

1 AN ACT relating to local boards of education.

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

3 ➔Section 1. KRS 160.210 is amended to read as follows:

- 4 (1) *(a) In the first four (4) months of the year 2033, and in the first four (4) months*
5 *of each decennial year thereafter, the Kentucky Board of Education shall*
6 *determine the necessary number of members for each school board. The*
7 *state board shall give notice to each local board within five (5) days of the*
8 *state board's determination.*
- 9 *(b) The number of required board members shall be based on the average daily*
10 *enrollment of the district averaged over the previous three (3) years for*
11 *which data is available. Districts with an enrollment:*
- 12 *1. Of fifteen thousand (15,000) students or fewer shall have five (5)*
13 *board members;*
- 14 *2. Between fifteen thousand one (15,001) and thirty thousand (30,000)*
15 *students shall have seven (7) members;*
- 16 *3. Between thirty thousand one (30,001) and forty-five thousand (45,000)*
17 *students shall have nine (9) members;*
- 18 *4. Between forty-five thousand one (45,001) and sixty thousand (60,000)*
19 *students shall have eleven (11) members;*
- 20 *5. Between sixty thousand one (60,001) and seventy-five thousand*
21 *(75,000) students shall have thirteen (13) members;*
- 22 *6. Of seventy-five thousand one (75,001) and greater shall have fifteen*
23 *(15) members.*
- 24 *(c) If a regular election occurs within the same year the determination is made,*
25 *then the additional membership shall be selected during that election.*
- 26 *(d) If no regular election occurs within the same year the determination is*
27 *made, then the additional membership shall be considered a vacancy under*

1 *KRS 160.190 with an election to a full term to occur at the next regularly*
 2 *scheduled election.*

3 *(e) If the determination requires the reduction of the number of members, then*
 4 *the reduction shall be made by reducing the number of members subject to*
 5 *election at the next regularly scheduled election.*

6 (2) In independent school districts, the members of the school board shall be elected
 7 from the district at large. In county school districts, members shall be elected from
 8 divisions.

9 (3)~~(2)~~ (a) The board of education of each county school district shall, within thirty
 10 (30) days of the receipt of a notice under subsection (1) of this section~~not~~
 11 ~~later than July 1, 1940~~, divide its district into the required number of~~five~~
 12 ~~(5)~~ divisions containing integral voting precincts and as equal in population
 13 insofar as is practicable.

14 (b) In ~~first~~ dividing the county district into divisions the board shall, if more
 15 than one (1) of its members reside in one (1) division, determine by lot which
 16 member from that division shall represent that division, and which members
 17 shall represent the divisions in which no member resides. The members so
 18 determined to represent divisions in which no member resides shall be
 19 considered the members from those divisions until their terms expire, and
 20 thereafter the members from those divisions shall be nominated and elected as
 21 provided in KRS 160.200 and 160.220 to 160.250.

22 (c) If a board of education of a county school district fails to adopt a new
 23 division as required after the notice established in subsection (1) of this
 24 section, then any new member positions shall be considered at-large and
 25 subject to the appointment or election provisions in subsection (1) of this
 26 section until the board of education adopts new divisions. Once the new
 27 divisions are adopted, any question of representation of divisions shall be

1 *determined under paragraph (b) of this subsection.*

2 ~~(4)~~~~(3)~~ Any changes made in division boundary lines shall be to make divisions as
3 equal in population and containing integral voting precincts insofar as is practical.
4 No change may be made in division boundary lines less than five (5) years after the
5 last change in any division lines, except in case of merger of districts, a change in
6 territory due to annexation, or to allow compliance with KRS 117.055(2).

7 ~~(5)~~~~(4)~~ (a) Notwithstanding the provisions of subsection ~~(4)~~~~(3)~~ of this section, if
8 one hundred (100) residents of a county school district division petition the
9 Kentucky Board of Education stating that the school district divisions are not
10 divided as nearly equal in population as can reasonably be expected, the chief
11 state school officer shall cause an investigation to determine the validity of the
12 petition, the investigation to be completed within thirty (30) days after receipt
13 of the petition.

