

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 employ in any position in the district any person who:
- 19 (a) Has been convicted of an offense that would classify a person as a violent
20 offender under KRS 439.3401;
- 21 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
22 misdemeanor offense under KRS Chapter 510;
- 23 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 24 (d) Has an administrative finding of child abuse or neglect in records maintained
25 by the Cabinet for Health and Family Services.
- 26 (6) **(a) Each application for a school district position shall require the applicant to:**
27 **1. Disclose:**

1 a Being the subject of any investigation or disciplinary action
2 within the past twelve (12) months; and

3 b. Any resulting resignation or termination.
4 related to abusive conduct while employed by any school or school district;
5 and

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

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

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

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

22 a. Making the disclosure; or

23 b. Participating in any judicial proceeding that may result from
24 making the disclosure.

25 (c) Upon disclosure of an investigation or disciplinary action involving abusive
26 conduct by an applicant under paragraph (a) of this subsection or a current
27 or previous employer under paragraph (b) of this subsection, the school

1 *district considering the applicant for employment shall:*

2 *1. Request all related information and records from the school district or*
 3 *nonpublic school that previously employed or currently employs the*
 4 *applicant; and*

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

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

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

14 *1. Ineligible for hire by the school district; and*

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

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

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

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

25 1. Each new certified or classified hire;

26 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
 27 161.185;

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

1 as a violent offender as defined in KRS 17.165, and no further procedures
2 shall be required;

3 (d) A superintendent may require a volunteer or a visitor to submit to a national
4 and state criminal history background check by the Department of Kentucky
5 State Police and the Federal Bureau of Investigation and have a clear CA/N
6 check, provided by the individual; and

7 (e) The superintendent of a school district operating under an alternative
8 transportation plan approved by the Kentucky Department of Education in
9 accordance with KRS 156.153(3) shall require the driver of any non-school
10 bus passenger vehicle authorized to transport students to and from school
11 pursuant to the alternative transportation plan who does not have a valid
12 commercial driver's license issued in accordance with KRS Chapter 281A
13 with an "S" endorsement to:

- 14 1. Submit to a national and state criminal background check by the
15 Department of Kentucky State Police and the Federal Bureau of
16 Investigation at least once every three (3) years and a criminal records
17 check conducted in accordance with KRS 27A.090 in all other years;
- 18 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
19 40;
- 20 3. Provide a biannual driving history record check performed by the
21 Transportation Cabinet;
- 22 4. Provide an annual clear CA/N check;
- 23 5. Immediately notify the superintendent of any conviction for a violation
24 under KRS Chapter 189 for which penalty points are assessed; and
- 25 6. Immediately notify the superintendent of any citation or arrest for a
26 violation of any provision of KRS Chapter 189A. The superintendent
27 shall inform the Kentucky Department of Education of the notification.

1 ~~(8)~~~~(7)~~ (a) If a certified or classified position remains unfilled after July 31 or if a
2 vacancy occurs during a school term, a superintendent may employ an
3 individual, who will have supervisory or disciplinary authority over minors,
4 on probationary status pending receipt of the criminal history background
5 check and a clear CA/N check, provided by the individual. Application for the
6 criminal record and a request for a clear CA/N check of a probationary
7 employee shall be made no later than the date probationary employment
8 begins.

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

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

22 ~~(9)~~~~(8)~~ The provisions of KRS 161.790 shall apply to terminate employment of a
23 certified employee on the basis of a criminal record other than a record of a sex
24 crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N
25 check showing an administrative finding of child abuse or neglect.

26 ~~(10)~~~~(9)~~ (a) All fingerprints requested under this section shall be on an applicant
27 fingerprint card provided by the Department of Kentucky State Police. The

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

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

19 (c) Each application form for a district position shall require the applicant to:

- 20 1. Identify the states in which he or she has maintained residency,
21 including the dates of residency;~~and~~
- 22 2. Provide picture identification; and
- 23 3. List each school district and nonpublic school in which the applicant
24 has been employed, including the dates of employment.

