

1 AN ACT relating to misconduct in schools and school-sponsored activities.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 ***A public school district or public charter school shall not enter into a nondisclosure***
6 ***agreement relating to misconduct involving a minor or student, including abusive***
7 ***conduct as defined in Section 2 of this Act.***

8 ➔Section 2. KRS 160.380 is amended to read as follows:

9 (1) As used in this section:

10 (a) ***"Abusive conduct" means sexual misconduct and conduct subject to***
11 ***mandatory reporting under KRS 620.030 that involves a minor or student;***

12 **(b)** "Administrative finding of child abuse or neglect" means a substantiated
13 finding of child abuse or neglect issued by the Cabinet for Health and Family
14 Services that is:

- 15 1. Not appealed through an administrative hearing conducted in
16 accordance with KRS Chapter 13B;
- 17 2. Upheld at an administrative hearing conducted in accordance with KRS
18 Chapter 13B and not appealed to a Circuit Court; or
- 19 3. Upheld by a Circuit Court in an appeal of the results of an
20 administrative hearing conducted in accordance with KRS Chapter 13B;

21 **(c)**~~(b)~~ "Alternative education program" means a program that exists to meet
22 the needs of students that cannot be addressed in a traditional classroom
23 setting but through the assignment of students to alternative classrooms,
24 centers, or campuses that are designed to remediate academic performance,
25 improve behavior, or provide an enhanced learning experience. Alternative
26 education programs do not include career or technical centers or departments;

27 **(d)**~~(e)~~ "Clear CA/N check" means a letter from the Cabinet for Health and

1 Family Services indicating that there are no administrative findings of child
2 abuse or neglect relating to a specific individual;

3 ~~(e)~~~~(d)~~ "Relative" means father, mother, brother, sister, husband, wife, son, and
4 daughter; and

5 ~~(f)~~~~(e)~~ "Vacancy" means any certified position opening created by the
6 resignation, dismissal, nonrenewal of contract, transfer, or death of a certified
7 staff member of a local school district, or a new position created in a local
8 school district for which certification is required. However, if an employer-
9 employee bargained contract contains procedures for filling certified position
10 openings created by the resignation, dismissal, nonrenewal of contract,
11 transfer, or death of a certified staff member, or creation of a new position for
12 which certification is required, a vacancy shall not exist, unless certified
13 positions remain open after compliance with those procedures.

14 (2) Except as provided in KRS 160.346, the school district personnel actions identified
15 in this section shall be carried out as follows:

16 (a) All appointments, promotions, and transfers of principals, supervisors,
17 teachers, and other public school employees shall be made only by the
18 superintendent of schools, who shall notify the board of the action taken. All
19 employees of the local district shall have the qualifications prescribed by law
20 and by the administrative regulations of the Kentucky Board of Education and
21 of the employing board. Supervisors, principals, teachers, and other
22 employees may be appointed by the superintendent for any school year at any
23 time after February 1 preceding the beginning of the school year. No
24 superintendent of schools shall appoint or transfer himself or herself to
25 another position within the school district;

26 (b) When a vacancy occurs in a local school district, the superintendent shall
27 submit the job posting to the statewide job posting system described in KRS

1 160.152 fifteen (15) days before the position shall be filled. The local school
2 district shall post position openings in the local board office for public
3 viewing;

4 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
5 prevent disruption of necessary instructional or support services of the school
6 district, the superintendent may seek a waiver from the chief state school
7 officer. If the waiver is approved, the appointment shall not be made until the
8 person recommended for the position has been approved by the chief state
9 school officer. The chief state school officer shall respond to a district's
10 request for waiver or for approval of an appointment within two (2) working
11 days; and

12 (d) When a vacancy occurs in a local district, the superintendent shall conduct a
13 search to locate minority teachers to be considered for the position. The
14 superintendent shall, pursuant to administrative regulations of the Kentucky
15 Board of Education, report annually the district's recruitment process and the
16 activities used to increase the percentage of minority teachers in the district.

17 (3) Restrictions on employment of relatives shall be as follows:

18 (a) No relative of a superintendent of schools shall be an employee of the school
19 district. However, this shall not apply to a relative who is a classified or
20 certified employee of the school district for at least thirty-six (36) months
21 prior to the superintendent assuming office and who is qualified for the
22 position the employee holds. A superintendent's spouse who has previously
23 been employed in a school system may be an employee of the school district.
24 A superintendent's spouse who is employed under this provision shall not hold
25 a position in which the spouse supervises certified or classified employees. A
26 superintendent's spouse may supervise teacher aides and student teachers.
27 However, the superintendent shall not promote a relative who continues

- 1 employment under an exception of this subsection;
- 2 (b) No superintendent shall employ a relative of a school board member of the
3 district;
- 4 (c) No principal's relative shall be employed in the principal's school; and
- 5 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
6 this subsection may be employed as a substitute for a certified or classified
7 employee if the relative is not:
- 8 1. A regular full-time or part-time employee of the district;
 - 9 2. Accruing continuing contract status or any other right to continuous
10 employment;
 - 11 3. Receiving fringe benefits other than those provided other substitutes; or
 - 12 4. Receiving preference in employment or assignment over other
13 substitutes.
- 14 (4) No superintendent shall assign a certified or classified staff person to an alternative
15 education program as part of any disciplinary action taken pursuant to KRS 161.011
16 or 161.790 as part of a corrective action plan established pursuant to the local
17 district evaluation plan.
- 18 (5) No superintendent shall initially employ in any position in the district any person
19 who is a violent offender or has been convicted of a sex crime as defined by KRS
20 17.165 which is classified as a felony or persons with an administrative finding of
21 child abuse or neglect in records maintained by the Cabinet for Health and Family
22 Services. The superintendent may employ, at his or her discretion, except at a
23 Kentucky Educational Collaborative for State Agency Children program, persons
24 convicted of sex crimes classified as a misdemeanor.
- 25 (6) (a) Each application for a district position shall require the applicant to:
26 1. Disclose being the subject of any investigation or disciplinary action
27 within the past twelve (12) months, and any resulting resignation or

1 termination, related to abusive conduct while employed by a school
2 district; and

3 2. Consent to a reference check under paragraph (b) of this subsection
4 and a request for information under paragraph (c) of this subsection.

