

1 AN ACT relating to student health and safety.

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

3 ➔Section 1. KRS 158.162 is amended to read as follows:

4 (1) As used in this section:

5 (a) **"Critical incident" means when a student:**

6 **1. Incurs a severe physical injury or death;**

7 **2. Requires transportation by ambulance; or**

8 **3. Suffers an event that triggers the use of the cardiac emergency**  
 9 **response plan;**

10 **(b)** "Emergency management response plan" or "emergency plan" means a  
 11 written document to prevent, mitigate, prepare for, respond to, and recover  
 12 from emergencies; and

13 **(c)**~~(b)~~ "First responders" means local fire, police, and emergency medical  
 14 personnel.

15 (2) (a) Each local board of education shall require the school council or, if none  
 16 exists, the principal in each school building in its jurisdiction to adopt an  
 17 emergency plan. The emergency plan shall include:

18 1. Procedures to be followed in case of medical emergency, fire, severe  
 19 weather, earthquake, or a building lockdown as defined in KRS  
 20 158.164;

21 2. A written cardiac emergency response plan;~~and~~

22 3. A copy of the data created through the School Mapping Data Program  
 23 pursuant to KRS 158.4433 or, if the school mapping data is unavailable,  
 24 a diagram of the facility that clearly identifies the location of each  
 25 automated external defibrillator; **and**

26 **4. A requirement to adequately document and conduct a subsequent**  
 27 **investigation when a student suffers a critical incident, including**

1                   *through involvement of appropriate third parties. The purpose of the*  
2                   *investigation shall be to gain an understanding of what occurred to*  
3                   *cause the critical incident, the effectiveness of the response, and*  
4                   *opportunities to improve the safety of students to prevent similar*  
5                   *critical incidents in the future and improve the response to future*  
6                   *critical incidents.*

- 7           (b) The emergency plan shall be provided to appropriate first responders and all  
8           school staff.
- 9           (c) The emergency plan shall be reviewed following the end of each school year  
10           by the school nurse, school council, the principal, and first responders and  
11           revised as needed.
- 12           (d) The principal shall discuss the emergency plan with all school staff prior to  
13           the first instructional day of each school year and document the time and date  
14           of any discussion.
- 15           (e) The cardiac emergency response plan shall be rehearsed by simulation prior to  
16           the beginning of each athletic season by all:
- 17                   1. Licensed athletic trainers, school nurses, and athletic directors; and  
18                   2. Interscholastic coaches and volunteer coaches of each athletic team  
19                   active during that athletic season.
- 20           (f) The emergency plan shall be excluded from the application of KRS 61.870 to  
21           61.884.
- 22   (3) Each local board of education shall require the school council or, if none exists, the  
23   principal in each school building to:
- 24           (a) Establish primary and secondary evacuation routes for all rooms located  
25           within the school and shall post the routes in each room by any doorway used  
26           for evacuation;
- 27           (b) Identify the best available severe weather safe zones, in consultation with

1 local and state safety officials and informed by guiding principles set forth by  
2 the National Weather Service and the Federal Emergency Management  
3 Agency, and post the location of safe zones in each room of the school;

4 (c) Develop practices for students to follow during an earthquake;

5 (d) Develop and adhere to practices to control the access to each school building.

6 Practices shall include but not be limited to:

7 1. Controlling outside access to exterior doors during the school day;

8 2. Controlling the main entrance of the school with electronically locking  
9 doors, a camera, and an intercom system;

10 3. Controlling access to individual classrooms;

11 4. Requiring classroom doors to be equipped with hardware that allows the  
12 door to be locked from the outside but opened from the inside;

13 5. Requiring classroom doors to remain closed and locked during  
14 instructional time, except:

15 a. In instances in which only one (1) student and one (1) adult are in  
16 the classroom; or

17 b. When approved in writing by the state school security marshal;

18 6. Requiring classroom doors with windows to be equipped with material  
19 to quickly cover the window during a building lockdown;

20 7. Allowing for the use of secondary locking mechanisms on classroom  
21 doors, notwithstanding any provisions of the Kentucky Building Code  
22 promulgated pursuant to KRS Chapter 198B to the contrary;

