

AN ACT relating to leaves of absence.

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

➔Section 1. KRS 161.770 is amended to read as follows:

- (1) Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two (2) consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity, adoption of a child or children, or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. A board of education may pay a sum of money equivalent to all or any portion of salary to a teacher or superintendent who has been granted leave for educational or professional purposes if the person taking said leave agrees in writing to return to employment with the board for no less than two (2) years.
- (2) Without request, a board of education may grant leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing and appeal on such unrequested leave of absence or its renewal in accordance with the provisions for hearing and appeal in KRS 161.790.
- (3) ***Any action taken under subsection (1) or (2) of this section shall not violate the federal Americans with Disabilities Act of 1990, the Health Insurance Portability and Accountability Act of 1996, or any other applicable federal law. A board of education:***
  - (a) May only request medical information necessary to decide whether to grant a leave of absence;***
  - (b) Shall not request or retain unnecessary medical information; and***
  - (c) Shall not disclose any medical information received, except as permitted by state and federal law.***
- (4)** Upon the return to service of a teacher or superintendent at the expiration of a leave

of absence, he shall resume the contract status which he held prior to such leave.

~~(5)~~~~(4)~~ Payments to any teacher or superintendent under this section by a local district are intended and presumed to be for and in consideration of services rendered and for the benefit of the common schools and such payments do not affect the eligibility of any school district to share in the distribution of funds from the public school funds as established in KRS Chapter 157.