

# **INTERIM JOINT COMMITTEE ON EDUCATION**

## **Minutes of the 1st Meeting of the 2018 Interim**

**June 11, 2018**

### **Call to Order and Roll Call**

The 1st meeting of the Interim Joint Committee on Education was held on Monday, June 11, 2018, at 1:00 p.m., in Room 154 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative John Carney, Co-Chair; Senators Julie Raque Adams, Danny Carroll, David P. Givens, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Johnny Ray Turner, Stephen West, and Mike Wilson; Representatives Linda Belcher, Danny Bentley, Jim DeCesare, Mark Hart, Regina Huff, Mary Lou Marzian, Phil Moffett, Rick G. Nelson, Melinda Gibbons Prunty, Jody Richards, James Tipton, Russell Webber, and Jill York.

Guests: Erin Klarer, Kentucky Higher Education Assistance Authority; Eric Kennedy, Kentucky School Board Association; Christina Weeter, Kentucky Department of Education; Vestena Robbins, Kentucky Department for Behavioral Health, Developmental & Intellectual Disabilities; Sheila Schuster, Kentucky Mental Health Coalition; Lisa Willner, Kentucky Psychological Association.

LRC Staff: Jo Carole Ellis, Yvette Perry, Lauren Busch, and Maurya Allen.

Chairman Wise welcomed the members of the School Safety Working Group to this meeting as well as the new secretary of the Education and Workforce Development Cabinet, Secretary Derrick Ramsey. Representative Richards also welcomed retired general Jerry Humble, co-consultant to the School Safety Working Group.

Senator Kerr made a motion to approve the minutes of the December 11, 2017, meeting, seconded by Senator Wilson. The motion passed by voice vote.

### **Best Practices for School Safety**

Mr. Jon Akers, Executive Director, Kentucky Center for School Safety (KCSS), began the presentation by giving an overview of important legislation relating to school safety, particularly Senate Bill 8 of the 2013 Regular Session, which was a landmark of school safety laws in the country. He presented the six basic categories of school safety measures being addressed across the nation according to data from the National Conference

of State Legislatures. These six measures are developing emergency operating plans, requiring emergency drills, training for school resource officers (SROs), strengthening building security, increasing access to mental health services, and arming teachers.

Mr. Akers explained that Kentucky has already addressed emergency management plans and drills in statute. KCSS recommends current statutory language be changed from “classroom doors should be locked” to “classroom doors shall be locked” for greater building security. Kentucky addressed issues of mental health services with its most recent legislation regarding suicide prevention training for teachers. Other services that the KCSS provides include conducting comprehensive security assessments of schools, providing training for school administrators, and supporting the S.T.O.P. tip line which allows anonymous reporting from staff, students, and parents of any issues they feel threaten the security of a school. The KCSS also works in partnership with the Kentucky Department of Education (KDE) to develop programs helping teachers and students to address school safety issues, including bullying prevention. One critical component has been the work to develop alternative education for students who are not prepared to learn in a traditional school setting due to any number of personal or behavioral issues.

Since the school shootings earlier this year, local boards of education have considered many of the following measures: metal detectors, book bag checks, more law enforcement personnel in schools, changing fire alarm protocols, and ways to address threats. In regards to metal detectors and book bag checks, Mr. Akers pointed out that these have limited effectiveness because there are multiple entrances to schools and both create long, gender specific, lines. Additionally, school staff will need specialized training to know what to do if a weapon or other forms of contraband are detected. School attorneys have also noted concerns about prior notification for students and potential conflicts with the Fourth Amendment.

Addressing changes to the fire alarm protocols, the fire code was not designed for active shooter situations and will need to be assessed by local school officials in partnership with their local first responders. One suggestion from State Fire Marshal Mike Haney is to delay response to fire alarms in schools until a true fire emergency can be confirmed. Additional research is needed regarding this potential change to protocols.

Regarding threats made to schools, Mr. Akers said there have been more than 290 threats made against Kentucky schools since the Marshall County shooting. These are disruptive to students’ learning as well as traumatic to students, staff, and parents. The KCSS recommends that schools investigate threats immediately in concert with local law enforcement and that non-credible threats need to be communicated as such to students and parents as soon as possible. Additionally, if an individual can be identified as having made a threat, local school administrators and law enforcement need to determine if legal action should be pursued in order to deter future threats.

Mr. Akers said he admired the legislature for not making any “knee jerk” reactions to the situations occurring earlier in the year. It was essential to take time to consider all the options and the implications before taking measured legislative action. Some strategies he recommended were situational awareness drills, building student/teacher relationships, and increasing the number of SROs. Recent surveys performed by the KCSS show that students report that SROs make them feel safer in school and that they are comfortable reporting concerns to their SROs. They also largely disagree that there should not be SROs in their schools.

He said that school safety must also address other issues than active shooting situations including natural disasters, kidnappings, and other emergency situations. Schools will need support from their communities and parents as well. Above all, the best information comes from students who know more about what is going on in their schools than anyone. Forming strong, trusting relationships between students and school personnel is critical to the success of any school safety initiatives.