5 (b) 1. A school district considering an applicant for employment shall
6 contact each school district, school, or nonpublic school that employs
7 or previously employed the applicant for a reference check before
8 extending an offer of employment.

9 2. A school district, school, or nonpublic school that previously employed
10 or employs the applicant shall disclose any investigation or
11 disciplinary action, and any resulting resignation or termination,
12 related to abusive conduct while the applicant was employed by the
13 school or school district.

14 3. A school district or nonpublic school, and any school employees,
15 making a disclosure pursuant to this paragraph of any investigation or
16 disciplinary action, and any resulting resignation or termination, shall
17 be immune from any civil or criminal liability that might otherwise be
18 incurred or imposed as a result of:

19 a. Making the disclosure; or

20 b. Participating in any judicial proceeding that may result from
21 making the disclosure.

22 (c) Upon disclosure of an investigation or disciplinary action involving abusive
23 conduct by an applicant under paragraph (a) of this subsection or a current
24 or previous employer under paragraph (b) of this subsection, the school
25 district considering the applicant for employment shall:

26 1. Request all related information and records from the school district or
27 nonpublic school that previously employed or employs the applicant;

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and

2. If the application is for a certified position, request information from the Education Professional Standards Board related to pending disciplinary action against the applicant involving abusive conduct.

(d) Upon request from a school district under paragraph (c) of this subsection, the school district or nonpublic school of previous or current employment or the Educational Professional Standards Board shall provide the requested information, if applicable, within ten (10) working days.

(e) Any failure to disclose under paragraph (a)1. of this subsection by an applicant shall result in the applicant being:

1. Ineligible for hire by the school district; and

2. Subject to dismissal or termination if the applicant is hired by the school district or is a current employee of the school district.

(f) The Education Professional Standards Board shall implement procedures for responding to a school district upon receiving an inquiry described in paragraphs (c) and (d) of this subsection.

(Z) Requirements for background checks shall be as follows:

(a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:

1. Each new certified or classified hire;
2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
3. A student teacher;
4. A school-based decision making council parent member; and
5. Any adult who is permitted access to school grounds on a regularly

- 1 scheduled and continuing basis pursuant to a written agreement for the
2 purpose of providing services directly to a student or students as part of
3 a school-sponsored program or activity;
- 4 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 5 a. Classified and certified individuals employed by the school district
6 prior to June 27, 2019;
- 7 b. Certified individuals who were employed in another certified
8 position in a Kentucky school district within six (6) months of the
9 date of hire and who had previously submitted to a national and
10 state criminal background check and who have a clear CA/N check
11 for the previous employment; or
- 12 c. Student teachers who have submitted to and provide a copy of a
13 national and state criminal background check by the Department
14 of Kentucky State Police and the Federal Bureau of Investigation
15 through an accredited teacher education institution in which the
16 student teacher is enrolled and who have a clear CA/N check.
- 17 2. The Education Professional Standards Board may promulgate
18 administrative regulations to impose additional qualifications to meet
19 the requirements of Pub. L. No.~~[Public Law]~~ 92-544;
- 20 (c) A parent member may serve prior to the receipt of the criminal history
21 background check and CA/N letter required by paragraph (a) of this
22 subsection but shall be removed from the council on receipt by the school
23 district of a report documenting a record of abuse or neglect, or a sex crime or
24 criminal offense against a victim who is a minor as defined in KRS 17.500, or
25 as a violent offender as defined in KRS 17.165, and no further procedures
26 shall be required; and
- 27 (d) A superintendent may require a volunteer or a visitor to submit to a national

1 and state criminal history background check by the Department of
2 Kentucky State Police and the Federal Bureau of Investigation and have
3 a clear CA/N check, provided by the individual.

4 ~~(8)~~~~(7)~~ (a) If a certified or classified position remains unfilled after July 31 or if a
5 vacancy occurs during a school term, a superintendent may employ an
6 individual, who will have supervisory or disciplinary authority over minors,
7 on probationary status pending receipt of the criminal history background
8 check and a clear CA/N check, provided by the individual. Application for the
9 criminal record and a request for a clear CA/N check of a probationary
10 employee shall be made no later than the date probationary employment
11 begins.

12 (b) Employment shall be contingent on the receipt of the criminal history
13 background check documenting that the probationary employee has no record
14 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
15 of a letter, provided by the individual, from the Cabinet for Health and Family
16 Services stating the employee is clear to hire based on no administrative
17 findings of child abuse or neglect found through a background check of child
18 abuse and neglect records maintained by the Cabinet for Health and Family
19 Services.

20 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
21 probationary employment under this section shall terminate on receipt by the
22 school district of a criminal history background check documenting a record
23 of a sex crime or as a violent offender as defined in KRS 17.165 and no
24 further procedures shall be required.

25 ~~(9)~~~~(8)~~ The provisions of KRS 161.790 shall apply to terminate employment of a
26 certified employee on the basis of a criminal record other than a record of a sex
27 crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N

1 check showing an administrative finding of child abuse or neglect.

