

1 AN ACT relating to school safety and declaring an emergency.

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

3 ➔Section 1. KRS 158.441 is amended to read as follows:

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

5 (1) "Intervention services" means any preventive, developmental, corrective, supportive
6 services or treatment provided to a student who is at risk of school failure, is at risk
7 of participation in violent behavior or juvenile crime, or has been expelled from the
8 school district. Services may include, but are not limited to, screening to identify
9 students at risk for emotional disabilities and antisocial behavior; direct instruction
10 in academic, social, problem solving, and conflict resolution skills; alternative
11 educational programs; psychological services; identification and assessment of
12 abilities; counseling services; medical services; day treatment; family services;
13 work and community service programs;

14 (2) **"Kentucky State Police school resource officer" or "KSPSRO" means a**
15 **Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in**
16 **KRS 16.010, who is employed by a school district as a school resource officer, as**
17 **defined in this section, through a contract as secondary employment for the**
18 **officer;**

19 (3) **"School activities" means official school functions held on school property,**
20 **including student attendance days as defined in KRS 158.070, athletic events, and**
21 **graduation;**

22 (4) **"School property" means any public school building, public school vehicle,**
23 **public school campus, grounds, recreational area, or athletic field in the charge**
24 **of the school district;**

25 (5) "School resource officer" means a sworn law enforcement officer who has
26 specialized training to work with youth at a school site. The school resource officer
27 shall be employed:

- 1 (a) Through a contract between a local law enforcement agency and a school
2 district; or
- 3 (b) Through a contract as secondary employment for an officer, as defined in KRS
4 16.010, between the Department of Kentucky State Police and a school
5 district; and

6 ~~(6)~~~~(3)~~ "School security officer" means a person employed by a local board of
7 education who has been appointed a special law enforcement officer pursuant to
8 KRS 61.902 and who has specialized training to work with youth at a school site.

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

11 **(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in**
12 **school-based policing and crisis response including all training required of**
13 **school resource officers. If a school district decides to utilize a KSPSRO, the**
14 **school district and the officer shall first enter into a memorandum of**
15 **understanding that clarifies the purpose of the KSPSRO program and the roles**
16 **and expectations of the participating entities. Any contract entered into pursuant**
17 **to this subsection shall include:**

18 **(a) A provision specifying that the KSPSRO shall follow the policies and**
19 **procedures of the Department of Kentucky State Police and shall abide by**
20 **federal, state, and local laws. The responsibility and decision to arrest or**
21 **take other police action lies solely with the KSPSRO, respective to state law**
22 **and the KSPSRO's departmental standard operating procedures or standing**
23 **order. The KSPSRO's continual collaboration with school personnel and**
24 **his or her understanding of each student's needs may impact the decision to**
25 **arrest or take other police action, but the responsibility is that of the**
26 **KSPSRO;**

27 **(b) A provision stipulating that the KSPSRO shall be an employee of the school**

- 1 district, but shall revert to Department of Kentucky State Police employee
2 status during such time that the KSPSRO takes police action pursuant to
3 state or federal law. The KSPSRO shall be under the immediate supervision
4 and direction of the Department of Kentucky State Police when taking
5 police action;
- 6 (c) A provision stipulating that the school district shall be responsible for
7 worker's compensation coverage for the KSPSRO; and
- 8 (d) A provision detailing how liability coverage will be provided for any acts or
9 omissions of the KSPSRO within the scope of his or her duties.
- 10 (2) (a) A KSPSRO shall promote the safety and security of students and school
11 personnel during school activities and on school property.
- 12 (b) A KSPSRO may assist with supportive activities and programs, including
13 but not limited to:
- 14 1. Planning and implementing procedures that train and drill all school
15 personnel to respond to crisis events, control access to the school
16 property during the school day, and close or partially close the school
17 property after students arrive;
- 18 2. Identifying risk and protective factors of students; and
- 19 3. Coordinating nurturing intervention and prevention efforts.
- 20 (c) A KSPSRO shall not address school discipline issues that do not constitute
21 crimes or that do not impact the immediate health or safety of the students
22 or school personnel.
- 23 (d) A KSPSRO shall not administer formal school discipline such as
24 detentions, suspensions, or expulsions. These decisions are the sole
25 responsibility of school personnel.
- 26 (3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and
27 utilize the vehicles, firearms, ammunition, and equipment issued to him or her by

1 the Department of Kentucky State Police or other agency-authorized clothing or
2 equipment. In the event additional weapons or gear is utilized than that which is
3 carried on his or her person, the storage of these items shall be defined by the
4 Department of Kentucky State Police. If a vehicle or equipment is damaged
5 during the scope of a KSPSRO's secondary employment with the school district,
6 but not while the KSPSRO is engaged in police action, the school district is
7 responsible for restitution to the Department of Kentucky State Police.

8 (4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an
9 employee of the Department of Kentucky State Police for all purposes whenever
10 engaged in any police action, including arrests, searches and seizures, uses of
11 force, issuing citations, serving warrants, pursuing suspects, or investigating
12 criminal offenses or vehicle accidents.

13 (5) Nothing in this section shall be construed to require the Department of Kentucky
14 State Police to assign or provide funding for KSPSROs.

15 (6) Nothing in this section shall be deemed to waive or otherwise limit the rights,
16 privileges, immunities, and matters of defense, now available or hereafter made
17 available, to school districts, the Department of Kentucky State Police, any local
18 law enforcement agency, any KSPSRO, or any school resource officer in any suit
19 brought against them in consequence of acts or omissions.

20 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) The chief state school officer shall not approve the plans and specifications for a
23 new public school building contemplated by a board of education or for any
24 addition or alteration of old buildings, as required by KRS 162.060, unless the
25 plans and specifications provide for:

26 (a) A minimum of two (2) water bottle filling stations in each school;

27 (b) A minimum of one (1) drinking fountain or water bottle filling station on

- 1 each floor and wing of each school building; and
- 2 (c) A minimum of one (1) drinking fountain or water bottle filling station for
- 3 every seventy-five (75) students projected to attend the school upon
- 4 completion of the proposed construction.
- 5 (2) Any water bottle filling station installed in a public school building shall:
- 6 (a) Dispense filtered, clean drinking water;
- 7 (b) Be regularly cleaned and maintained; and
- 8 (c) If there is no drinking fountain on the same floor and wing as the water
- 9 bottle filling station, be accompanied by a cup dispenser.
- 10 (3) Any drinking fountain installed in a public school building shall:
- 11 (a) Be equipped with a protective cowl;
- 12 (b) Be equipped with a water spout at least one (1) inch above the overflow rim
- 13 of the drinking fountain;
- 14 (c) Dispense filtered, clean drinking water; and
- 15 (d) Be regularly cleaned and maintained.

16 ➔Section 4. Whereas the General Assembly hereby finds, determines, and

17 declares that Sections 1 and 2 of this Act are necessary for the immediate preservation of

18 public peace, health, and safety, an emergency is declared to exist and Sections 1 and 2 of

19 this Act take effect upon the Act's passage and approval by the Governor or upon its

20 otherwise becoming law.