

1 AN ACT relating to police departments for local school districts.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

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

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

15 *(1) Police officers appointed by the local board of education pursuant to Section 1 of*
16 *this Act shall be peace officers and conservators of the peace. They shall have*
17 *general police powers including the power to arrest, without process, all persons*
18 *who within their view commit any crime or misdemeanor. They shall possess all*
19 *of the common law and statutory powers, privileges, and immunities of sheriffs,*
20 *except that they shall be empowered to serve civil process to the extent authorized*
21 *by the local board of education authorizing and employing them. Without*
22 *limiting the generality of the foregoing, such police officers are hereby*
23 *specifically authorized and empowered, and it shall be their duty:*

24 *(a) To preserve the peace, maintain order, and prevent unlawful use of force or*
25 *violence or other unlawful conduct on all property owned by or being used*
26 *by the school district for appropriate educational services and*
27 *extracurricular activities, and to protect all persons and property located*

- 1 thereon from injury, harm, and damage;
- 2 (b) If permitted by and in accordance with local board of education policy, to
- 3 enforce, and to assist the school district in the enforcement of, the lawful
- 4 rules, regulations, and code of conduct of the school district; and
- 5 (c) To assist and cooperate with other law enforcement agencies and officers.
- 6 Provided, however, that such police officers shall exercise the powers herein
- 7 granted upon any real property owned or occupied by the local board of
- 8 education, including any streets passing through and adjacent thereto. Said
- 9 powers may be exercised where the local board of education owns, uses, or
- 10 occupies property. Additional jurisdiction may be established by agreement with
- 11 the chief of police of the municipality or sheriff of the county or the appropriate
- 12 law enforcement agency where the property is located, dependent upon the
- 13 jurisdiction involved.
- 14 (2) Police officers may exercise their powers away from the locations described in
- 15 subsection (1) of this section only when:
- 16 (a) In immediate pursuit of an actual or suspected violator of the law;
- 17 (b) Authorized to do so pursuant to the agreement authorized by subsection (1)
- 18 of this section;
- 19 (c) Requested to act by the chief of police of the city or county in which the
- 20 school district's property is located;
- 21 (d) Requested to act by the sheriff of the county in which the school district's
- 22 property is located;
- 23 (e) Requested to act by the commissioner of the Department of Kentucky State
- 24 Police;
- 25 (f) Requested to act by the authorized delegates of those persons or agencies
- 26 listed in paragraph (c), (d), or (e) of this subsection;
- 27 (g) Requested to assist a state, county, or municipal police officer, sheriff, or

- 1 other peace officer in the performance of his or her lawful duties; or
 2 (h) Operating under an interlocal cooperation agreement pursuant to KRS
 3 Chapter 65.
- 4 (3) Police officers appointed pursuant to Section 1 of this Act shall have, in addition
 5 to the other powers enumerated herein, the power to conduct investigations
 6 anywhere in this Commonwealth, provided the investigation relates to criminal
 7 offenses which occurred on property owned, leased, or controlled by the
 8 employing school district. At the discretion of the local school board's police
 9 officials, the school board's police department may coordinate said investigations
 10 with any law enforcement agency of this Commonwealth or with agencies of the
 11 federal government.
- 12 (4) Police departments created and operated by the local board of education shall for
 13 all purposes, be deemed public police departments, and its sworn police officers
 14 are deemed public police officers.
- 15 (5) Nothing in Sections 1 to 7 of this Act shall be construed as a diminution or
 16 modification of the authority or responsibility of any city or county police
 17 department, the Department of Kentucky State Police, sheriff, constable, or other
 18 peace officer, either on the property of a local school district or otherwise.

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

21 All persons appointed as police officers pursuant to Section 1 of this Act shall, at the
 22 time of their employment:

23 (1) Comply with the requirements of KRS 61.300; and

24 (2) Possess whatever other requirements as may be set by the local board of
 25 education which employs them.

