kentucky Department of Education annual training program for local school
6 district professional development coordinators. The training program may
7 include, but not be limited to, the demonstration of various approaches to
8 needs assessment and planning; strategies for implementing long-term,
9 school-based professional development; strategies for strengthening teachers'
10 roles in the planning, development, and evaluation of professional
11 development; and demonstrations of model professional development
12 programs. The training shall include information about teacher learning
13 opportunities relating to the core content standards. The Kentucky Department
14 of Education shall regularly collect and distribute this information.
- 15 (3) The Kentucky Department of Education shall provide or facilitate optional,
16 professional development programs for certified personnel throughout the
17 Commonwealth that are based on the statewide needs of teachers, administrators,
18 and other education personnel. Programs may include classified staff and parents
19 when appropriate. Programs offered or facilitated by the department shall be at
20 locations and times convenient to local school personnel and shall be made
21 accessible through the use of technology when appropriate. They shall include
22 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
23 including reducing the achievement gaps as determined by an equity analysis of the
24 disaggregated student performance data from the state assessment program
25 developed under KRS 158.6453; engage educators in effective learning processes
26 and foster collegiality and collaboration; and provide support for staff to
27 incorporate newly acquired skills into their work through practicing the skills,

1 gathering information about the results, and reflecting on their efforts. Professional
2 development programs shall be made available to teachers based on their needs
3 which shall include but not be limited to the following areas:

- 4 (a) Strategies to reduce the achievement gaps among various groups of students
5 and to provide continuous progress;
- 6 (b) Curriculum content and methods of instruction for each content area,
7 including differentiated instruction;
- 8 (c) School-based decision making;
- 9 (d) Assessment literacy;
- 10 (e) Integration of performance-based student assessment into daily classroom
11 instruction;
- 12 (f) Nongraded primary programs;
- 13 (g) Research-based instructional practices;
- 14 (h) Instructional uses of technology;
- 15 (i) Curriculum design to serve the needs of students with diverse learning styles
16 and skills and of students of diverse cultures;
- 17 (j) Instruction in reading, including phonics, phonemic awareness,
18 comprehension, fluency, and vocabulary;
- 19 (k) Educational leadership; and
- 20 (l) Strategies to incorporate character education throughout the curriculum.

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

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

26 (a) Professional development strategies may include but are not limited to
27 participation in subject matter academies, teacher networks, training institutes,

1 workshops, seminars, and study groups; collegial planning; action research;
2 mentoring programs; appropriate university courses; and other forms of
3 professional development.

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

12 (c) State funds allocated for professional development shall be used to support
13 professional development initiatives that are consistent with local school
14 improvement and professional development plans and teachers' individual
15 growth plans. The funds may be used throughout the year for all staff,
16 including classified and certified staff and parents on school councils or
17 committees. A portion of the funds allocated to each school council under
18 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
19 teaching practices related to the content and subject matter that are required
20 for their specific classroom assignments.

21 (6) (a) ~~By August 1, 2010,~~ The Kentucky Cabinet for Health and Family Services
22 shall post on its web page evidence-based suicide prevention awareness
23 information, to include recognizing the warning signs of a suicide crisis. The
24 web page shall include information related to suicide prevention training
25 opportunities offered by the cabinet or an agency recognized by the cabinet as
26 a training provider.

27 (b) ~~By September 15 of each year,~~ Every public school and public charter

1 school shall provide two (2) evidence-based suicide prevention awareness
2 lessons each school year, the first by September 15 and the second by
3 January 15, either~~information~~ in person, by live streaming, or via a video
4 recording to all students in grades six (6) through twelve (12). Every public
5 school shall provide an opportunity for any student absent on the day the
6 evidence-based suicide prevention awareness lesson was initially presented
7 to receive the lesson at a later time. The information may be obtained from
8 the Cabinet for Health and Family Services or from a commercially developed
9 suicide prevention training program.

- 10 (c) 1. Each school year~~Beginning with the 2018-2019 school year, and every~~
11 ~~year thereafter~~, a minimum of one (1) hour of high-quality evidence-
12 based suicide prevention training, including risk factors, warning signs,
13 protective factors, response procedures, referral, postvention, and the
14 recognition of signs and symptoms of possible mental illness, shall be
15 required for all school district employees with job duties requiring direct
16 contact with students in grades four (4)~~six (6)~~ through twelve (12).
17 The training shall be provided either in person, by live streaming, or via
18 a video recording and may be included in the four (4) days of
19 professional development under KRS 158.070. As used in this
20 subparagraph, "postvention" means a series of planned supports and
21 interventions with persons affected by a suicide for the purpose of
22 facilitating the grieving or adjustment process, stabilizing the
23 environment, reducing the risk of negative behaviors, and limiting the
24 risk of further suicides through contagion.
- 25 2. When a staff member subject to the training under subparagraph 1. of
26 this paragraph is initially hired during a school year in which the
27 training is not required, the local district shall provide suicide prevention

1 materials to the staff member for review.

2 (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
3 public charter schools as a health and safety requirement under KRS
4 160.1592(1).

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

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

18 (c) The requirements of this subsection shall also apply to public charter schools
19 as a health and safety requirement under KRS 160.1592(1).

