

SCHOOL SAFETY WORKING GROUP

Minutes of the 7th Meeting of the 2018 Interim

November 19, 2018

Call to Order and Roll Call

The 7th meeting of the School Safety Working Group was held on Monday, November 19, 2018, at 10:00 AM, in Room 131 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 Danny Carroll, Alice Forgy Kerr, and Johnny Ray Turner; Representatives John Blanton, George Brown Jr, and Brandon Reed; Jon Akers, Joe Bargione, Keith Griesser, Jerry Humble, Andy Smith, and Henry Webb.

LRC Staff: Yvette Perry, Joshua Collins, Lauren Busch, and Christal White.

Co-chair Carney reported receiving highly positive feedback from school districts in Kentucky about the committee's broad-based approach to school safety.

Approval of Minutes

On a motion by Representative Reed and a second by Senator Turner, the minutes of the October 9, 2018 meeting were approved by voice vote.

Liberty Mutual Insurance

Mr. David Livingston is an underwriter with Houchens Insurance Group, a group who works with Liberty Mutual to provide insurance coverage to school districts across Kentucky.

Presenters for Liberty Mutual Insurance included Chad Miller, Public Entity Client Services Manager; Brad Busby, Kentucky Underwriting Manager; Megan Allman, National Marketing and Distribution Manger; and Doug Jenkins, Senior Corporate Counsel.

Ms. Allman said Liberty Mutual Insurance will share helpful information with the committee while avoiding discussions violating antitrust laws. Discussions on school violence in Kentucky, the legislative position, school safety recommendations, Liberty Mutual armed staff guidelines, and mental health are topics will be covered.

In 2017-2018, more than 3,659 incidents occurred in K-12 schools in the United States (U.S), a 62 percent increase from the previous school year. Threats ranged from shootings, unspecified threats, bomb threats, and gun/bomb threats. Social media threats ranged from educational institutions, commercial buildings, open spaces, residences, places of worship, healthcare buildings, and government offices.

Liberty Mutual complies with school safety through prevention, protection, mitigation, response, and recovery and utilize the United States Department of Education (USDE) Readiness and Emergency Management for Schools (REMS) for insuring schools. Mr. Miller said an important element regarding school safety is “if you hear or see something, speak up immediately.” Following a disturbing social media encounter, a New Jersey mom recently foiled events aimed toward two Central Kentucky schools. All social media threats are thoroughly investigated and tip lines and safety and security apps allow the filing of anonymous reports.

Commonly targeted areas identified strategic access points such as stairways, poorly lit areas, and unsecured areas. Facility design and improvement must address physical barriers, natural surveillance, limited point of entry access, adequate lighting, alarm systems and sensors, video surveillance, technological advancements, and signage.

Mr. Busby said Liberty Mutual prefers schools to hire school resource officers (SRO), local or retired police officers, or private security due to similar training and job duties. Threat extinguishers, similar to fire extinguishers but less lethal, are attached to a wall and relay direct signals to local police when used. Mr. Busby said Liberty Mutual will insure schools that arm teachers; however, the final determination is made by school districts, budgetary concerns, and reaction from the local community.

School boards authorizing employees to carry firearms must have a board-adopted policy consistent with all controlling laws and recommendations provided by state education associations. School policy must be created, reviewed, and approved by the school’s legal counsel and updated on an annual basis. To improve school safety, administrators must proactively identify individuals likely to carry firearms, create a communication plan, and respond to media inquiries.

Mr. Busby said the nationally recommended ratio for middle and high school students is one school psychologist to 700 students and is considered extremely high. He suggested hiring additional counselors and nurses for screening purposes and hiring deans to foster student relationships and instill a sharing culture. Mr. Busby suggested partnering with community health centers and local state agencies, such as the Youth Risk Based Surveillance System (YRBSS) which monitors student physical and mental health behaviors. Kentucky ranked higher than national averages in incidences of electronic bullying, bullying on school property, bringing weapons on school property, or being threatened with a weapon on school property.

In response to a question from Mr. Akers, Mr. Busby said Liberty Mutual does not provide flat rates for schools which arm teachers but rates are based on risk assessment and questionnaire answers provided by school district staff. In response to a follow-up question, Mr. Livingston said the history of school safety and extent of on-going trainings are taken into consideration when rates are computed. Mr. Akers said the Kentucky Center for School Safety (KCSS) has serious concern in arming teachers. Mr. Akers said Kentucky had 271 SROs last year but currently have 405 across the state.

