

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 2nd Meeting of the 2022 Interim

July 15, 2022

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Education was held on Friday, July 15, 2022, at 10:00 AM, 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; Senators Danny Carroll, David P. Givens, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Adrienne Southworth, Reginald Thomas, and Stephen West; Representatives Shane Baker, Jennifer Decker, Jeffery Donohue, Myron Dossett, Mark Hart, Scott Lewis, C. Ed Massey, Bobby McCool, Felicia Rabourn, Steve Riley, Killian Timoney, James Tipton, Russell Webber, and Lisa Willner.

Guests: Ben Wilcox, State School Security Marshal, Department of Criminal Justice Training; Jon Akers, Director, Kentucky Center for School Safety; Randy Poe, Executive Director, Northern Kentucky Education Council; Mike Borchers, Superintendent, Ludlow Independent Schools; Rhonda Caldwell, Executive Director, Kentucky Association of School Administrators; Linda Kerbale, citizen; and Cathy Thomas, Moms Demand Action.

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

School Safety and Resiliency Act

Jon Akers, Director, Kentucky Center for School Safety (KCSS), and Ben Wilcox, State School Safety Marshal, Department of Criminal Justice Training, discussed the history of state legislation surrounding school safety and the current state of school safety in Kentucky. Mr. Akers applauded the General Assembly for their cautious and thoughtful approach to school safety legislation incorporating both hardware and ‘heartware’ or mental health supports. The School Safety and Resiliency Act has become a national model, as has the recent legislation on school resource officers.

Mr. Akers also spoke to the professional relationship between the Office of the State School Safety Marshal and the KCSS. They frequently collaborate to make sure recommendations made to schools are consistent. He also thanked the General Assembly for the generous funding provided for school safety.

Mr. Wilcox updated the members about risk assessments performed in schools. The latest report will be presented to the committee this fall. The office consists primarily of compliance officers who perform assessments of schools and provide recommendations for improvements to the KCSS. The KCSS then works with schools to reach compliance. No other state has a model for risk assessment and compliance enforcement quite like Kentucky, and the relationships built between the compliance officers and individual school staff is invaluable. The School Safety and Resiliency Act includes a requirement for 120 professional development hours for school resource officers (SROs), which is a valuable asset for the state. It focuses on tactics and responses to active shooters but also on skill building for mental health support for students and trauma-informed care.

Responding to questions from Chair Wise, Mr. Wilcox said there is still a lot of unknown information about the Uvalde tragedy. He said the School Safety and Resiliency Act ensures that the exterior and interior doors are locked, and during inspections, compliance officers validate that the doors lock and cannot be broken into easily. This first layer of security is invaluable and, while it may not have stopped the Uvalde tragedy, the data suggests it is keeping Kentucky schools safe.

In response to a question from Representative McCool, Mr. Akers said the KCSS is involved in new school designs. Mr. Wilcox said that many schools also contact their compliance officer during the design phase of new construction projects, to ensure that compliance begins from the ground up. KCSS is frequently consulted during renovations of schools. Mr. Akers said there is training for compliance officers that covers school building design.

Responding to a question from Representative Riley, Mr. Wilcox said there is no physical test for SROs, but in order to receive SRO III certification and POP certification, individuals must be physically fit enough to perform the necessary drills, especially in response to active shooters.

Responding to a question from Representative Tipton, Mr. Wilcox said there is nearly 100 percent compliance with the School Safety and Resiliency Act in terms of intercoms, locks, and other access control measures. This was accomplished with a state funding appropriation of \$1.3 million for school safety. Mr. Akers said the biggest concern going forward is ensuring the teachers and staff are utilizing the locks on a daily basis.

In response to a question from Representative Willner, Mr. Wilcox said his compliance officers do not perform climate and relationship surveys during their assessments. Mr. Akers said the KCSS conducts a school climate survey among students, teachers, and staff to evaluate the sense of safety and security among the individuals in the school. Mr. Wilcox said the established goal for counselors to spend a minimum of 60 percent of their time with students is valued by counselors themselves and many schools are pushing toward that mark.

In response to further questions from Representative Willner, Mr. Wilcox said that his compliance officers do not collect data on the interactions between SROs and minority students. He added that the 120 hours of training emphasizes that SROs should focus on developing relationships and includes sensitivity training. Mr. Akers said the general consensus among SROs in Kentucky is that the students are not afraid of them and many become trusted adults for vulnerable students.