25 (11) (a) When an allegation of abusive conduct is made against a school district
26 employee, the school district employee in receipt of the allegation, whether
27 communicated in writing, electronically, or orally, shall report the

1 allegation to the school principal and as required by KRS 620.030. The
2 principal shall document the allegation and notify the superintendent or
3 designee. An investigation of the allegation shall be conducted by the school
4 district until it is completed and shall not end prior to completion due to the
5 employee transferring positions within the school district or leaving the
6 school district.

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

14 (12)~~(10)~~ Notwithstanding any provision of the Kentucky Revised Statutes to the
15 contrary, any certified or classified employee of the school district shall notify the
16 superintendent within seven (7) calendar days of being ~~when an employee of the~~
17 ~~school district is~~ charged with any offense which is classified as a felony.~~(1)~~ The
18 superintendent may transfer the employee to a second position until such time as
19 the employee is found not guilty, the charges are dismissed, the employee is
20 terminated, or the superintendent determines that further personnel action is not
21 required. The employee shall continue to be paid at the same rate of pay he or she
22 received prior to the transfer. If an employee is charged with an offense outside of
23 the Commonwealth, this provision may also be applied if the charge would have
24 been treated as a felony if committed within the Commonwealth. Transfers shall be
25 made to prevent disruption of the educational process and district operations and in
26 the interest of students and staff and shall not be construed as evidence of
27 misconduct.

1 ~~(13)~~~~(11)~~ Notwithstanding any law to the contrary, each certified and classified
2 employee of the school district shall notify the superintendent if he or she has been
3 found by the Cabinet for Health and Family Services to have abused or neglected a
4 child, and if he or she has waived the right to appeal a substantiated finding of child
5 abuse or neglect or if the substantiated incident was upheld upon appeal. Any
6 failure to report this finding shall result in the certified or classified employee being
7 subject to dismissal or termination.

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

10 ~~(15)~~~~(12)~~ The form for requesting a CA/N check shall be made available on the Cabinet
11 for Health and Family Services website.

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

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

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

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

25 The administrative regulations shall provide that:

26 1. If a school offers American sign language, the course shall be accepted
27 as meeting the foreign language requirements in common schools

- 1 notwithstanding other provisions of law;
- 2 2. If a school offers the Reserve Officers Training Corps program, the
- 3 course shall be accepted as meeting the physical education requirement
- 4 for high school graduation notwithstanding other provisions of law;
- 5 3. Every public middle and high school's curriculum shall include
- 6 instruction on the Holocaust and other cases of genocide, as defined by
- 7 the United Nations Convention on the Prevention and Punishment of the
- 8 Crime of Genocide, that a court of competent jurisdiction, whether a
- 9 court in the United States or the International Court of Justice, has
- 10 determined to have been committed by applying rigorous standards of
- 11 due process; and
- 12 4. Beginning in the 2025-2026 school year, cursive writing shall be
- 13 included as a course of study in all elementary schools and shall be
- 14 designed to ensure proficiency in cursive writing by the end of grade
- 15 five (5);
- 16 (b) Courses of study or educational experiences available to students in all middle
- 17 and high schools to fulfill the prerequisites for courses in advanced science
- 18 and mathematics as defined in KRS 158.845;
- 19 (c) The acquisition and use of educational equipment for the schools as
- 20 recommended by the Council for Education Technology;
- 21 (d) The minimum requirements for high school graduation in light of the
- 22 expected outcomes for students and schools set forth in KRS 158.6451. The
- 23 minimum requirements shall not include achieving any postsecondary
- 24 readiness indicator as described in KRS 158.6455 or any minimum score on a
- 25 statewide assessment administered under KRS 158.6453. Student scores from
- 26 any assessment administered under KRS 158.6453 that are determined by the
- 27 department's technical advisory committee to be valid and reliable at the