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

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

- 26 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 27 2. Reporting suspected child abuse and neglect in Kentucky as required by

- 1 KRS 620.030 and the appropriate documentation;
- 2 3. Responding to the child; and
- 3 4. Understanding the response of child protective services.
- 4 (c) The trainings shall include a questionnaire or other basic assessment tool upon
- 5 completion to document basic knowledge of training components.
- 6 (d) Each local board of education shall adopt one (1) or more trainings from the
- 7 list approved by the Department of Education to be implemented by schools.
- 8 (e) ~~[All current school administrators, certified personnel, office staff,~~
- 9 ~~instructional assistants, and coaches and extracurricular sponsors who are~~
- 10 ~~employed by the school district shall complete the implemented training or~~
- 11 ~~trainings by January 31, 2017, and then every two (2) years after.~~
- 12 ~~(f)~~ All school administrators, certified personnel, office staff, instructional
- 13 assistants, and coaches and extracurricular sponsors who are employed by the
- 14 school district ~~[hired after January 31, 2017,]~~ shall complete the implemented
- 15 training or trainings within ninety (90) days of being hired and then every two
- 16 (2) years after.
- 17 ~~(f)~~^(g) Every public school shall prominently display the statewide child abuse
- 18 hotline number administered by the Cabinet for Health and Family Services,
- 19 and the National Human Trafficking Reporting Hotline number administered
- 20 by the United States Department for Health and Human Services.
- 21 **(g) The requirements of this subsection shall also apply to public charter**
- 22 **schools as a health and safety requirement under KRS 160.1592(1).**
- 23 (9) The Department of Education shall establish an electronic consumer bulletin board
- 24 that posts information regarding professional development providers and programs
- 25 as a service to school district central office personnel, school councils, teachers, and
- 26 administrators. Participation on the electronic consumer bulletin board shall be
- 27 voluntary for professional development providers or vendors, but shall include all

1 programs sponsored by the department. Participants shall provide the following
2 information: program title; name of provider or vendor; qualifications of the
3 presenters or instructors; objectives of the program; program length; services
4 provided, including follow-up support; costs for participation and costs of
5 materials; names of previous users of the program, addresses, and telephone
6 numbers; and arrangements required. Posting information on the bulletin board by
7 the department shall not be viewed as an endorsement of the quality of any specific
8 provider or program.

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

- 15 (a) Identify at-risk students early in elementary schools as well as at-risk and
16 potential dropouts in the middle and high schools;
- 17 (b) Plan specific instructional strategies to teach at-risk students;
- 18 (c) Improve the academic achievement of students at risk of school failure by
19 providing individualized and extra instructional support to increase
20 expectations for targeted students;
- 21 (d) Involve parents as partners in ways to help their children and to improve their
22 children's academic progress; and
- 23 (e) Significantly reduce the dropout rate of all students.

24 (11) The department shall establish teacher academies to the extent funding is available
25 in cooperation with postsecondary education institutions for elementary, middle
26 school, and high school faculty in core disciplines, utilizing facilities and faculty
27 from universities and colleges, local school districts, and other appropriate agencies

1 throughout the state. Priority for participation shall be given to those teachers who
2 are teaching core discipline courses for which they do not have a major or minor or
3 the equivalent. Participation of teachers shall be voluntary.

4 (12) The department shall annually provide to the oversight council established in KRS
5 15A.063, the information received from local schools pursuant to KRS 158.449.

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

7 (1) As used in this section:

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

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

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

15 1. Procedures to be followed in case of medical emergency, fire, severe
16 weather, earthquake, or a building lockdown as defined in KRS
17 158.164;

18 2. A written cardiac emergency response plan; and

19 3. ***A copy of the data created through the School Mapping Data Program***
20 ***pursuant to Section 11 of this Act or, if the school mapping data is***
21 ***unavailable***, a diagram of the facility that clearly identifies the location
22 of each automated external defibrillator.

23 (b) The emergency plan shall be provided to appropriate first responders and all
24 school staff.

25 (c) The emergency plan shall be reviewed following the end of each school year
26 by the school nurse, school council, the principal, and first responders and
27 revised as needed.

- 1 (d) The principal shall discuss the emergency plan with all school staff prior to
2 the first instructional day of each school year and document the time and date
3 of any discussion.
- 4 (e) The cardiac emergency response plan shall be rehearsed by simulation prior to
5 the beginning of each athletic season by all:
- 6 1. Licensed athletic trainers, school nurses, and athletic directors; and
 - 7 2. Interscholastic coaches and volunteer coaches of each athletic team
8 active during that athletic season.
- 9 (f) The emergency plan shall be excluded from the application of KRS 61.870 to
10 61.884.
- 11 (3) Each local board of education shall require the school council or, if none exists, the
12 principal in each school building to:
- 13 (a) Establish primary and secondary evacuation routes for all rooms located
14 within the school and shall post the routes in each room by any doorway used
15 for evacuation;
 - 16 (b) Identify the best available severe weather safe zones, in consultation with
17 local and state safety officials and informed by guiding principles set forth by
18 the National Weather Service and the Federal Emergency Management
19 Agency, and post the location of safe zones in each room of the school;
 - 20 (c) Develop practices for students to follow during an earthquake;
 - 21 (d) Develop and adhere to practices to control the access to each school building.
22 Practices shall include but not be limited to:
 - 23 1. Controlling outside access to exterior doors during the school day;
 - 24 2. Controlling the main entrance of the school with electronically locking
25 doors, a camera, and an intercom system;
 - 26 3. Controlling access to individual classrooms;
 - 27 4. Requiring classroom doors to be equipped with hardware that allows the

