GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

SENATE BILL NO. 8

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to school 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:*

6 *(a) "Emergency management response plan" or "emergency plan" means a*

7 *written document to prevent, mitigate, prepare for, respond to, and recover*

8 *from emergencies; and*

9 *(b) "First responders" means local fire, police, and emergency medical*

10 *personnel.*

11 *(2) (a) Each local board of education shall require the school council or, if none*

12 *exists, the principal in each public school building in its jurisdiction to*

13 *adopt an emergency plan to include procedures to be followed in case of*

14 *fire, severe weather, or earthquake, or if a building lockdown as defined in*

15 *KRS 158.164 is required.*

16 *(b) Following adoption, the emergency plan, along with a diagram of the*

17 *facility, shall be provided to appropriate first responders.*

18 *(c) The emergency plan shall be reviewed following the end of each school year*

19 *by the school council, the principal, and first responders and shall be*

20 *revised as needed.*

21 *(d) The principal shall discuss the emergency plan with all school staff prior to*

22 *the first instructional day of each school year and shall document the time*

23 *and date of any discussion.*

24 *(e) The emergency plan and diagram of the facility shall be excluded from the*

25 *application of KRS 61.870 to 61.884.*

26 *(3) Each local board of education shall require the school council or, if none exists,*

27 *the principal in each public school building to:*

1 *(a) Establish primary and secondary evacuation routes for all rooms located*
2 *within the school and shall post the routes in each room by any doorway*
3 *used for evacuation;*
4 *(b) Identify severe weather safe zones to be reviewed by the local fire marshal*
5 *or fire chief and post the location of safe zones in each room of the school;*
6 *(c) Develop practices for students to follow during an earthquake; and*
7 *(d) Develop and adhere to practices to control the access to each school*
8 *building. Practices may include but not be limited to:*
9 *1. Controlling outside access to exterior doors during the school day;*
10 *2. Controlling the front entrance of the school electronically or with a*
11 *greeter;*
12 *3. Controlling access to individual classrooms. If a classroom is*
13 *equipped with hardware that allows the door to be locked from the*
14 *outside but opened from the inside, the door should remain locked*
15 *during instruction time;*
16 *4. Requiring all visitors to report to the front office of the building,*
17 *provide valid identification, and state the purpose of the visit; and*
18 *5. Providing a visitor's badge to be visibly displayed on a visitor's outer*
19 *garment.*
20 *(4) Each local board of education shall require the principal in each public school*
21 *building in its jurisdiction to conduct, at a minimum, emergency response drills*
22 *to include one (1) severe weather drill, one (1) earthquake drill and one (1)*
23 *lockdown drill within the first thirty (30) instructional days of each school year*
24 *and again during the month of January. Required fire drills shall be conducted*
25 *according to administrative regulations promulgated by the Department of*
26 *Housing, Buildings and Construction. Whenever possible, first responders shall*
27 *be invited to observe emergency response drills.*

1 ***(5) No later than November 1 of each school year, a local district superintendent***
2 ***shall send verification to the Kentucky Department of Education that all schools***
3 ***within the district are in compliance with the requirements of this section.***
4 ➔Section 2. KRS 158.163 is amended to read as follows:
5 The board of each local school district, and the governing body of each private and
6 parochial school or school district, shall establish an earthquake and tornado emergency
7 procedure system in every public or private school building in its jurisdiction having a
8 capacity of fifty (50) or more students, or having more than one (1) classroom. The
9 earthquake and tornado emergency procedure system shall include, but not be limited to,
10 all of the following:
11 (1) A school building disaster plan, ready for implementation at any time, for
12 maintaining the safety and care of students and staffs. A drop procedure and safe
13 area evacuation practice shall be held at least twice during each school year***, with***
14 ***the first practice for a drop procedure and a safe area evacuation being held***
15 ***within the first thirty (30) instructional days of each school year and one (1)***
16 ***practice being held during the month of January***;
17 (2) A drop procedure. As used in this section, "drop procedure" means an activity by
18 which each student and staff member takes cover under a table or desk, dropping to
19 his or her knees, with the head protected by the arms, and the back to the windows;
20 (3) A safe area. As used in this section, "safe area" means a designated space including
21 an enclosed area with no windows, a basement or the lowest floor using the interior
22 hallway or rooms, or taking shelter under sturdy furniture;
23 (4) Protective measures to be taken before, during, and following an earthquake or
24 tornado; and
25 (5) A program to ensure that the students and the certificated and classified staff are
26 aware of, and properly trained in, the earthquake and tornado emergency procedure
27 system.