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

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

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

8 *(1) Vehicles used for emergency purposes by the police department of a school*
9 *district shall be considered emergency vehicles, be equipped with blue lights and*
10 *sirens, and be operated in conformance with the requirements of KRS Chapter*
11 *189.*

12 *(2) Police officers directly employed by the board of education of a local school*
13 *district pursuant to Section 1 of this Act shall have the rights accorded to peace*
14 *officers provided under KRS 527.020.*

15 *(3) Police departments established by boards of education may install, maintain, and*
16 *operate radio systems on police or other radio frequencies under licenses issued*
17 *by the Federal Communications Commission, or its successor, KRS 432.570 to*
18 *the contrary notwithstanding.*

19 *(4) Police departments of local school districts shall comply with the requirements of*
20 *the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with*
21 *regard to reporting of criminal and other statistics.*

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

24 *(1) Each board of education of a local school district, having the power and*
25 *authority to govern and control the method and purpose of use of property owned*
26 *or occupied by its respective local school district, including travel over that*
27 *property, is hereby confirmed in its authority to regulate the traffic and parking*

1 of motor vehicles, bicycles, or other vehicles as well as the traffic of pedestrians
2 on, over, and across the streets, roads, paths, and grounds of real property owned,
3 used, or occupied by the local school district. The regulations applicable to traffic
4 and parking may include but are not limited to the following provisions:

5 (a) Provisions governing the registration, speed, operation, parking and times,
6 places, and manner of use of motor vehicles, bicycles, and other vehicles;

7 (b) Provisions prescribing penalties for the violation of those regulations,
8 which penalties may include the imposition of reasonable charges, the
9 removing and impounding, at the expense of the violator, of vehicles which
10 are operated or parked in violation of the regulations, and the denial of
11 permission to operate vehicles on the property of the local school district;
12 and

13 (c) Provisions establishing reasonable charges and fees for the registration of
14 vehicles and for the use of parking spaces or facilities owned or occupied by
15 the local school district. Provided, however, that nothing in this section
16 shall be deemed to limit or restrict the powers of any other governmental
17 authority having jurisdiction over public streets, roads, alleys, or ways.

18 (2) Motor vehicle moving violations of regulations issued under this section shall be
19 deemed violations of the appropriate equivalent sections of the motor vehicle laws
20 of the Commonwealth and may be prosecuted in the courts having territorial
21 jurisdiction over the physical location of the offense.

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

24 No person shall falsely represent himself or herself to be a police officer, agent, or
25 employee of a police department of a local school district and in that assumed
26 character arrest or detain, search, or question, in any manner the person or property of
27 any person, nor shall any person without the authority of the board of education of the

1 local school district wear the official uniform, insignia, badge, or identification of the
2 department.

3 →Section 8. 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 Kentucky
15 State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010,
16 who is employed by a school district as a school resource officer, as defined in this
17 section, through a contract as secondary employment for the officer;

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

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

24 (5) "School resource officer" or "SRO" means an officer whose primary job function is
25 to work with youth at a school site as described in KRS 158.4414, who has
26 specialized training to work with youth at a school site pursuant to KRS 158.4414,
27 and who is:

- 1 (a) 1. A sworn law enforcement officer;~~[or]~~
2 2. A special law enforcement officer appointed pursuant to KRS 61.902;
3 ~~or~~~~[and]~~
4 **3. A police officer appointed pursuant to Section 1 of this Act; and**
5 (b) Employed:
6 1. Through a contract between a local law enforcement agency and a
7 school district;
8 2. Through a contract as secondary employment for an officer, as defined
9 in KRS 16.010, between the Department of Kentucky State Police and a
10 school district; or
11 3. Directly by a local board of education;
12 (6) "School safety" means a program of prevention that protects students and staff from
13 substance abuse, violence, bullying, theft, the sale or use of illegal substances,
14 exposure to weapons and threats on school grounds, and injury from severe
15 weather, fire, and natural disasters; and
16 (7) "School security" means procedures followed and measures taken to ensure the
17 security of school buildings, classrooms, and other school facilities and properties.