Responding to a question from Dr. Bargione, Mr. Miller said the best practices for emergency management and prevention are limited access entry points, barricades, shatterproof resistant film, hardened doors, and inside locks on classroom doors. Liberty Mutual Risk Control Department shares safety tips and recommendations and refers schools to the Department of Homeland Security, the USDE, and state board of education for other recommendations. From a risk control standpoint, Ms. Allman said Liberty Mutual employs field representatives who specialize in K-12 education and partner with local police departments. Liberty Mutual employees attend active shooter events and trainings and gather information to share with other districts.

In response to a question by Senator Carroll, Mr. Jenkins said a specific formula is not used when insurance policy rates are calculated but are based on application information received. He said schools taking active safety measures and participating in school safety programs are offered discounts. Responding to a follow-up question from Senator Carroll, Mr. Livingston said rates differ with building age, location, staffing needs, number of students, and the school's risk. Mr. Busby said insurance companies use proprietary questions and rates but they aren't exact. Although all insurers look at the same variables, the rating on each variable may differ.

In response to a question by Senator Wise, Mr. Busby said former military personnel will fall under the same preferred status as SROs and former law enforcement.

Responding to a question by Representative Brown, Mr. Busby said the school must inform first responders of individuals authorized to carry firearms, identified by colored vests, or another means of recognition. Representative Carney said apps on communication devices can color code the location of those carrying, but agrees vests are a good idea.

Responding to a question from Senator Carroll, Mr. Busby said pepper spray extinguishers and panic rooms are being discussed. Mr. Miller said technology companies are inventing new items and schools are installing door barriers, bullet-proof doors, and shatter-film on exterior and classroom windows. Mr. Busby said trained dogs have been implemented in some schools.

Senator Wise recognized employees of the Kentucky Office of Homeland Security, Director John Holliday, Assistant Director Mike Sunseri, and Lyndsey Hicks.

Jefferson County School District

Dr. Marty Pollio, Superintendent of Jefferson County Public Schools (JCPS), said while facility improvements and security emergency management are important elements relating to school safety, a comprehensive approach to positive student-teacher relationships and mental health support is critical. A comprehensive approach embraces a three-layered approach of academic support, social and emotional support, and medical support.

Sense of belonging is one of the most predictive indicators for student success and safety whereas a lack of belonging is one of the most predictive factors for discipline or academic issues in school. Research supports positive student-teacher relationships and student engagement as critical factors for a sense of student belonging. Dr. Pollio said the fourteen academies in Louisville have initiatives focusing on student belonging, being on a pathway within a career academy, and building business partnerships with students. Additionally, responsibilities have been added to the school counselors' roles that are not typically within the scope of their duties.

JCPS schools are required to implement three pillars: improved culture and climate, backpack of success skills, and racial equity. The six systems of a strong instructional learning climate within JCPS schools are standards implementation, effective use of data, instructional planning and practice for deeper learning, monitoring progress by analyzing student work, academic and behavioral support, and instructional feedback and professional learning.

Dr. Pollio focused on System 5, academic and behavioral support and intervention for every student. JCPS provides a system of high support and high expectations for student success. The foundation for academics in JCPS is the backpack of success skills, which specifically identifies what students need to know and do upon graduation. JCPS has an intense focus on reading, literacy, and math to build a successful foundation. A common Measure of Academic Progress (MAP) assessment is used in all JCPS schools to ensure students have meaningful experiences in the classroom to develop their graduate profile of communication, collaboration, innovation, being a culturally competent citizen within the community, and being an academic persistent learner. With a meaningful learning experience in the classroom, every student can defend their readiness for the next level at the end of 5th, 8th, and 12th grades. Attaining levels of literacy and numeracy is critical for students to feel a sense of belonging and correlates strongly with safety and security. Schools implement behavior supports and intervention through racial equity, school backpack programs, increased mental health, and therapeutic supports. During the next budget cycle, Dr. Pollio said he will ask the board to support funding for mental health and therapeutic support for all 155 schools in Jefferson County.

Dr. Pollio said JCPS has a highly trained crisis team providing support in family or community tragedy events. JCPS has over 350 mental health counselors, psychologists, and school counselors to disperse to other districts and provide counseling relating to student or staff deaths, school shootings, suicides, or other crisis-related events. The crisis team also provides training for personnel in other Kentucky districts.