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

1 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
2 in KRS 158.6451. The administrative regulations shall permit a student who
3 received a physical examination no more than six (6) months prior to his or
4 her initial admission to Head Start to substitute that physical examination for
5 the physical examination required by the Kentucky Board of Education of all
6 students upon initial admission to the public schools, if the physical
7 examination given in the Head Start program meets all the requirements of the
8 physical examinations prescribed by the Kentucky Board of Education;

9 (i) A vision examination by an optometrist or ophthalmologist that shall be
10 required by the Kentucky Board of Education. The administrative regulations
11 shall require evidence that a vision examination that meets the criteria
12 prescribed by the Kentucky Board of Education has been performed. This
13 evidence shall be submitted to the school no later than January 1 of the first
14 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
15 public school, public preschool, or Head Start program;

16 (j) 1. ~~Beginning with the 2010-2011 school year,~~ A dental screening or
17 examination by a dentist, dental hygienist, physician, registered nurse,
18 advanced practice registered nurse, or physician assistant that shall be
19 required by the Kentucky Board of Education. The administrative
20 regulations shall require evidence that a dental screening or examination
21 that meets the criteria prescribed by the Kentucky Board of Education
22 has been performed. This evidence shall be submitted to the school no
23 later than January 1 of the first year that a five (5) or six (6) year-old
24 child is enrolled in a public school.

25 2. A child shall be referred to a licensed dentist if a dental screening or
26 examination performed by anyone other than a licensed dentist identifies
27 the possibility of dental disease;

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

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

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

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

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

- 26 1. Administrative regulations relating to health and safety;
- 27 2. Administrative regulations relating to civil rights;

- 1 3. Administrative regulations required by federal law; and
- 2 4. Administrative regulations promulgated in accordance with KRS
- 3 158.6451, 158.6453, 158.6455, and this section, relating to measurement
- 4 of performance outcomes and determination of successful districts or
- 5 schools, except upon issues relating to the grade configuration of
- 6 schools.
- 7 (c) Any waiver granted under this subsection shall be subject to revocation upon
- 8 a determination by the Kentucky Board of Education that the school district or
- 9 school holding the waiver has subsequently failed to meet the intent of the
- 10 waiver.
- 11 (3) Any private, parochial, or church school may voluntarily comply with:
- 12 (a) Curriculum, certification, and textbook standards established by the Kentucky
- 13 Board of Education; and
- 14 (b) *Employment standards established in Section 4 of this Act;*
- 15 and be certified upon application to the board by such schools.
- 16 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
- 17 penalty to be assessed by the commissioner of education as follows:
- 18 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 19 from the sale of the competitive food;
- 20 (b) Subsequent violations shall result in a fine of no less than one (1) month's
- 21 revenue from the sale of the competitive food;
- 22 (c) "Habitual violations," which means five (5) or more violations within a six (6)
- 23 month period, shall result in a six (6) month ban on competitive food sales for
- 24 the violating school; and
- 25 (d) Revenue collected as a result of the fines in this subsection shall be
- 26 transferred to the food service fund of the local school district.
- 27 ➔Section 4. KRS 160.151 is amended to read as follows:

1 *(1) For purposes of this section, "certified nonpublic school" means a private,*
 2 *parochial, or church school that has voluntarily been certified by the Kentucky*
 3 *Board of Education in accordance with subsection (3) of Section 3 of this Act.*

4 ~~(2)(1)~~ (a) 1. A *certified nonpublic school shall*~~[private, parochial, or church~~
 5 ~~school that has voluntarily been certified by the Kentucky Board of~~
 6 ~~Education in accordance with KRS 156.160(3) may]~~ require a national
 7 and state criminal background check and require a clear CA/N check, as
 8 defined in KRS 160.380, on all new certified hires in the school and
 9 student teachers assigned to the school and may require a new national
 10 and state criminal background check and require a clear CA/N check on
 11 each certified teacher once every five (5) years of employment.