2 ~~(10)~~~~(9)~~ (a) All fingerprints requested under this section shall be on an applicant
3 fingerprint card provided by the Department of Kentucky State Police. The
4 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
5 from the Department of Kentucky State Police after a state criminal
6 background check is conducted. The results of the state and federal criminal
7 background check shall be sent to the hiring superintendent. Any fee charged
8 by the Department of Kentucky State Police, the Federal Bureau of
9 Investigation, and the Cabinet for Health and Family Services shall be an
10 amount no greater than the actual cost of processing the request and
11 conducting the search.

12 (b) Each application form, provided by the employer to an applicant for a
13 certified or classified position, shall conspicuously state the following: "FOR
14 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
15 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A
16 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET
17 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
18 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
19 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
20 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
21 FOR HEALTH AND FAMILY SERVICES."

22 (c) Each application form for a district position shall require the applicant to:
23 1. Identify the states in which he or she has maintained residency,
24 including the dates of residency;~~and~~
25 2. Provide picture identification; and
26 3. List each nonpublic school and school district in which the applicant
27 has been employed, including the dates of employment.

1 **(11) (a) When an allegation of abusive conduct is made against a school district**
2 **employee, the school district employee receiving the allegation, whether**
3 **communicated in writing, electronically, or orally, shall report the**
4 **allegation to the school principal and as required by KRS 620.030. The**
5 **principal shall document the allegation and notify the superintendent or**
6 **designee. An investigation of the allegation shall be conducted by the school**
7 **district until completion and shall not end prior to completion due to the**
8 **employee transferring positions within the school district or leaving the**
9 **school district.**

10 **(b) Notwithstanding Section 6 of this Act, all records and references relating to**
11 **an allegation of abusive conduct by a school district employee with a**
12 **student or minor shall be included and remain in an employee's personnel**
13 **file until completion of an investigation. If, after completion of an**
14 **investigation, the allegation is determined to be false, all records and**
15 **references relating to the allegation shall be removed from the employee's**
16 **personnel file.**

17 **(12)**~~(10)~~ Notwithstanding any provision of the Kentucky Revised Statutes to the
18 contrary, **each certified and classified employee of the school district shall notify**
19 **the superintendent if he or she** ~~when an employee of the school district~~ is
20 charged with any offense which is classified as a felony.~~;~~ The superintendent may
21 transfer the employee to a second position until such time as the employee is found
22 not guilty, the charges are dismissed, the employee is terminated, or the
23 superintendent determines that further personnel action is not required. The
24 employee shall continue to be paid at the same rate of pay he or she received prior
25 to the transfer. If an employee is charged with an offense outside of the
26 Commonwealth, this provision may also be applied if the charge would have been
27 treated as a felony if committed within the Commonwealth. Transfers shall be made

1 to prevent disruption of the educational process and district operations and in the
2 interest of students and staff and shall not be construed as evidence of misconduct.

3 ~~(13)~~~~(11)~~ Notwithstanding any law to the contrary, each certified and classified
4 employee of the school district shall notify the superintendent if he or she has been
5 found by the Cabinet for Health and Family Services to have abused or neglected a
6 child, and if he or she has waived the right to appeal a substantiated finding of child
7 abuse or neglect or if the substantiated incident was upheld upon appeal. Any
8 failure to report this finding shall result in the certified or classified employee being
9 subject to dismissal or termination.

10 **(14) The superintendent shall annually notify school district employees of the self-**
11 **reporting requirements of subsections (12) and (13) of this section.**

12 ~~(15)~~~~(12)~~ The form for requesting a CA/N check shall be made available on the Cabinet
13 for Health and Family Services website.

14 **(16) Subsections (1) and (5) to (14) of this section shall apply to public charter schools**
15 **as a health and safety requirement under KRS 160.1592(1).**

16 ➔Section 3. KRS 156.160 is amended to read as follows:

17 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
18 Board of Education shall promulgate administrative regulations establishing
19 standards which school districts shall meet in student, program, service, and
20 operational performance. These regulations shall comply with the expected
21 outcomes for students and schools set forth in KRS 158.6451. Administrative
22 regulations shall be promulgated for the following:

23 (a) Courses of study for the different grades and kinds of common schools
24 identifying the common curriculum content directly tied to the goals,
25 outcomes, and assessment strategies developed under KRS 158.645,
26 158.6451, and 158.6453 and distributed to local school districts and schools.

27 The administrative regulations shall provide that:

- 1 1. If a school offers American sign language, the course shall be accepted
2 as meeting the foreign language requirements in common schools
3 notwithstanding other provisions of law;
- 4 2. If a school offers the Reserve Officers Training Corps program, the
5 course shall be accepted as meeting the physical education requirement
6 for high school graduation notwithstanding other provisions of law; and
- 7 3. Every public middle and high school's curriculum shall include
8 instruction on the Holocaust and other cases of genocide, as defined by
9 the United Nations Convention on the Prevention and Punishment of the
10 Crime of Genocide, that a court of competent jurisdiction, whether a
11 court in the United States or the International Court of Justice, has
12 determined to have been committed by applying rigorous standards of
13 due process;
- 14 (b) Courses of study or educational experiences available to students in all middle
15 and high schools to fulfill the prerequisites for courses in advanced science
16 and mathematics as defined in KRS 158.845;
- 17 (c) The acquisition and use of educational equipment for the schools as
18 recommended by the Council for Education Technology;
- 19 (d) The minimum requirements for high school graduation in light of the
20 expected outcomes for students and schools set forth in KRS 158.6451. The
21 minimum requirements shall not include achieving any postsecondary
22 readiness indicator as described in KRS 158.6455 or any minimum score on a
23 statewide assessment administered under KRS 158.6453. Student scores from
24 any assessment administered under KRS 158.6453 that are determined by the
25 department's technical advisory committee to be valid and reliable at the
26 individual level shall be included on the student transcript. The department's
27 technical advisory committee shall submit its determination to the