14 (b) If the investigation reveals the school district to be unequally divided
15 according to population, the Kentucky Board of Education, upon the
16 recommendation of the chief state school officer, shall order the local board of
17 education to make changes in school district divisions as are necessary to
18 equalize population within the *required number of*~~five (5)~~ school divisions.

19 (c) If any board fails to comply with the order of the Kentucky Board of
20 Education within thirty (30) days or prior to August 1 in any year in which
21 any members of the board are to be elected, members shall be elected from
22 the district at large until the order of the Kentucky Board of Education has
23 been complied with.

24 (d) No change shall be made in the boundary of any division under the provisions
25 of this subsection after August 1 in the year in which a member of the school
26 board is to be elected from any division.

27 ~~[(5) Notwithstanding the provisions of subsection (2) of this section, in counties~~

1 ~~containing a city of the first class wherein a merger pursuant to KRS 160.041 shall~~
2 ~~have been accomplished, there shall be seven (7) divisions as equal in population as~~
3 ~~is practicable, with members elected from divisions. To be eligible to be elected~~
4 ~~from a division, a candidate must reside in that division. The divisions, based upon~~
5 ~~1970 United States Census Bureau Reports on total population by census tracts for~~
6 ~~Jefferson County, Kentucky shall be as follows: Division One shall include census~~
7 ~~tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,~~
8 ~~93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,~~
9 ~~107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division~~
10 ~~Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall~~
11 ~~include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,~~
12 ~~119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,~~
13 ~~111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS~~
14 ~~160.044 notwithstanding, shall be four (4) years and the election for the initial four~~
15 ~~(4) year terms shall be as follows: The election of the members from Divisions~~
16 ~~Two, Four and Seven shall be held at the next regular November election following~~
17 ~~the effective date of the merger pursuant to KRS 160.041, and the election of the~~
18 ~~members from Divisions One, Three, Five and Six shall be held at the regular~~
19 ~~November election two (2) years thereafter.]~~

20 (6) In counties containing cities of the first class, responsibility for the establishment or
21 the changing of school board division boundaries shall be with the local board of
22 education, subject to the review and approval of the county board of elections.
23 Where division and census tract boundaries do not coincide with existing election
24 precinct boundaries, school board divisions shall be redrawn to comply with
25 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
26 precinct be divided to accommodate the drawing of school board division lines.
27 Precinct boundaries nearest existing school board division boundaries shall become

1 the new division boundary. All changes under this statute shall be completed on or
2 before January 1, 1979, and on or before January 1 in any succeeding year in which
3 a member of the school board is to be elected from any division. A record of all
4 changes in division lines shall be kept in the offices of the county board of
5 education and the county board of elections. The board of education shall publish
6 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
7 notice is published shall be filed with the chief state school officer within ten (10)
8 days following its publication.

9 **(7) Within ten (10) days of a board of education of a county school district adopting**
10 **new divisions, the board shall submit the new divisions to the Kentucky**
11 **Department of Education and the Legislative Research Commission.**

12 ➔Section 2. KRS 160.200 is amended to read as follows:

13 (1) All elections for members of boards of education shall be in even numbered years,
14 for a term of four (4) years~~[, except as provided in KRS 160.210(5)]~~. Except as
15 provided in subsection (3) of this section, the elections shall be held at the regular
16 November election.

17 (2) In each even numbered year, there shall be held an election in every county and
18 independent district to fill the membership of the boards of education for the terms
19 that will expire on the first Monday in January following, and the regularly elected
20 members shall hold office for four (4) years and until their successors are elected
21 and have qualified.