- 1 door to be locked from the outside but opened from the inside;
- 2 5. Requiring classroom doors to remain closed and locked during
- 3 instructional time, except:
- 4 a. In instances in which only one (1) student and one (1) adult are in
- 5 the classroom; or
- 6 b. When approved in writing by the state school security marshal;
- 7 6. Requiring classroom doors with windows to be equipped with material
- 8 to quickly cover the window during a building lockdown;
- 9 7. *Allowing for the use of secondary locking mechanisms on classroom*
- 10 *doors, notwithstanding any provisions of the Kentucky Building Code*
- 11 *promulgated pursuant to KRS Chapter 198B to the contrary;*
- 12 8. Requiring all visitors to report to the front office of the building, provide
- 13 valid identification, and state the purpose of the visit; and
- 14 ~~9.~~ 9. Providing a visitor's badge to be visibly displayed on a visitor's outer
- 15 garment;
- 16 (e) Maintain a portable automated external defibrillator in a public, readily
- 17 accessible, well-marked location in every middle and high school building
- 18 and, as funds become available, at school-sanctioned middle and high school
- 19 athletic practices and competitions and:
- 20 1. Adopt procedures for the use of the portable automated external
- 21 defibrillator during an emergency;
- 22 2. Adopt policies for compliance with KRS 311.665 to 311.669 on
- 23 training, maintenance, notification, and communication with the local
- 24 emergency medical services system;
- 25 3. Ensure that a minimum of three (3) employees in the school and all
- 26 interscholastic athletic coaches be trained on the use of a portable
- 27 automated external defibrillator in accordance with KRS 311.667; and

- 1 4. Ensure that all interscholastic athletic coaches maintain a
2 cardiopulmonary resuscitation certification recognized by a national
3 accrediting body on heart health; and
- 4 (f) Require development of an event-specific emergency action plan for each
5 school-sanctioned nonathletic event held off-campus to be used during a
6 medical emergency, which may include the provision of a portable automated
7 external defibrillator. The plan shall:
- 8 1. Include a delineation of the roles of staff and emergency personnel,
9 methods of communication, any assigned emergency equipment
10 including a portable automated external defibrillator, a cardiac
11 emergency response plan, and access to and plan for emergency
12 transport; and
- 13 2. Be in writing and distributed to any member of school personnel
14 attending the school-sanctioned event in an official capacity.
- 15 (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this
16 section~~[no later than July 1, 2022]~~.
- 17 (5) (a) Each local board of education shall require the principal in each public school
18 building in its jurisdiction to conduct, at a minimum, emergency response
19 drills to include:
- 20 1. One (1) severe weather drill, one (1) earthquake drill, and one (1)
21 lockdown drill within the first thirty (30) instructional days of each
22 school year and again during the month of January; and
- 23 2. The emergency response plan rehearsal by simulation required by
24 subsection (2) of this section and the venue-specific emergency action
25 plan rehearsal by simulation required by KRS 160.445(5) prior to the
26 beginning of each athletic season.
- 27 (b) Required fire drills shall be conducted according to administrative regulations

1 promulgated by the Department of Housing, Buildings and Construction.
2 Whenever possible, first responders shall be invited to observe emergency
3 response drills.

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

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

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

17 (1) As used in this section, "school mapping data" means mapping information
18 provided in an electronic or a digital format to assist first responders in
19 responding to emergencies at schools.

20 (2) (a) The General Assembly does hereby establish the School Mapping Data
21 Program to be administered by the Center for School Safety. The Center for
22 School Safety shall utilize available funds to develop school mapping data
23 for each public school, public charter school, and any private school that
24 requests to participate in the program. The program shall be administered
25 by the Center for School Safety pursuant to this section, which may include
26 contracting for services pursuant to the relevant provisions of the Kentucky
27 Model Procurement Code in KRS Chapter 45A. The Center for School

1 Safety shall be responsible for ensuring that all funds received for and
2 expended related to the School Mapping Data Program are utilized for the
3 purposes of school mapping.

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

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

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

18 (a) Be compatible with software platforms used by local, county, state, and
19 federal public safety agencies that provide emergency services to the specific
20 school for which the data is provided without requiring such agencies to
21 purchase additional software or requiring a fee to view or access the data;

22 (b) Be compatible with security software platforms in use by the participating
23 school or district for which the data is provided without requiring the school
24 or district to purchase additional software or requiring a fee to view or
25 access the data;

26 (c) Be in a printable format and, if requested by a law enforcement or public
27 safety agency or participating school or district in addition to those

1 described in paragraph (a) of this subsection, be in a digital file format that
2 can be integrated into interactive mobile platforms in use;

3 (d) Be verified by the Center for School Safety for accuracy by a walk-through
4 of school buildings and grounds;

5 (e) Be oriented to true north;

6 (f) Include accurate floor plans overlaid on current, verified aerial imagery of
7 campus;

8 (g) Contain site-specific labeling that matches the structure of school buildings
9 that includes:

10 1. Room labels;

11 2. Hallway names or identifiers;

12 3. External door or stairwell numbers;

13 4. Locations of hazards;

14 5. Critical utility locations;

15 6. Key boxes;

16 7. Automated external defibrillators; and

17 8. Trauma kits;

18 (h) Contain site-specific labeling that matches the school grounds that
19 includes:

20 1. Parking areas;

21 2. Athletic fields;

22 3. Surrounding roads; and

23 4. Neighboring properties;

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

25 (j) Not be modified or updated independently without corresponding updates to
26 school mapping data within software platforms used by local, county, state,
27 and federal public safety agencies that provide emergency services to the

1 specific school; and
2 (k) Provide to public safety agencies and participating schools or districts the
3 school mapping data developed pursuant to the program perpetually and at
4 no cost to the public safety agencies or participating schools or districts.