- 1 commissioner of education and the Legislative Research Commission;
- 2 (e) The requirements for an alternative high school diploma for students with
3 disabilities whose individualized education program indicates that, in
4 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 5 1. The student cannot participate in the regular statewide assessment; and
 - 6 2. An appropriate alternate assessment has been selected for the student
7 based upon a modified curriculum and an individualized course of
8 study;
- 9 (f) Taking and keeping a school census, and the forms, blanks, and software to be
10 used in taking and keeping the census and in compiling the required reports.
11 The board shall create a statewide student identification numbering system
12 based on students' Social Security numbers. The system shall provide a
13 student identification number similar to, but distinct from, the Social Security
14 number, for each student who does not have a Social Security number or
15 whose parents or guardians choose not to disclose the Social Security number
16 for the student;
- 17 (g) Sanitary and protective construction of public school buildings, toilets,
18 physical equipment of school grounds, school buildings, and classrooms. With
19 respect to physical standards of sanitary and protective construction for school
20 buildings, the Kentucky Board of Education shall adopt the Uniform State
21 Building Code;
- 22 (h) Medical inspection, physical and health education and recreation, and other
23 regulations necessary or advisable for the protection of the physical welfare
24 and safety of the public school children. The administrative regulations shall
25 set requirements for student health standards to be met by all students in
26 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
27 in KRS 158.6451. The administrative regulations shall permit a student who

- 1 received a physical examination no more than six (6) months prior to his or
2 her initial admission to Head Start to substitute that physical examination for
3 the physical examination required by the Kentucky Board of Education of all
4 students upon initial admission to the public schools, if the physical
5 examination given in the Head Start program meets all the requirements of the
6 physical examinations prescribed by the Kentucky Board of Education;
- 7 (i) A vision examination by an optometrist or ophthalmologist that shall be
8 required by the Kentucky Board of Education. The administrative regulations
9 shall require evidence that a vision examination that meets the criteria
10 prescribed by the Kentucky Board of Education has been performed. This
11 evidence shall be submitted to the school no later than January 1 of the first
12 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
13 public school, public preschool, or Head Start program;
- 14 (j) 1. ~~Beginning with the 2010-2011 school year,~~ A dental screening or
15 examination by a dentist, dental hygienist, physician, registered nurse,
16 advanced practice registered nurse, or physician assistant that shall be
17 required by the Kentucky Board of Education. The administrative
18 regulations shall require evidence that a dental screening or examination
19 that meets the criteria prescribed by the Kentucky Board of Education
20 has been performed. This evidence shall be submitted to the school no
21 later than January 1 of the first year that a five (5) or six (6) year-old
22 child is enrolled in a public school.
- 23 2. A child shall be referred to a licensed dentist if a dental screening or
24 examination performed by anyone other than a licensed dentist identifies
25 the possibility of dental disease;
- 26 (k) The transportation of children to and from school;
- 27 (l) The fixing of holidays on which schools may be closed and special days to be

- 1 observed, and the pay of teachers during absence because of sickness or
2 quarantine or when the schools are closed because of quarantine;
- 3 (m) The preparation of budgets and salary schedules for the several school
4 districts under the management and control of the Kentucky Board of
5 Education;
- 6 (n) A uniform series of forms and blanks, educational and financial, including
7 forms of contracts, for use in the several school districts;
- 8 (o) The disposal of real and personal property owned by local boards of
9 education; and
- 10 (p) The development and implementation of procedures, for all students who are
11 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
12 the following:
- 13 1. Awarding and accepting of credit, including partial credit, for all
14 coursework satisfactorily completed by a student while enrolled at
15 another school;
 - 16 2. Allowing a student who was previously enrolled in a course required for
17 graduation the opportunity, to the extent practicable, to complete the
18 course, at no cost to the student, before the beginning of the next school
19 year;
 - 20 3. Awarding a diploma, at the student's request, by a district from which
21 the student transferred, if the student transfers schools at any time after
22 the completion of the student's second year of high school and the
23 student is ineligible to graduate from the district to which the student
24 transfers, but meets the graduation requirements of the district from
25 which the student transferred; and
 - 26 4. Exempting the student from all coursework and other requirements
27 imposed by the local board of education that are in addition to the

1 minimum requirements for high school graduation established by the
2 Kentucky Board of Education pursuant to paragraph (d) of this
3 subsection in the district to which the student transfers, if the student
4 transfers schools at any time after the completion of the student's second
5 year of high school and the student is ineligible to graduate both from
6 the district to which the student transfers and the district from which the
7 student transferred.

8 (2) (a) At the request of a local board of education or a school council, a local school
9 district superintendent shall request that the Kentucky Board of Education
10 waive any administrative regulation promulgated by that board. ~~Beginning in~~
11 ~~the 1996-97 school year,~~ A request for waiver of any administrative
12 regulation shall be submitted to the Kentucky Board of Education in writing
13 with appropriate justification for the waiver. The Kentucky Board of
14 Education may approve the request when the school district or school has
15 demonstrated circumstances that may include but are not limited to the
16 following:

- 17 1. An alternative approach will achieve the same result required by the
18 administrative regulation;
- 19 2. Implementation of the administrative regulation will cause a hardship on
20 the school district or school or jeopardize the continuation or
21 development of programs; or
- 22 3. There is a finding of good cause for the waiver.

