

160.151 Criminal background checks and clear CA/N checks for new certified hires and student teachers in certified nonpublic schools -- New checks on teachers permitted every five years -- Fingerprinting -- Disclosure statement -- Employment of offenders by certified nonpublic schools -- Forms -- Nondisclosure agreement prohibited.

- (1) For purposes of this section, "certified nonpublic school" means a private, parochial, or church school that has voluntarily been certified by the Kentucky Board of Education in accordance with KRS 156.160(2).
- (2)
 - (a)
 1. A certified nonpublic school shall require a national and state criminal background check and require a clear CA/N check, as defined in KRS 160.380, on all new certified hires in the school and student teachers assigned to the school and may require a new national and state criminal background check and require a clear CA/N check on each certified teacher once every five (5) years of employment.
 2. Certified individuals who were employed in another certified position in a Kentucky school within six (6) months of the date of the hire and who had previously submitted to a national and state criminal background check and were required to have a clear CA/N check for previous employment may be excluded from the initial national or state criminal background checks.
 - (b) The national criminal history background check shall be conducted by the Federal Bureau of Investigation. The state criminal history background check shall be conducted by the Department of Kentucky State Police or the Administrative Office of the Courts.
 - (c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation by the Department of Kentucky State Police after a state criminal background check has been conducted. Any fee charged by the Department of Kentucky State Police, the Administrative Office of the Courts, or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (3)
 - (a) When a certified nonpublic school requires a criminal background check or requires a clear CA/N check under this section, the school shall conspicuously include the following disclosure statement on each application or renewal form provided by the employer to an applicant for a certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
 - (b) The school or school board may require an adult who is permitted access to

school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity, a volunteer, or a visitor to submit to a national criminal history check by the Federal Bureau of Investigation and state criminal history background check by the Department of Kentucky State Police or Administrative Office of the Courts and require a clear CA/N check.

- (c) Any request for records from the Department of Kentucky State Police under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police if required. The results of the state criminal background check and the results of the national criminal history background check shall be sent to the hiring superintendent. When a background check of child abuse and neglect records is requested, the person seeking employment shall provide to the hiring superintendent a clear CA/N check.
 - (d) Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (4) (a) A certified nonpublic school shall not employ any person who is a violent offender as defined by KRS 17.165(2), has been convicted of a sex crime which is classified as a felony as defined by KRS 17.165(1), or has committed a violent crime as defined in KRS 17.165(3) or persons with a substantiated finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. A certified nonpublic school may employ, at its discretion, persons convicted of sex crimes classified as a misdemeanor.
- (b) If a school term has begun and a certified position remains unfilled or if a vacancy occurs during a school term, a certified nonpublic school may employ an individual who will have supervisory or disciplinary authority over minors on probationary status pending receipt of a criminal history background check or the receipt of a clear CA/N check, provided by the individual.
- (c) Employment, including probationary employment, at a certified nonpublic school shall be contingent on the receipt of a criminal history background check documenting that the employee has no record as a violent offender, of a sex crime, or of a violent crime as defined in KRS 17.165 and the receipt of a clear CA/N check, provided by the individual.
- (5) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services website.
- (6) A certified nonpublic school shall not enter into a nondisclosure agreement relating to misconduct involving a minor or student, including abusive conduct as defined in KRS 160.380.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 74, sec. 9, effective April 10, 2026. -- Amended 2025 Ky. Acts ch. 113, sec. 8, effective June 27, 2025. -- Amended 2019 Ky. Acts ch. 31, sec. 2, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 115, sec. 2,

effective July 1, 2018. -- Amended 2010 Ky. Acts ch. 111, sec. 1, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 168, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 17, effective July 12, 2006. -- Created 2002 Ky. Acts ch. 285, sec. 1, effective July 15, 2002.

Legislative Research Commission Note (6/27/2019). Under the authority of KRS 7.136(1), the reviser of statutes has relettered the paragraphs in subsection (2) of this statute. No words were changed in this process.