

1 AN ACT relating to school guardians.

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

3 ➔Section 1. KRS 158.4431 is amended to read as follows:

4 (1) As used in this section, a "Kentucky guardian" or "guardian" means an employee of
5 a local board of education who is:

6 **(a)** Employed for the purpose of providing school safety and security to students
7 and staff on a school site. A person providing services as a guardian may only
8 include **the following:**

9 **1.** Honorably discharged veterans;~~;~~

10 **2.** Retired Kentucky state troopers;~~;~~

11 **3.** Retired special and sworn law enforcement officers;~~;~~ and

12 **4.** Former federal law enforcement officers; ~~and~~

13 **5. *Honorably retired elected or appointed peace officers with certification***
14 ***pursuant to the federal Law Enforcement Officers Safety Act, 18***
15 ***U.S.C. sec. 926C;***

16 **(b) *Screened by the Kentucky Law Enforcement Council;***

17 **(c) *Certified by the Department of Criminal Justice Training; and***

18 **(d) *Deemed***~~[A guardian certified]~~ by the Center for School Safety as having met
19 all requirements of this section~~[is deemed]~~ to be an authorized individual
20 under KRS 527.070(3)(f) and may be armed with a firearm on school
21 property.

22 **(2) *The Center for School Safety shall serve as a facilitator for school districts***
23 ***attempting to employ a guardian.***

24 **(3) *The use of a guardian in a school shall be a temporary safety option until a***
25 ***school resource officer is acquired or employed by the school district.***

26 **(4)** Local boards of education may employ as many guardians as the board considers
27 necessary for the safety and security of its schools.

- 1 ~~(5)(3)~~ Prior to hiring a guardian, the local board of education shall require the
2 applicant to provide documentation~~[certification]~~ from the Center for School
3 Safety that he or she meets all of the following minimum requirements:
- 4 (a) Is a citizen of the United States and the Commonwealth of Kentucky;
 - 5 (b) Has received a high school diploma or a High School Equivalency Diploma;
 - 6 (c) Is currently licensed under KRS 237.110 to carry a concealed weapon;
 - 7 (d) Has completed and passed background checks as required pursuant to KRS
8 160.380(6)(a), and has not been convicted of any felony, any misdemeanor
9 under KRS 510.120, 510.130, 510.140, or 510.148, or a criminal attempt,
10 conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy,
11 sexual abuse, or sexual misconduct under KRS Chapter 510, or have had any
12 offense listed in this paragraph expunged;
 - 13 (e) Has passed a medical examination completed by a licensed physician,
14 physician assistant, or advanced practice registered nurse to determine if he or
15 she can perform the duties of a guardian;
 - 16 (f) Has passed a drug screening test administered or approved by the Kentucky
17 Law Enforcement Council. A person shall be deemed to have passed a drug
18 screening test if the results of the test are negative for the use of an illegal
19 controlled substance or prescription drug abuse;
 - 20 (g) Has passed the following examinations administered by the Kentucky Law
21 Enforcement Council:
 - 22 1. A background investigation to determine the person's suitability for the
23 position of guardian;
 - 24 2. A psychological suitability screening to determine the person's
25 suitability to perform guardian duties; and
 - 26 3. A polygraph examination to determine the person's suitability to
27 perform guardian duties;

- 1 (h) Has passed the following courses provided by the Department of Criminal
2 Justice Training:
- 3 1. Active Shooter Response;
- 4 2. Enhanced Handgun Performance; and
- 5 3. De-escalation~~[Patrol Rifle]~~;
- 6 (i) Has passed the marksmanship qualification requirement for a retired peace
7 officer as specified in KRS 237.140;
- 8 (j) Has been honorably discharged from the Armed Forces of the United States~~[~~
9 ~~within the five (5) years immediately preceding an initial contract to be a~~
10 ~~guardian]~~ as evidenced by a Department of Defense form DD 214, or is a
11 retired Kentucky state trooper, retired special or sworn law enforcement
12 officer,~~[or]~~ former federal law enforcement officer, or qualified honorably
13 retired elected or appointed peace officer with certification pursuant to the
14 Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C. Each agency that
15 employed a retired Kentucky state trooper, retired special law enforcement
16 officer,~~[or]~~ sworn law enforcement officer, or qualified honorably retired
17 elected or appointed peace officer with certification pursuant to the Law
18 Enforcement Officers Safety Act, 18 U.S.C. sec. 926C shall provide to the
19 retired individual proof of prior employment in a prompt and efficient
20 manner, without charge to the individual; and
- 21 (k) Has met any other requirements imposed by the local board of education,
22 which may include but are not limited to a preemployment written
23 examination.
- 24 ~~(6)~~~~(4)~~ Each guardian shall be required to complete annual firearm proficiency testing
25 and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to
26 (c).
- 27 ~~(7)~~~~(5)~~ Each guardian shall be required to complete the course requirements for