22 (3) Any independent school district embracing a designated city may, at the discretion
23 of its board of education, hold its election of board members at its public school
24 building on the first Saturday in May. The election shall be held by three (3)
25 officers appointed by the board of education and the expenses of the election shall
26 be paid from the treasury of the school district. In all other respects the provisions
27 of this chapter relating to holding elections for board members shall apply.

1 (4) ~~In counties containing a city of the first class, wherein a merger pursuant to KRS~~
2 ~~160.041 shall have been accomplished, the terms of the members shall be as~~
3 ~~provided in KRS 160.210(5). Elected members of such boards, excepting those~~
4 ~~boards of education representing ten percent (10%) or less of the student population~~
5 ~~of the county serving at the effective date of such a merger shall continue to serve~~
6 ~~until their term expires, but no appointments shall be made to fill vacancies. The~~
7 ~~terms of office of members of boards of education representing ten percent (10%)~~
8 ~~or less of the student population of the county shall expire on the effective date of~~
9 ~~the merger.~~

10 (5) ~~As used in this section, "designated city" means a city classified as a city of the~~
11 ~~fifth class as of January 1, 2014, under the city classification system in effect prior~~
12 ~~to January 1, 2015. The Department of Education shall, on or before January 1,~~
13 ~~2015, create an official registry listing the cities that qualify as a "designated city"~~
14 ~~under this section and shall publish that registry on its website[Web site].~~

15 ➔Section 3. KRS 160.160 is amended to read as follows:

16 (1) Each school district shall be under the management and control of a board of
17 education consisting of **the number of members required under Section 1 of this**
18 **Act**~~[five (5) members, except in counties containing a city of the first class wherein~~
19 ~~a merger pursuant to KRS 160.041 shall have been accomplished which shall have~~
20 ~~seven (7) members elected from the divisions and in the manner prescribed by KRS~~
21 ~~160.210(5)], to be known as the "Board of Education of ..., Kentucky." Each board~~
22 ~~of education shall be a body politic and corporate with perpetual succession. It may~~
23 ~~sue and be sued; make contracts; expend funds necessary for liability insurance~~
24 ~~premiums and for the defense of any civil action brought against an individual~~
25 ~~board member in his official or individual capacity, or both, on account of an act~~
26 ~~made in the scope and course of his performance of legal duties as a board member;~~
27 ~~purchase, receive, hold, and sell property; issue its bonds to build and construct~~

1 improvements; and do all things necessary to accomplish the purposes for which it
2 is created. Each board of education shall elect a chair~~chairman~~ and vice
3 chair~~chairman~~ from its membership in a manner prescribed by the board and for
4 a one (1) year term~~term prescribed by the board not to exceed two (2) years~~.

5 (2) No board of education shall participate in any financing of school buildings, school
6 improvements, appurtenances thereto, or furnishing and equipment, including
7 education technology equipment without:

8 (a) First establishing the cost of the project in advance of financing, based on the
9 receipt of advertised, public, and competitive bids for such project, in
10 accordance with KRS Chapter 424; and

11 (b) Establishing the cost of financing in advance of the sale of any bonds,
12 certificates of participation in any leases, or other evidences of financial
13 commitments issued by or on behalf of such board. Any bonds, leases,
14 participations, or other financial arrangements shall not involve a final
15 commitment of the board until the purchaser or lender involved shall have
16 been determined by public advertising in accordance with KRS Chapter 424.

17 (3) No board of education shall make a mortgage, lien, or other encumbrance upon any
18 school building owned by the board, or transfer title to any such school building as
19 part of any financing arrangement, without the specific approval of the Department
20 of Education, and without the transaction being entered into pursuant to a detailed
21 plan or procedure specifically authorized by Kentucky statute.

