

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 161.164 is amended to read as follows:

- 4 (1) No employee of the local school district shall take part in the management or
5 activities of any political campaign for school board.
- 6 (2) No candidate for school board shall solicit or accept any political assessment,
7 subscription, contribution, or service of any employee of the school district.
- 8 (3) No person shall use or promise to use, directly or indirectly, any official authority
9 or influence, whether possessed or anticipated, to secure or attempt to secure for
10 any person an appointment or advantage in appointment to a position as teacher or
11 employee of any district board of education, or an increase in pay or other
12 advantage in employment in any such position, for the purpose of influencing the
13 vote or political action of any person.
- 14 (4) No teacher or employee of any district board of education shall be appointed or
15 promoted to, or demoted or dismissed from, any position or in any way favored or
16 discriminated against with respect to employment because of his ***or her*** political or
17 religious opinions or affiliations or ethnic origin or race or color or sex or age or
18 disabling condition.
- 19 (5) Any instruction or instructional materials on current, controversial topics related to
20 public policy or social affairs provided to public school or public charter school
21 students, regardless of whether the individual that provides the instruction is
22 employed by the local school district or public charter school, shall be:
- 23 (a) Within the range of knowledge, understanding, age, and maturity of the
24 students receiving the instruction; and
- 25 (b) Relevant, objective, nondiscriminatory, and respectful to the differing
26 perspectives of students.
- 27 (6) An employee of a ***local***~~public~~ school district or public charter school shall not

1 violate a student's First Amendment rights by requiring or incentivizing a student to
 2 advocate in a civic space on behalf of a perspective with which the student or the
 3 parent or guardian of a minor student does not agree.

4 (7) An employee of a local school district or public charter school shall not be required
 5 to engage in training, orientation, or therapy that coerces the employee to stereotype
 6 any group.

7 (8) *A local school district or public charter school shall not require any statement,*
 8 *pledge, or oath, other than to uphold general and federal law, the United States*
 9 *Constitution, and the Constitution of Kentucky, as a part of any recruitment,*
 10 *hiring, employment, promotion, disciplinary, or evaluation process.*

11 (9) The local superintendent shall inform all school employees of the provisions of this
 12 section.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) *As used in this section, unless the context requires otherwise:*

16 (a) *"Diversity, equity, inclusion, and belonging" means any program, activity,*
 17 *instruction, or policy that classifies individuals on the basis of race, color,*
 18 *sex, national origin, gender identity, or sexual orientation and promotes*
 19 *differential or preferential treatment of individuals on the basis of such*
 20 *classification;*

21 (b) *"Political or social activism":*

22 *1. Means any activity organized with a purpose of effecting or preventing*
 23 *change to a government policy, action, or function, or any activity*
 24 *intended to achieve a desired result related to social issues, where a*
 25 *local school district, public school, public charter school, or school*
 26 *district or public charter school employee acting in an official capacity*
 27 *endorses or promotes a position in communications, advertisements,*

- 1 or programs; and
- 2 2. Does not include:
- 3 a. Authorized government relations, lobbying activities, and parent
- 4 and community engagement activities concerning matters that
- 5 directly affect the district's or school's operations; or
- 6 b. Endorsement or promotion of a position that encourages
- 7 compliance with state or federal law; and
- 8 (c) "Social issues" means topics that polarize or divide society among political,
- 9 ideological, moral, or religious beliefs.
- 10 (2) Except as provided in subsection (4) of this section and notwithstanding any
- 11 other law to the contrary, a local school district or public charter school shall not
- 12 expend any resources or funds, regardless of source, to:
- 13 (a) Purchase membership in, or goods and services from, any organization that
- 14 discriminates on the basis of race, color, national origin, sex, disability, or
- 15 religion; or
- 16 (b) Promote, support, or maintain any programs, trainings, or activities that
- 17 advocate for diversity, equity, inclusion, and belonging or promote or
- 18 engage in political or social activism.
- 19 (3) (a) Except as provided in subsection (4) of this section and notwithstanding any
- 20 other law to the contrary, a school district, public school, or public charter school
- 21 shall not advocate for diversity, equity, inclusion, and belonging.
- 22 (b) A school district, public school, or public charter school advocates for
- 23 diversity, equity, inclusion, and belonging in violation of paragraph (a) of
- 24 this subsection when it engages in a program, policy, or activity that:
- 25 1. Advantages or disadvantages, or attempts to advantage or
- 26 disadvantage, an individual or group on the basis of race, color, sex,
- 27 national origin, gender identity, or sexual orientation to equalize or