1 ➔Section 3. KRS 158.164 is amended to read as follows:
2 (1) As used in this section, "building lockdown" means to restrict the mobility of
3 building occupants to maintain their safety and care.
4 (2) Each local board of education shall require the school council or, if none exists, the
5 principal in each public school building in its jurisdiction to establish procedures to
6 perform a building lockdown, including protective measures to be taken during and
7 immediately following the lockdown. ***Local law enforcement agencies shall be***
8 ***invited to assist in establishing lockdown procedures.***
9 (3) Students~~[, parents, guardians]~~, certified staff, and classified staff shall be informed
10 annually of building lockdown procedures.
11 (4) A building lockdown practice shall be held at least ***twice***~~[once]~~ during each school
12 year***, with at least one (1) practice being held within the first thirty (30)***
13 ***instructional days of the school year and one (1) practice being held during the***
14 ***month of January***.
15 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
16 READ AS FOLLOWS:
17 ***The Kentucky Department of Education shall require a local board of education to***
18 ***review Crime Prevention Through Environment Design principles, or CPTED***
19 ***principles, when constructing a new school building or when renovating an existing***
20 ***school building.***
21 ➔Section 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
22 READ AS FOLLOWS:
23 ***The Kentucky Department of Education shall develop protocols for student records***
24 ***within the student information system which:***
25 ***(1) Provide notice to schools receiving the records of prior offenses described in KRS***
26 ***610.345 committed by a student transferring to a new school or district; and***
27 ***(2) Protect the privacy rights of students and parents guaranteed under the federal***

1 ***Family Educational Rights and Privacy Act.***

2 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO
3 READ AS FOLLOWS:

4 ***The chief of police in each city is encouraged to receive training on issues pertaining to***
5 ***school and student safety and shall be invited to meet annually with local***
6 ***superintendents to discuss emergency response plans and emergency response***
7 ***concerns.***

8 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
9 READ AS FOLLOWS:

10 ***The sheriff in each county is encouraged to receive training on issues pertaining to***
11 ***school and student safety, and shall be invited to meet annually with local school***
12 ***superintendents to discuss emergency response plans and emergency response***
13 ***concerns.***

14 ➔Section 8. KRS 160.345 is amended to read as follows:

15 (1) For the purpose of this section:

16 (a) "Minority" means American Indian; Alaskan native; African-American;
17 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
18 South American origin; Pacific islander; or other ethnic group
19 underrepresented in the school;

20 (b) "School" means an elementary or secondary educational institution that is
21 under the administrative control of a principal and is not a program or part of
22 another school. The term "school" does not include district-operated schools
23 that are:

24 1. Exclusively vocational-technical, special education, or preschool
25 programs;

26 2. Instructional programs operated in institutions or schools outside of the
27 district; or

1 3. Alternative schools designed to provide services to at-risk populations
2 with unique needs;
3 (c) "Teacher" means any person for whom certification is required as a basis of
4 employment in the public schools of the state, with the exception of principals
5 and assistant principals; and
6 (d) "Parent" means:
7 1. A parent, stepparent, or foster parent of a student; or
8 2. A person who has legal custody of a student pursuant to a court order
9 and with whom the student resides.
10 (2) Each local board of education shall adopt a policy for implementing school-based
11 decision making in the district which shall include, but not be limited to, a
12 description of how the district's policies, including those developed pursuant to
13 KRS 160.340, have been amended to allow the professional staff members of a
14 school to be involved in the decision making process as they work to meet
15 educational goals established in KRS 158.645 and 158.6451. The policy may
16 include a requirement that each school council make an annual report at a public
17 meeting of the board describing the school's progress in meeting the educational
18 goals set forth in KRS 158.6451 and district goals established by the board. The
19 policy shall also address and comply with the following:
20 (a) Except as provided in paragraph (b)2. of this subsection, each participating
21 school shall form a school council composed of two (2) parents, three (3)
22 teachers, and the principal or administrator. The membership of the council
23 may be increased, but it may only be increased proportionately. A parent
24 representative on the council shall not be an employee or a relative of an
25 employee of the school in which that parent serves, nor shall the parent
26 representative be an employee or a relative of an employee in the district
27 administrative offices. A parent representative shall not be a local board

