

1 AN ACT relating to school property.

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:

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

8 (b) "Public members of the community" includes, in addition to ordinary
9 community members, both students who are not involved in a school-
10 sanctioned curricular or extracurricular activity during nonschool hours and
11 school staff when not working as employees of the school;

12 (c) "Recreation" includes any indoor or outdoor game or physical activity, either
13 organized or unorganized, undertaken for exercise or sport;

14 (d) "School property" includes all indoor or outdoor school structures, facilities,
15 and land, whether owned, rented, or leased by the school or school district;
16 and

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

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

24 (3) A school district and its board members, officers, and employees shall retain the
25 same immunities for any claim for loss or injury arising from use of indoor or
26 outdoor school property or facilities during nonschool hours allowed under this
27 section as would otherwise apply or be available had the use occurred during school

1 hours or for school-related activities.

2 (4) A local school board may authorize the use of school property, including through
3 a lease arrangement, to provide housing options for certified staff and other
4 employees of the local school district.

5 (5) [Nothing in]This section shall not be construed to:

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

7 (b) Relieve any person using the school property for recreation from any

8 obligation which he or she may have in the absence of this section to exercise

9 care in his or her use of the school property and his or her activities thereon,

10 or from the legal consequences of failure to employ such care;

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

12 or

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

14 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO
15 READ AS FOLLOWS:

16 (I) (a) A local school board may determine that local conditions merit the use of
17 school property, or funds to acquire additional school property, for the
18 purpose of providing housing options as a recruitment or retention effort to
19 ensure the availability of certified staff and other employees within the local
20 school district.

21 (b) In making a determination under paragraph (a) of this subsection, a local
22 school board shall determine that the use of school property or funds is
23 critical for meeting the educational purpose of the local school district.

24 (2) Local school boards or school district finance corporations may enter into
25 agreements to provide housing options for certified staff and other employees
26 within the local school district, using land currently owned or leased, to meet the
27 district's educational purpose. If required, financing under this section shall be

1 *assisted by the State Property and Buildings Commission in accordance with KRS*
2 **56.467.**