

1 AN ACT relating to education.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Education and Workforce Development Cabinet shall require a national and*
6 *state criminal background check for every employee of the cabinet or its agencies,*
7 *including contract staff, with access to or use of federal tax information. The*
8 *criminal background investigation shall be by means of a fingerprint check by*
9 *the Department of Kentucky State Police and Federal Bureau of Investigation,*
10 *pursuant to the following requirements:*

11 *(a) The cabinet shall require each employee with access to or use of federal tax*
12 *information to submit a complete and legible set of fingerprints to the*
13 *Department of Kentucky State Police on a fingerprint card issued by the*
14 *Federal Bureau of Investigation;*

15 *(b) The Department of Kentucky State Police shall submit the fingerprint card*
16 *to the Federal Bureau of Investigation for a national criminal background*
17 *check after a state criminal background check is conducted;*

18 *(c) The results of a national and state criminal background check shall not be*
19 *distributed or otherwise released by the cabinet, except that:*

20 *1. The cabinet shall provide an employee the results of his or her*
21 *national and state criminal background check upon request; and*

22 *2. The cabinet may introduce the results, under seal, as evidence in a*
23 *legal proceeding which involves a challenge to any personnel action*
24 *taken by the cabinet which is based in whole or in part on information*
25 *contained in the results; and*

26 *(d) Any fee charged by the Department of Kentucky State Police or the Federal*
27 *Bureau of Investigation shall be an amount no greater than the actual cost*

1 *of processing the request and conducting the background check.*
2 *(2) The cabinet or its agencies shall promulgate administrative regulations in*
3 *accordance with this Act and KRS Chapter 13A to implement this section.*

4 ➔Section 2. Whereas the state and federal background checks authorized in this
5 Act are vital for ensuring ongoing federal education funding compliance, an emergency is
6 declared to exist, and this Act takes effect upon its passage and approval by the Governor
7 or upon its otherwise becoming a law.