

CHAPTER 189

(HB 63)

AN ACT relating to school security.

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

➔Section 1. KRS 158.4414 is amended to read as follows:

- (1) Local boards of education, school district superintendents, administrators of state-controlled facilities, and local and state law enforcement agencies shall cooperate to assign, *by August 1, 2022*, one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis ~~as funds and qualified personnel become available~~.
- (2) ***Local boards of education shall ensure, for each campus in the district, that at least one (1) certified school resource officer is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the local board of education shall fulfill the requirements of this subsection on a per campus basis, as approved in writing by the state school security marshal, until a certified school resource officer is assigned to and working on-site full-time on each campus in the district.***
- (3) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.
- ~~(4)(3)~~ Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
- ~~(5)(4)~~ In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.
- ~~(6)(5)~~ On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.
- ~~(7)(6)~~ Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:
 - (a) Foundations of school-based law enforcement;
 - (b) Threat assessment and response;
 - (c) Youth drug use and abuse;
 - (d) Social media and cyber security;
 - (e) School resource officers as teachers and mentors;
 - (f) Youth mental health awareness;
 - (g) Diversity and bias awareness training;
 - (h) Trauma-informed action;
 - (i) Understanding students with special needs; and
 - (j) De-escalation strategies.

- ~~(8)~~~~(7)~~ Effective January 1, 2020, all school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.
- ~~(9)~~~~(8)~~ In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- ~~(10)~~~~(9)~~ Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.
- ~~(11)~~~~(10)~~ When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.
- ~~(12)~~~~(11)~~ A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.
- ~~(13)~~~~(12)~~ No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.
- ~~(14)~~ *Nothing in this section shall be interpreted or construed to require a local government or any of its agencies or offices to fund the school resource officer positions required of local boards of education under this section. For purposes of this subsection, "local government" has the same meaning as in KRS 65.8840.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

Pursuant to the authority granted to them under KRS 160.160 and 160.290, local boards of education are authorized to establish a police department for local school districts, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the school district, and designate and operate emergency vehicles. Police officers appointed under this section shall take an appropriate oath of office in the form and manner consistent with the Constitution of Kentucky. Police officers appointed pursuant to this section shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380(1)(e).

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

- (1) *Police officers appointed by the local board of education pursuant to Section 2 of this Act shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the local board of education authorizing and employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:*
- (a) *To preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on all property owned by or being used by the school district for appropriate educational services and extracurricular activities, and to protect all persons and property located thereon from injury, harm, and damage;*
- (b) *If permitted by and in accordance with local board of education policy, to enforce, and to assist the school district in the enforcement of, the lawful rules, regulations, and code of conduct of the school district; and*
- (c) *To assist and cooperate with other law enforcement agencies and officers.*

Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by the local board of education, including any streets passing through and adjacent thereto. Said powers may be exercised where the local board of education owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

- (2) *Police officers may exercise their powers away from the locations described in subsection (1) of this section only when:*
- (a) *In immediate pursuit of an actual or suspected violator of the law;*
 - (b) *Authorized to do so pursuant to the agreement authorized by subsection (1) of this section;*
 - (c) *Requested to act by the chief of police of the city or county in which the school district's property is located;*
 - (d) *Requested to act by the sheriff of the county in which the school district's property is located;*
 - (e) *Requested to act by the commissioner of the Department of Kentucky State Police;*
 - (f) *Requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;*
 - (g) *Requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or*
 - (h) *Operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.*
- (3) *Police officers appointed pursuant to Section 2 of this Act shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the employing school district. At the discretion of the local school board's police officials, the school board's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.*
- (4) *Police departments created and operated by the local board of education shall for all purposes, be deemed public police departments, and its sworn police officers are deemed public police officers.*
- (5) *Nothing in Sections 2 to 8 of this Act shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer, either on the property of a local school district or otherwise.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

All persons appointed as police officers pursuant to Section 2 of this Act shall, at the time of their employment:

- (1) *Comply with the requirements of KRS 61.300; and*
- (2) *Possess whatever other requirements as may be set by the local board of education which employs them.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The local board of education may provide for the appointment or promotion to the ranks and grades and positions of the department officers and civilians as are considered by the board to be necessary for the efficient administration of the department. The officers and civilians shall receive compensation as shall be fixed and paid by the board.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *Vehicles used for emergency purposes by the police department of a school district shall be considered emergency vehicles, be equipped with blue lights and sirens, and be operated in conformance with the requirements of KRS Chapter 189.*
- (2) *Police officers directly employed by the board of education of a local school district pursuant to Section 2 of this Act shall have the rights accorded to peace officers provided under KRS 527.020.*
- (3) *Police departments established by boards of education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor, KRS 432.570 to the contrary notwithstanding.*
- (4) *Police departments of local school districts shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *Each board of education of a local school district, having the power and authority to govern and control the method and purpose of use of property owned or occupied by its respective local school district, including travel over that property, is hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles, or other vehicles as well as the traffic of pedestrians on, over, and across the streets, roads, paths, and grounds of real property owned, used, or occupied by the local school district. The regulations applicable to traffic and parking may include but are not limited to the following provisions:*
- (a) *Provisions governing the registration, speed, operation, parking and times, places, and manner of use of motor vehicles, bicycles, and other vehicles;*
 - (b) *Provisions prescribing penalties for the violation of those regulations, which penalties may include the imposition of reasonable charges, the removing and impounding, at the expense of the violator, of vehicles which are operated or parked in violation of the regulations, and the denial of permission to operate vehicles on the property of the local school district; and*
 - (c) *Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by the local school district. Provided, however, that nothing in this section shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.*
- (2) *Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

No person shall falsely represent himself or herself to be a police officer, agent, or employee of a police department of a local school district and in that assumed character arrest or detain, search, or question, in any manner the person or property of any person, nor shall any person without the authority of the board of education of the local school district wear the official uniform, insignia, badge, or identification of the department.

➔Section 9. KRS 158.441 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;
- (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;
- (3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;
- (4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;
- (5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:
 - (a)
 1. A sworn law enforcement officer;~~or~~
 2. A special law enforcement officer appointed pursuant to KRS 61.902; ~~or~~~~and~~
 3. *A police officer appointed pursuant to Section 2 of this Act; and*
 - (b) Employed:
 1. Through a contract between a local law enforcement agency and a school district;

2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
 3. Directly by a local board of education;
- (6) "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
- (7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

Signed by Governor April 8, 2022.