23 (b) The following shall not be subject to waiver:

- 24 1. Administrative regulations relating to health and safety;
- 25 2. Administrative regulations relating to civil rights;
- 26 3. Administrative regulations required by federal law; and
- 27 4. Administrative regulations promulgated in accordance with KRS

1 158.6451, 158.6453, 158.6455, and this section, relating to measurement
2 of performance outcomes and determination of successful districts or
3 schools, except upon issues relating to the grade configuration of
4 schools.

5 (c) Any waiver granted under this subsection shall be subject to revocation upon
6 a determination by the Kentucky Board of Education that the school district or
7 school holding the waiver has subsequently failed to meet the intent of the
8 waiver.

9 (3) Any private, parochial, or church school may voluntarily comply with:
10 (a) Curriculum, certification, and textbook standards established by the Kentucky
11 Board of Education; and

12 (b) *Employment standards established in Section 4 of this Act;*

13 and be certified upon application to the board by such schools.

14 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
15 penalty to be assessed by the commissioner of education as follows:

16 (a) The first violation shall result in a fine of no less than one (1) week's revenue
17 from the sale of the competitive food;

18 (b) Subsequent violations shall result in a fine of no less than one (1) month's
19 revenue from the sale of the competitive food;

20 (c) "Habitual violations," which means five (5) or more violations within a six (6)
21 month period, shall result in a six (6) month ban on competitive food sales for
22 the violating school; and

23 (d) Revenue collected as a result of the fines in this subsection shall be
24 transferred to the food service fund of the local school district.

25 ➔Section 4. KRS 160.151 is amended to read as follows:

26 (1) *For purposes of this section, "certified nonpublic school" means a private,*
27 *parochial, or church school that has voluntarily been certified by the Kentucky*

- 1 ~~(3)(2)~~ (a) *When a certified nonpublic*~~[If a]~~ school requires a criminal background
2 check or requires a clear CA/N check *under this section*~~[for a new hire]~~, the
3 school shall conspicuously include the following disclosure statement on each
4 application or renewal form provided by the employer to an applicant for a
5 certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO
6 REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A
7 LETTER, *PROVIDED BY THE INDIVIDUAL*, FROM THE CABINET
8 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
9 *HAS NO ADMINISTRATIVE FINDINGS OF*~~[IS CLEAR TO HIRE~~
10 ~~BASED ON NO FINDINGS OF SUBSTANTIATED]~~ CHILD ABUSE OR
11 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
12 ABUSE AND NEGLECT RECORDS *MAINTAINED BY THE CABINET*
13 *FOR HEALTH AND FAMILY SERVICES*~~[AS A CONDITION OF~~
14 ~~EMPLOYMENT FOR THIS TYPE OF POSITION]."~~
- 15 (b) The school or school board may require an adult who is permitted access to
16 school grounds on a regularly scheduled and continuing basis pursuant to a
17 written agreement for the purpose of providing services directly to a student
18 or students as part of a school-sponsored program or activity, a volunteer, or a
19 visitor to submit to a national criminal history check by the Federal Bureau of
20 Investigation and state criminal history background check by the Department
21 of Kentucky State Police or Administrative Office of the Courts and require a
22 clear CA/N check.
- 23 (c) Any request for records from the Department of Kentucky State Police under
24 this section shall be on an applicant fingerprint card provided by the
25 Department of Kentucky State Police if required. The results of the state
26 criminal background check and the results of the national criminal history
27 background check~~[, if requested,]~~ shall be sent to the hiring superintendent.

1 ~~When~~^{If} a background check of child abuse and neglect records is requested,
 2 the person seeking employment shall provide to the hiring superintendent a
 3 clear CA/N check.

4 (d) Any fee charged by the Department of Kentucky State Police shall be an
 5 amount no greater than the actual cost of processing the request and
 6 conducting the search.

7 (e) Every five (5) years from the year an individual was required to submit to a
 8 national and state criminal history background check under paragraph (a)
 9 of this subsection, a certified nonpublic school shall require the individual
 10 to submit to a state criminal record check.

11 ~~(4)~~⁽³⁾ (a) A certified nonpublic school ~~shall~~^{voluntarily implementing the}
 12 ~~provisions of this chapter may choose~~ not ~~to~~ employ any person who is a
 13 violent offender as defined by KRS 17.165(2), has been convicted of a sex
 14 crime which is classified as a felony as defined by KRS 17.165(1), or has
 15 committed a violent crime as defined in KRS 17.165(3) or persons with a
 16 substantiated finding of child abuse or neglect in records maintained by the
 17 Cabinet for Health and Family Services. A certified nonpublic school may
 18 employ, at its discretion, persons convicted of sex crimes classified as a
 19 misdemeanor.

20 (b) If a school term has begun and a certified position remains unfilled or if a
 21 vacancy occurs during a school term, a certified nonpublic school
 22 ~~implementing this chapter~~ may employ an individual who will have
 23 supervisory or disciplinary authority over minors on probationary status
 24 pending receipt of a criminal history background check or the receipt of a
 25 clear CA/N check, provided by the individual.

26 (c) Employment, including probationary employment, at a certified nonpublic
 27 school ~~shall~~^{implementing this chapter may} be contingent on the receipt of a

1 criminal history background check documenting ***that the employee has no***~~[a]~~
 2 record as a violent offender, of a sex crime, or of a violent crime as defined in
 3 KRS 17.165 ***and***~~[or]~~ the receipt of a clear CA/N check, provided by the
 4 individual.