12 2. Certified individuals who were employed in another certified position in
 13 a Kentucky school within six (6) months of the date of the hire and who
 14 had previously submitted to a national and state criminal background
 15 check and were required to have a clear CA/N check for previous
 16 employment may be excluded from the initial national or state criminal
 17 background checks.

18 (b) The national criminal history background check shall be conducted by the
 19 Federal Bureau of Investigation. The state criminal history background check
 20 shall be conducted by the Department of Kentucky State Police or the
 21 Administrative Office of the Courts.

22 (c) All fingerprints requested under this section shall be on an applicant
 23 fingerprint card provided by the Department of Kentucky State Police. The
 24 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
 25 the Department of Kentucky State Police after a state criminal background
 26 check has been conducted. Any fee charged by the Department of Kentucky
 27 State Police, the Administrative Office of the Courts, or the Federal Bureau of

1 Investigation shall be an amount no greater than the actual cost of processing
2 the request and conducting the search.

3 ~~(3)~~~~(2)~~ (a) **When a certified nonpublic**~~[If a]~~ school requires a criminal background
4 check or requires a clear CA/N check **under this section**~~[for a new hire]~~, the
5 school shall conspicuously include the following disclosure statement on each
6 application or renewal form provided by the employer to an applicant for a
7 certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO
8 REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A
9 LETTER, **PROVIDED BY THE INDIVIDUAL**, FROM THE CABINET
10 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
11 **HAS NO ADMINISTRATIVE FINDINGS OF**~~[IS CLEAR TO HIRE~~
12 ~~BASED ON NO FINDINGS OF SUBSTANTIATED]~~ CHILD ABUSE OR
13 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
14 ABUSE AND NEGLECT RECORDS **MAINTAINED BY THE CABINET**
15 **FOR HEALTH AND FAMILY SERVICES**~~[AS A CONDITION OF~~
16 ~~EMPLOYMENT FOR THIS TYPE OF POSITION]."~~

17 (b) The school or school board may require an adult who is permitted access to
18 school grounds on a regularly scheduled and continuing basis pursuant to a
19 written agreement for the purpose of providing services directly to a student
20 or students as part of a school-sponsored program or activity, a volunteer, or a
21 visitor to submit to a national criminal history check by the Federal Bureau of
22 Investigation and state criminal history background check by the Department
23 of Kentucky State Police or Administrative Office of the Courts and require a
24 clear CA/N check.

25 (c) Any request for records from the Department of Kentucky State Police under
26 this section shall be on an applicant fingerprint card provided by the
27 Department of Kentucky State Police if required. The results of the state

1 criminal background check and the results of the national criminal history
2 background check~~[, if requested,]~~ shall be sent to the hiring superintendent.
3 **When**~~[If]~~ a background check of child abuse and neglect records is requested,
4 the person seeking employment shall provide to the hiring superintendent a
5 clear CA/N check.

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

9 **(e) Every five (5) years from the year an individual was required to submit to a**
10 **national and state criminal records check under subsection (2) of this**
11 **section, a certified nonpublic school shall require the individual to submit to**
12 **a state records check.**

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

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

1 (c) Employment, ***including probationary employment***, at a ***certified*** nonpublic
2 school ~~shall~~~~implementing this chapter may~~ be contingent on the receipt of a
3 criminal history background check documenting ***that the employee has no***~~a~~
4 record as a violent offender, of a sex crime, or of a violent crime as defined in
5 KRS 17.165 ~~and~~~~or~~ the receipt of a clear CA/N check, provided by the
6 individual.

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

11 ~~(5)~~~~(4)~~ The form for requesting a ~~clear~~ CA/N check shall be made available on the
12 Cabinet for Health and Family Services ***website***~~Web site~~.