23 8. Requiring all visitors to report to the front office of the building, provide  
24 valid identification, and state the purpose of the visit; and

25 9. Providing a visitor's badge to be visibly displayed on a visitor's outer  
26 garment;

27 (e) Maintain a portable automated external defibrillator in a public, readily

- 1 accessible, well-marked location in every school building and, as funds  
2 become available, at school-sanctioned athletic practices and competitions  
3 and:
- 4 1. Adopt procedures for the use of the portable automated external  
5 defibrillator during an emergency;
  - 6 2. Adopt policies for compliance with KRS 311.665 to 311.669 on  
7 training, maintenance, notification, and communication with the local  
8 emergency medical services system;
  - 9 3. Ensure that a minimum of three (3) employees in the school and all  
10 interscholastic athletic coaches be trained on the use of a portable  
11 automated external defibrillator in accordance with KRS 311.667;
  - 12 4. Ensure that all interscholastic athletic coaches maintain a  
13 cardiopulmonary resuscitation certification recognized by a national  
14 accrediting body on heart health; and
  - 15 5. No later than November 1 of each school year, submit an annual report  
16 to the Kentucky Department of Education on:
    - 17 a. The number and location of each portable automated external  
18 defibrillator in every school building;
    - 19 b. The name, school, and training date of each school district  
20 employee and interscholastic athletic coach in the district trained  
21 in the use of a portable automated external defibrillator; and
    - 22 c. The progress made towards having a portable automated external  
23 defibrillator at all school-sanctioned athletic practices and  
24 competitions; and
- 25 (f) Require development of an event-specific emergency action plan for each  
26 school-sanctioned nonathletic event held off-campus to be used during a  
27 medical emergency, which may include the provision of a portable automated

1 external defibrillator. The plan shall:

- 2 1. Include a delineation of the roles of staff and emergency personnel,  
3 methods of communication, any assigned emergency equipment  
4 including a portable automated external defibrillator, a cardiac  
5 emergency response plan, and access to and plan for emergency  
6 transport; and
- 7 2. Be in writing and distributed to any member of school personnel  
8 attending the school-sanctioned event in an official capacity.

9 (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this  
10 section.

11 (5) (a) Each local board of education shall require the principal in each public school  
12 building in its jurisdiction to conduct, at a minimum, emergency response  
13 drills to include:

- 14 1. One (1) severe weather drill, one (1) earthquake drill, and one (1)  
15 lockdown drill within the first thirty (30) instructional days of each  
16 school year and again during the month of January; and
- 17 2. The emergency response plan rehearsal by simulation required by  
18 subsection (2) of this section and the venue-specific emergency action  
19 plan rehearsal by simulation required by KRS 160.445(5) prior to the  
20 beginning of each athletic season.

21 (b) Required fire drills shall be conducted according to administrative regulations  
22 promulgated by the Department of Housing, Buildings and Construction.  
23 Whenever possible, first responders shall be invited to observe emergency  
24 response drills.

25 (6) No later than November 1 of each school year, a local district superintendent shall  
26 send verification to the Kentucky Department of Education that all schools within  
27 the district are in compliance with the requirements of this section.

1 (7) A district with a school not in compliance with the requirements of subsection  
2 (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the  
3 Kentucky Department of Education for new building construction or expansion in  
4 the 2022-2023 school year and any subsequent year without verification of  
5 compliance, except for facility improvements that specifically address the school  
6 safety and security requirements of this section, when deemed necessary for the  
7 protection of student or staff health and safety, or to comply with other legal  
8 requirements or orders.

9 ➔Section 2. KRS 158.4410 is amended to read as follows:

10 (1) There is established within the Department of Criminal Justice Training the office  
11 of the state school security marshal. The state school security marshal shall enhance  
12 school safety by:

13 (a) Monitoring school safety and security initiatives;~~[,]~~

14 (b) **Conducting investigations into public school-related incidents involving**  
15 **serious physical injury or death of students;**

16 (c) **Conducting investigations of incidents involving serious physical injury or**  
17 **death during interscholastic athletics conducted under KRS 156.070(2);**

18 (d) Developing reasonable training and other guidelines;~~[,]~~

19 (e) Developing a school security risk assessment tool pursuant to subsection (5)  
20 of this section;~~[,]~~ and

21 (f) Ensuring compliance with the provisions of subsection (7) of this section and  
22 KRS 158.162(3).