Mr. Mark Filburn, former Commissioner, Department of Criminal Justice Training, presented three school safety recommendations, which have nearly unanimous support and were first suggested nationally following the tragedy at Sandy Hook Elementary. These were hardening the target, detection and prevention, and school resource officers (SROs). For elementary schools, shooters are largely strangers to the students and incidents are more likely to occur at a front entrance compared to middle and high schools where the shooter is typically someone associated with the school and incidents can start anywhere in the building. In all situations, time is essential. Most active shooter events are over in five or six minutes so delaying the shooter for even a few seconds can save lives.

Hardening the target involves strategies that make it more difficult for an intruder to enter the building. The primary approach to having controlled access is by locking doors once students are inside and installing video-intercom systems on exterior doors with electronically locking doors. Cost for systems like this vary but are approximately \$10,000 per entryway. Also, having metal doors and/or glass reinforced with security film and flush or security handles make it more difficult to gain access to students. Nothing is 100 percent effective, but these measures will provide time for law enforcement to be called in the event of an emergency.

Mr. Filburn stated that this would all be part of a layered redundant approach, which begins with detection and prevention. Detection measures include closed circuit monitoring of parking lots and breaking the code of silence, which prevents students from informing an adult when they hear about planned threats to school. Other layers of protection should detection fail include physical building security, controlled access, locking classroom doors, and armed protection in the form of SROs.

Training for teachers, students, and parents should include what procedures to follow in the event of a lock down. He showed an example of a simple five-step process which includes locking the classroom/office door, covering windows, turning off lights, moving everyone out of sight, and staying quiet. Evidence supports that no student or teacher has ever been harmed by an active shooter when they were out of sight behind a locked door. Even more valuable however is the information garnered from students. In a vast majority of school shootings, the incidents were planned and other individuals knew the attacker's plan. There is no useful profile for a student who will perform an act of violence, but there are certain behaviors that can cause concern. Increasing access to mental health services, creating multi-tiered systems of support, and incorporating trauma-informed practices for school staff (including ways to address abuse, bullying, trouble at home, and life-threatening weather events) can go a long way to preventing a student from reaching a point where they feel their only recourse is violence.

Mr. Filburn touched on funding for these strategies. Some suggestions were the formation of 501(c)(3) organizations as well as contributions from parents, family, community, and corporate sponsors. He also recommended that school boards look into the Law Enforcement Officers Safety Act to hire retired law enforcement as volunteers for armed protection. Surveys show that 63 percent of those in favor of increasing the number of SROs in schools also support a tax increase to pay for it.

Mr. Chris Barrier, Director of Law Enforcement, Montgomery County Schools, spoke specifically to SROs and defining their role in schools. An SRO is "a career law enforcement officer, with sworn authority, deployed in community oriented policing, assigned by the employing police department or agency to work in collaboration with schools and community-based organizations." There are many pre-requisites to being an SRO including being sworn law enforcement, properly selected, properly trained (SRO Basic/Advanced, KYASRO Mentor Program), and committed to the mission. SROs develop relationships with students and can see incidents that lead students to want to commit an act of violence in the school.

There are 271 SROs in 118 school districts across the Commonwealth. They cover 1,220 public schools with approximately 656,588 students, which is a ratio of roughly one officer per 4.5 schools. Mr. Barrier stated that he wished the ratio were higher but understands that budget constraints exist. Of all the regions of Kentucky, the eastern region has the weakest presence of SROs in schools.

He explained that SROs have a far greater role in schools than simply carrying a weapon. They create positive law enforcement engagement with students, serve as a contact for community resources, develop safe school strategies in partnership with school administrators, work with guidance counselors and others to assist students in accessing social services, serve as positive role models, provide law enforcement and police services for school events, help prevent juvenile delinquency, support crime prevention programs

for students, and help students with conflict resolution. All of this serves to create a more positive and safer school environment. Everything they do is about building trusting and positive relationships with students and staff. SROs should have a genuine interest in working with youth, develop an understanding of the school community, have daily contact with staff and students, and have a shared interest in maintaining a safe school environment with the school administrators.

In response to a question from Senator Raque Adams, Mr. Barrier said that Fayette County has the highest number of female SROs in the state. And while both men and women are effective in the role, there is no question that female law enforcement have excellent levels of success in relating to students and creating safe schools.

Representative Carney stated that in his experience community members are more than willing to contribute financially to securing our schools. Funding has been relatively easy for physical security measures, but there needs to be a shift to investing that money in SROs as well. He would much prefer to see an SRO in every school than any measure which would arm teachers.

