

August 1, 2020

Dear Parent/Guardian,

One of our most important objectives is to provide a safe learning environment for students and staff. School safety requires a partnership between schools, parents, and students. The purpose of this letter is to notify you of an increasing problem for Kentucky schools, and ask for your help.

In recent years, Kentucky schools have received a growing number of threats of harm to students and employees in the school setting. These threats have caused widespread fear throughout school communities and have resulted in significant disruption to the educational process. In some cases, school officials had to close school(s) to investigate the threats. In other cases, school attendance plummeted for days after the threat was made. These types of threats take an emotional, instructional, and financial toll on students, staff, and parents.

Intentionally making false statements by any means, including electronically, for the purpose of causing evacuation of a school building, school property, or school sanctioned activity; causing cancellation of school classes or a school sanctioned activity; or creating fear of serious bodily harm among students, parents, or school personnel, is *Terroristic Threatening in the Second Degree* (see attached KRS 508.078).

Threats to our students and staff are unacceptable, and school district officials will ***pursue legal charges for Terroristic Threatening in the Second Degree*** against anyone who makes such threats, including students. It is not necessary for the individual to have a plan, or to have taken any action in connection with the threat, to be criminally charged. *Terroristic Threatening in the Second Degree* is a "Class D" felony that carries a sentence of not less than one, nor more than 5 years in prison for persons charged as adults. When coupled with substantial conduct to prepare for or carry out the threatened act. *Terroristic Threatening in the Second Degree* is a "Class C" felony carrying a sentence of not less than five, nor more than 10 years in prison for persons charged as adults. Class C and Class D felonies also carry fines of \$1,000 to \$10,000. Persons charged as minors are subject to confinement in a juvenile detention facility, probation, and fines.

Given the serious consequences to individuals making terroristic threats, and the needless disruption of the educational process, it is very important that you discuss this topic with your student(s). By raising awareness, we hope to prevent needless disruption to the school environment, and unnecessary and expensive criminal charges incurred by families. Please join our efforts by educating your son or daughter on the seriousness of terroristic threatening.

If you have any questions or concerns, please contact me at your convenience.

Sincerely,

Principal

**KRS 508.078 Terroristic threatening in the second degree.**

1. A person is guilty of terroristic threatening in the second degree when [...] he or she intentionally:

(a) With respect to any scheduled, publicly advertised event open to the public, [...] or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a scheduled, publicly advertised event open to the public, [...] or any student group, teacher, volunteer worker, or employee of a public [...] elementary or secondary school, [...], or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons at a scheduled, publicly advertised event open to the public, [...] or school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements by any means, including by electronic communication, for the purpose of:

1. Causing evacuation of a school building, school property, or school-sanctioned activity;
2. Causing cancellation of school classes or school-sanctioned activity; or
3. Creating fear of serious bodily harm among students, parents, or school personnel;

(c) [...]

(d) [...]

(2) [...]

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.

(5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

**KRS 532. 060, 534.030, 635.060, 635.085 - Penalties**

Conviction of a Class D felony (adult) 1-5 years imprisonment; and/or \$1,000-\$10,000 fine

Conviction of a Class C felony (adult), 5-10 years imprisonment and/or \$1,000-\$10,000 fine

Adjudication of a felony offense (juvenile), detention, probation, or a fine not to exceed \$500.