

Preventing Supplanting with School Resource Officers: Guidance on HB 63 (2022), HB 500 and SB 197 (2026)

In 2022, Kentucky passed [House Bill \(HB\) 63](#) to amend [KRS 158.4414](#), requiring at least one full-time certified school resource officer to serve each campus where one or more school buildings are used to deliver instruction to students on a continuous basis.

Included in the 2026 legislative session, [HB 500](#) and [SB 197](#) appropriations of \$11,500,000 in General Funds and \$11,500,000 in Restricted Funds for both fiscal year 2026-2027 and 2027-2028 have been set aside to assist local school districts and nonpublic schools in funding salaries for certified full time school resource officers (SRO) as defined in [KRS 158.4414](#). The appropriation bills state: “The Kentucky Department of Education (KDE) shall reimburse local school districts and nonpublic schools up to \$20,000 for each full-time certified school resource officer.”

Because KRS 158.4414 requires the assignment of one or more SROs to serve each campus and provides funding to implement this provision, it limits the ability for districts to use federal funds to provide SRO coverage in accordance with the federal supplement-not-supplant requirement. Therefore, Title IV, Part A funds may not be used to pay salaries or benefits for SRO positions used to meet the state mandate of one SRO per campus. In addition, Title IV, Part A funds may not be used to replace state or local funds already supporting additional SRO positions unless the district can rebut a presumption of supplanting. If a district identifies a need for additional, *supplemental* SRO support through a comprehensive needs assessment and includes this activity in its approved Title IV, Part A application, the district may use Title IV, Part A funds to support SRO salaries or positions that are above and beyond state requirements of one SRO per campus. Replacing existing state or local funding for an SRO position with Title IV, Part A funds would be considered supplanting unless the district can demonstrate that the position would have been eliminated due to budget reductions, but for the availability of Title IV, Part A funds.

Example 1:

District A has five full-time certified SROs with two SROs that meet the requirement of one SRO per school campus in KRS 158.4414. The district submitted a request to KDE for available state funds to support the five full-time certified SROs and will receive \$20,000 in state funds to cover the salary for each SRO, with a total of \$100,000. The district cannot request to use federal funds to cover the remaining salary for the two required SROs. If the district has not used state or local funds in previous years to cover the cost of the salaries for the additional three SROs not required, they may utilize Title IV, Part A funds to cover the remainder of the salaries for those additional three SROs. The district must include in their Title IV, Part A application information on how this activity is tied to their comprehensive needs assessment, how the activity will be evaluated that demonstrates the additional needs, and how Title IV, Part A funds are supplemental.

Example 2:

District B has funded an SRO using state or local funds for the past two years to comply with state law, and the district has also previously paid any supplemental SRO salary costs with state or local funds. The district now wishes to use Title IV, Part A funds to pay for the SRO position because federal funds are available. Generally, this use would not be allowable because Title IV, Part A funds may not be used to pay for SRO salaries that are required by state law or for supplemental SRO salaries that have historically been funded with state or local funds. Replacing state or local funds with Title IV, Part A funds for an existing or required SRO position creates a presumption of supplanting. The district may rebut this presumption if it can demonstrate a reduction in available state or local funds such that the district would need to eliminate the position, but for the availability of federal funds. To successfully demonstrate a rebuttal of the presumption, the district may use board meeting notes and/or other budgetary information to demonstrate the reduction in available state or local funds.

Example 3:

District C has used Title IV, Part A funds to support a supplemental School Resource Officer position in the amount of \$18,000, consistent with its funding level prior to the passage of HB 63. In the current year, the district proposes to increase the amount of Title IV, Part A funds used to support the SRO position to \$25,000.

This expenditure is allowable if the district demonstrates through a comprehensive needs assessment that the increased funding supports a supplemental portion of the SRO salary that is above and beyond what is required by state law. The district must clearly document that the additional amount does not replace state or local funds and is used only for supplemental purposes.