22 (4) Without the approval of the Department of Education, no board may lease, as
23 lessee, a building or public facility that has been or is to be financed at the request
24 of the board or on its behalf through the issuance of bonds by another public body
25 or by a nonprofit corporation serving as an agency and instrumentality of the board,
26 or by a leasing corporation. Any lease, participation, or other financial arrangement
27 shall not involve a final commitment of the board unless and until the purchaser or

1 lender involved in same shall have been determined by public advertising in
2 accordance with KRS Chapter 424. No transaction shall be entered into by the
3 board except upon the basis of public advertising and competitive bidding in
4 accordance with KRS Chapter 424.

5 (5) Rental payments due by a board under a lease approved by the Department of
6 Education in accordance with subsection (4) of this section shall be due and payable
7 not less than ten (10) days prior to the interest due date for the bonds, notes, or
8 other debt obligations issued to finance the building or public facility. If a board
9 fails to make a rental payment when due under a lease, upon notification to the
10 Department of Education by the paying agent, bond registrar, or trustee for the
11 bonds not less than three (3) days prior to the interest due date, the Department of
12 Education shall withhold or intercept any funds then due the board to the extent of
13 the amount of the required payment on the bonds and remit the amount to the
14 paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department
15 of Education shall resolve the matter with the board and adjust remittances to the
16 board to the extent of the amount paid by the Department of Education on the
17 board's behalf.

18 (6) Bonds, notes or leases negotiated to provide education technology shall not be sold
19 for longer than seven (7) years or the useful life of the equipment as established by
20 the state technology master plan, whichever is less.

21 (7) Notwithstanding any requirements of public advertising, competitive bidding, or
22 approval by the Department of Education, or any administrative regulation
23 promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the
24 transfer or sale of the district's real or personal property to another governmental or
25 quasi-governmental agency in exchange for money or a similar type of property that
26 equals or exceeds the fair market value of the district property as determined by an
27 independent appraisal conducted by:

- 1 (a) An individual or organization not affiliated with the district or its officers or
- 2 employees, using a generally accepted national or professional standard; or
- 3 (b) A district's officers or employees using a nationally published valuation of
- 4 property based on the most recent edition of the publication.

5 **(8) A board of education shall maintain oversight over the superintendent. The**
 6 **superintendent shall submit a report on closed investigations on district**
 7 **employees to the board for the purposes of the board's consideration of board**
 8 **policy and the evaluation of the superintendent's performance.**

9 ➔Section 4. KRS 160.180 is amended to read as follows:

10 (1) ~~[As used in this section, "relative" means father, mother, brother, sister, husband,~~
 11 ~~wife, son, and daughter.~~

12 ~~(2)~~ No person shall be eligible for membership on a board of education:

- 13 (a) Unless he has attained the age of twenty-four (24) years; and
- 14 (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding
- 15 his election and is a voter of the district for which he is elected; and
- 16 (c) Unless he has completed at least the twelfth grade or has been issued a High
- 17 School Equivalency Diploma; and
- 18 (d) Unless an affidavit signed under penalty of perjury certifying completion of
- 19 the twelfth grade or the equivalent as determined by passage of the twelfth
- 20 grade equivalency examination held under regulations adopted by the
- 21 Kentucky Board of Education has been filed with the nominating petition
- 22 required by KRS 118.315; and
- 23 (e) For a candidate who files a nominating petition as required by KRS 118.315
- 24 on or after April 4, 2018, unless a transcript evidencing completion of the
- 25 twelfth grade or results of a twelfth grade equivalency examination has been
- 26 filed with the nominating petition; or
- 27 (f) Who holds any elective federal, state, county, or city office; or

1 (g) Who, at the time of his election, is directly or indirectly interested in the sale
2 to the board of books, stationery, or any other property, materials, supplies,
3 equipment, or services for which school funds are expended; or

4 (h) Who has been removed from membership on a board of education for cause;
5 or

6 ~~(i) Who has a relative as defined in subsection (1) of this section employed by~~
7 ~~the school district and is elected after July 13, 1990. However, this shall not~~
8 ~~apply to a board member holding office on July 13, 1990, whose relative was~~
9 ~~not initially hired by the district during the tenure of the board member].~~

10 ~~(2)~~~~(3)~~ If, after the election of any member of the board, he becomes interested in any
11 contract with or claims against the board, of the kind mentioned in paragraph (g) of
12 subsection ~~(1)~~~~(2)~~ of this section, or if he moves his residence from the district for
13 which he was chosen, or if he attempts to influence the hiring of any school
14 employee, except the superintendent of schools or school board attorney, or if he
15 does anything that would render him ineligible for reelection, he shall be subject to
16 removal from office pursuant to KRS 415.050 and 415.060.