In response to a question by Senator Wise, Dr. Pollio said JCPS's hard approach is to provide a SRO at all schools. JCPS currently has only 27 SROs in 155 schools. Dr. Pollio said JCPS's approach is to increase security and ensure officers address student support as it relates to security. Responding to a follow-up question, Dr. Pollio said JCPS has over \$1 Billion in facility needs that have been neglected for decades. While renovations allow school security issues to be addressed, Dr. Pollio said his approach includes comprehensive school safety needs for mental health and trauma informed care.

Responding to a question by Representative Carney, Dr. Pollio said facility security must include architecturally safe designs. KCSS completed an assessment on JCPS schools focusing on safety issues, facility needs, and implementing recommendations.

In response to a question by Mr. Akers, Dr. Pollio said JCPS's corrective action plan for positive behavioral intervention systems (PBIS) was once misconstrued as an option for implementation in the past. School administrators and SBDM councils are now required to make recommendations regarding the method of positive culture and climate and behavior intervention implementation in their prospective schools.

In response to a question from Dr. Bargione, Dr. Pollio said academic success occurs when intense focus is placed on outcome, literacy, numeracy, social and emotional behavior, attendance, culture, and climate. Without all factors considered, academic indicators are not addressed. He encouraged every superintendent and principal to focus on systems of support.

In response to Senator Carroll's question, Dr. Pollio said JCPS has not yet recruited any retired police officers as substitute teachers. Regarding advice on crafting legislation, Dr. Pollio said a comprehensive approach with focus on the hard side as well as the soft side of school safety, ensuring mental health, trauma-informed medical supports for students, and staff training is crucial. He said persuading teachers in an authentic way is critical in shaping legislation.

Roles and Training for Law Enforcement

Presenting were Dr. Terry Brooks, Kentucky Youth Advocates (KYA); Judge Steven Teske, Chief Judge, Juvenile Court of Clayton County, Georgia; Pastor Edward Palmer, Chair, Subcommittee on Equity and Justice for All Youth; and Donovan Fornwalt, Council for Developmental Disabilities.

Dr. Brooks spoke on law enforcement and mental and behavioral health services in schools. He praised the committee for not looking through a simplistic lens when dealing with the complex issue of school safety and clarity in addressing issues as needed. With many unique districts in Kentucky, local autonomy has been recognized and superintendents have been given practical hints on school safety from a facility standpoint. Kentucky Youth Advocates advocate a direction that is creative and refreshing regarding law enforcement and behavioral and mental health services in schools.

After being appointed, Judge Teske noticed an extraordinary number of arrests and referrals from school campuses. He said prior to Georgia introducing SROs in the mid-nineties, the school district had referred only 49 students to juvenile court. By 2003, the juvenile court referrals lunged to 1,400 cases, with 92 percent being misdemeanor or low-level offenses. Graduation rates fell to a low of 58 percent, juvenile crime rates soared, and school safety was becoming an issue. SROs were blamed for creating the problem and Judge Teske admitted Georgia's failure was lack of proper training.

After realizing the current approach and style of SROs affected decreased school safety, Judge Teske met with school administrators and chiefs of police who managed SRO programs. Positive changes were made and SROs were charged with providing positive student engagement. Judge Teske said school justice partnership models surround students in a positive and engaging manner though forming relationships with students. By reducing unnecessary school arrests and suspensions, applying positive student engagement, redirecting behavior with restorative programs and practices, and using PBIS, Georgia's graduation rates increased every year. As a result, Judge Teske report decreases in juvenile filings by 71 percent, felony filings by 45 percent, and residential burglaries by 62 percent. Judge Teske said Kentucky's investment in SROs will be best served by changing the culture of policing in schools by using a positive approach. The confidence and trust built as a result encourages students to feel comfortable with a trusted adult.

Pastor Palmer, a strong voice on justice for all kids, agreed that culture, climate, and racial equity are essential elements to school safety. Pastor Palmer spoke of racial disparities and referred to Senate Bill 200, which reduced the number of students committed to the Department of Juvenile Justice (DJJ) by 60 percent. Ninety percent of referred students succeeded and never recidivated while forty percent of kids who did not successfully complete diversion did not recidivate. However, 40 percent of African American and minority students continue to dominate DJJ referrals. Research indicates that minority kids bear the brunt of expulsion and suspensions, facilitating their involvement in DJJ's system. Research also shows disproportion among African American students who are removed from school due to suspension and referrals as a contributing factor to achievement gaps. Pastor Palmer encouraged training SROs to move beyond racial and ethnicity inequities and disparities, as well as those affecting poor families and mentally challenged students. He said SROs can better impact kids in a positive way by understanding the cultural nuances minority populations bring into schools. Moving forward, Pastor Palmer suggested including these groups in diversity training. Along with

school culture, Dr. Brooks said their goal is to highlight targeted training around minorities and vulnerable students and make an impact on kids with disabilities.