Responding to a question from Representative Decker, Mr. Wilcox said recruiting teachers and police is difficult right now, and that trend continues for SROs. In his experience, however, those police officers who get the opportunity to become SROs really enjoy the position. The passage of 2022 House Bill 63 has accelerated the hiring of SROs in schools. In order to be a successful SRO, it requires the correct mentality and certification, and only some applicants are ready to take on the challenge of being part of such a specialized unit. Mr. Akers added that SROs are members of faculty and discipline should still be the purview of the principal. The KCSS assists in the transition of law enforcement officers into the SRO position, working with new hires and principals. Mr. Akers said there is a need for approximately 600 additional SROs in order to comply with House Bill 63. Mr. Wilcox said the pay scale does vary by district, and there is an ongoing study into SRO pay scales across the state.

In response to a question from Chair Wise, Mr. Wilcox said the existing SRO training program is sound and should be continued instead of changed. Mr. Akers added that there is already an existing model for retired law enforcement officers to become SRO certified that could be used to help with current demand.

Senator West said the General Assembly stands ready to assist in whatever way the KCSS and the Office of the State Security Marshal needs to ensure that appropriate equipment is available for schools, so there are no delays in response to situations.

In response to a question from Senator Carroll, Mr. Wilcox briefly defined acronyms found in House Bill 63 regarding SROs, SLEOs, and school police departments. He focused specifically on from where the different positions derived their authority and jurisdiction. The model as presented in House Bill 63 is based on the police department models in universities and opens up a lot of opportunities for schools to access additional resources and better provide for law enforcement officers and schools.

Responding to a question from Representative Timoney, Mr. Akers said the climate and culture survey of a school is invaluable in determining the health of a school. The threat assessment teams created by Senate Bill 1 are the best way to find out what is concerning students. School counselors do not have the time they need to better address student needs and that needs to be a priority. Additionally, the statewide tip line is a great source of

information for the public to provide advanced warning about students at risk and prevent tragedy before it happens.

In response to a question from Senator Kerr, Mr. Akers said there is no way to really profile the kind of student who may become a shooter. Most are white and male, but beyond that it is unlikely that tracking students with problem behaviors will be useful. The tip line is the best way to identify those individuals who are expressing a desire to commit violence. Mental health concerns, specifically suicidal ideation, is often a predictor, but identifying and supporting those students through counseling is a more effective strategy.

Responding to a question from Senator Southworth, Mr. Wilcox said there is a requirement to have POP certification in order to become an SRO. In order for retired veterans to apply for SRO training without getting POP certified first, there would need to be a change to the law.

Guest of the committee, Representative Ken Fleming, came forward to introduce an app that will be previewed in the Health, Welfare, and Family Services meeting next week. The app will give parents, teachers, and students access to mental health support services, including speaking with a mental health professional, on their mobile device. He said this further fulfills the objective of Senate Bill 1 to provide mobile ready tools for tragedy prevention and fits neatly with the statewide tip line. He welcomed members of the committee to attend the meeting next week to learn more about this innovative mobile app.

School Mental Health Services

Rhonda Caldwell, Executive Director, Kentucky Association of School Administrators; Randy Poe, Executive Director, Northern Kentucky Education Council; and Mike Borchers, Superintendent, Ludlow Independent Schools, were present to speak to what is currently being done in schools to support safety and student mental health.

Dr. Poe said there has not been a problem getting SROs in his schools because they focused on getting individuals who were committed to community-oriented policing. He said many schools are already doing good things, but it needs to be expanded to all schools to create an equitable environment of school safety statewide. Mental health must be addressed to fully commit to a safe school culture. Two out of 10 students attending the extended summer programs today have been victims in the last 24 hours. You cannot improve their academic progress without knowing their traumas and addressing those. Schools perform risk assessments on their students and being proactive is knowing where individuals fall on a continuum of risk. Professional development is given to teachers to help them support students. When a student's mental health improves, it also improves their academic success. The training provided to teachers also includes how to identify a student in need of support from an outside mental health professional.