1 member or a board member's spouse. None of the members shall have a
2 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
3 district employees;
4 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
5 majority of the teachers. A teacher elected to a school council shall not
6 be involuntarily transferred during his or her term of office. The parent
7 representatives shall be elected for one (1) year terms. The parent
8 members shall be elected by the parents of students preregistered to
9 attend the school during the term of office in an election conducted by
10 the parent and teacher organization of the school or, if none exists, the
11 largest organization of parents formed for this purpose. A school
12 council, once elected, may adopt a policy setting different terms of
13 office for parent and teacher members subsequently elected. The
14 principal shall be the chair of the school council.
15 2. School councils in schools having eight percent (8%) or more minority
16 students enrolled, as determined by the enrollment on the preceding
17 October 1, shall have at least one (1) minority member. If the council
18 formed under paragraph (a) of this subsection does not have a minority
19 member, the principal, in a timely manner, shall be responsible for
20 carrying out the following:
21 a. Organizing a special election to elect an additional member. The
22 principal shall call for nominations and shall notify the parents of
23 the students of the date, time, and location of the election to elect a
24 minority parent to the council by ballot; and
25 b. Allowing the teachers in the building to select one (1) minority
26 teacher to serve as a teacher member on the council. If there are no
27 minority teachers who are members of the faculty, an additional

1 teacher member shall be elected by a majority of all teachers. Term
2 limitations shall not apply for a minority teacher member who is
3 the only minority on faculty;
4 (c) 1. The school council shall have the responsibility to set school policy
5 consistent with district board policy which shall provide an environment
6 to enhance the students' achievement and help the school meet the goals
7 established by KRS 158.645 and 158.6451. The principal shall be the
8 primary administrator and the instructional leader of the school, and
9 with the assistance of the total school staff shall administer the policies
10 established by the school council and the local board.
11 2. If a school council establishes committees, it shall adopt a policy to
12 facilitate the participation of interested persons, including, but not
13 limited to, classified employees and parents. The policy shall include the
14 number of committees, their jurisdiction, composition, and the process
15 for membership selection;
16 (d) The school council and each of its committees shall determine the frequency
17 of and agenda for their meetings. Matters relating to formation of school
18 councils that are not provided for by this section shall be addressed by local
19 board policy;
20 (e) The meetings of the school council shall be open to the public and all
21 interested persons may attend. However, the exceptions to open meetings
22 provided in KRS 61.810 shall apply;
23 (f) After receiving notification of the funds available for the school from the local
24 board, the school council shall determine, within the parameters of the total
25 available funds, the number of persons to be employed in each job
26 classification at the school. The council may make personnel decisions on
27 vacancies occurring after the school council is formed but shall not have the

1 authority to recommend transfers or dismissals;
2 (g) The school council shall determine which textbooks, instructional materials,
3 and student support services shall be provided in the school. Subject to
4 available resources, the local board shall allocate an appropriation to each
5 school that is adequate to meet the school's needs related to instructional
6 materials and school-based student support services, as determined by the
7 school council. The school council shall consult with the school media
8 librarian on the maintenance of the school library media center, including the
9 purchase of instructional materials, information technology, and equipment;
10 (h) Personnel decisions at the school level shall be as follows:
11 1. From a list of qualified applicants submitted by the local superintendent,
12 the principal at the participating school shall select personnel to fill
13 vacancies, after consultation with the school council, consistent with
14 paragraph(i)***11.***~~[10.]~~ of this subsection. The superintendent shall provide
15 additional applicants to the principal upon request when qualified
16 applicants are available. The superintendent may forward to the school
17 council the names of qualified applicants who have pending certification
18 from the Education Professional Standards Board based on recent
19 completion of preparation requirements, out-of-state preparation, or
20 alternative routes to certification pursuant to KRS 161.028 and 161.048.
21 Requests for transfer shall conform to any employer-employee bargained
22 contract which is in effect;
23 2. If the vacancy to be filled is the position of principal, the outgoing
24 principal shall not serve on the council during the principal selection
25 process. The superintendent or the superintendent's designee shall serve
26 as the chair of the council for the purpose of the hiring process and shall
27 have voting rights during the selection process. The council shall have