17 ~~(3)~~~~(4)~~ A board member shall be eligible for reelection unless he becomes
18 disqualified.

19 ~~(4)~~~~(5)~~ The annual in-service training requirements for all school board members in
20 office as of December 31, 2014, shall be as follows:

21 (a) Twelve (12) hours for school board members with zero to three (3) years of
22 experience;

23 (b) Eight (8) hours for school board members with four (4) to seven (7) years of
24 experience; and

25 (c) Four (4) hours for school board members with eight (8) or more years of
26 experience.

27 The Kentucky Board of Education shall identify the criteria for fulfilling this

1 requirement.

2 ~~(5)~~~~(6)~~ (a) For all board members who begin their initial service on or after January
3 1, 2015, the annual in-service training requirements shall be twelve (12) hours
4 for school board members with zero to eight (8) years of experience and eight
5 (8) hours for school board members with more than eight (8) years of
6 experience.

7 (b) Training topics for school board members shall include:

8 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of
9 superintendent evaluation annually for members with zero to three (3)
10 years' experience;

11 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of
12 superintendent evaluation annually for members with four (4) to seven
13 (7) years' experience;~~and~~

14 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of
15 superintendent evaluation biennially for members with eight (8) or more
16 years' experience; ***and***

17 ***4. One (1) hour of open meetings and open records training every other***
18 ***year.***

19 The Kentucky Board of Education shall identify criteria for fulfilling this
20 requirement.

21 ➔Section 5. KRS 116.200 is amended to read as follows:

22 (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local
23 governments and urban-county governments, shall provide the clerk of the
24 county or counties in which the city is located with a list of all properties
25 within the city and a map of the city boundaries for the county clerk to
26 maintain a roster of voters who are eligible to vote in city elections. A county
27 clerk may accept the list of city properties in an electronic format and the city

- 1 clerk may provide a copy of the city's boundary map maintained by the
2 Kentucky Commonwealth Office of Technology, Division of Geographic
3 Information Systems; and
- 4 (b) Documentation of any change to the boundaries of a city shall be reported to
5 the county clerk in accordance with KRS 81A.475.
- 6 (2) (a) On or before January 1, 2011, each school district board shall provide the
7 clerk of the county in which the school district is located with maps and
8 written descriptions of the boundaries of each school board district located in
9 the county for the county clerk to maintain a roster of voters who are eligible
10 to vote in school board elections.
- 11 (b) Documentation of any change to a school district's boundaries shall be
12 reported to the county clerk within sixty (60) days of the change, or
13 immediately if the change is within sixty (60) days of the August 1 deadline
14 established in KRS 160.210~~(5)~~~~(4)~~(d).
- 15 (3) Each county clerk shall code all registered voters in that county in such a manner
16 that precinct election officers may determine the voter's eligibility to vote in city
17 and school board elections prior to each primary and regular election for city
18 officers in that county, each regular election for school board members in that
19 county, and each special election in which a ballot question is presented to the
20 residents of a city or a school board district.
- 21 (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or
22 school district providing any information required by subsections (1)(a) and (2)(a)
23 of this section.
- 24 (5) Nothing in this section shall prohibit a county clerk from requesting additional
25 information from the city, school district board, or any other reliable source to
26 ascertain whether a registered voter resides within a city or a school district
27 boundary.

