

1 AN ACT relating to the emergency medical preparedness of schools.

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

8 (b) "First responders" means local fire, police, and emergency medical personnel.

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

12 **1.** Procedures to be followed in case of **medical emergency**, fire, severe
13 weather, ~~or~~ earthquake, or ~~if~~ a building lockdown as defined in KRS
14 158.164; ~~is required.~~

15 **2. A written cardiac emergency response plan; and**

16 **3.** ~~(b) Following adoption, the emergency plan, along with~~ A diagram
17 of the facility **that clearly identifies the location of each automated**
18 **external defibrillator.**

19 **(b) The emergency plan** shall be provided to appropriate first responders **and all**
20 **school staff.**

21 (c) The emergency plan shall be reviewed following the end of each school year
22 by the **school nurse**, school council, the principal, and first responders and
23 ~~shall be~~ revised as needed.

24 (d) The principal shall discuss the emergency plan with all school staff prior to
25 the first instructional day of each school year and ~~shall~~ document the time
26 and date of any discussion.

27 (e) **The cardiac emergency response plan shall be rehearsed by simulation**

prior to the beginning of each athletic season by all licensed athletic trainers, coaches, school nurses, athletic directors, and volunteers for interscholastic athletics.

(f) The emergency plan ~~and diagram of the facility~~ shall be excluded from the application of KRS 61.870 to 61.884.

(3) Each local board of education shall require the school council or, if none exists, the principal in each school building to:

(a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;

(b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;

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

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

Practices shall include but not be 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, except:

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

- 1 b. When approved in writing by the state school security marshal;
- 2 6. Requiring classroom doors with windows to be equipped with material
- 3 to quickly cover the window during a building lockdown;
- 4 7. Requiring all visitors to report to the front office of the building, provide
- 5 valid identification, and state the purpose of the visit; and
- 6 8. Providing a visitor's badge to be visibly displayed on a visitor's outer
- 7 garment;

8 (e) Maintain a portable automated external defibrillator in a public, readily
9 accessible, well-marked location in every middle and high school building
10 and at every school-sanctioned middle and high school athletic practice or
11 competition and:

- 12 1. Adopt procedures for the use of the portable automated external
13 defibrillator during an emergency;
- 14 2. Adopt policies for compliance with KRS 311.665 to 311.669 on
15 training, maintenance, notification, and communication with the local
16 emergency medical services system;
- 17 3. Ensure that a minimum of three (3) employees in the school and all
18 interscholastic athletic coaches be trained on the use of a portable
19 automated external defibrillator in accordance with KRS 311.667; and
20 4. Ensure that all interscholastic athletic coaches maintain a
21 cardiopulmonary resuscitation certification recognized by a national
22 accrediting body on heart health; and

23 (f) Require development of an event-specific emergency action plan for each
24 school-sanctioned nonathletic event held off-campus to be used during a
25 medical emergency, which may include the provision of a portable
26 automated external defibrillator. The plan shall:

- 27 1. Include a delineation of the roles of staff and emergency personnel,

1 methods of communication, any assigned emergency equipment
2 including a portable automated external defibrillator, a cardiac
3 emergency response plan, and access to and plan for emergency
4 transport; and

5 2. Be in writing and distributed to any member of school personnel
6 attending the school-sanctioned event in an official capacity.

7 (4) All schools shall be in compliance with the provisions of:
8 (a) Subsection (3)(d) of this section~~[as soon as practicable but]~~ no later than July
9 1, 2022; and

10 (b) Subsection (3)(e) of this section no later than July 1, 2025.

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 subsection (5) of Section 4 of
20 this Act prior to the 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, **or subsection (3)(e) of this section by July 1,**
3 **2025**, shall not be eligible for approval by the Kentucky Department of Education
4 for new building construction or expansion in ~~that~~^{the 2022-2023} school year and
5 any subsequent year without verification of compliance, except for facility
6 improvements that specifically address the school safety and security requirements
7 of this section, when deemed necessary for the protection of student or staff health
8 and safety, or to comply with other legal requirements or orders.

9 ➔Section 2. KRS 158.302 is amended to read as follows:

10 (1) The General Assembly hereby finds that training Kentucky students in
11 cardiopulmonary resuscitation procedures will:

- 12 (a) Increase students' ability to respond to emergency situations at school, home,
13 and public places;
- 14 (b) Benefit Kentucky communities by rapidly increasing the number of people
15 ready to respond to sudden cardiac arrest, a leading cause of death in the
16 United States; and
- 17 (c) Assist students in becoming responsible citizens consistent with the goals
18 established in KRS 158.6451.

