

# 16RS - Legislative Record Online



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**The hyperlink to a bill draft that precedes a summary contains the most recent version (Introduced/GA/Enacted) of the bill. If the session has ended, the hyperlink contains the latest version of the bill at the time of sine die adjournment. Note that the summary pertains to the bill as introduced, which is often different from the most recent version.**

[HB217 \(BR1124\) - M. Denham, G. Brown Jr., D. Graham, A. Wuchner](#)

AN ACT relating to student athlete safety.

Amend KRS 160.445 to require contest officials to remove a student athlete from play if the student was previously removed because of a possible concussion and the official suspects the required medical evaluation was not performed.

## [HB217](#) - AMENDMENTS

[HFA1](#)( A. Koenig ) - Provide that a contest official shall be held harmless against claims relating to the official's decision to remove or not remove a student athlete from the contest.

[HFA2](#)( M. Denham ) - Delete original provisions and clarify that a coach is prohibited from returning a student to play who is diagnosed with a concussion; clarify that if no physician or licensed provider is available to conduct the required concussion evaluation, a student is prohibited from returning to play; prohibit a student who does not received the required evaluation from returning to play in a subsequent practice or competition unless written clearance from a physician is provided.

[SFA1](#)( A. Robinson ) - Make title amendment.

[SFA2](#)( A. Robinson ) - Amend KRS 158.183 to permit students to voluntarily express religious or political viewpoints in school assignments free from discrimination; require local boards of education to ensure that the selection of student speakers is made in a viewpoint-neutral manner, the student's prepared remarks are not altered before delivery without student's consent, religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations, no recognized religious or political student organization is discriminated

against in the ordering of its internal affairs; allow students to display religious messages on items of clothing, access public school facilities during noninstructional time as a religious student organization, use school media to announce student religious meetings, and meet as a religious student group during noninstructional time and before and after school to the same extent as students undertaking such actions in a nonreligious manner, permit public schools to sponsor artistic or theatrical programs that advance students' knowledge of society's cultural and religious heritage; create a new section of KRS Chapter 158 to allow a teacher to teach about religion with the use of the Bible or other scripture without providing religious instruction, and to teach about religious holidays in a secular manner; amend KRS 158.186 to require annual notification to local school boards, school-based decision making councils, and certified employees of statutes pertaining to religious freedom and expression in schools; create a new section of KRS Chapter 164 to require public postsecondary education institution governing boards to ensure that students are permitted to voluntarily express religious or political viewpoints in assignments free from discrimination, the selection of student speakers is made in a viewpoint-neutral manner, the student's prepared remarks are not altered before delivery without student's consent, religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations, no recognized religious or political student organization is discriminated against in the ordering of its internal affairs, and there are no restrictions on speech that occurs outdoors on campus and is protected by the First Amendment of the United States Constitution, except for restrictions that are reasonable, justified without reference to speech content, narrowly tailored to serve governmental interest, and limited to provide alternative options for the communication of the information.

Jan 11, 2016 - introduced in House

Jan 12, 2016 - to Education (H)

Feb 26, 2016 - posted in committee

Mar 01, 2016 - reported favorably, 1st reading, to Calendar

Mar 02, 2016 - 2nd reading, to Rules; floor amendment (1) filed

Mar 03, 2016 - posted for passage in the Regular Orders of the Day for Friday, March 4, 2016

Mar 04, 2016 - floor amendment (2) filed

Mar 09, 2016 - 3rd reading, passed 96-0 with floor amendment (2)

Mar 10, 2016 - received in Senate

Mar 14, 2016 - to Education (S)

Mar 22, 2016 - reported favorably, 1st reading, to Consent Calendar

Mar 23, 2016 - 2nd reading, to Rules

Mar 28, 2016 - floor amendments (1-title) and (2) filed

AN ACT relating to student athlete safety.

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

➔Section 1. KRS 160.445 is amended to read as follows:

- (1) (a) The Kentucky Board of Education or organization or agency designated by the board to manage interscholastic athletics shall require each interscholastic coach to complete a sports safety course consisting of training on how to prevent common injuries. The content of the course shall include but not be limited to emergency planning, heat and cold illnesses, emergency recognition, head injuries including concussions, neck injuries, facial injuries, and principles of first aid. The course shall also be focused on safety education and shall not include coaching principles.
- (b) The state board or its agency shall:
1. Establish a minimum timeline for a coach to complete the course;
  2. Approve providers of a sports safety course;
  3. Be responsible for ensuring that an approved course is taught by qualified professionals who shall either be athletic trainers, registered nurses, physicians, or physician's assistants licensed to practice in Kentucky; and
  4. Establish the minimum qualifying score for successful course completion.
- (c) A course shall be reviewed for updates at least once every thirty (30) months and revised if needed.
- (d) A course shall be able to be completed through hands-on or online teaching methods in ten (10) clock hours or less.
- (e) 1. A course shall include an end-of-course examination with a minimum qualifying score for successful course completion established by the board or its agency.

