

**158.4431 Employment of Kentucky guardians by local boards of education -- Qualifications -- Contents of required policies -- Civil and criminal immunity.**

- (1) As used in this section, a "Kentucky guardian" or "guardian" means an employee of a local board of education who is employed for the purpose of providing school safety and security to students and staff on a school site. A person providing services as a guardian may only include honorably discharged veterans, retired Kentucky state troopers, retired special and sworn law enforcement officers, and former federal law enforcement officers. A guardian certified by the Center for School Safety as having met all requirements of this section is deemed to be an authorized individual under KRS 527.070(3)(f) and may be armed with a firearm on school property.
- (2) Local boards of education may employ as many guardians as the board considers necessary for the safety and security of its schools.
- (3) Prior to hiring a guardian, the local board of education shall require the applicant to provide certification from the Center for School Safety that he or she meets all of the following minimum requirements:
  - (a) Is a citizen of the United States and the Commonwealth of Kentucky;
  - (b) Has received a high school diploma or a High School Equivalency Diploma;
  - (c) Is currently licensed under KRS 237.110 to carry a concealed weapon;
  - (d) Has completed and passed background checks as required pursuant to KRS 160.380(6)(a), and has not been convicted of any felony, any misdemeanor under KRS 510.120, 510.130, 510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510, or have had any offense listed in this paragraph expunged;
  - (e) Has passed a medical examination completed by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he or she can perform the duties of a guardian;
  - (f) Has passed a drug screening test administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse;
  - (g) Has passed the following examinations administered by the Kentucky Law Enforcement Council:
    1. A background investigation to determine the person's suitability for the position of guardian;
    2. A psychological suitability screening to determine the person's suitability to perform guardian duties; and
    3. A polygraph examination to determine the person's suitability to perform guardian duties;
  - (h) Has passed the following courses provided by the Department of Criminal Justice Training:
    1. Active Shooter Response;

2. Enhanced Handgun Performance; and
  3. Patrol Rifle;
- (i) Has passed the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140;
  - (j) Has been honorably discharged from the Armed Forces of the United States within the five (5) years immediately preceding an initial contract to be a guardian as evidenced by a Department of Defense form DD 214, or is a retired Kentucky state trooper, retired special or sworn law enforcement officer, or former federal law enforcement officer. Each agency that employed a retired Kentucky state trooper, retired special law enforcement officer, or sworn law enforcement officer shall provide to the retired individual proof of prior employment in a prompt and efficient manner, without charge to the individual; and
  - (k) Has met any other requirements imposed by the local board of education, which may include but are not limited to a preemployment written examination.
- (4) Each guardian shall be required to complete annual firearm proficiency testing and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).
  - (5) Each guardian shall be required to complete the course requirements for School Resource Officer Training I (SRO I) as set forth in KRS 158.4414(8).
  - (6) The employing local board of education may require the completion of any additional courses and training as determined to be necessary by the board.
  - (7) Any cost associated with subsections (3) to (6) of this section shall be the responsibility of the guardian unless otherwise agreed to by the employing local board of education. The Kentucky Law Enforcement Council shall not charge more to guardians for tests, assessments, or training completed than what is customarily charged to any other type of applicant tested, assessed, or trained by the council.
  - (8) A local board of education employing a guardian shall collaborate with the local police department, local sheriff, area post of the Department of Kentucky State Police, and the state school security marshal in order to adopt school district policy regarding:
    - (a) The job description of the guardian, including but not limited to the scope of duties, responsibilities, and direct supervisor of the guardian;
    - (b) The uniform to be worn by guardians that would best suit the needs of the schools while also allowing outside agencies to easily identify guardians;
    - (c) The procedures, processes, and chain of command to be used during an emergency in which law enforcement agencies are called to the school; and
    - (d) The type of firearm and ammunition to be used by the guardian, if any.
  - (9) A local board of education shall be immune from civil or criminal liability in all claims arising out of any action of a guardian.
  - (10) Guardians shall possess all the immunities and defenses now available or hereafter made available under state law to sheriffs, constables granted peace officer powers, and police officers in any suit brought against them in consequence of acts done in

the course of their employment.

- (11) Nothing in this section requires a local board of education to hire or provide guardians. Participation by a local board of education in the use of a guardian is voluntary and subject to the availability of local school district funds. Any local board of education that opts to participate shall do so at its own expense.

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