19 (2) Every public high school shall provide cardiopulmonary resuscitation training to
20 students as part of the health course or the physical education course that is required
21 for high school graduation or the Junior Reserve Officers Training Corps course
22 that meets the physical education requirement. The training shall:

- 23 (a) Be based on the ~~{American Heart Association's guidelines for CPR and~~
24 ~~Emergency Cardiovascular Care or other }~~ nationally recognized, evidenced-
25 based guidelines **for cardiopulmonary resuscitation certification published**
26 **by a national accrediting body on heart health;**
- 27 (b) Incorporate psychomotor skills training to support cognitive learning; and

1 (c) Make students aware of the purpose of an automated external defibrillator and
2 its ease and safety of use.

3 (3) The training does not have to be provided by a certified instructor or result in
4 students being certified in cardiopulmonary resuscitation.

5 (4) A school administrator may waive the requirement that a student receive instruction
6 under subsection (2) of this section if the student has a disability or is physically
7 unable to perform the psychomotor skills component of the instruction required.

8 ~~[(5) This section shall not be construed to require a school to have an automated~~
9 ~~external defibrillator on its premises, although having one available for emergencies~~
10 ~~is encouraged.]~~

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

13 **(1) There is hereby created a trust and agency account to be known as the School**
14 **AED Fund to be administered by the Cabinet for Health and Family Services, in**
15 **collaboration with the Department of Education. Amounts deposited in the fund**
16 **shall be used for the purpose of awarding needs-based grants to public schools**
17 **for the purchase and maintenance of portable automated external defibrillators.**

18 **(2) The School AED Fund shall consist of any:**

19 **(a) Appropriations designated for the fund;**

20 **(b) Funds, grants, and receipts from fundraising activities on behalf of the**
21 **fund; and**

22 **(c) Other moneys made available for the purposes of the fund.**

23 **(3) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal**
24 **year shall not lapse but shall be carried forward into the next fiscal year.**

25 **(4) Any interest earnings of the fund shall become a part of the fund and shall not**
26 **lapse.**

27 **(5) Moneys deposited in the fund are hereby appropriated for the purposes set forth**

1 in this section and shall not be appropriated or transferred by the General
2 Assembly for any other purposes.

3 (6) Nothing in this section shall be interpreted to restrict the ability of a school or
4 school district to accept direct private donations for the purchase or maintenance
5 of an automated external defibrillator.

6 ➔Section 4. KRS 160.445 is amended to read as follows:

7 (1) (a) The Kentucky Board of Education or organization or agency designated by
8 the board to manage interscholastic athletics shall require each interscholastic
9 coach to complete a sports safety course consisting of training on how to
10 prevent common injuries. The content of the course shall include but not be
11 limited to emergency planning, heat and cold illnesses, emergency
12 recognition, head injuries including concussions, neck injuries, facial injuries,
13 cardiopulmonary resuscitation, use of a portable automated external
14 defibrillator in accordance with KRS 311.66Z, and principles of first aid. The
15 course shall also be focused on safety education and shall not include
16 coaching principles.

17 (b) The state board or its agency shall:

- 18 1. Establish a minimum timeline for a coach to complete the course;
- 19 2. Approve providers of a sports safety course;
- 20 3. Be responsible for ensuring that an approved course is taught by
21 qualified professionals who shall either be athletic trainers, registered
22 nurses, physicians, or physician's assistants licensed to practice in
23 Kentucky;~~and~~
- 24 4. Establish the minimum qualifying score for successful course
25 completion;and
- 26 5. Require a coach to earn a cardiopulmonary resuscitation certification
27 recognized by a national accrediting body on heart health.

- 1 (c) A course shall be reviewed for updates at least once every thirty (30) months
2 and revised if needed.
- 3 (d) A course shall be able to be completed through hands-on or online teaching
4 methods in ten (10) clock hours or less.
- 5 (e) 1. A course shall include an end-of-course examination with a minimum
6 qualifying score for successful course completion established by the
7 board or its agency.
- 8 2. All coaches shall be required to take the end-of-course examination and
9 shall obtain at least the minimum qualifying score.
- 10 (f) ~~[Beginning with the 2009-2010 school year, and each year thereafter,]~~At least
11 one (1) person who has completed the course shall be at every interscholastic
12 athletic practice and competition.
- 13 (2) (a) ~~[Beginning with the 2012-2013 school year, and each year thereafter,]~~The
14 state board or its agency shall require each interscholastic coach to complete
15 training on how to recognize the symptoms of a concussion and how to seek
16 proper medical treatment for a person suspected of having a concussion. The
17 training shall be approved by the state board or its agency and may be
18 included in the sports safety course required under subsection (1)(a) of this
19 section.
- 20 (b) The board or its agency shall develop guidelines and other pertinent
21 information or adopt materials produced by other agencies to inform and
22 educate student athletes and their parents or legal guardians of the nature and
23 risk of concussion and head injury, including the continuance of play after
24 concussion or head injury. Any required physical examination and parental
25 authorization shall include acknowledgement of the education information
26 required under this paragraph.
- 27 (c) Upon request, the board or its agency shall make available to the public any

1 training materials developed by the board or agency used to satisfy the
2 requirements of paragraph (a) of this subsection. The board or its agency shall
3 not be held liable for the use of any training materials so disseminated.