1 ➔Section 6. KRS 160.380 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Administrative finding of child abuse or neglect" means a substantiated
4 finding of child abuse or neglect issued by the Cabinet for Health and Family
5 Services that is:

6 1. Not appealed through an administrative hearing conducted in
7 accordance with KRS Chapter 13B;

8 2. Upheld at an administrative hearing conducted in accordance with KRS
9 Chapter 13B and not appealed to a Circuit Court; or

10 3. Upheld by a Circuit Court in an appeal of the results of an
11 administrative hearing conducted in accordance with KRS Chapter 13B;

12 (b) "Alternative education program" means a program that exists to meet the
13 needs of students that cannot be addressed in a traditional classroom setting
14 but through the assignment of students to alternative classrooms, centers, or
15 campuses that are designed to remediate academic performance, improve
16 behavior, or provide an enhanced learning experience. Alternative education
17 programs do not include career or technical centers or departments;

18 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
19 Services indicating that there are no administrative findings of child abuse or
20 neglect relating to a specific individual;

21 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
22 daughter; and

23 (e) "Vacancy" means any certified position opening created by the resignation,
24 dismissal, nonrenewal of contract, transfer, or death of a certified staff
25 member of a local school district, or a new position created in a local school
26 district for which certification is required. However, if an employer-employee
27 bargained contract contains procedures for filling certified position openings

1 created by the resignation, dismissal, nonrenewal of contract, transfer, or
2 death of a certified staff member, or creation of a new position for which
3 certification is required, a vacancy shall not exist, unless certified positions
4 remain open after compliance with those procedures.

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

7 (a) All appointments, promotions, and transfers of principals, supervisors,
8 teachers, and other public school employees shall be made only by the
9 superintendent of schools, who shall notify the board of the action taken. All
10 employees of the local district shall have the qualifications prescribed by law
11 and by the administrative regulations of the Kentucky Board of Education and
12 of the employing board. Supervisors, principals, teachers, and other
13 employees may be appointed by the superintendent for any school year at any
14 time after February 1 preceding the beginning of the school year. No
15 superintendent of schools shall appoint or transfer himself or herself to
16 another position within the school district;

17 (b) When a vacancy occurs in a local school district, the superintendent shall
18 submit the job posting to the statewide job posting system described in KRS
19 160.152 fifteen (15) days before the position shall be filled. The local school
20 district shall post position openings in the local board office for public
21 viewing;

22 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
23 prevent disruption of necessary instructional or support services of the school
24 district, the superintendent may seek a waiver from the chief state school
25 officer. If the waiver is approved, the appointment shall not be made until the
26 person recommended for the position has been approved by the chief state
27 school officer. The chief state school officer shall respond to a district's

1 request for waiver or for approval of an appointment within two (2) working
2 days; and

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

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

9 (a) No relative of a superintendent of schools shall be an employee of the school
10 district. However, this shall not apply to a relative who is a classified or
11 certified employee of the school district for at least thirty-six (36) months
12 prior to the superintendent assuming office and who is qualified for the
13 position the employee holds. A superintendent's spouse who has previously
14 been employed in a school system may be an employee of the school district.
15 A superintendent's spouse who is employed under this provision shall not hold
16 a position in which the spouse supervises certified or classified employees. A
17 superintendent's spouse may supervise teacher aides and student teachers.
18 However, the superintendent shall not promote a relative who continues
19 employment under an exception of this subsection;

20 (b) ~~[No superintendent shall employ a relative of a school board member of the~~
21 ~~district;~~

22 ~~(c) —]~~No principal's relative shall be employed in the principal's school; and

23 (c)~~(d)~~ A relative that is ineligible for employment under paragraph (a)~~(b)~~ or
24 (b)~~(c)~~ of this subsection may be employed as a substitute for a certified
25 or classified employee if the relative is not:

- 26 1. A regular full-time or part-time employee of the district;
27 2. Accruing continuing contract status or any other right to continuous

1 employment;

2 3. Receiving fringe benefits other than those provided other substitutes; or

3 4. Receiving preference in employment or assignment over other
4 substitutes.