1 access to the applications of all persons certified for the position. The
2 principal shall be elected on a majority vote of the membership of the
3 council. No principal who has been previously removed from a position
4 in the district for cause may be considered for appointment as principal.
5 The school council shall receive training in recruitment and interviewing
6 techniques prior to carrying out the process of selecting a principal. The
7 council shall select the trainer to deliver the training;
8 3. Personnel decisions made at the school level under the authority of
9 subparagraphs 1., 2., and 4. of this paragraph shall be binding on the
10 superintendent who completes the hiring process;
11 4. If the vacancy for the position of principal occurs in a school that has an
12 index score that places it in the lowest one-third (1/3) of all schools
13 below the assistance line and the school has completed a scholastic audit
14 under KRS 158.6455 that includes findings of lack of effectiveness of
15 the principal and school council, the superintendent shall appoint the
16 principal after consulting with the school council;
17 5. Applicants subsequently employed shall provide evidence that they are
18 certified prior to assuming the duties of a position in accordance with
19 KRS 161.020; and
20 6. Notwithstanding other provisions of this paragraph, if the applicant is
21 the spouse of the superintendent and the applicant meets the service
22 requirements of KRS 160.380(2)(e), the applicant shall only be
23 employed upon the recommendation of the principal and the approval of
24 a majority vote of the school council;
25 (i) The school council shall adopt a policy to be implemented by the principal in
26 the following additional areas:
27 1. Determination of curriculum, including needs assessment, curriculum

1 development and responsibilities under KRS 158.6453(7);
2 2. Assignment of all instructional and noninstructional staff time;
3 3. Assignment of students to classes and programs within the school;
4 4. Determination of the schedule of the school day and week, subject to the
5 beginning and ending times of the school day and school calendar year
6 as established by the local board;
7 5. Determination of use of school space during the school day;
8 6. Planning and resolution of issues regarding instructional practices;
9 7. Selection and implementation of discipline and classroom management
10 techniques as a part of a comprehensive school safety plan, including
11 responsibilities of the student, parent, teacher, counselor, and principal;
12 8. Selection of extracurricular programs and determination of policies
13 relating to student participation based on academic qualifications and
14 attendance requirements, program evaluation, and supervision;
15 9. ***Adoption of an emergency plan as required in Section 1 of this Act;***
16 ***10.*** Procedures, consistent with local school board policy, for determining
17 alignment with state standards, technology utilization, and program
18 appraisal; and
19 ***11***[~~10~~]. Procedures to assist the council with consultation in the selection
20 of personnel by the principal, including but not limited to meetings,
21 timelines, interviews, review of written applications, and review of
22 references. Procedures shall address situations in which members of the
23 council are not available for consultation; and
24 (j) Each school council shall annually review data as shown on state and local
25 student assessments and program assessments required under KRS 158.6453.
26 The data shall include but not be limited to information on performance levels
27 of all students tested, and information on the performance of students

1 disaggregated by race, gender, disability, and participation in the federal free
2 and reduced price lunch program. After completing the review of data, each
3 school council, with the involvement of parents, faculty, and staff, shall
4 develop and adopt a plan to ensure that each student makes progress toward
5 meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of
6 each year and submit the plan to the superintendent and local board of
7 education for review as described in KRS 160.340. The Kentucky Department
8 of Education shall provide each school council the data needed to complete
9 the review required by this paragraph no later than November 1 of each year.
10 If a school does not have a council, the review shall be completed by the
11 principal with the involvement of parents, faculty, and staff.
12 (3) The policies adopted by the local board to implement school-based decision making
13 shall also address the following:
14 (a) School budget and administration, including: discretionary funds; activity and
15 other school funds; funds for maintenance, supplies, and equipment; and
16 procedures for authorizing reimbursement for training and other expenses;
17 (b) Assessment of individual student progress, including testing and reporting of
18 student progress to students, parents, the school district, the community, and
19 the state;
20 (c) School improvement plans, including the form and function of strategic
21 planning and its relationship to district planning, as well as the school safety
22 plan and requests for funding from the Center for School Safety under KRS
23 158.446;
24 (d) Professional development plans developed pursuant to KRS 156.095;
25 (e) Parent, citizen, and community participation including the relationship of the
26 council with other groups;
27 (f) Cooperation and collaboration within the district, with other districts, and with

1 other public and private agencies;
2 (g) Requirements for waiver of district policies;
3 (h) Requirements for record keeping by the school council; and
4 (i) A process for appealing a decision made by a school council.
5 (4) In addition to the authority granted to the school council in this section, the local
6 board may grant to the school council any other authority permitted by law. The
7 board shall make available liability insurance coverage for the protection of all
8 members of the school council from liability arising in the course of pursuing their
9 duties as members of the council.
10 (5) All schools shall implement school-based decision making in accordance with this
11 section and with the policy adopted by the local board pursuant to this section.
12 Upon favorable vote of a majority of the faculty at the school and a majority of at
13 least twenty-five (25) voting parents of students enrolled in the school, a school
14 meeting its goal as determined by the Department of Education pursuant to KRS
15 158.6455 may apply to the Kentucky Board of Education for exemption from the
16 requirement to implement school-based decision making, and the state board shall
17 grant the exemption. The voting by the parents on the matter of exemption from
18 implementing school-based decision making shall be in an election conducted by
19 the parent and teacher organization of the school or, if none exists, the largest
20 organization of parents formed for this purpose. Notwithstanding the provisions of
21 this section, a local school district shall not be required to implement school-based
22 decision making if the local school district contains only one (1) school.
23 (6) The Department of Education shall provide professional development activities to
24 assist schools in implementing school-based decision making. School council
25 members elected for the first time shall complete a minimum of six (6) clock hours
26 of training in the process of school-based decision making, no later than thirty (30)
27 days after the beginning of the service year for which they are elected to serve.

