

**158.4415 Kentucky State Police school resource officer (KSPSRO), specifications for employment as a school resource officer by a school district -- When officer considered an employee of the school district and when an employee of the Kentucky State Police -- Duties and prohibited activities -- Funding of position -- Rights, privileges, immunities, and matters of defense protected.**

- (1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in school-based policing and crisis response including all training required of school resource officers. If a school district decides to utilize a KSPSRO, the school district and the officer shall first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities. Any contract entered into pursuant to this subsection shall include:
  - (a) A provision specifying that the KSPSRO shall follow the policies and procedures of the Department of Kentucky State Police and shall abide by federal, state, and local laws. The responsibility and decision to arrest or take other police action lies solely with the KSPSRO, respective to state law and the KSPSRO's departmental standard operating procedures or standing order. The KSPSRO's continual collaboration with school personnel and his or her understanding of each student's needs may impact the decision to arrest or take other police action, but the responsibility is that of the KSPSRO;
  - (b) A provision stipulating that the KSPSRO shall be an employee of the school district, but shall revert to Department of Kentucky State Police employee status during such time that the KSPSRO takes police action pursuant to state or federal law. The KSPSRO shall be under the immediate supervision and direction of the Department of Kentucky State Police when taking police action;
  - (c) A provision stipulating that the school district shall be responsible for worker's compensation coverage for the KSPSRO; and
  - (d) A provision detailing how liability coverage will be provided for any acts or omissions of the KSPSRO within the scope of his or her duties.
- (2)
  - (a) A KSPSRO shall promote the safety and security of students and school personnel during school activities and on school property.
  - (b) A KSPSRO may assist with supportive activities and programs, including but not limited to:
    1. Planning and implementing procedures that train and drill all school personnel to respond to crisis events, control access to the school property during the school day, and close or partially close the school property after students arrive;
    2. Identifying risk and protective factors of students; and
    3. Coordinating nurturing intervention and prevention efforts.
  - (c) A KSPSRO shall not address school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or school personnel.

- (d) A KSPSRO shall not administer formal school discipline such as detentions, suspensions, or expulsions. These decisions are the sole responsibility of school personnel.
- (3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and utilize the vehicles, firearms, ammunition, and equipment issued to him or her by the Department of Kentucky State Police or other agency-authorized clothing or equipment. In the event additional weapons or gear is utilized than that which is carried on his or her person, the storage of these items shall be defined by the Department of Kentucky State Police. If a vehicle or equipment is damaged during the scope of a KSPSRO's secondary employment with the school district, but not while the KSPSRO is engaged in police action, the school district is responsible for restitution to the Department of Kentucky State Police.
- (4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an employee of the Department of Kentucky State Police for all purposes whenever engaged in any police action, including arrests, searches and seizures, uses of force, issuing citations, serving warrants, pursuing suspects, or investigating criminal offenses or vehicle accidents.
- (5) Nothing in this section shall be construed to require the Department of Kentucky State Police to assign or provide funding for KSPSROs.
- (6) Nothing in this section shall be deemed to waive or otherwise limit the rights, privileges, immunities, and matters of defense, now available or hereafter made available, to school districts, the Department of Kentucky State Police, any local law enforcement agency, any KSPSRO, or any school resource officer in any suit brought against them in consequence of acts or omissions.

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**History:** Created 2019 Ky. Acts ch. 197, sec. 2, effective April 9, 2019.