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

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

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

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

24 (2) **(a)** Each local school district superintendent shall appoint a certified school
25 employee to fulfill the role and responsibilities of a professional development
26 coordinator who shall disseminate professional development information to
27 schools and personnel. Upon request by a school council or any employees of

1 the district, the coordinator shall provide technical assistance to the council or
2 the personnel that may include assisting with needs assessments, analyzing
3 school data, planning and evaluation assistance, organizing districtwide
4 programs requested by school councils or groups of teachers, or other
5 coordination activities.

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

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

21 (3) The Kentucky Department of Education shall provide or facilitate optional,
22 professional development programs for certified personnel throughout the
23 Commonwealth that are based on the statewide needs of teachers, administrators,
24 and other education personnel. Programs may include classified staff and parents
25 when appropriate. Programs offered or facilitated by the department shall be at
26 locations and times convenient to local school personnel and shall be made
27 accessible through the use of technology when appropriate. They shall include

1 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
2 including reducing the achievement gaps as determined by an equity analysis of the
3 disaggregated student performance data from the state assessment program
4 developed under KRS 158.6453; engage educators in effective learning processes
5 and foster collegiality and collaboration; and provide support for staff to
6 incorporate newly acquired skills into their work through practicing the skills,
7 gathering information about the results, and reflecting on their efforts. Professional
8 development programs shall be made available to teachers based on their needs
9 which shall include but not be limited to the following areas:

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

1 development on their instructional practices and student learning.

2 (5) (a) The department shall assist districts and school councils with the development
3 of long-term school and district improvement plans that include multiple
4 strategies for professional development based on the assessment of needs at
5 the school level.

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

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

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

- 1 (6) (a) The Kentucky Cabinet for Health and Family Services shall post on its web
2 page evidence-based suicide prevention awareness information, to include
3 recognizing the warning signs of a suicide crisis. The web page shall include
4 information related to suicide prevention training opportunities offered by the
5 cabinet or an agency recognized by the cabinet as a training provider.
- 6 (b) Every public school and public charter school shall provide two (2) evidence-
7 based suicide prevention awareness lessons each school year, the first by
8 September 15 and the second by January 15, either in person, by live
9 streaming, or via a video recording to all students in grades six (6) through
10 twelve (12). Every public school shall provide an opportunity for any student
11 absent on the day the evidence-based suicide prevention awareness lesson was
12 initially presented to receive the lesson at a later time. The information may
13 be obtained from the Cabinet for Health and Family Services or from a
14 commercially developed suicide prevention training program.
- 15 (c) 1. Each school year, a minimum of one (1) hour of high-quality evidence-
16 based suicide prevention training, including risk factors, warning signs,
17 protective factors, response procedures, referral, postvention, and the
18 recognition of signs and symptoms of possible mental illness, shall be
19 required for all school district employees with job duties requiring direct
20 contact with students in grades four (4) through twelve (12). The
21 training shall be provided either in person, by live streaming, or via a
22 video recording and may be included in the four (4) days of professional
23 development under KRS 158.070. As used in this subparagraph,
24 "postvention" means a series of planned supports and interventions with
25 persons affected by a suicide for the purpose of facilitating the grieving
26 or adjustment process, stabilizing the environment, reducing the risk of
27 negative behaviors, and limiting the risk of further suicides through

1 contagion.

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

6 (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to
7 public charter schools as a health and safety requirement under KRS
8 160.1592(1).

9 (7) (a) By November 1 of each year, a minimum of one (1) hour of training on how
10 to respond to an active shooter situation shall be required for all school district
11 employees with job duties requiring direct contact with students. The training
12 shall be provided either in person, by live streaming, or via a video recording
13 prepared by the Kentucky Department of Criminal Justice Training in
14 collaboration with the Kentucky Law Enforcement Council, the Kentucky
15 Department of Education, and the Center for School Safety and may be
16 included in the four (4) days of professional development under KRS
17 158.070.