1 School council members who have served on a school council at least one (1) year
2 shall complete a minimum of three (3) clock hours of training in the process of
3 school-based decision making no later than one hundred twenty (120) days after the
4 beginning of the service year for which they are elected to serve. Experienced
5 members may participate in the training for new members to fulfill their training
6 requirement. School council training required under this subsection shall be
7 conducted by trainers endorsed by the Department of Education. By November 1 of
8 each year, the principal through the local superintendent shall forward to the
9 Department of Education the names and addresses of each council member and
10 verify that the required training has been completed. School council members
11 elected to fill a vacancy shall complete the applicable training within thirty (30)
12 days of their election.
13 (7) A school that chooses to have school-based decision making but would like to be
14 exempt from the administrative structure set forth by this section may develop a
15 model for implementing school-based decision making, including but not limited to
16 a description of the membership, organization, duties, and responsibilities of a
17 school council. The school shall submit the model through the local board of
18 education to the commissioner of education and the Kentucky Board of Education,
19 which shall have final authority for approval. The application for approval of the
20 model shall show evidence that it has been developed by representatives of the
21 parents, students, certified personnel, and the administrators of the school and that
22 two-thirds (2/3) of the faculty have agreed to the model.
23 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
24 education, shall adopt by administrative regulation a formula by which school
25 district funds shall be allocated to each school council. Included in the school
26 council formula shall be an allocation for professional development that is at least
27 sixty-five percent (65%) of the district's per pupil state allocation for professional

1 development for each student in average daily attendance in the school. The school
2 council shall plan professional development in compliance with requirements
3 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
4 small schools shall be encouraged to work with other school councils to maximize
5 professional development opportunities.
6 (9) (a) No board member, superintendent of schools, district employee, or member of
7 a school council shall intentionally engage in a pattern of practice which is
8 detrimental to the successful implementation of or circumvents the intent of
9 school-based decision making to allow the professional staff members of a
10 school and parents to be involved in the decision making process in working
11 toward meeting the educational goals established in KRS 158.645 and
12 158.6451 or to make decisions in areas of policy assigned to a school council
13 pursuant to paragraph (i) of subsection (2) of this section.
14 (b) An affected party who believes a violation of this subsection has occurred may
15 file a written complaint with the Office of Education Accountability. The
16 office shall investigate the complaint and resolve the conflict, if possible, or
17 forward the matter to the Kentucky Board of Education.
18 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
19 KRS Chapter 13B for complaints referred by the Office of Education
20 Accountability.
21 (d) If the state board determines a violation has occurred, the party shall be
22 subject to reprimand. A second violation of this subsection may be grounds
23 for removing a superintendent, a member of a school council, or school board
24 member from office or grounds for dismissal of an employee for misconduct
25 in office or willful neglect of duty.
26 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
27 maintain a school-based decision making council and the powers, duties, and

1 authority granted to a school council may be rescinded or the school council's role
2 may be advisory if the commissioner of education or the Kentucky Board of
3 Education takes action under KRS 160.346.
4 (11) Each school council of a school containing grades K-5 or any combination thereof,
5 or if there is no school council, the principal, shall develop and implement a
6 wellness policy that includes moderate to vigorous physical activity each day and
7 encourages healthy choices among students. The policy may permit physical activity
8 to be considered part of the instructional day, not to exceed thirty (30) minutes per
9 day, or one hundred and fifty (150) minutes per week. Each school council, or if
10 there is no school council, the principal, shall adopt an assessment tool to determine
11 each child's level of physical activity on an annual basis. The council or principal
12 may utilize an existing assessment program. The Kentucky Department of
13 Education shall make available a list of available resources to carry out the
14 provisions of this subsection. The department shall report to the Legislative
15 Research Commission no later than November 1 of each year on how the schools
16 are providing physical activity under this subsection and on the types of physical
17 activity being provided. The policy developed by the school council or principal
18 shall comply with provisions required by federal law, state law, or local board
19 policy.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 4-5-13