Resilient and Ready by Design is a program developed by the Northern Kentucky Education Council in cooperation with a local children's hospital. Parents can opt-out of their student being assessed, but many are in support once they see the survey and are informed about the benefits to their students and the school as a whole. Being proactive has given more resources to teachers and school psychologists. Unfortunately, school psychologists are overwhelmed. This is where a public-private partnership with outside mental health service providers and schools has greatly expanded access for at-risk students.

Mr. Borchers spoke to how important school safety is to superintendents nationally. He said quality SROs are invaluable, as are the safety compliance officers from the Office of the School Security Marshal. Mental health is the number one priority moving forward, and at Ludlow Independent they are focusing on addressing the foundation of health – both physical and mental – for students. Identifying students in crisis stops not just the tragedy of school shootings but also reduces suicide attempts and will be critical coming out of the collective trauma of the pandemic. Opening a dialog among the members of the school and taking a trauma-informed approach helps reduce stigma and best addresses family needs. Mr. Borchers spoke to the public-private partnerships, which help reduce barriers by providing care first and dealing with the paperwork second. He is looking forward to an upcoming pilot program for a 24/7 telehealth program for students, families, and staff to speak with mental health professionals and get the help they need.

Dr. Poe said the services in his region are being provided to students for approximately \$10 per student, but even with that investment, the program is only available in approximately 25 of the 40 districts. He asked that the General Assembly consider making an appropriation to the KCSS for all school districts to apply for funding assistance to develop and implement their own risk assessment and abatement programs.

In response to a question from Chair Wise, Dr. Poe said parents have the option to decline to have their students complete the risk assessment survey, but the overwhelming majority like having their students assessed. It has identified many students with suicidal ideation that otherwise might have been overlooked. The data is only provided to the school and parents, following the same confidentiality requirements as any other school record. In the event a student is referred to outside counseling as a result of the assessment, families are also included.

Responding to a question from Senator Thomas, Mr. Borchers said school nurses are better equipped to address physical health and are already stretched too thin to be required to administer the mental health assessments. However, having all the health professionals working in tandem is critical. Dr. Poe said there is a commitment among schools he has worked in to increase the number of school nurses because they are a valuable part of the threat assessment team. Senator Thomas commented that at the recent Southern Legislative Conference meeting it was noted that Kentucky was the first southern

state to provide mental health days as an excused absence, which is laudable. The Praxis was also noted as being a barrier to teacher certification across the country, but that does not seem to be slowing down teacher applicants in Kentucky. He wanted to be sure that the committee was reminded of the good things happening in education in the state.

In response to questions from Representative Willner, Dr. Poe said he does not believe any additional offices need to be created because the KCSS is equipped to handle the needs of the state. He would like to see the KCSS continue to build on their relationships and, through their evaluations of school climate, to make recommendations for ways schools can enhance trauma informed care. He also recommended a grant process with the KCSS for schools to better identify the at-risk students and build public-private partnerships to increase mental health support access. There is not a one-size-fits all model for trauma informed care in schools. Mr. Borchers agreed, although he does believe performing the risk assessment for all students is an excellent first step that all schools could implement. Ms. Caldwell said there is a financial constraint for some districts that has inhibited their ability to do assessments.

In response to a question from Representative Massey, Mr. Borchers said the threat assessment team is comprised of teachers, school counselors, school nurses, SROs, and others who evaluate students at the beginning and end of the year. Mr. Akers said the law requires all schools to have a threat assessment team, and they are trained according to standards set by KDE and KCSS. It is a broad spectrum of individuals who are well trained to perform the evaluations and make recommendations for student supports as needed. Mr. Akers said he is not aware of any system in place to ensure that threat assessments are shared among schools for students who transfer. He said he would need to investigate the HIPPA regulations and see what can be done to address transient students and the transfer of their threat assessment records.

Responding to a question from Senator Southworth, Dr. Poe said sometimes too much money is spent on administration and not on facetime with students. Because of that, he recommends the existing bureaucracy be used to distribute grants to schools directly for student mental health services. He said public-private partnerships can also be utilized to provide supports for a lower cost than schools contracting with outside groups themselves.

Approval of Minutes – June 7, 2022

Following presentations, Representative Riley made a motion to approve the minutes of the June 7, 2022, meeting. Representative Timoney seconded the motion and it passed by voice vote. With no further business to come before the committee, the meeting adjourned at 12:10 p.m. The next meeting of the committee will be August 16, 2022.