1 increase outcomes, participation, or representation as compared to
 2 other individuals or groups; or

3 2. Promotes the position that a group or an individual's action is
 4 inherently, unconsciously, or implicitly biased on the basis of race,
 5 color, sex, national origin, gender identity, or sexual orientation.

6 (4) Subsections (2) and (3) of this section do not prohibit programs, school activities,
 7 or functions required for compliance with state or federal laws or regulations,
 8 including but not limited to the Every Student Succeeds Act of 2015, Pub. L. No.
 9 114-95.

10 (5) The Kentucky Department of Education shall promulgate administrative
 11 regulations in accordance with KRS Chapter 13A necessary to implement this
 12 section.

13 ➔Section 3. KRS 158.4416 is amended to read as follows:

14 (1) For purposes of this section:

15 (a) "School counselor" means an individual who holds a valid school counselor
 16 certificate issued in accordance with the administrative regulations of the
 17 Education Professional Standards Board; and

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

21 ~~(c) "Trauma informed approach" means incorporating principles of trauma awareness~~
 22 ~~and trauma informed practices, as recommended by the federal Substance~~
 23 ~~Abuse and Mental Health Services Administration, in a school in order to~~
 24 ~~foster a safe, stable, and understanding learning environment for all students~~
 25 ~~and staff and ensuring that all students are known well by at least one (1)~~
 26 ~~adult in the school setting.~~

27 ~~(2) The General Assembly recognizes that all schools must provide a place for students~~

1 ~~to feel safe and supported to learn throughout the school day, and that any~~
 2 ~~trauma a student may have experienced can have a significant impact on the~~
 3 ~~ability of a student to learn. The General Assembly directs all public schools~~
 4 ~~to adopt a trauma-informed approach to education in order to better recognize,~~
 5 ~~understand, and address the learning needs of students impacted by trauma~~
 6 ~~and to foster a learning environment where all students, including those who~~
 7 ~~have been traumatized, can be safe, successful, and known well by at least one~~
 8 ~~(1) adult in the school setting].~~

9 (2)~~(3)~~ (a) ~~[Beginning July 1, 2021, or]~~As funds and qualified personnel become
 10 available:

- 11 1. Each school district and each public charter school shall employ at least
- 12 one (1) school counselor in each school with the goal of the school
- 13 counselor spending sixty percent (60%) or more of his or her time
- 14 providing counseling and related services directly to students; and
- 15 2. It shall be the goal that each school district and each public charter
- 16 school shall provide at least one (1) school counselor or school-based
- 17 mental health services provider who is employed by the school district
- 18 for every two hundred fifty (250) students, including but not limited to
- 19 the school counselor required in subparagraph 1. of this paragraph.

20 (b) ~~[A school counselor or school-based mental health services provider at each~~
 21 ~~school shall facilitate the creation of a trauma-informed team to identify and~~
 22 ~~assist students whose learning, behavior, and relationships have been~~
 23 ~~impacted by trauma. The trauma-informed team may consist of school~~
 24 ~~administrators, school counselors, school-based mental health services~~
 25 ~~providers, family resource and youth services coordinators, school nurses, and~~
 26 ~~any other school or district personnel.~~

27 (c) ~~Each school counselor or school-based mental health services provider~~

1 providing services pursuant to this section, and the trauma-informed team
 2 members described in paragraph (b) of this subsection, shall provide training,
 3 guidance, and assistance to other administrators, teachers, and staff on:

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

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

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

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

27 (d)(f) The department shall annually compile and maintain a list of school-

1 based mental health service providers by district which shall include the
2 information required in paragraph ~~(c)~~~~(e)~~ of this subsection.