5 ~~[(d) Nonpublic schools implementing this chapter may terminate probationary
 6 employment under this section upon receipt of a criminal history background
 7 check documenting a record as a violent offender, of a sex crime, or of a
 8 violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.]~~

9 ~~(5)~~~~[(4)]~~ The form for requesting a clear CA/N check shall be made available on the
 10 Cabinet for Health and Family Services ***website***~~[Web site].~~

11 **(6) A certified nonpublic school considering an applicant for employment shall**
 12 **contact each nonpublic school or school district that previously employed the**
 13 **applicant for a reference check in accordance with standards established by the**
 14 **Kentucky Board of Education.**

15 **(7) A certified nonpublic school shall not enter into a nondisclosure agreement**
 16 **relating to misconduct involving a minor or student, including abusive conduct as**
 17 **defined in Section 2 of this Act.**

18 ➔Section 5. KRS 156.095 is amended to read as follows:

19 (1) The Kentucky Department of Education shall establish, direct, and maintain a
 20 statewide program of professional development to improve instruction in the public
 21 schools.

22 (2) **(a)** Each local school district superintendent shall appoint a certified school
 23 employee to fulfill the role and responsibilities of a professional development
 24 coordinator who shall disseminate professional development information to
 25 schools and personnel. Upon request by a school council or any employees of
 26 the district, the coordinator shall provide technical assistance to the council or
 27 the personnel that may include assisting with needs assessments, analyzing

1 school data, planning and evaluation assistance, organizing districtwide
2 programs requested by school councils or groups of teachers, or other
3 coordination activities.

4 ~~(b)~~~~(a)~~ The manner of appointment, qualifications, and other duties of the
5 professional development coordinator shall be established by Kentucky Board
6 of Education through promulgation of administrative regulations.

7 ~~(c)~~~~(b)~~ The local district professional development coordinator shall participate
8 in the Kentucky Department of Education annual training program for local
9 school district professional development coordinators. The training program
10 may include~~[,]~~ but is not~~[-be]~~ limited to~~[,]~~ the demonstration of various
11 approaches to needs assessment and planning; strategies for implementing
12 long-term, school-based professional development; strategies for
13 strengthening teachers' roles in the planning, development, and evaluation of
14 professional development; and demonstrations of model professional
15 development programs. The training shall include information about teacher
16 learning opportunities relating to the core content standards. The Kentucky
17 Department of Education shall regularly collect and distribute this
18 information.

19 (3) The Kentucky Department of Education shall provide or facilitate optional,
20 professional development programs for certified personnel throughout the
21 Commonwealth that are based on the statewide needs of teachers, administrators,
22 and other education personnel. Programs may include classified staff and parents
23 when appropriate. Programs offered or facilitated by the department shall be at
24 locations and times convenient to local school personnel and shall be made
25 accessible through the use of technology when appropriate. They shall include
26 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
27 including reducing the achievement gaps as determined by an equity analysis of the

1 disaggregated student performance data from the state assessment program
2 developed under KRS 158.6453; engage educators in effective learning processes
3 and foster collegiality and collaboration; and provide support for staff to
4 incorporate newly acquired skills into their work through practicing the skills,
5 gathering information about the results, and reflecting on their efforts. Professional
6 development programs shall be made available to teachers based on their needs
7 which shall include but not be limited to the following areas:

- 8 (a) Strategies to reduce the achievement gaps among various groups of students
9 and to provide continuous progress;
 - 10 (b) Curriculum content and methods of instruction for each content area,
11 including differentiated instruction;
 - 12 (c) School-based decision making;
 - 13 (d) Assessment literacy;
 - 14 (e) Integration of performance-based student assessment into daily classroom
15 instruction;
 - 16 (f) Nongraded primary programs;
 - 17 (g) Research-based instructional practices;
 - 18 (h) Instructional uses of technology;
 - 19 (i) Curriculum design to serve the needs of students with diverse learning styles
20 and skills and of students of diverse cultures;
 - 21 (j) Instruction in reading, including phonics, phonemic awareness,
22 comprehension, fluency, and vocabulary;
 - 23 (k) Educational leadership; and
 - 24 (l) Strategies to incorporate character education throughout the curriculum.
- 25 (4) The department shall assist school personnel in assessing the impact of professional
26 development on their instructional practices and student learning.
- 27 (5) (a) The department shall assist districts and school councils with the development

1 of long-term school and district improvement plans that include multiple
2 strategies for professional development based on the assessment of needs at
3 the school level.

4 ~~(b)~~~~(a)~~ Professional development strategies may include but are not limited to
5 participation in subject matter academies, teacher networks, training institutes,
6 workshops, seminars, and study groups; collegial planning; action research;
7 mentoring programs; appropriate university courses; and other forms of
8 professional development.

9 ~~(c)~~~~(b)~~ In planning the use of the four (4) days for professional development
10 under KRS 158.070, school councils and districts shall give priority to
11 programs that increase teachers' understanding of curriculum content and
12 methods of instruction appropriate for each content area based on individual
13 school plans. The district may use up to one (1) day to provide district-wide
14 training and training that is mandated by state or federal law. Only those
15 employees identified in the mandate or affected by the mandate shall be
16 required to attend the training.

17 ~~(d)~~~~(c)~~ State funds allocated for professional development shall be used to
18 support professional development initiatives that are consistent with local
19 school improvement and professional development plans and teachers'
20 individual growth plans. The funds may be used throughout the year for all
21 staff, including classified and certified staff and parents on school councils or
22 committees. A portion of the funds allocated to each school council under
23 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
24 teaching practices related to the content and subject matter that are required
25 for their specific classroom assignments.

26 (6) (a) ~~[By August 1, 2010,]~~The Kentucky Cabinet for Health and Family Services
27 shall post on its web page suicide prevention awareness information, to

1 include recognizing the warning signs of a suicide crisis. The web page shall
2 include information related to suicide prevention training opportunities
3 offered by the cabinet or an agency recognized by the cabinet as a training
4 provider.

