



STATE OF KANSAS

Office of the Attorney General

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Attorney General

August 18, 1977

ATTORNEY GENERAL OPINION NO. 77- 276

Ms. Helen Mountford
Assistant City Attorney
City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212

Re: Schools--Security Officers--Jurisdiction

Synopsis: School security officers may exercise general police powers in areas adjacent to school sites proper, which may include areas not immediately adjoining the school property, but which are regular paths of travel and gathering points for students and/or school personnel adjacent to the school property. No state law forbids the volunteer use of students as school safety patrols for the guidance of young students across adjoining streets and thoroughfares.

* * *

Dear Ms. Mountford:

You inquire concerning K.S.A. 72-8222, which provides in pertinent part thus:

"The board of education of any school district . . . may employ school security officers to aid and supplement law enforcement agencies of this state and of the community in which such school district . . . is located. The protective function of such school security officers shall extend to all school district property and the protection

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of students, teachers and other employees together with the property of such persons on or in any school property or areas adjacent thereto, or while attending or located at the site of any school or community junior college-sponsored function." [Emphasis supplied.]

The underscored language was added by amendment in 1976. You inquire regarding the proper interpretation of this amendment, and thus of the territorial extent of the jurisdiction of school security officers.

The term "adjacent" is not sometimes regarded as not so restrictive as the term "adjoining." See, e.g., State ex rel. Ives v. City of Kansas City, Kansas, 50 Kan. 508 at 522 (1893). Meaning of the term has been litigated in a host of cases involving diverse contexts. It has sometimes been construed as synonymous with "adjoining," but more commonly has been constructed to convey the notion of nearness, and not immediate proximity or contiguity, and is not necessarily tantamount to more restrictive terms such as "adjoining," "contiguous to," "contacting," "touching," "abutting," "fronting," "next to," "bordering," and the like. See e.g., State ex rel. Pan Am. Production Co. v. Texas City, 303 S.W.2d 780, 784, 786 (Tex.Ci.App.). In Nomath Hotel Co. v. Kansas City Gas Co., 204 Mo.App. 214, 223 S.W. 975, 982, the court stated thus:

"'Adjacent' is defined as being near or close at hand; adjoining; bordering. New Standard Dictionary. It does not at all times mean abutting, but it is usually synonymous with abutting, adjoining, and bordering. * * * It means contiguous, adjoining, lying close at hand, near. Its precise and exact meaning however, is 'determinable principally by the context in which it is used and the facts of each particular case or by the subject-matter to which it is applied.' 1 Corp. Juris. 1196. The term is a relative one, and hence is necessarily governed by the nature and circumstances of that to which it is applied."

Prior to the 1976 amendment, the protective function of school security officers extended only to the limits of school property

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proper. In the common instance of a school site which is bordered on its perimeter by a public street, the street itself is directly adjoining or adjacent to the school property. However, private property opposite the school site, across the street, is also "adjacent" to the school property, although not directly adjoining.

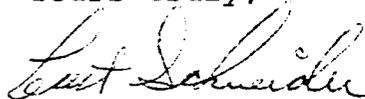
Presumably, the legislature recognized that the safety and security of school personnel, teachers and students were not in all instances adequately protected by school security officers whose protective function stopped at the edge of the school site. Both students and school employees often must park in areas adjacent to the school site proper, for example, and from time to time incidents may occur in those areas which require the attention of security personnel. Such parking sites may not be directly adjoining school property, but are certainly adjacent to it. The traffic patterns, habits and patterns of pedestrian and motor vehicle traffic generated by a school attendance center often extend to areas adjacent to, but not immediately adjoining, school property which may frequently warrant the oversight of security personnel. The very general language used by the 1976 legislature suggests a legislative intent to impose no arbitrary restriction upon the territorial extent of the school security officers' function, such as to areas adjacent to school property but within 200 feet thereof, for example. In my judgment, the general language used by the legislature indicates an intent to permit those officers to extend their security role to all areas adjacent to the school site which are commonly travelled or frequented by students and school personnel. The generality and breadth of the language used provides no basis for a conclusion purely as a matter of law that the protective function extends only to a territorial area which lends itself to ready definition in the abstract. School security officers are placed in the uncomfortable position of uncertainty concerning the territory within which they may exercise general law enforcement powers and without more specific guidance, may be subjected to a judgment in a civil action, after the fact, that they have sought to exercise those powers beyond the area which the statute permits. This ambiguity might be remedied by an appropriate amendment to this provision permitting the board to determine the area within which school security officers may exercise general law enforcement powers, within a specified distance, or with approval of the municipal or county law enforcement agency, or subject to some other limitation. Absent such legislative direction, it would be appropriate, in my judgment, for the board of education to specify for the guidance and direction of its security personnel the areas adjacent to school property within which they are to exercise general law enforcement powers, this specification to be based

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on the local customs and practices of students in areas adjacent to school property. Although there is no express authority for the board to make such a determination, in my judgment, it is reasonably implied from its authority to employ such personnel for the purposes specified in K.S.A. 1976 Supp. 72-8222.

Secondly, you ask whether it is contrary to any laws of the State of Kansas for fifth and sixth grade school children, comprising a school safety patrol, to assist younger children across public streets. I find no statutory provisions whatever which prohibit this practice, whether the student volunteers are placed on school property proper or are asked to serve at positions across the street from school property.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj