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KENTUCKY DEPARTMENT OF EDUCATION

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MEMORANDUM No. 46

TO: Design Professionals providing services to
Kentucky's K-12 Public Schools

FROM: Greg Dunbar, AIA, Manager
District Facilities Branch

DATE: August 14, 2019

RE: **Senate Bill 1 (2019) – School Safety**
Amendment to KRS 15.330, 380, 420 and 450
Amendment to KRS 15A.063
Amendment to KRS 61.900
Amendment to KRS 70.062
Amendment to KRS 95.970
Amendment to KRS 156.095
Amendment to KRS 158.162, 441, 442, 443 and new chapters
Amendment to KRS 209A.020

Senate Bill 1 (2019) related to “school safety” was passed by the General Assembly during its 2019 session. This legislation became effective immediately after being signed by the Governor. It impacts the Kentucky Department of Education and multiple other state agencies. A link to the entire document (unofficial copy) is provided below for your convenience.

<https://apps.legislature.ky.gov/recorddocuments/bill/19RS/sb1/bill.pdf>

The most significant changes related to schools’ physical facilities are in Sections 1 and 14, however, all the sections that we think will impact schools’ physical facilities are summarized below.

Section 1 amended KRS 158.441 to include the following definitions:

"School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and

"School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

Section 2 amended KRS 158.442 by adding “schools security” to the Center for School Safety’s mission to serve as the central point for data analysis, research, and dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs in collaboration with KDE and others to provide technical assistance for safe schools. The commissioner or a designee is a member of the Center’s 15 member board of directors.

Section 3 amended KRS 158.433 to include the requirement for the Center for School Safety to develop a school security assessment tool.

Section 4 established a new chapter of KRS 158 creating the office of the state school security marshal within the Department of Criminal Justice Training. This office will be responsible for conducting on-site reviews to ensure compliance with subsection (7) of this section which requires district superintendents by July 15, 2021 (and each subsequent year) to verify to this office and KDE “that all schools within the district have completed the school security risk assessment for the previous year” and the items listed below in Section 14.

Section 5 created a new chapter of KRS 158. It requires each superintendent to appoint a district-level school administrator to serve as the district’s school safety coordinator and primary point of contact for public school safety and security functions and provided a detailed list of duties.

Section 14 amended KRS 158.162 to include the following definitions:

"Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies.

"First responders" means local fire, police, and emergency medical personnel.

Requires each local board of education to require the school council or, if none exists, the principal in each public school building to adopt an emergency plan to include procedures to be followed in case of fire, severe weather, or earthquake, or if a building lockdown as defined in KRS 158.164 is required.

It also requires the development and adherence to practices to control the access to each school building including but not limited to:

- 1. Controlling outside access to exterior doors during the school day;**
- 2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;**
- 3. Controlling access to individual classrooms.**
- 4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;**
5. Requiring classroom doors to remain closed and locked during instructional time;
6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
7. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
8. Providing a visitor's badge to be visibly displayed on a visitor's outer garment.

All schools shall be in compliance with the above as soon as practicable but no later than July 1, 2022.

A district with a school not in compliance with the requirements of 1 through 8 above by July 1, 2022, shall not be eligible for approval for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address school safety and security issues required by this section or in essential cases for the protection of student or staff health and safety.

Commentary:

The impact SB 1 will have on school districts will not be fully understood until the school security assessment tool is developed, best practices and minimum standards are identified regarding physical security measures and funding (if any) is provided by the 2020 General Assembly. Once these key issues are resolved, KDE will have a clearer sense of its roles and responsibilities in communicating and ensuring compliance by the districts.

702 KAR 4:160 Capital Construction Process

KRS 162.060 requires that the chief state school officer shall examine or cause to be examined all plans and specifications for public school buildings in accordance with administrative regulations promulgated by the Kentucky Board of Education. As you know, this examination is a primary functions of this branch as administered under 702 KAR 4:160 Capital Construction Process. At this time, we assume that any modifications to bring physical facilities into compliance with SB 1 remain subject to this regulation and will also require the services of an architect and engineer pursuant to KRS 323 and KRS 322.

After July 1, 2022, KDE will be unable to approve a BG-1 Project Application for a capital construction project (except “school security” projects) unless all the facilities in the district are compliant.

District Facilities Planning (DFP) Process contained in 702 KAR 4:180

The General Assembly’s intentions regarding funding the implementation of SB 1 in the 2020 budget session are unknown, however, the compliance deadlines have been established. For those reasons, we strongly encourage each district to have its District Facility Plan (DFP) up to date to include the work anticipated for compliance with SB 1 in Priority 1. This will allow the district to access all restricted fund sources (including SFCC offers of assistance). Each district should review its current DFP regarding this matter and modify if appropriate by either modifying by “Amendment” or creating a new DFP addressing each facility.

Kentucky Facilities and Inventory Classification System (KFICS)

We have communicated to the commissioner’s designee on the Center’s board that a modified version of the CPTED Survey could possibly be used to collect data for the assessment tool. The use of a CPTED survey for this purpose remains to be determined.

We will issue addenda to this memorandum as additional information is available. If you have any questions regarding the above, please contact me at your convenience.

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