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

- 6 (1) Beginning with the 2019-2020 school year, each local school district superintendent
7 shall appoint an individual to serve as the district's school safety coordinator and
8 primary point of contact for public school safety and security functions.
- 9 (2) The district's school safety coordinator shall:
- 10 (a) Complete the school safety coordinator training program developed by the
11 Center for School Safety within six (6) months of his or her date of
12 appointment;
- 13 (b) Designate a school safety and security threat assessment team at each school
14 of the district consisting of two (2) or more staff members in accordance with
15 policies and procedures adopted by the local board of education to identify
16 and respond to students exhibiting behavior that indicates a potential threat to
17 school safety or security. Members of a threat assessment team may include
18 school administrators, school counselors, school resource officers, school-
19 based mental health services providers, teachers, and other school personnel;
- 20 (c) Provide training to school principals within the district on procedures for
21 completion of the school security risk assessment required pursuant to KRS
22 158.4410;
- 23 (d) Review all school security risk assessments completed within the district and
24 prescribe recommendations as needed in consultation with the state school
25 security marshal;
- 26 (e) Advise the local school district superintendent by July 1, 2021, and annually
27 thereafter of completion of required security risk assessments;

1 (f) Formulate recommended policies and procedures, which shall be excluded
 2 from the application of KRS 61.870 to 61.884, for an all-hazards approach
 3 including conducting emergency response drills for hostage, active shooter,
 4 and building lockdown situations in consultation and coordination with
 5 appropriate public safety agencies to include but not be limited to fire, police,
 6 and emergency medical services for review and adoption as part of the school
 7 emergency plan required by KRS 158.162. The recommended policies shall
 8 encourage the involvement of students, as appropriate, in the development of
 9 the school's emergency plan; ~~and~~

10 **(g) Maintain the district's copies of the school mapping data created through**
 11 **the School Mapping Data Program pursuant to Section 11 of this Act to be**
 12 **made available to appropriate public safety agencies, but which shall be**
 13 **excluded from the application of KRS 61.870 to 61.884; and**

14 ~~(h)~~~~(g)~~ Ensure each school campus is toured at least once per school year, in
 15 consultation and coordination with appropriate public safety agencies, to
 16 review policies and procedures and provide recommendations related to
 17 school safety and security.

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

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

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

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

27 (1) A retired member who is receiving monthly retirement payments under any of the

1 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed
2 as an employee by a participating agency prior to August 1, 1998, shall have his or
3 her retirement payments suspended for the duration of reemployment. Monthly
4 payments shall not be suspended for a retired member who is reemployed if he or
5 she anticipates that he or she will receive less than the maximum permissible
6 earnings as provided by the Federal Social Security Act in compensation as a result
7 of reemployment during the calendar year. The payments shall be suspended at the
8 beginning of the month in which the reemployment occurs.

9 (2) Employer and employee contributions shall be made as provided in KRS 61.510 to
10 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,
11 except where monthly payments were not suspended as provided in subsection (1)
12 of this section or would not increase the retired member's last monthly retirement
13 allowance by at least one dollar (\$1), and the member shall be credited with
14 additional service credit.

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

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

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

- 1 (c) If the retired member is not eligible to be paid suspended payments for his or
2 her period of reemployment as an employee, his or her retirement allowance
3 shall be recomputed under the plan under which the member was receiving
4 payments prior to reemployment as follows:
- 5 1. The retired member's final compensation shall be recomputed using
6 creditable compensation for his or her period of reemployment;
7 however, the final compensation resulting from the recalculation shall
8 not be less than that of the member when his or her retirement allowance
9 was last determined;
 - 10 2. If the retired member initially retired on or subsequent to his or her
11 normal retirement date, his or her retirement allowance shall be
12 recomputed by using the formula in KRS 61.595(1);
 - 13 3. If the retired member initially retired prior to his or her normal
14 retirement date, his or her retirement allowance shall be recomputed
15 using the formula in KRS 61.595(2), except that the member's age used
16 in computing benefits shall be his or her age at the time of his or her
17 initial retirement increased by the number of months of service credit
18 earned for service performed during reemployment;
 - 19 4. The retirement allowance payments resulting from the recomputation
20 under this subsection shall be payable in the month following the
21 termination of reemployment in lieu of payments under subparagraph 3.
22 of this paragraph. The member shall not receive less in benefits as a
23 result of the recomputation than he or she was receiving prior to
24 reemployment or would receive as determined under KRS 61.691; and
 - 25 5. Any retired member who was reemployed prior to March 26, 1974, shall
26 begin making contributions to the system in accordance with the
27 provisions of this section on the first day of the month following March

1 26, 1974.

2 (5) A retired member, or his or her estate, shall pay to the retirement fund the total
3 amount of payments which are not suspended in accordance with subsection (1) of
4 this section if the member received more than the maximum permissible earnings as
5 provided by the Federal Social Security Act in compensation from participating
6 agencies during any calendar year of reemployment, except the retired member or
7 his or her estate may repay the lesser of the total amount of payments which were
8 not suspended or fifty cents (\$0.50) of each dollar earned over the maximum
9 permissible earnings during reemployment if under age sixty-five (65), or one
10 dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).

11 (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a
12 retired member who has been ordered reinstated by the Personnel Board under
13 authority of KRS 18A.095.