1 School Resource Officer Training I (SRO I) as set forth in KRS 158.4414(8).

2 ~~(8)~~~~(6)~~ The employing local board of education may require the completion of any
3 additional courses and training as determined to be necessary by the board.

4 ~~(9)~~~~(7)~~ Any cost associated with subsections ~~(5) to (8)~~~~(3) to (6)~~ of this section shall
5 be the responsibility of the guardian unless otherwise agreed to by the employing
6 local board of education. The Kentucky Law Enforcement Council shall not charge
7 more to guardians for tests, assessments, or training completed than what is
8 customarily charged to any other type of applicant tested, assessed, or trained by the
9 council.

10 ~~(10)~~~~(8)~~ A local board of education employing a guardian shall collaborate with the
11 local police department, local sheriff, area post of the Department of Kentucky
12 State Police, and the state school security marshal in order to adopt school district
13 policy regarding:

- 14 (a) The job description of the guardian, including but not limited to the scope of
15 duties, responsibilities, and direct supervisor of the guardian;
16 (b) The uniform to be worn by guardians that would best suit the needs of the
17 schools while also allowing outside agencies to easily identify guardians;
18 (c) The procedures, processes, and chain of command to be used during an
19 emergency in which law enforcement agencies are called to the school; and
20 (d) The type of firearm and ammunition to be used by the guardian, if any.

21 ~~(11)~~~~(9)~~ A local board of education shall be immune from civil or criminal liability in
22 all claims arising out of any action of a guardian.

23 ~~(12)~~~~(10)~~ Guardians shall possess all the immunities and defenses now available or
24 hereafter made available under state law to sheriffs, constables granted peace
25 officer powers, and police officers in any suit brought against them in consequence
26 of acts done in the course of their employment.

27 ~~(13)~~~~(11)~~ ~~[Nothing in]~~This section **does not require**~~[requires]~~ a local board of

1 education to hire or provide guardians. Participation by a local board of education
2 in the use of a guardian is voluntary and subject to the availability of local school
3 district funds. Any local board of education that opts to participate shall do so at its
4 own expense.

5 ➔Section 2. KRS 158.442 is amended to read as follows:

6 (1) The General Assembly hereby authorizes the establishment of the Center for School
7 Safety. The center's mission shall be to serve as the central point for data analysis;
8 research; dissemination of information about successful school safety and school
9 security programs, best practices, training standards, research results, and new
10 programs; and, in collaboration with the Department of Education and others, to
11 provide technical assistance for safe schools.

12 (2) To fulfill its mission, the Center for School Safety shall:

- 13 (a) Establish a clearinghouse for information and materials concerning school
14 violence prevention;
- 15 (b) Provide program development and implementation expertise and technical
16 support to schools, law enforcement agencies, and communities, which may
17 include coordinating training for administrators, teachers, students, parents,
18 and other community representatives;
- 19 (c) Analyze the data collected in compliance with KRS 158.444;
- 20 (d) Research and evaluate school safety programs so schools and communities are
21 better able to address their specific needs;
- 22 (e) Administer a school safety grant program for local districts as directed by the
23 General Assembly;
- 24 (f) Promote the formation of interagency efforts to address discipline and safety
25 issues within communities throughout the state in collaboration with other
26 postsecondary education institutions and with local juvenile delinquency
27 prevention councils;