5 (b) By September 15 of each year, every public school shall provide suicide
6 prevention awareness information in person, by live streaming, or via a video
7 recording to all students in grades six (6) through twelve (12). The
8 information may be obtained from the Cabinet for Health and Family Services
9 or from a commercially developed suicide prevention training program.

10 (c) 1. Each~~[Beginning with the 2018-2019]~~ school year~~[, and every year~~
11 ~~thereafter,]~~ a minimum of one (1) hour of high-quality suicide
12 prevention training, including the recognition of signs and symptoms of
13 possible mental illness, shall be required for all school district
14 employees with job duties requiring direct contact with students in
15 grades six (6) through twelve (12). The training shall be provided either
16 in person, by live streaming, or via a video recording and may be
17 included in the four (4) days of professional development under KRS
18 158.070.

19 2. When a staff member subject to the training under subparagraph 1. of
20 this paragraph is initially hired during a school year in which the
21 training is not required, the local district shall provide suicide prevention
22 materials to the staff member for review.

23 (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
24 public charter schools as a health and safety requirement under KRS
25 160.1592(1).

26 (7) (a) By ~~[November 1, 2019, and]~~November 1 of each year~~[thereafter,]~~ a
27 minimum of one (1) hour of training on how to respond to an active shooter

1 situation shall be required for all school district employees with job duties
2 requiring direct contact with students. The training shall be provided either in
3 person, by live streaming, or via a video recording prepared by the Kentucky
4 Department of Criminal Justice Training in collaboration with the Kentucky
5 Law Enforcement Council, the Kentucky Department of Education, and the
6 Center for School Safety and may be included in the four (4) days of
7 professional development under KRS 158.070.

8 (b) When a staff member subject to the training requirements of this subsection is
9 initially hired after the training has been provided for the school year, the
10 local district shall provide materials on how to respond to an active shooter
11 situation.

12 (c) The requirements of this subsection shall also apply to public charter schools
13 as a health and safety requirement under KRS 160.1592(1).

14 (8) (a) The Kentucky Department of Education shall develop and maintain a list of
15 approved comprehensive evidence-informed trainings on child abuse and
16 neglect prevention, recognition, and reporting that encompass child physical,
17 sexual, and emotional abuse and neglect.

18 (b) The trainings shall be web-based or in-person and cover, at a minimum, the
19 following topics:

- 20 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 21 2. Reporting suspected child abuse and neglect in Kentucky as required by
22 KRS 620.030 and the appropriate documentation;
- 23 3. Responding to the child; and
- 24 4. Understanding the response of child protective services.

25 (c) The trainings shall include a questionnaire or other basic assessment tool upon
26 completion to document basic knowledge of training components.

27 (d) Each local board of education shall adopt one (1) or more trainings from the

1 list approved by the Department of Education to be implemented by schools.

2 (e) ~~[All current school administrators, certified personnel, office staff,~~
 3 ~~instructional assistants, and coaches and extracurricular sponsors who are~~
 4 ~~employed by the school district shall complete the implemented training or~~
 5 ~~trainings by January 31, 2017, and then every two (2) years after.~~

6 ~~(f)~~ All school administrators, certified personnel, office staff, instructional
 7 assistants, and coaches and extracurricular sponsors who are employed by the
 8 school district ~~[hired after January 31, 2017,]~~ shall complete the implemented
 9 training or trainings within ninety (90) days of being hired and then every two
 10 (2) years after.

11 ~~(f)(g)~~ Every public school shall prominently display the statewide child abuse
 12 hotline number administered by the Cabinet for Health and Family Services,
 13 and the National Human Trafficking Reporting Hotline number administered
 14 by the United States Department for Health and Human Services.

15 (9) **(a) By May 1, 2025, the Kentucky Department of Education, in collaboration**
 16 **with the Education Professional Standards Board, shall develop a training**
 17 **for school district employees, to be provided via video recording, related to**
 18 **appropriate relationships and communication with students, inappropriate**
 19 **relationships and communication with students, sexual grooming, and**
 20 **sexual misconduct.**

21 **(b) Beginning with the 2025-2026 school year, and every five (5) years**
 22 **thereafter, every local school district shall require all employees to undergo**
 23 **the training described in paragraph (a) of this subsection.**

24 **(c) When an employee is hired by a district during a school year in which the**
 25 **training is not required, the school district shall require the employee to**
 26 **complete the training within ninety (90) days of hiring.**

27 **(d) The requirements of this subsection shall apply to public charter schools as**

1 *a health and safety requirement under KRS 160.1592(1).*

2 (10) The Department of Education shall establish an electronic consumer bulletin board
3 that posts information regarding professional development providers and programs
4 as a service to school district central office personnel, school councils, teachers, and
5 administrators. Participation on the electronic consumer bulletin board shall be
6 voluntary for professional development providers or vendors, but shall include all
7 programs sponsored by the department. Participants shall provide the following
8 information: program title; name of provider or vendor; qualifications of the
9 presenters or instructors; objectives of the program; program length; services
10 provided, including follow-up support; costs for participation and costs of
11 materials; names of previous users of the program, addresses, and telephone
12 numbers; and arrangements required. Posting information on the bulletin board by
13 the department shall not be viewed as an endorsement of the quality of any specific
14 provider or program.