23 (2) The office of the state school security marshal shall conduct on-site reviews to  
24 ensure compliance with subsection (7) of this section and KRS 158.162(3) as  
25 deemed necessary by the state school security marshal.

26 (3) The state school security marshal shall be appointed by and report to the  
27 commissioner of the Department of Criminal Justice Training.

- 1 (4) By September 1 of each year the state school security marshal shall present an  
2 annual report to the board of the Center for School Safety which shall consist of a  
3 summary of the findings and recommendations made regarding the school safety  
4 and security activity of the previous school year and other items of significance as  
5 determined by the Center for School Safety or the Department of Criminal Justice  
6 Training. Once presented, the annual report information shall also be submitted to  
7 the Legislative Research Commission and the Kentucky Board of Education.
- 8 (5) By July 1, 2020, the state school security marshal shall develop and update as  
9 necessary a school security risk assessment tool in collaboration with the Center for  
10 School Safety and the Kentucky Department of Education to be used by local  
11 school districts to identify threats, vulnerabilities, and appropriate safety controls  
12 for each school within the district. The tool shall be approved by the board of  
13 directors of the Center for School Safety pursuant to KRS 158.443(9)(b) and used  
14 by local school administrators when completing a school security risk assessment in  
15 accordance with this section.
- 16 (6) The assessment tool shall enable administrators to evaluate school security  
17 compared to best practices and standards in a minimum of the following areas:
- 18 (a) School emergency and crisis preparedness planning;
  - 19 (b) Security, crime, and violence prevention policies and procedures;
  - 20 (c) Physical security measures;
  - 21 (d) Professional development training needs;
  - 22 (e) Support service roles in school safety, security, and emergency and crisis  
23 preparedness planning;
  - 24 (f) School resource officer staffing, operational practices, and related services;
  - 25 (g) School and community collaboration on school security; and
  - 26 (h) An analysis of the cost effectiveness of recommended physical security  
27 controls.

1 (7) No later than July 15, 2021, and each subsequent year, the local district  
2 superintendent shall send verification to the state school security marshal and the  
3 Kentucky Department of Education that all schools within the district have  
4 completed the school security risk assessment for the previous year. School security  
5 risk assessments shall be excluded from the application of KRS 61.870 to 61.884  
6 pursuant to KRS 61.878(1)(m).

7 (8) Beginning with the 2021-2022 school year and each subsequent year, any school  
8 that has not completed a school security risk assessment in the previous year shall  
9 be required to provide additional mandatory training as established by the  
10 Department of Criminal Justice Training for all staff employed at the school.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
12 READ AS FOLLOWS:

13 *(1) The state school security marshal shall be responsible for conducting and*  
14 *coordinating investigations of each incident involving serious physical injury to*  
15 *or death of a student that occurs on public school property, at a school-*  
16 *sanctioned event, or upon school transportation. At the conclusion of the*  
17 *investigation, the state school security marshal shall file a report on the*  
18 *investigation with the board of education of the appropriate school district and*  
19 *make a copy of the report available to the injured party, the injured party's parent*  
20 *or legal guardian if the injured party is a minor, or the decedent's next of kin.*

21 *(2) As part of its investigation, the state school security marshal shall seek to gain an*  
22 *understanding of the cause of the incident, including but not limited to:*

23 *(a) The circumstances preceding the incident;*

24 *(b) The sequence of events leading to the incident;*

25 *(c) The severity of the injury incurred;*

26 *(d) The appropriateness and effectiveness of the response by school officials;*

27 *(e) The adherence to the emergency plan as required in Section 1 of this Act;*