4 (3) (a) A student athlete suspected by an interscholastic coach, school athletic
5 personnel, or contest official of sustaining a concussion during an athletic
6 practice or competition shall be removed from play at that time and shall not
7 return to play prior to the ending of the practice or competition until the
8 athlete is evaluated to determine if a concussion has occurred. The evaluation
9 shall be completed by a physician or a licensed health care provider whose
10 scope of practice and training includes the evaluation and management of
11 concussions and other brain injuries. A student athlete shall not return to play
12 on the date of a suspected concussion absent the required evaluation.

13 (b) 1. Upon completion of the required evaluation, a coach:
14 a. May return a student athlete to play if the physician or licensed
15 health care provider determines that no concussion has occurred;
16 or
17 b. Shall not return a student athlete to play if the physician or
18 licensed health care provider determines that a concussion has
19 occurred.

20 2. If no physician or licensed health care provider described in paragraph
21 (a) of this subsection is present at the practice or competition to perform
22 the required evaluation, a coach shall not return a student athlete to play
23 who is suspected of sustaining a concussion. The student athlete shall
24 not be allowed to participate in any subsequent practice or athletic
25 competition unless written clearance from a physician is provided.

26 (c) A student athlete deemed to be concussed shall not return to participate in any
27 athletic practice or competition occurring on the day of the injury. The injured

1 student athlete shall not be allowed to participate in any subsequent practice
2 or athletic competition unless written clearance from a physician is provided.

3 (4) **The state board or its agency shall adopt rules governing interscholastic athletics**
4 **that require each school that participates in interscholastic athletics to:**

5 **(a) Ensure access to at least one (1) portable automated external defibrillator in**
6 **a public, readily accessible, well-marked location at each school-sanctioned**
7 **athletic practice or competition, including any practice or competition held**
8 **off campus;**

9 **(b) Comply with KRS 311.665 to 311.669; and**

10 **(c) Have at least three (3) school employees and each interscholastic coach**
11 **trained in accordance with KRS 311.66.**

12 **(5)** ~~[(a)]~~ The state board or its agency shall adopt rules governing interscholastic
13 athletics conducted by local boards of education to require each school that
14 participates in interscholastic athletics to develop a venue-specific emergency
15 action plan to deal with serious injuries and acute medical conditions in which the
16 condition of the patient may deteriorate rapidly. The plan shall:

17 **(a)**~~[(1.)]~~ Include a delineation of **the roles of staff and emergency**
18 **personnel**~~[(role)]~~, methods of communication, available emergency equipment,
19 and access to and plan for emergency transport; ~~[and]~~

20 **(b)**~~[(2.)]~~ **Identify the location of a portable automated external defibrillator and**
21 **the procedures for its use during an emergency; and**

22 **(c)** Be in writing, reviewed by the principal of the school, distributed to all
23 appropriate personnel, posted conspicuously at all venues, and reviewed
24 **annually** and rehearsed **by simulation prior to the beginning of each athletic**
25 **season**~~[(annually)]~~ by all licensed athletic trainers, first responders, coaches,
26 school nurses, athletic directors, and volunteers for interscholastic athletics.

27 **(6)**~~[(b)]~~ Each school shall submit annual written **certification**~~[(verification)]~~ **to the state**

1 board or its agency of:

2 (a) The school's compliance with KRS 311.667 and any rule adopted in
3 accordance with subsection (5) of this section; and

4 (b) The existence of a venue-specific emergency action plan that the school has
5 reviewed and rehearsed by simulation as required by subsection (5)(c) of
6 this section ~~to the state board or its agency~~.

7 ~~(7)(5)~~ Each school shall maintain complete and accurate records of its compliance
8 with this section and shall make the records available for review by the state
9 board or its agency upon request.

10 ➔Section 5. The General Assembly hereby enacts this legislation in memory of
11 Cameron Baston, Matthew Mangine, Star Ifeacho, and all other Kentucky students whose
12 lives may have been saved by access to a portable automated external defibrillator.