15 (11)~~(10)~~ The Department of Education shall provide training to address the
16 characteristics and instructional needs of students at risk of school failure and most
17 likely to drop out of school. The training shall be developed to meet the specific
18 needs of all certified and classified personnel depending on their relationship with
19 these students. The training for instructional personnel shall be designed to provide
20 and enhance skills of personnel to:

- 21 (a) Identify at-risk students early in elementary schools as well as at-risk and
22 potential dropouts in the middle and high schools;
- 23 (b) Plan specific instructional strategies to teach at-risk students;
- 24 (c) Improve the academic achievement of students at risk of school failure by
25 providing individualized and extra instructional support to increase
26 expectations for targeted students;
- 27 (d) Involve parents as partners in ways to help their children and to improve their

1 children's academic progress; and

2 (e) Significantly reduce the dropout rate of all students.

3 ~~(12)~~~~(11)~~ The department shall establish teacher academies to the extent funding is
4 available in cooperation with postsecondary education institutions for elementary,
5 middle school, and high school faculty in core disciplines, utilizing facilities and
6 faculty from universities and colleges, local school districts, and other appropriate
7 agencies throughout the state. Priority for participation shall be given to those
8 teachers who are teaching core discipline courses for which they do not have a
9 major or minor or the equivalent. Participation of teachers shall be voluntary.

10 ~~(13)~~~~(12)~~ The department shall annually provide to the oversight council established in
11 KRS 15A.063, the information received from local schools pursuant to KRS
12 158.449.

13 ➔Section 6. KRS 161.151 is amended to read as follows:

14 (1) **Except as provided in Section 2 of this Act,** all records and references relating to an
15 allegation of a criminal offense committed by a school employee that did not lead to
16 formal charges and all records relating to a criminal proceeding in which a school
17 employee was found not guilty or the charges were dismissed shall be removed
18 from the school employee's personnel file by the superintendent or the
19 superintendent's designee in the local school district.

20 (2) The provisions of subsection (1) of this section shall not preclude a school district
21 from separately investigating, taking action upon, and creating and maintaining
22 records on the same or a similar fact situation upon which the allegations of a
23 criminal offense was based.

24 ➔Section 7. KRS 158.1415 is amended to read as follows:

25 (1) If a **superintendent**~~school council or, if none exists, the principal~~ adopts a
26 curriculum for human sexuality or sexually transmitted diseases:~~;~~~~;~~

27 **(a)** Instruction shall include but not be limited to the following content:

1 1.~~[(a)]~~ Abstinance from sexual activity is the desirable goal for all school-
2 age children;

3 2.~~[(b)]~~ Abstinance from sexual activity is the only certain way to avoid
4 unintended pregnancy, sexually transmitted diseases, and other
5 associated health problems; ***and***

6 3.~~[(c)]~~ The best way to avoid sexually transmitted diseases and other
7 associated health problems is to establish a permanent mutually faithful
8 monogamous relationship; ***and***

9 ~~(b)~~~~[(d)]~~ ***The local board of education shall adopt*** a policy to:

10 1. Respect parental rights by ensuring that:

11 a.~~[(1)]~~ Children in grade five (5) and below do not receive any instruction
12 through curriculum or programs on human sexuality or sexually
13 transmitted diseases; ***and***~~[(or)]~~

14 b.~~[(2)]~~ Any child, regardless of grade level, enrolled in the district does
15 not receive any instruction or presentation that has a goal or
16 purpose of students studying or exploring gender identity, gender
17 expression, or sexual orientation; and

18 2.~~[(e)]~~ ~~[(A policy to)]~~ Notify a parent in advance and obtain the parent's
19 written consent before the parent's child in grade six (6) or above
20 receives any instruction through curriculum or programs on human
21 sexuality or sexually transmitted diseases authorized in this section.

22 (2) Any course, curriculum, or program offered by a public school on the subject of
23 human sexuality provided by school personnel or by third parties authorized by the
24 school shall:

25 (a) Provide an alternative course, curriculum, or program without any penalty to
26 the student's grade or standing for students whose parents have not provided
27 written consent as required in subsection (1)~~(b)~~2.~~[(e)]~~ of this section;

- 1 (b) Be subject to an inspection by parents of participating students that allows
2 parents to review the following materials:
- 3 1. Curriculum;
 - 4 2. Instructional materials;
 - 5 3. Lesson plans;
 - 6 4. Assessments or tests;
 - 7 5. Surveys or questionnaires;
 - 8 6. Assignments; and
 - 9 7. Instructional activities;
- 10 (c) Be developmentally appropriate; and
- 11 (d) Be limited to a curriculum that has been subject to the reasonable review and
12 response by stakeholders in conformity with this subsection and KRS
13 160.345(2).
- 14 (3) A public school offering any course, curriculum, or program on the subject of
15 human sexuality shall provide written notification to the parents of a student at least
16 two (2) weeks prior to the student's planned participation in the course, curriculum,
17 or program. The written notification shall:
- 18 (a) Inform the parents of the provisions of subsection (2) of this section;
 - 19 (b) Provide the date the course, curriculum, or program is scheduled to begin;
 - 20 (c) Detail the process for a parent to review the materials outlined in subsection
21 (2) of this section;
 - 22 (d) Explain the process for a parent to provide written consent for the student's
23 participation in the course, curriculum, or program; and
 - 24 (e) Provide the contact information for the teacher or instructor of the course,
25 curriculum, or program and a school administrator designated with oversight.
- 26 (4) Nothing in this section shall prohibit school personnel from:
- 27 (a) Discussing human sexuality, including the sexuality of any historic person,

- 1 group, or public figure, where the discussion provides necessary context in
2 relation to a topic of instruction from a curriculum approved pursuant to KRS
3 160.345; or
- 4 (b) Responding to a question from a student during class regarding human
5 sexuality as it relates to a topic of instruction from a curriculum approved
6 pursuant to KRS 160.345.