- 1           and
- 2           (f) Recommendations to improve risk management policies and procedures to  
3           prevent similar incidents in the future and to improve the response if similar  
4           incidents occur.
- 5           (3) For incidents resulting in serious physical injury or death during an  
6           interscholastic athletic event managed by the board or the organization or agency  
7           designated under KRS 156.070, in addition to the requirements under subsection  
8           (2) of this section, the state school security marshal shall include relevant  
9           information in the investigation and report, which may include but not be limited  
10           to information regarding:
- 11           (a) Environmental conditions, including:
- 12                   1. Conditions of the athletic field or facility;  
13                   2. Temperature and weather conditions;  
14                   3. Availability and proximity of an athletic trainer;  
15                   4. Availability and proximity of medical treatment;  
16                   5. Availability and proximity of an automated external defibrillator; and  
17                   6. Use and effectiveness of the cardiac emergency response plan;
- 18           (b) Sporting equipment, including:
- 19                   1. Sizing and appropriate fit of protective equipment or gear;  
20                   2. Appropriate use of protective equipment or gear; and  
21                   3. Condition of protective equipment used, including age, degradation,  
22                   and prior impacts on helmets;
- 23           (c) Necessity for and response time of emergency medical transportation; and
- 24           (d) Location and circumstances of the incident, including:
- 25                   1. Condition of the school property or location where the incident  
26                   occurred;
- 27                   2. Description of the events leading up to, during, and in the response to

1 the incident;

2 3. Parties involved in the incident or response; and

3 4. Statements provided by any parties involved or witnesses to the  
4 incident or response.

5 (4) The board shall promulgate administrative regulations in accordance with KRS  
6 Chapter 13A to establish procedures and require cooperation by school districts  
7 in investigations required pursuant to this section. The administrative regulations  
8 shall require cooperation by nonpublic schools in investigations required  
9 pursuant to subsection (3) of this section as a condition of participation in  
10 interscholastic athletics managed by the board or the organization or agency  
11 designated pursuant to KRS 156.070.

12 (5) The state school security marshal may contract with necessary third parties to aid  
13 in conducting investigations.

14 (6) The state school security marshal shall refer potential criminal conduct  
15 discovered in the course of its investigation required pursuant to this section to  
16 the appropriate law enforcement agency.

17 ➔Section 4. KRS 72.025 is amended to read as follows:

18 Coroners shall require a post-mortem examination to be performed in the following  
19 circumstances:

- 20 (1) When the death of a human being appears to be caused by homicide or violence;  
21 (2) When the death of a human being appears to be the result of suicide;  
22 (3) When the death of a human being appears to be the result of the presence of drugs  
23 or poisons in the body;  
24 (4) When the death of a human being appears to be the result of a motor vehicle  
25 accident and the operator of the motor vehicle left the scene of the accident or the  
26 body was found in or near a roadway or railroad;  
27 (5) When the death of a human being occurs while the person is in a state mental

- 1 institution or mental hospital when there is no previous medical history to explain  
2 the death, or while the person is in police custody, a jail or penal institution;
- 3 (6) When the death of a human being occurs in a motor vehicle accident and when an  
4 external examination of the body does not reveal a lethal traumatic injury;
- 5 (7) When the death of a human being appears to be the result of a fire or explosion;
- 6 (8) When the death of a child appears to indicate child abuse prior to the death;
- 7 (9) When the manner of death appears to be other than natural;
- 8 (10) When human skeletonized remains are found;
- 9 (11) When post-mortem decomposition of a human corpse exists to the extent that  
10 external examination of the corpse cannot rule out injury or where the  
11 circumstances of death cannot rule out the commission of a crime;
- 12 (12) When the death of a human being appears to be the result of drowning;
- 13 (13) When the death of an infant appears to be caused by sudden infant death syndrome  
14 in that the infant has no previous medical history to explain the death;
- 15 (14) When the death of a human being occurs as a result of an accident;
- 16 (15) When the death of a human being occurs under the age of forty (40) and there is no  
17 past medical history to explain the death;
- 18 (16) When the death of a human being occurs at the work site and there is no apparent  
19 cause of death such as an injury or when industrial toxics may have contributed to  
20 the cause of death;
- 21 (17) When the body is to be cremated and there is no past medical history to explain the  
22 death;
- 23 (18) When the death of a human being is sudden and unexplained;
- 24 **(19) When the death of a human being occurs on public or nonpublic school property**  
25 **or during a school-sanctioned event;** and
- 26 **(20)**~~(19)~~ When the death of a human being occurs and the decedent is not receiving  
27 treatment by a licensed physician and there is no ascertainable medical history to

1            indicate the cause of death.