Senator Carroll stated that based on his 24 years in law enforcement, these measures are a road map and there is no question this is what needs to be done. In response to further questions, Mr. Barrier answered that Special Law Enforcement Officers (SLEOs) are district level funded SROs who are permanently assigned to posts in schools, therefore enabling them to develop long-term relationships with the school community. They also only have jurisdiction on school property. Currently four districts have SLEOs: Fayette, Jefferson, McCracken, and Montgomery. Senator Carroll said that in his experience, SLEOs are surprisingly affordable for school districts, and that during the 2018 Regular Session legislation was passed to allow retired law enforcement to come back as SLEOs and keep their health benefits.

Responding to a question from Representative Belcher, Mr. Filburn said he did not want to criticize anyone for wanting to protect students in any way, and arming teachers was something that was suggested following the shooting at Sandy Hook. However, as there is only so much in the way of resources, it is more effective to spend time and money hiring individuals with specialized training to protect the whole school in the way of an SRO than to train teachers to carry weapons in the classroom. There is a lot to facing down a shooter that you cannot teach to someone who has been trained to educate. Teachers think like educators. It is a different mindset. Mr. Akers added that the KCSS recommendation is to go with SROs over armed teachers based on national data and research. Two weeks of training for a concealed carry license does not get close to the training that a SRO has.

In reference to a Western Kentucky University study on armed SROs and armed teachers, Mr. Filburn said he did not have any information at this time but would report back to Senator Wise and the committee.

Representative Carney informed the committee that at the September Interim Joint Committee on Education meeting at Barren County, legislators will be invited to participate in a simulator drill which simulates what it is like to face a potential shooter. Mr. Filburn commented that while recent Florida legislation did have a section about arming teachers, it was changed to only include teachers who have former military or law enforcement experience/training. It is critical for any armed individual in a school to have the psychological training and target recognition training necessary to carry and potentially fire weapons around children.

Responding to a question from Representative Marzian, Mr. Akers agreed that locking up weapons is a valuable suggestion. Data shows that more than half of students performing school shootings got their weapons at home. There is a certain amount of responsibility any gun owner should take for making their home and community safer by securing their weapons. Mr. Filburn added that legislation securing weapons is considered in many states as a public safety issue and is a policy for law enforcement to prevent tragedy. Unfortunately, it is not one of the areas where there is wide consensus at this time. He did not suggest it in his presentation as he does not want to slow down other necessary measures on which there is agreement.

In response to questions about mental health counseling from Representative Gibbons Prunty, Mr. Barrier said that there has been something learned after each tragedy, but there was a real watershed after Columbine concerning warning signs that were missed. In his experience, SROs work with Family Resource and Youth Service Centers (FRYSCs) and other community organizations that can make referrals and reach troubled youth before they get out of control. Mr. Akers added that at the next Interim Joint Committee on Education meeting there will be testimony from mental health services and guidance counselor experts. In his opinion, however, there is woeful counselor/student coverage in this state. There need to be more guidance counselors in schools doing the work to provide mental health triage and getting at-risk students the help they need. Again, there is a system of relationships where teachers make referrals to guidance counselors who make referrals to community services. Mr. Barrier said that often SROs also form partnerships with mental health professionals in the schools to support referrals.

Responding to questions about the S.T.O.P. tip line, Mr. Akers said the program was started six years ago and piloted in Western Kentucky. There are easy ways to access it from school websites, but perhaps it needs to evolve into an app available for students to have on their phones.

Senator Wilson commented that creating legislation to support schools creating 501(c)(3)s to fund specific needs for security, such as security film on windows, new locks, video cameras, etc., would be easily done and likely receive broad support from the legislature.

In response to questions from Representative Coursey, Mr. Akers reiterated that the KCSS does not support arming teachers, and would much prefer law enforcement presence in the form of an SRO. He added that he had spoken with the Pike County assistant superintendent about having armed teachers, but was told they had not armed any teachers. They had instead hired five former law enforcement officers to protect their schools. In his mind, a psychological evaluation would be an essential prerequisite for anyone carrying a weapon in schools. Mr. Filburn said that in regards to the Florida legislation allowing teachers with former law enforcement or military training to carry weapons, it does require a psychological screening as well as other screenings. Representative Coursey said that the ability already exists for school districts to allow armed teachers so he would like to encourage more stringent regulations and requirements than what currently exists in statute.

Representative Moffett commented that a majority of shooters are not trained military, they are children. Simply knowing they would be facing a trained officer will act as a deterrent. Mr. Filburn said also that increasing the penalties for threats, even nominally, and getting the message out that that penalties have increased will serve to deter disruptive behaviors.

Senator Wise reminded the committee and audience that presentations and handouts are now available to download from the Legislative Research Commission website. He announced that the Education Assessment and Accountability Review Subcommittee (EAARS) meeting will be next week and a quorum of members is required to review administrative regulations from the Kentucky Department of Education regarding the new accountability system. He introduced the ex-officio members of the School Safety Working Group to be meeting upon adjournment. Finally, he announced that the next meeting of the Interim Joint Committee will be Monday, July 9, 2018, at Trigg County High School. Further details will be provided to members as they become available.

With no further business to come before the committee, the meeting adjourned at 3:15 p.m.