14 (b) A retired member who has been ordered reinstated by the Personnel Board
15 under authority of KRS 18A.095 or by court order or by order of the Human
16 Rights Commission and accepts employment by an agency participating in the
17 Kentucky Employees Retirement System or County Employees Retirement
18 System shall void his or her retirement by reimbursing the system in the full
19 amount of his or her retirement allowance payments received.

20 (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this
21 section shall no longer apply to a retired member who is reemployed in a
22 position covered by the same retirement system from which the member
23 retired. Reemployed retired members shall be treated as new members upon
24 reemployment. Any retired member whose reemployment date preceded
25 August 1, 1998, who does not elect, within sixty (60) days of notification by
26 the retirement systems, to remain under the provisions of subsections (1) to
27 (4) of this section shall be deemed to have elected to participate under this

1 subsection.

2 (b) A retired member whose disability retirement was discontinued pursuant to
3 KRS 61.615 and who is reemployed in one (1) of the systems administered by
4 the Kentucky Retirement Systems or County Employees Retirement System
5 prior to his or her normal retirement date shall have his or her accounts
6 combined upon termination for determining eligibility for benefits. If the
7 member is eligible for retirement, the member's service and creditable
8 compensation earned as a result of his or her reemployment shall be used in
9 the calculation of benefits, except that the member's final compensation shall
10 not be less than the final compensation last used in determining his or her
11 retirement allowance. The member shall not change beneficiary or payment
12 option designations. This provision shall apply to members reemployed on or
13 after August 1, 1998.

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

23 (9) If the retired member is under a contract to provide services as an independent
24 contractor or leased employee to an employer participating in the systems
25 administered by Kentucky Retirement Systems or County Employees Retirement
26 System within twelve (12) months of his or her retirement date, the member shall
27 submit a copy of that contract to the Authority, and the Authority shall determine if

1 the member is an independent contractor or leased employee for purposes of
2 retirement benefits. The retired member and the participating employer shall submit
3 the information required or requested by the Authority to confirm the individual's
4 status as an independent contractor or leased employee. The retired member shall
5 not be required to notify the Authority regarding any services entered into as an
6 independent contractor or leased employee with a participating agency that the
7 employee enters into after twelve (12) months following his or her retirement date.

8 (10) If a member is receiving a retirement allowance, or has filed the forms required for
9 a retirement allowance, and is employed within one (1) month of the member's
10 initial retirement date in a position that is required to participate in the same
11 retirement system from which the member retired, the member's retirement shall be
12 voided and the member shall repay to the retirement system all benefits received.
13 The member shall contribute to the member account established for him or her prior
14 to his or her voided retirement. The retirement allowance for which the member
15 shall be eligible upon retirement shall be determined by total service and creditable
16 compensation.

17 (11) (a) If a member of the Kentucky Employees Retirement System retires from a
18 department which participates in more than one (1) retirement system and is
19 reemployed within one (1) month of his or her initial retirement date by the
20 same department in a position participating in another retirement system, the
21 retired member's retirement allowance shall be suspended for the first month
22 of his or her retirement, and the member shall repay to the retirement system
23 all benefits received for the month.

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

27 (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a

1 nonhazardous member who retired prior to age sixty-five (65), is reemployed
2 within six (6) months of the member's termination by the same employer, the
3 member shall obtain from his or her previous and current employers a copy of
4 the job description established by the employers for the position and a
5 statement of the duties performed by the member for the position from which
6 he or she retired and for the position in which he or she has been reemployed.

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

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

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

15 (b) The retired member shall repay to the retirement system all benefits paid from
16 systems administered by Kentucky Retirement Systems or County Employees
17 Retirement System under reciprocity, including medical insurance benefits,
18 that the member received after reemployment began;

19 (c) Upon termination, or subsequent to expiration of the six (6) month period
20 from the date of termination, the retired member's retirement allowance based
21 on his or her initial retirement account shall no longer be suspended, and the
22 member shall receive the amount to which he or she is entitled, including an
23 increase as provided by KRS 61.691;

24 (d) Except as provided in subsection (7) of this section, if the position in which a
25 retired member is employed after initial retirement is a regular full-time
26 position, the retired member shall contribute to a second member account
27 established for him or her in the retirement system. Service credit gained after

1 the member's date of reemployment shall be credited to the second member
2 account; and

3 (e) Upon termination, the retired member shall be entitled to benefits payable
4 from his or her second retirement account.

5 (14) (a) If the retirement system determines that the retired member has not been
6 reemployed in a position with the same principal duties as the position from
7 which he or she retired, the retired member shall continue to receive his or her
8 retirement allowance.

9 (b) If the position is a regular full-time position, the member shall contribute to a
10 second member account in the retirement system.

11 (15) (a) If a retired member is reemployed at least one (1) month after initial
12 retirement in a different position, or at least six (6) months after initial
13 retirement in the same position, and prior to normal retirement age, the retired
14 member shall contribute to a second member account in the retirement system
15 and continue to receive a retirement allowance from the first member account.

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

19 (16) A retired member who is reemployed and contributing to a second member account
20 shall not be eligible to purchase service credit under any of the provisions of KRS
21 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was
22 eligible to purchase prior to his or her initial retirement.