5 (4) No superintendent shall assign a certified or classified staff person to an alternative
6 education program as part of any disciplinary action taken pursuant to KRS 161.011
7 or 161.790 as part of a corrective action plan established pursuant to the local
8 district evaluation plan.

9 (5) No superintendent shall initially employ in any position in the district any person
10 who is a violent offender or has been convicted of a sex crime as defined by KRS
11 17.165 which is classified as a felony or persons with an administrative finding of
12 child abuse or neglect in records maintained by the Cabinet for Health and Family
13 Services. The superintendent may employ, at his discretion, except at a Kentucky
14 Educational Collaborative for State Agency Children program, persons convicted of
15 sex crimes classified as a misdemeanor.

16 (6) Requirements for background checks shall be as follows:

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

21 1. Each new certified or classified hire;

22 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
23 161.185;

24 3. A student teacher;

25 4. A school-based decision making council parent member; and

26 5. Any adult who is permitted access to school grounds on a regularly
27 scheduled and continuing basis pursuant to a written agreement for the

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

1 State Police and the Federal Bureau of Investigation and have a clear CA/N
2 check, provided by the individual.

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

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

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

24 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified
25 employee on the basis of a criminal record other than a record of a sex crime or as a
26 violent offender as defined in KRS 17.165, or on the basis of a CA/N check
27 showing an administrative finding of child abuse or neglect.

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

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

21 (c) Each application form for a district position shall require the applicant to:
22 1. Identify the states in which he or she has maintained residency,
23 including the dates of residency; and
24 2. Provide picture identification.

25 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
26 when an employee of the school district is charged with any offense which is
27 classified as a felony, the superintendent may transfer the employee to a second

1 position until such time as the employee is found not guilty, the charges are
2 dismissed, the employee is terminated, or the superintendent determines that further
3 personnel action is not required. The employee shall continue to be paid at the same
4 rate of pay he or she received prior to the transfer. If an employee is charged with
5 an offense outside of the Commonwealth, this provision may also be applied if the
6 charge would have been treated as a felony if committed within the
7 Commonwealth. Transfers shall be made to prevent disruption of the educational
8 process and district operations and in the interest of students and staff and shall not
9 be construed as evidence of misconduct.

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

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

19 ➔Section 7. KRS 160.042 is amended to read as follows:

20 (1) Upon a merger under the provisions of KRS 160.040 and 160.041 of an
21 independent school district in a city of the first class with a county school district in
22 counties containing a city of the first class, the members of the county board of
23 education of the merged county school district, shall be elected pursuant to KRS
24 160.200 and 160.210.

25 (2) Each member of the respective boards of education at the time of the merger of the
26 districts, may continue to hold office until the expiration of his or her term of office,
27 ~~except as provided in KRS 160.200(4);~~ but any vacancy occurring among such

1 members for any reason shall not be filled.

2 ➔Section 8. Notwithstanding the specific future dates established in subsection
3 (1) of Section 1 of this Act, the Kentucky Board of Education shall make initial
4 determinations of the board size required under Section 1 of this Act by December 31,
5 2024. Within thirty days of receiving a notice from the Kentucky Board of Education,
6 any local board of education that is required to add membership due to the district's
7 enrollment shall conduct the necessary division changes pursuant to Section 1 of this Act.
8 However, the additional positions created shall be declared as vacancies and filled
9 pursuant to KRS 160.190. The appointed vacancies shall be filled at the next regular
10 election for a full four-year term.

11 ➔Section 9. Within thirty days of this Act becoming law, each superintendent
12 shall submit a report to the district's local board of education required under subsection
13 (8) of Section 3 of this Act for all the closed investigations that have been concluded
14 during the superintendent's current contract.