- 1 (g) Prepare and disseminate information regarding best practices in creating safe
2 and effective schools;
- 3 (h) Advise the Kentucky Board of Education on administrative policies and
4 administrative regulations relating to school safety and security;
- 5 (i) By July 1 of each year, provide an annual report to the Governor, the
6 Kentucky Board of Education, and the Interim Joint Committee on Education
7 regarding the status of school safety in Kentucky, including the number and
8 placement of school resource officers working in school districts in Kentucky
9 and the source of funding and method of employment for each position in
10 accordance with KRS 158.4414;
- 11 (j) Develop and implement a school safety coordinator training program based on
12 national and state best practices in collaboration with the Kentucky
13 Department of Education for school safety coordinators appointed pursuant to
14 KRS 158.4412. The training shall be approved by the board of directors of the
15 Center for School Safety and include instruction on at least the following:
- 16 1. Policies and procedures for conducting emergency response drills using
17 an all-hazards approach including hostage and active shooter situations;
- 18 2. Identification and response to threats to school safety and security; and
- 19 3. Preparing for, conducting, and reviewing school security risk
20 assessments in accordance with KRS 158.4410;
- 21 (k) Develop and implement a system to provide certification to school districts
22 that the center has verified that:
- 23 1. A potential Kentucky guardian, as defined in KRS 158.4431, has met all
24 of the requirements of KRS 158.4431~~(5);(3)~~ and
- 25 2. Individuals employed as guardians meet the requirements of KRS
26 158.4431~~(6) and (7);(4) and (5)~~, as necessary;
- 27 (l) If funds are available, employ an individual whose job responsibilities include

- 1 oversight of the guardian program, including but not limited to:
- 2 1. The requirements of paragraph (k) of this subsection; and
- 3 2. The creation of model policy to be used by local boards of education
- 4 when adopting the policies in KRS 158.4431(8);
- 5 (m) Administer and oversee the School Mapping Data Program established
- 6 pursuant to KRS 158.4433; and
- 7 (n) Award a school safety coordinator certificate of completion to a school safety
- 8 coordinator upon satisfactory completion of the training program.
- 9 (3) The Center for School Safety shall be governed by a board of directors consisting of
- 10 fifteen (15) members. Members shall consist of:
- 11 (a) The commissioner or a designee of the Department of Education;
- 12 (b) The secretary or a designee of the Cabinet for Health and Family Services;
- 13 (c) The commissioner or a designee of the Department for Behavioral Health,
- 14 Developmental and Intellectual Disabilities;
- 15 (d) The commissioner or a designee of the Department of Kentucky State Police;
- 16 (e) The commissioner or a designee of the Department of Criminal Justice
- 17 Training;
- 18 (f) The executive director or a designee of the Kentucky Office of Homeland
- 19 Security;
- 20 (g) A representative which shall be appointed by the Governor from one (1) list
- 21 of three (3) names submitted by the Kentucky League of Cities;
- 22 (h) A representative which shall be appointed by the Governor from one (1) list
- 23 of three (3) names submitted by the Kentucky School Boards Association;
- 24 (i) A representative which shall be appointed by the Governor from one (1) list
- 25 of three (3) names submitted by the Kentucky Association of School
- 26 Superintendents;
- 27 (j) A representative which shall be appointed by the Governor from one (1) list

- 1 of three (3) names submitted by the Kentucky Association of School Resource
2 Officers;
- 3 (k) A representative which shall be appointed by the Governor from one (1) list
4 of three (3) names submitted by the Kentucky Education Association;
- 5 (l) A representative which shall be appointed by the Governor from one (1) list
6 of three (3) names submitted by the Kentucky School Nurses Association;
- 7 (m) A representative which shall be appointed by the Governor from one (1) list
8 of three (3) names submitted by the Kentucky Association for Psychology in
9 the Schools;
- 10 (n) A representative which shall be appointed by the Governor from one (1) list
11 of three (3) names submitted by the Kentucky School Counselor Association;
12 and
- 13 (o) A representative which shall be appointed by the Governor from one (1) list
14 of three (3) names submitted by the Kentucky Parent Teacher Association.
- 15 (4) Notwithstanding KRS 12.028, the Center for School Safety and its board of
16 directors shall not be subject to reorganization by the Governor.