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

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

17 1. The member shall contribute to a member account established for him or
18 her in one (1) of the systems administered by Kentucky Retirement
19 Systems or County Employees Retirement System, and employer
20 contributions shall be paid on behalf of the member by the participating
21 employer; and

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

26 (b) If a member is receiving a retirement allowance from one (1) of the systems
27 administered by Kentucky Retirement Systems or County Employees

1 Retirement System and is employed in a regular full-time position required to
2 participate in one (1) of the systems administered by Kentucky Retirement
3 Systems or County Employees Retirement System after a one (1) month
4 period following the member's initial retirement date, the member may
5 continue to receive his or her retirement allowance during the period of
6 reemployment subject to the following provisions:

7 1. If a member is reemployed by a participating agency within twelve (12)
8 months of the member's retirement date, the participating agency shall
9 certify in writing on a form prescribed by the Authority that no
10 prearranged agreement existed between the employee and agency prior
11 to the employee's retirement for the employee to return to work with the
12 participating agency. If an elected official is reelected to a new term of
13 office in the same position as the elected official held prior to retirement
14 and takes office within twelve (12) months of his or her retirement date,
15 he or she shall be deemed by the Authority as having a prearranged
16 agreement under the provisions of this subparagraph and shall have his
17 or her retirement voided. If the participating agency fails to complete the
18 certification, the member's retirement shall be voided and the provisions
19 of paragraph (a) of this subsection shall apply to the member and the
20 employer. Employment that is accepted by the retired member after
21 twelve (12) months following the member's retirement date shall not
22 constitute a prearranged agreement under this paragraph;

23 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to
24 the contrary, the member shall not contribute to the systems and shall
25 not earn any additional benefits for any work performed during the
26 period of reemployment;

27 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and

1 except for any retiree employed as a school resource officer as defined
2 by KRS 158.441 *or as a Kentucky guardian as defined in Section 1 of*
3 *this Act*, the employer shall pay employer contributions as specified by
4 KRS 61.565, 61.702, and 78.635, as applicable, on all creditable
5 compensation earned by the employee during the period of
6 reemployment. The additional contributions paid shall be used to reduce
7 the unfunded actuarial liability of the systems; and

8 4. 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 be required to reimburse the systems for the
12 cost of the health insurance premium paid by the systems to provide
13 coverage for the retiree, not to exceed the cost of the single premium.
14 Effective July 1, 2015, local school boards shall not be required to pay
15 the reimbursement required by this subparagraph for retirees employed
16 by the board for eighty (80) days or less during the fiscal year;

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

24 1. Prior to the retired member's most recent retirement date, he or she did
25 not receive creditable compensation from the participating employer in
26 which the retired member is performing volunteer services;
27 2. Any reimbursement or nominal fee received prior to the retired

1 member's most recent retirement date has not been credited as creditable
2 compensation to the member's account or utilized in the calculation of
3 the retired member's benefits;

4 3. The retired member has not purchased or received service credit under
5 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for
6 service with the participating employer for which the retired member is
7 performing volunteer services; and

8 4. Other than the status of volunteer, the retired member does not become
9 an employee, leased employee, or independent contractor of the
10 employer for which he or she is performing volunteer services for a
11 period of at least twelve (12) months following the retired member's
12 most recent retirement date.

13 If a retired member, who provided volunteer services with a participating
14 employer under this paragraph violates any provision of this paragraph, then
15 he or she shall be deemed an employee of the participating employer as of the
16 date he or she began providing volunteer services and both the retired member
17 and the participating employer shall be subject to paragraphs (a) and (b) of
18 this subsection for the period of volunteer service;

19 (d) Notwithstanding any provision of this section, any mayor or member of a city
20 legislative body shall not be required to resign from his or her position as
21 mayor or as a member of the city legislative body in order to begin drawing
22 benefits from the systems administered by Kentucky Retirement Systems or
23 subject to any provision of this section as it relates solely to his or her service
24 as a mayor or member of the city legislative body if the mayor or member of a
25 city legislative body:

26 1. Has not participated in the County Employees Retirement System prior
27 to retirement, but is otherwise eligible to retire from the Kentucky

- 1 Employees Retirement System or the State Police Retirement System; or
- 2 2. Has been or is participating in the County Employees Retirement
- 3 System and is at least sixty-two (62) years of age. If a mayor or member
- 4 of a city legislative body who is at least sixty-two (62) years of age
- 5 retires from the systems administered by Kentucky Retirement Systems
- 6 but remains in office after his or her effective retirement date, the mayor
- 7 or member of the city legislative body shall not accrue any further
- 8 service credit or benefits in the systems administered by Kentucky
- 9 Retirement Systems for any employment occurring on or after the
- 10 effective retirement date;
- 11 (e) Notwithstanding any provision of this section, any current or future part-time
- 12 adjunct instructor for the Kentucky Fire Commission who has not participated
- 13 in the Kentucky Employees Retirement System prior to retirement, but who is
- 14 otherwise eligible to retire from the County Employees Retirement System,
- 15 shall not be:
- 16 1. Required to resign from his or her position as a part-time adjunct
- 17 instructor for the Kentucky Fire Commission in order to begin drawing
- 18 benefits from the County Employees Retirement System; or
- 19 2. Subject to any provision of this section as it relates solely to his or her
- 20 service as a part-time adjunct instructor for the Kentucky Fire
- 21 Commission;
- 22 (f) If a member is receiving a retirement allowance from any of the retirement
- 23 systems administered by the Kentucky Retirement Systems or County
- 24 Employees Retirement System and enters into a contract or becomes a leased
- 25 employee of an employer under contract with an employer participating in
- 26 one (1) of the systems administered by the Kentucky Retirement Systems or
- 27 County Employees Retirement System:

- 1 1. At any time following retirement, if the Authority determines the
2 employment arrangement does qualify as an independent contractor or
3 leased employee, the member may continue to receive his or her
4 retirement allowance during the period of the contract;
- 5 2. Within one (1) month following the member's initial retirement date, if
6 the Authority determines the employment arrangement does not qualify
7 as an independent contractor or leased employee, the member's
8 retirement shall be voided in accordance with paragraph (a) of this
9 subsection;
- 10 3. After one (1) month but within twelve (12) months following the
11 member's initial retirement, if the Authority determines the employment
12 arrangement does not qualify as an independent contractor or leased
13 employee and that a prearranged agreement existed between the member
14 and the agency for the member to return to work with the agency, the
15 member's retirement shall be voided in accordance with paragraph (a) of
16 this subsection; and
- 17 4. After a twelve (12) month period following the member's initial
18 retirement, the member may continue to receive his or her retirement
19 allowance during the period of the contract and the member shall not be
20 required to notify the system or submit any documentation for purposes
21 of this section to the system.

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

- 26 (g) The Authority shall issue a final determination regarding a certification of the
27 absence of a prearranged agreement or the retired member's qualification as

1 an independent contractor or leased employee as required under this section
2 no later than thirty (30) days after the retired member and participating
3 employer provide all required forms and additional information required by
4 the Authority.

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

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

10 (1) A retired member whose disability retirement was discontinued pursuant to KRS
11 78.5528 and who is reemployed by an employer participating in the system or the
12 Kentucky Retirement Systems prior to his or her normal retirement date shall have
13 his or her accounts combined upon termination for determining eligibility for
14 benefits. If the member is eligible for retirement, the member's service and
15 creditable compensation earned as a result of his or her reemployment shall be used
16 in the calculation of benefits, except that the member's final compensation shall not
17 be less than the final compensation last used in determining his or her retirement
18 allowance. The member shall not change beneficiary or payment option
19 designations.

20 (2) (a) If a retired member accepts employment or begins serving as a volunteer with
21 an employer participating in the systems administered by Kentucky
22 Retirement Systems or the County Employees Retirement System within
23 twelve (12) months of his or her retirement date, the retired member shall
24 notify the Authority and the participating employer shall submit the
25 information required or requested by the Authority to confirm the individual's
26 employment or volunteer status. The retired member shall not be required to
27 notify the Authority regarding any employment or volunteer service with a

1 participating agency that is accepted after twelve (12) months following his or
2 her retirement date.

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

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

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

24 (a) If a retired member is receiving a retirement allowance from the County
25 Employees Retirement System, or has filed the forms required to receive a
26 retirement allowance from the County Employees Retirement System, and is
27 employed in a regular full-time position required to participate in the County

1 Employees Retirement System or one (1) of the systems administered by the
2 Kentucky Retirement Systems or is employed in a position that is not
3 considered regular full-time with an employer participating in the County
4 Employees Retirement System or in one (1) of the systems administered by
5 the Kentucky Retirement Systems within one (1) month following the
6 member's initial retirement date, the member's retirement shall be voided, and
7 the member shall repay to the system all benefits received, including any
8 health insurance benefits. If the retired member is returning to work in a
9 regular full-time position required to participate in the County Employees
10 Retirement System:

- 11 1. The member shall contribute to a member account established for him or
12 her in the County Employees Retirement System or in one (1) of the
13 systems administered by the Kentucky Retirement Systems, and
14 employer contributions shall be paid on behalf of the member by the
15 participating employer to the system; and
- 16 2. Upon subsequent retirement, the member shall be eligible for a
17 retirement allowance based upon total service and creditable
18 compensation, including any additional service or creditable
19 compensation earned after his or her initial retirement was voided;

20 (b) If a retired member is receiving a retirement allowance from the County
21 Employees Retirement System and is employed in a regular full-time position
22 required to participate in the County Employees Retirement System or in one
23 (1) of the systems administered by the Kentucky Retirement Systems after a
24 one (1) month period following the member's initial retirement date, the
25 member may continue to receive his or her retirement allowance during the
26 period of reemployment subject to the following provisions:

- 27 1. If a member is reemployed by a participating employer within twelve

- 1 (12) months of the member's retirement date, the participating employer
2 shall certify in writing on a form prescribed by the Authority that no
3 prearranged agreement existed between the employee and employer
4 prior to the employee's retirement for the employee to return to work
5 with the participating employer. If the participating employer fails to
6 complete the certification or the Authority determines a prearranged
7 agreement exists, the member's retirement shall be voided and the
8 provisions of paragraph (a) of this subsection shall apply to the member
9 and the employer. For purposes of this paragraph:
- 10 a. If an elected official is reelected to a new term of office in the
11 same position as the elected official held prior to retirement and
12 takes office within twelve (12) months of his or her retirement
13 date, he or she shall be deemed by the Authority as having a
14 prearranged agreement; and
- 15 b. Employment that is accepted by the retired member after twelve
16 (12) months following the member's retirement date shall not
17 constitute a prearranged agreement under this paragraph;
- 18 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary,
19 the member shall not contribute to the system and shall not earn any
20 additional benefits for any work performed during the period of
21 reemployment;
- 22 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
23 except for any retiree employed as a school resource officer as defined
24 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
25 this Act, the employer shall pay employer contributions as specified by
26 KRS 78.5536 and 78.635 on all creditable compensation earned by the
27 employee during the period of reemployment. The additional

1 contributions paid shall be used to reduce the unfunded actuarial liability
2 of the system; and