2. All coaches shall be required to take the end-of-course examination and shall obtain at least the minimum qualifying score.
- (f) Beginning with the 2009-2010 school year, and each year thereafter, at least one (1) person who has completed the course shall be at every interscholastic athletic practice and competition.
- (2) (a) Beginning with the 2012-2013 school year, and each year thereafter, the state board or its agency shall require each interscholastic coach to complete training on how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be approved by the state board or its agency and may be included in the sports safety course required under subsection (1)(a) of this section.
  - (b) The board or its agency shall develop guidelines and other pertinent information or adopt materials produced by other agencies to inform and educate student athletes and their parents or legal guardians of the nature and risk of concussion and head injury, including the continuance of play after concussion or head injury. Any required physical examination and parental authorization shall include acknowledgement of the education information required under this paragraph.
  - (c) Upon request, the board or its agency shall make available to the public any training materials developed by the board or agency used to satisfy the requirements of paragraph (a) of this subsection. The board or its agency shall not be held liable for the use of any training materials so disseminated.
- (3) (a) A student athlete suspected by an interscholastic coach, school athletic personnel, or contest official of sustaining a concussion during an athletic practice or competition shall be removed from play at that time and shall not return to play prior to the ending of the practice or competition until the

athlete is evaluated to determine if a concussion has occurred. The evaluation shall be completed by a physician or a licensed health care provider whose scope of practice and training includes the evaluation and management of concussions and other brain injuries. A student athlete shall not return to play on the date of a suspected concussion absent the required evaluation.

- (b) **1. Upon completion of the required evaluation, a coach:**
- a. May return a student athlete to play if the physician or licensed health care provider determines that no concussion has occurred; or**
- b. Shall not return a student athlete to play if the physician or licensed health care provider determines that a concussion has occurred.**
- 2. If no physician or licensed health care provider described in paragraph (a) of this subsection is present at the practice or competition to perform the required evaluation, a coach shall not return a student athlete to play who is suspected of sustaining a concussion. The student athlete shall not be allowed to participate in any subsequent practice or athletic competition unless written clearance from a physician is provided.**~~[A student athlete may return to play if it is determined no concussion has occurred.]~~
- (c) A student athlete deemed to be concussed shall not return to participate in any athletic practice or competition occurring on the day of the injury. The injured student athlete shall not be allowed to participate in any subsequent practice or athletic competition unless written clearance from a physician is provided.
- (4) (a) The state board or its agency shall adopt rules governing interscholastic athletics conducted by local boards of education to require each school that participates in interscholastic athletics to develop a venue-specific emergency

action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan shall:

1. Include a delineation of role, methods of communication, available emergency equipment, and access to and plan for emergency transport; and
  2. Be in writing, reviewed by the principal of the school, distributed to all appropriate personnel, posted conspicuously at all venues, and reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletics.
- (b) Each school shall submit annual written verification of the existence of a venue-specific emergency action plan to the state board or its agency.
- (5) Each school shall maintain complete and accurate records of its compliance with this section and shall make the records available for review by the state board or its agency upon request.

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2016 REGULAR SESSION  
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Amend printed copy of HB 217/GA

On page 4, after line 15, insert the following new sections:

"Section 2. KRS 158.183 is amended to read as follows:

- (1) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, a student shall have the right to carry out an activity described in any of paragraphs (a) to ~~(d)~~ (i) of subsection (2) of this section, if the student does not:
  - (a) Infringe on the rights of the school to:
    - 1. Maintain order and discipline;
    - 2. Prevent disruption of the educational process; and
    - 3. Determine educational curriculum and assignments;
  - (b) Harass other persons or coerce other persons to participate in the activity; or
  - (c) Otherwise infringe on the rights of other persons.
- (2) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, and subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:
  - (a) Pray or engage in religious activities in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student

Amendment No. SFA 2

Sponsor: Sen. Albert Robinson

Committee Amendment: \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment: \_\_\_\_\_

