

1 AN ACT relating to public school facilities.

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

3 ➔Section 1. KRS 162.055 is amended to read as follows:

4 (1) As used in this section *and Section 2 of this Act:*

5 (a) *"Daylight" means the period from sunrise to sunset, as determined by the*
6 *National Weather Service for the geographic location of the school district;*

7 (b) "Nonschool hours" refers to those times occurring during the school week
8 which precede or follow regular classroom instruction and also includes
9 weekends, holidays, and vacation breaks;

10 (c) *"Normal wear and tear" means the natural deterioration of a running track*
11 *resulting from ordinary and reasonable public use, excluding intentional or*
12 *negligent damage;*

13 (d) *"Pet" means any domesticated animal, including but not limited to dogs,*
14 *cats, or other animals, excluding service animals under the Americans with*
15 *Disabilities Act and service animals as defined in KRS 525.010 while*
16 *performing the service for which it was trained;*

17 (e) *"Public funds" means any funds derived from state, local, or federal taxes,*
18 *grants, or other public revenue sources;*

19 (f){(b)} "Public members of the community" includes, in addition to ordinary
20 community members, both students who are not involved in a school-
21 sanctioned curricular or extracurricular activity during nonschool hours and
22 school staff when not working as employees of the school;

23 (g){(e)} "Recreation" includes any indoor or outdoor game or physical activity,
24 either organized or unorganized, undertaken for exercise or sport;

25 (h) *"Running track" means an outdoor or indoor track facility designed for*
26 *running, walking, or other athletic activities, located on school property;*

27 (i){(d)} "School property" includes all indoor or outdoor school structures,

1 facilities, and land, whether owned, rented, or leased by the school or school
2 district; and

3 (i) "Sport" means an activity requiring physical exertion and skill, and
4 which by its nature and organization is competitive, includes a set of rules,
5 and is generally accepted in the community as a sport.

6 (2) A local school board may authorize the use of school property by public members
7 of the community during nonschool hours for the purpose of recreation, sport,
8 academic, literary, artistic, or community uses pursuant to policies adopted by the
9 local school board.

10 (3) (a) Notwithstanding subsection (2) of this section, a school district shall permit
11 public members of the community to access all running tracks on school
12 property for the purposes of recreation or sport using a running track
13 during daylight nonschool hours unless a running track is being used for a
14 school-sponsored or school-authorized activity.

15 (b) A school district shall not charge a public member of the community any fee
16 for the public access to a running track provided under this subsection. A
17 local board shall adopt reasonable policies governing running track access
18 that provide:

19 1. Rules of use to prohibit activities that may cause damage to the track,
20 such as the use of unauthorized vehicles or equipment that may
21 damage the track surface;

22 2. A prohibition against pets on the running track or immediate
23 surrounding area;

24 3. The process for notifying the public of temporary closures due to
25 maintenance, school events, school-authorized events, or safety
26 concerns;

27 4. For restricting access by public members of the community and

providing notice of any access restrictions during daylight nonschool hours due to:

- a. School-sponsored or school-authorized activities; or
- b. Necessary maintenance, repairs, or safety-related closures, which shall be announced publicly in advance, when feasible; and

5. *The posting of signage at each running track that indicates the hours of public access during daylight nonschool hours, the rules for use, the prohibition against pets, contact information for reporting damage, safety concerns, or violations of rules, and notification that access may be restricted during school-sponsored or school-authorized activities.*

13 (4) A school district and its board members, officers, and employees shall retain the
14 same immunities for any claim for loss or injury arising from use of indoor or
15 outdoor school property or facilities during nonschool hours allowed under this
16 section as would otherwise apply or be available had the use occurred during school
17 hours or for school-related activities.

18 (5)(4) Nothing in this section shall be construed to:

19 (a) Create a duty of care or ground of liability for injury to persons or property;

20 (b) Relieve any person using the school property for recreation from any obligation which he or she may have in the absence of this section to exercise care in his or her use of the school property and his or her activities thereon, or from the legal consequences of failure to employ such care;

21 (c) Ripen into a claim for adverse possession, absent a claim of title or legal right;

22 (d) Limit the liability protections available under KRS 411.190 or other law.

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27 (6) *The Kentucky Board of Education shall promulgate administrative regulations to*

1 ensure uniform implementation of subsection (3) of this section, including
2 guidelines for school districts to develop public access policies, enforce the pet
3 prohibition, and ensure access restrictions do not overly inhibit public access
4 during daylight nonschool hours. Failure by a school district to provide public
5 access to a running track during daylight hours or enforce the pet prohibition as
6 required by subsection (3) of this section may result in the withholding of state
7 education funds until compliance is achieved, as determined by the Kentucky
8 Department of Education.

9 → SECTION 2. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) For the purposes of this section, "damage " does not include normal wear and
12 tear of a running track resulting from permitted use.

13 (2) It shall be unlawful for any person to:

14 (a) Intentionally or negligently damage a school district running track,
15 including but not limited to:

16 1. Defacing, vandalizing, or altering the track surface or surrounding
17 facilities;

18 2. Using the track for activities prohibited by school district policies that
19 result in damage, such as operating unauthorized vehicles or
20 equipment; or

21 3. Depositing debris, chemicals, or other substances, including pet waste,
22 that impair the track's condition; or

23 (b) Bring a pet onto a running track or its immediate surrounding area, except
24 for service animals as provided in Section 1 of this Act.

25 (3) School districts shall report incidents of track damage or violations of the pet
26 prohibition to local law enforcement for investigation and enforcement.

27 (4) Nothing in this section shall prevent the enforcement of KRS Chapter 512 as it

1 *relates to acts on school district property.*

2 ➔ Section 3. KRS 162.990 is amended to read as follows:

3 *(1) (a) Any person who violates subsection (2)(a) of Section 2 of this Act by*
4 *damaging a running track shall:*

5 *1. For the first offense, be guilty of a Class A misdemeanor, punishable*
6 *by a fine not to exceed five hundred dollars (\$500), imprisonment for*
7 *up to twelve (12) months, or both; and*

8 *2. For a second or subsequent offense, be guilty of a Class D felony,*
9 *punishable by a fine not to exceed one thousand dollars (\$1,000),*
10 *imprisonment for one (1) to five (5) years, or both.*

11 *(b) Any person who violates subsection (2)(b) of Section 2 of this Act shall:*

12 *1. For the first offense, be subject to a civil fine of fifty dollars (\$50) for*
13 *the first offense; and*

14 *2. For each subsequent offense, be subject to a civil fine of one hundred*
15 *dollars (\$100);*

16 *enforceable by the school district or local law enforcement.*

17 *(c) In addition to criminal or civil penalties, any person who violates subsection*
18 *(2) of Section 2 of this Act shall be liable for restitution to the school district*
19 *for the full cost of repairing or replacing the damaged track or related*
20 *facilities, including costs associated with cleaning or repairing damage*
21 *caused by pets.*

22 *(2) Any person who violates any of the provisions of KRS 162.500 is liable to the*
23 *board of education, in an action brought by the board of education, or by any citizen*
24 *of the district, or by the chief state school officer, for the restoration of the wrongful*
25 *appropriation. In addition, he is guilty of malfeasance in office and upon conviction*
26 *shall forfeit his office, and may for each offense be fined not less than fifty dollars*
27 *(\$50) nor more than one thousand dollars (\$1,000), or imprisoned from one (1) to*

1 five (5) years, or both so fined and imprisoned. One-half (1/2) of the fine shall be
2 paid to the board of education by the collecting officer.

3 ➔Section 4. This Act takes effect January 1, 2027.