3 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
4 except for any retiree employed as a school resource officer as defined
5 by KRS 158.441 or as a Kentucky guardian as defined in Section 1 of
6 this Act, the employer shall be required to reimburse the system for the
7 cost of the health insurance premium paid by the system to provide
8 coverage for the retiree, not to exceed the cost of the single premium.
9 Effective July 1, 2015, local school boards shall not be required to pay
10 the reimbursement required by this subparagraph for retirees employed
11 by the board for eighty (80) days or less during the fiscal year;

12 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member
13 who qualifies as a volunteer for an employer participating in the County
14 Employees Retirement System or the Kentucky Retirement Systems and who
15 is receiving reimbursement of actual expenses, a nominal fee for his or her
16 volunteer services, or both, shall not be considered an employee of the
17 participating employer and shall not be subject to paragraphs (a) and (b) of
18 this subsection if:

19 1. Prior to the retired member's most recent retirement date, he or she did
20 not receive creditable compensation from the participating employer in
21 which the retired member is performing volunteer services;

22 2. Any reimbursement or nominal fee received prior to the retired
23 member's most recent retirement date has not been credited as creditable
24 compensation to the member's account or utilized in the calculation of
25 the retired member's benefits;

26 3. The retired member has not purchased or received service credit under
27 any of the provisions of KRS 78.510 to 78.852 for service with the

1 participating employer for which the retired member is performing
2 volunteer services; and

3 4. Other than the status of volunteer, the retired member does not become
4 an employee, leased employee, or independent contractor of the
5 employer for which he or she is performing volunteer services for a
6 period of at least twelve (12) months following the retired member's
7 most recent retirement date.

8 If a retired member, who provided volunteer services with a participating
9 employer under this paragraph violates any provision of this paragraph, then
10 he or she shall be deemed an employee of the participating employer as of the
11 date he or she began providing volunteer services and both the retired member
12 and the participating employer shall be subject to paragraphs (a) and (b) of
13 this subsection for the period of volunteer service;

14 (d) Notwithstanding any provision of this section, any mayor or member of a city
15 legislative body shall not be required to resign from his or her position as
16 mayor or as a member of the city legislative body in order to begin drawing
17 benefits from the systems administered by the Kentucky Retirement Systems
18 or the County Employees Retirement System or subject to any provision of
19 this section as it relates solely to his or her service as a mayor or member of
20 the city legislative body, if the mayor or member of a city legislative body:

21 1. Has not participated in the County Employees Retirement System prior
22 to retirement, but is otherwise eligible to retire from the Kentucky
23 Employees Retirement System or the State Police Retirement System; or
24 2. Has been or is participating in the County Employees Retirement
25 System and is at least sixty-two (62) years of age. If a mayor or member
26 of a city legislative body who is at least sixty-two (62) years of age
27 retires from the systems administered by Kentucky Retirement Systems

1 or the County Employees Retirement System but remains in office after
2 his or her effective retirement date, the mayor or member of the city
3 legislative body shall not accrue any further service credit or benefits in
4 the systems administered by Kentucky Retirement Systems or the
5 County Employees Retirement System for any employment occurring
6 on or after the effective retirement date;

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

- 12 1. Required to resign from his or her position as a part-time adjunct
13 instructor for the Kentucky Fire Commission in order to begin drawing
14 benefits from the County Employees Retirement System; or
- 15 2. Subject to any provision of this section as it relates solely to his or her
16 service as a part-time adjunct instructor for the Kentucky Fire
17 Commission;

18 (f) If a member is receiving a retirement allowance from the County Employees
19 Retirement System and enters into a contract or becomes a leased employee of
20 an employer under contract with an employer participating in the County
21 Employees Retirement System or one (1) of the systems administered by the
22 Kentucky Retirement Systems:

- 23 1. At any time following retirement, if the Authority determines the
24 employment arrangement does qualify as an independent contractor or
25 leased employee, the member may continue to receive his or her
26 retirement allowance during the period of the contract;
- 27 2. Within one (1) month following the member's initial retirement date, if

1 the Authority determines the employment arrangement does not qualify
2 as an independent contractor or leased employee, the member's
3 retirement shall be voided in accordance with paragraph (a) of this
4 subsection;

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

12 4. After a twelve (12) month period following the member's initial
13 retirement, the member may continue to receive his or her retirement
14 allowance during the period of the contract and the member shall not be
15 required to notify the Authority or submit any documentation for
16 purposes of this section to the Authority. The initiation of a contract or
17 the initial date of the leased employment of a retired member by a
18 participating agency that occurs after twelve (12) months or more
19 following the retired member's retirement date shall not constitute a
20 prearranged agreement under this subsection;

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

27 (h) Retired members of one (1) of the systems administered by Kentucky

1 Retirement Systems who are reemployed by an employer in the County
2 Employees Retirement System on or after September 1, 2008, shall not be
3 eligible to earn a second retirement account in the County Employees
4 Retirement System for his or her service to the employer.

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

9 (6) "Reemployment" or "reinstatement" as used in this section shall not include a
10 retired member who has been ordered reinstated by the Personnel Board under
11 authority of KRS 18A.095. A retired member who has been ordered reinstated by
12 the Personnel Board under authority of KRS 18A.095 or by court order or by order
13 of the Kentucky Commission on Human Rights~~[-Commission]~~ and accepts
14 employment by an agency participating in the Kentucky Employees Retirement
15 System or County Employees Retirement System shall void his or her retirement by
16 reimbursing the system in the full amount of his or her retirement allowance
17 payments received.