LRC Drafter: Ells, Jo Carole

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXXX

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- is permitted to vocally or silently reflect, meditate,~~[-or]~~ speak on, **or engage in** nonreligious matters alone or with other students in the public school;
- (b) Express religious **or political** viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on nonreligious **or nonpolitical** topics or subjects in the school;
- (c) **Express religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments free from discrimination or penalty based on the religious or political content of the submissions;**
- (d) Speak to and attempt to discuss religious **or political** viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious **or nonpolitical** viewpoints with other students. However, any student may demand that this speech or these attempts to share religious **or political** viewpoints not be directed at him or her;
- ~~(e)~~~~(d)~~ Distribute religious **or political** literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on nonreligious **or nonpolitical** topics or subjects in the school;~~[-and]~~
- ~~(f)~~~~(e)~~ **Display religious messages on items of clothing to the same extent that a student is permitted to display nonreligious messages on items of clothing;**
- (g) **Access public secondary school facilities during noninstructional time as a member of a religious student organization for activities that may include prayer, Bible reading, or other worship exercises to the same extent that members of nonreligious student organizations are permitted access during noninstructional time;**
- (h) **Use school media, including the public address system, the school newspaper, and**



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school bulletin boards, to announce student religious meetings to the same extent that a student is permitted to use school media to announce student nonreligious meetings;

- (i) Meet as a member of a religious student group during noninstructional time in the school day to the same extent that members of nonreligious student groups are permitted to meet, including before and after the school day; and
- (j) Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for nonreligious purposes.
- (3) Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, a local board of education shall ensure that:
- (a) 1. The selection of students to speak at official events is made without regard to the religious or political viewpoint of the student speaker;
2. The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and
3. If the content of the student's speech is such that a reasonable observer may perceive affirmative school sponsorship or endorsement of the student speaker's religious or political viewpoint, the school shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school;
- (b) Religious and political organizations are allowed equal access to public forums on

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*the same basis as nonreligious and nonpolitical organizations; and*

*(c) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct these activities.*

*(4) Consistent with its obligations to respect the rights secured by the Constitutions of the United States of America and the Commonwealth of Kentucky, a local board of education shall permit public schools in the district to sponsor artistic or theatrical programs that advance students' knowledge of society's cultural and religious heritage, as well as provide opportunities for students to study and perform a wide range of music, literature, poetry, and drama.*

(5) No action may be maintained under KRS 158.181 to 158.187 unless the student has exhausted the following administrative remedies;

- (a) The student or the student's parent or guardian shall state his or her complaint to the school's principal. The principal shall investigate and take appropriate action to ensure the rights of the student are resolved within seven (7) days of the date of the complaint;
- (b) If the concerns are not resolved, then the student or the student's parent or guardian shall make a complaint in writing to the superintendent with the specific facts of the alleged violation;
- (c) The superintendent shall investigate and take appropriate action to ensure that the rights of the student are resolved within thirty (30) days of the date of the written complaint; and
- (d) Only after the superintendent's investigation and action may a student or the student's

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parent or legal guardian pursue any other legal action.

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

**A teacher in a public school shall be permitted to:**

**(1) Teach about religion with the use of the Bible or other scripture, but without providing religious instruction, for the secular study of:**

**(a) The history of religion;**

**(b) Comparative religions;**

**(c) The Bible as literature;**

**(d) The role of religion in the history of the United States and other countries; and**

**(e) Religious influences on art, music, literature, and social studies; and**

**(2) Teach about religious holidays, including religious aspects, and celebrate the secular aspects of holidays. A teacher shall not observe holidays as religious events or promote such observance by students.**

➔Section 4. KRS 158.186 is amended to read as follows:

The Department of Education shall send **electronic or paper** copies of **Section 1 of this Act and KRS 158.195**~~[158.181 to 158.187]~~ to each local school board, ~~[and]~~ school-based decision making council, **and certified employee** in Kentucky on an annual basis.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

**Consistent with its obligations to respect the rights secured by the Constitutions of the United States and the Commonwealth of Kentucky, a governing board of a public postsecondary education institution shall ensure that:**

**(1) The expression of a student's religious or political viewpoints in classroom, homework, artwork, and other written and oral assignments are free from discrimination or penalty**

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based on the religious or political content of the submissions;

- (2) (a) The selection of students to speak at official events is made in a viewpoint-neutral manner; and
- (b) The prepared remarks of the student are not altered before delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is obscene, vulgar, offensively lewd, or indecent; and
- (c) If the content of the student's speech is such that a reasonable observer may perceive affirmative institutional sponsorship or endorsement of the student speaker's religious or political viewpoint, the institution shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the institution;
- (3) Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations;
- (4) No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities; and
- (5) There shall be no restrictions on the time, place, and manner of speech that occurs in the outdoor areas of campus or is protected by the First Amendment of the United States Constitution, except for restrictions that are:
- (a) Reasonable;
- (b) Justified without reference to the content of the regulated speech;
- (c) Narrowly tailored to serve a compelling governmental interest; and

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*(d) Limited to provide ample alternative options for the communication of the information.*