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

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

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

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

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

- 25 (1) Local boards of education, school district superintendents, administrators of state-
- 26 controlled facilities, and local and state law enforcement agencies shall cooperate to
- 27 assign~~, by August 1, 2022,~~ one (1) or more certified school resource officers to

- 1 serve each campus where one (1) or more school buildings are used to deliver
2 instruction to students on a continuous basis.
- 3 (2) Local boards of education shall ensure, for each campus in the district, that at least
4 one (1) certified school resource officer is assigned to and working on-site full-time
5 in the school building or buildings on the campus. If sufficient funds and qualified
6 personnel are not available for this purpose for every campus, the local board of
7 education shall fulfill the requirements of this subsection on a per campus basis, as
8 approved in writing by the state school security marshal, until a certified school
9 resource officer is assigned to and working on-site full-time on each campus in the
10 district.
- 11 (3) Local boards of education utilizing a school resource officer employed by a law
12 enforcement agency or the Department of Kentucky State Police shall enter into a
13 memorandum of understanding with the law enforcement agency or the Department
14 of Kentucky State Police that specifically states the purpose of the school resource
15 officer program and clearly defines the roles and expectations of each party
16 involved in the program. The memorandum shall provide that the school resource
17 officer shall not be responsible for school discipline matters that are the
18 responsibility of school administrators or school employees.
- 19 (4) Local boards of education utilizing a school resource officer employed directly by
20 the local board of education shall adopt policies and procedures that specifically
21 state the purpose of the school resource officer program and clearly define the roles
22 and expectations of school resource officers and other school employees.
- 23 (5) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school
24 resource officer shall be armed with a firearm, notwithstanding any provision of
25 local board policy, local school council policy, or memorandum of agreement.
- 26 (6) ~~{On or before January 1, 2020, }~~The Kentucky Law Enforcement Council, in
27 collaboration with the Center for School Safety, shall promulgate administrative

- 1 regulations in accordance with KRS Chapter 13A to establish three (3) levels of
2 training for certification of school resource officers first employed as a school
3 resource officer on or after March 11, 2019: School Resource Officer Training I
4 (SRO I), School Resource Officer Training II (SRO II), and School Resource
5 Officer Training III (SRO III). Each level shall consist of forty (40) hours of
6 training, with SRO I to be completed within one (1) year of the date of the officer's
7 employment and SRO II and SRO III within the subsequent two (2) years.
- 8 (7) Course curriculum for school resource officers employed on or after March 11,
9 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 (h) ~~(j)~~ De-escalation strategies.
- 20 (8) ~~[Effective January 1, 2020,]~~ All school resource officers with active school resource
21 officer certification status shall successfully complete forty (40) hours of annual in-
22 service training that has been certified or recognized by the Kentucky Law
23 Enforcement Council for school resource officers.
- 24 (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 (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 (11) When a school resource officer is deficient in required training, the commissioner
7 of the Department of Criminal Justice Training or his or her designee shall notify
8 the council, which shall notify the officer and the officer's employing agency.
- 9 (12) A school resource officer who has lost school resource officer certification due
10 solely to the officer's failure to meet the training requirements of this section may
11 regain certification status as a school resource officer and may resume service in the
12 capacity of a school resource officer in a school setting upon successful completion
13 of the training deficiency.
- 14 (13) No later than November 1 of each year, the local school district superintendent shall
15 report to the Center for School Safety the number and placement of school resource
16 officers in the district. The report shall include the source of funding and method of
17 employment for each position.
- 18 (14) Nothing in this section shall be interpreted or construed to require a local
19 government or any of its agencies or offices to fund the school resource officer
20 positions required of local boards of education under this section. For purposes of
21 this subsection, "local government" has the same meaning as in KRS 65.8840.
- 22 (15) Nothing in this section shall prevent a private or parochial school from entering into
23 a memorandum of understanding with a local law enforcement agency or the
24 Department of Kentucky State Police to provide school resource officers employed
25 by the local law enforcement agency or the Department of Kentucky State Police.