Mr. Fornwalt thanked the work group for their methodical approach to school safety. He said schools and students represent a broad spectrum of human behavior and experience and paying attention to school culture and climate and the capacities of school personnel has never been more important than in today's society. Children with developmental disabilities have difficulty regulating emotions to focus on learning and often lack the skills necessary to regulate behavior or recognize their actions and consequences. This poses unique challenges for teachers, administrators, and SROs. Instances of students who defy school personnel create anxiety for teachers and administrators and can result in disruption of lesson plans.

Mr. Fornwalt said children with developmental disabilities are 300 percent more likely to be sexually violated, although the rate of investigation and conviction is astoundingly rare. Therefore, victims of sexual and other forms of violence are likely to engage in poorly adaptive behaviors. As addressed throughout the presentation, more time and attention should be spent on trauma informed care. Teachers and SROs can help if new approaches are taken and a more clear understanding of what drives behavior. Because many students are stuck in a cycle of problematic behavior, SROs need a variety of intervention strategies for coping skills, oversensitivity to stress, overactive fight or flight response, self-regulation and impulse control. Understanding the teenage brain and its development is necessary for anyone in a position to discipline these students.

Officers should be armed with compassion and knowledge to understand the nature of particular disabilities and be able to recognize all behavior is a form of communication, especially bad behavior. Mr. Fornwalt is aware JCPS has had a shameful past regarding students with disabilities who have been victimized by violence and ignorance. Inappropriate restraint and solitary confinement continue to be problematic. Discipline of kids with disabilities and incidents of violence were and are at the center of that crisis. Mr. Fornwalt praised Dr. Pollio's willingness to embrace accountability and tackle systemic failures. He said the Council on Developmental Disabilities is prepared to help SROs learn the techniques and perceptions necessary to protect Kentucky's children. Kids with disability should not be perceived as a threat but embraced as part of the school family.

In response to a question by Senator Carroll, Judge Teske said after school-based arrests decreased 54 percent during the first year, the lieutenant challenged officers to engage in students with the greatest needs. The School Justice Partnerships (SJP) agreement and the Association of School Resources Officers (NASRO) training program aligned completely and has been replicated by 41 states in multiple jurisdictions and was adopted by the National Council of Juvenile Family Court Judges and the Office of Juvenile Justice and Delinquency Prevention. School access partnerships are unique within

each school and have a core element but each curriculum is developed based on individual school needs. Senator Carroll said training needs to go far beyond basic police training and address training specific to schools. He suggested looking at DOCJT, developing specific training for SROs, and modeling after successful states.

Mr. Akers said SROs assigned to schools engage in basic training and advance training is offered at night as to not remove officers during the school day. Kentucky has 405 SROs, an increase of 134 officers throughout the state.

Health Services Funding in Schools

Dr. Terry Brooks, KYA; Makhak Kalra, Lead Policy Health Analyst, KYA; and Eva Stone, District Health Coordinator, Jefferson County School District; and Deputy Secretary Christy Putnam, Cabinet for Health and Family Services discussed health services funding in schools.

Dr. Brooks said although wide endorsement for behavioral and mental health services for children is present, concern regarding budgetary issues remain. KYA reached out to CHFS to form a partnership to provide services through available federal funding.

Ms. Kalra said KYA believes schools are safer when students have access to quality, effective health care for issues such as depression, anxiety, and trauma. When schools offer accessible health care services students can quickly receive preventive treatment before more serious and costly problems arise.

An opportunity many states are utilizing is federal funding allowing schools to leverage school-based health services, including comprehensive behavioral health screenings, therapeutic counseling for trauma-related incidents, and intense behavioral health services. Utilizing federal Medicaid dollars can offer schools flexibility and resources to fund health professionals in schools. Most educational leaders realize the importance of having behavioral health providers in schools but struggle with funding. This opportunity allows schools to opt into federal funding used to place qualified health professionals in schools and provide services covered under Medicaid. While matching funds are required to receive federal funding, existing expenditures in school districts can be utilized effectively to satisfy the match.

