

**CHAPTER 234****( SB 102 )**

AN ACT relating to mental health providers in schools.

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

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

- (1) For purposes of this section:
  - (a) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
  - (b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and
  - (c) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.
- (2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.
- (3)
  - (a) Beginning July 1, 2021, or as funds and qualified personnel become available:
    1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students; and
    2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.
  - (b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.
  - (c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:
    1. Recognizing symptoms of trauma in students;
    2. Utilizing interventions and strategies to support the learning needs of those students; and
    3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.
  - (d)
    1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.
    2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives

or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

- (e) No later than November 1, ~~2022~~~~[2019]~~, and each subsequent year, the local school district superintendent shall report to the department the number *of school-based mental health service providers, the position held,*~~[and]~~ placement ~~{of school counselors}~~ in the district, *certification or licensure held,*~~[The report shall include]~~ the source of funding for each position, ~~[as well as]~~ a summary of the job duties and work undertaken by each *school-based mental health service provider,*~~[counselor]~~ and the approximate percent of time devoted to each duty over the course of the year.
- (f) *The department shall annually compile and maintain a list of school-based mental health service providers by district which shall include the information required in subsection (3)(e) of this section.*
- (g) *No later than June 1, 2023, and each subsequent year, the department shall provide the Interim Joint Committee on Education with the information reported by local school district superintendents and compiled in accordance with subsection (3)(f) of this section.*
- (4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.
- (5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:
  - (a) Enhancing trauma awareness throughout the school community;
  - (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
  - (c) Developing trauma-informed discipline policies;
  - (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
  - (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

**Signed by Governor April 20, 2022.**