Ms. Kalra said connecting children to critical health services will help eliminate barriers for families and allow children to focus on learning. Research shows children have difficulty focusing when experiencing health problems within the classroom.

Ms. Stone said needs in rural and urban settings are alike except students in urban areas are exposed to more violence. She said it is important to include all health professionals within a school if federal funding is received. Ms. Stone reviews compliance rates regarding school health physical exams and dental screenings and said a lack of screenings indicates a lack of access to medical care. Although programs are in place, this is an opportunity to integrate systems and ensure children are connected to medical care.

Early screening, detection, referrals, and early intervention are needed to provide a more cost effective method and to prevent students from becoming chronically absent and disengaged. Health encompasses emotional, physical, and social health. The state provides structure for social health through the Family Resource Youth Services Center (FRYSC), who completes a periodical needs assessment. She suggested adding a couple of questions to the FRYSC needs assessment that could trigger risk for adverse childhood exposure and could initiate an early intervention process.

Dr. Brooks said House and Senate Leadership suggested he provide a presentation to the Cabinet for Health and Family Services (CHFS) relating to Medicaid funding. CHFS displayed openness to this way of supporting schools. Ms. Putnam said CHFS immediately began discussion on how to best reach out for partners and best leverage the funds. She said the federal government recently relaxed restrictions around health funding for schools, allowing CHFS to amend their state plan and school districts to opt in to the funding. CHFS is working with the FRYSC Director and looking to KDE for a strategic identification process to expand throughout districts across the Commonwealth and draw down additional federal funds. School districts are currently expending state and local dollars on these health care services which can be used to match federal funding and expand health services. CHFS believes adult health outcomes could be beneficial as adults become more engaged in children's health and become more aware of preventable conditions.

Dr. Brooks said the idea of federal funding was spurred due to the group's work with awareness of the need for behavioral and mental health support.

In response to a question by Senator Wise, Ms. Putnam said she has challenged the CHFS internal team to meet a timeline of the 2019 school year for these federal funds to be in place.

In response to a question from Senator Carroll, Ms. Putnam said the draw down is a 70-30 match. In response to follow-up questions, Ms. Putnam said having the FRYSC in place helps trigger the need for additional screenings if needed. Dr. Brooks said he sees it as a chance for Kentucky schools to claim previously untapped federal dollars. Ms. Putnam said opportunities through the Every Student Succeeds Act also loosen restrictions as to what can be spent on mental health and school nursing. She said Kentucky also has some programs where health departments are partnering with schools and hospitals where school districts could have a variety of resources to choose from as these services grow.

Responding to a question from Senator Carroll, Dr. Brooks said local autonomy allows districts to opt for a more traditional approach. He envisions a process where every school can build this free care money into their local schools.

Dr. Bargione expressed thanks for the creative partnership between KYA and CHFS as a means of additional funds to address the needs of young people. In response to his question, Ms. Stone said funding comes when providers bill for services. In areas with higher percentages of FRLP, KCHIP eligibility is increased and the higher reimbursement rate allows services to be provided in underserved areas. She said physical and behavioral

health are included and oral health can and should be included and will make Kentuckians healthier. Medicaid billing in July will provide increased reimbursement, giving an opportunity to get increased physical and behavioral health services into rural areas. She said funding will be available for students with health issues even if the student and their family are not Medicaid eligible. A school nurse would see all students regardless of ability to pay and the Medicaid portion will be billed.

In response to a question by Representative Carney, Ms. Stone said KYA doesn't have statistics on the number of private contractors or students with access to services but can work to provide those figures. She said providers come into schools for therapeutic services and a screening could show the need to refer students for behavioral health services with typical billing. Representative Carney said it is an appropriate place to start screening.

Other Business

The final meeting of the SSWG will be Tuesday, December 11, 2018, at the Mountain Arts Center in Prestonsburg at 1 p.m.

Agenda items considered will be the Kentucky Office of Homeland Security to discuss trends and grants on the federal level. Senator Carroll suggested someone from the State Interagency Council. Senator Kerr said she would like to hear testimony from the JCPS school nurse who had seen 1,700 students within a few weeks of the school year to help understand the issues students are experiencing, and Mr. Akers suggested testimony on specific intervention programs Dr. Pollio mentioned earlier. Senator Wise said student committee representative Ms. Nasim Mohammadzadeh had previously requested that the Student Voice Team present.

There being no further business, the meeting adjourned at 11:55 a.m.