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

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

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

- 1 (b) The trainings shall be web-based or in-person and cover, at a minimum, the
2 following topics:
- 3 1. Recognizing child physical, sexual, and emotional abuse and neglect;
 - 4 2. Reporting suspected child abuse and neglect in Kentucky as required by
5 KRS 620.030 and the appropriate documentation;
 - 6 3. Responding to the child; and
 - 7 4. Understanding the response of child protective services.
- 8 (c) The trainings shall include a questionnaire or other basic assessment tool upon
9 completion to document basic knowledge of training components.
- 10 (d) Each local board of education shall adopt one (1) or more trainings from the
11 list approved by the Department of Education to be implemented by schools.
- 12 (e) All school administrators, certified personnel, office staff, instructional
13 assistants, and coaches and extracurricular sponsors who are employed by the
14 school district shall complete the implemented training or trainings within
15 ninety (90) days of being hired and then every two (2) years after.
- 16 (f) Every public school shall prominently display the statewide child abuse
17 hotline number administered by the Cabinet for Health and Family Services,
18 the National Human Trafficking Reporting Hotline number administered by
19 the United States Department for Health and Human Services, and the Safe
20 Haven Baby Boxes Crisis Line number administered by the Safe Haven Baby
21 Boxes national organization or any equivalent successor entity.
- 22 (g) The requirements of this subsection shall also apply to public charter schools
23 as a health and safety requirement under KRS 160.1592(1).
- 24 (9) **(a) By May 1, 2026, the Kentucky Department of Education, in collaboration**
25 **with the Education Professional Standards Board, shall develop a training**
26 **for school district employees, to be provided via video recording, related to**
27 **appropriate relationships and communication with students, inappropriate**

1 relationships and communication with students, sexual grooming, and
2 sexual misconduct.

3 (b) Beginning with the 2026-2027 school year, and every five (5) years
4 thereafter, every local school district shall require all employees to undergo
5 the training described in paragraph (a) of this subsection.

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

9 (d) The requirements of this subsection shall apply to public charter schools as
10 a health and safety requirement under KRS 160.1592(1).

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

24 (11)~~(10)~~ The Department of Education shall provide training to address the
25 characteristics and instructional needs of students at risk of school failure and most
26 likely to drop out of school. The training shall be developed to meet the specific
27 needs of all certified and classified personnel depending on their relationship with

1 these students. The training for instructional personnel shall be designed to provide
2 and enhance skills of personnel to:

- 3 (a) Identify at-risk students early in elementary schools as well as at-risk and
4 potential dropouts in the middle and high schools;
- 5 (b) Plan specific instructional strategies to teach at-risk students;
- 6 (c) Improve the academic achievement of students at risk of school failure by
7 providing individualized and extra instructional support to increase
8 expectations for targeted students;
- 9 (d) Involve parents as partners in ways to help their children and to improve their
10 children's academic progress; and
- 11 (e) Significantly reduce the dropout rate of all students.

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

19 ~~(13)~~~~(12)~~ The department shall annually provide to the oversight council established in
20 KRS 15A.063, the information received from local schools pursuant to KRS
21 158.449.

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

- 23 (1) **Except as provided in Section 2 of this Act,** all records and references relating to an
24 allegation of a criminal offense committed by a school employee that did not lead to
25 formal charges and all records relating to a criminal proceeding in which a school
26 employee was found not guilty or the charges were dismissed shall be removed
27 from the school employee's personnel file by the superintendent or the

1 superintendent's designee in the local school district.

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

6 ➔Section 7. KRS 158.4431 is amended to read as follows:

7 (1) As used in this section, a "Kentucky guardian" or "guardian" means an employee of
8 a local board of education who is employed for the purpose of providing school
9 safety and security to students and staff on a school site. A person providing
10 services as a guardian may only include honorably discharged veterans, retired
11 Kentucky state troopers, retired special and sworn law enforcement officers, and
12 former federal law enforcement officers. A guardian certified by the Center for
13 School Safety as having met all requirements of this section is deemed to be an
14 authorized individual under KRS 527.070(3)(f) and may be armed with a firearm on
15 school property.

16 (2) Local boards of education may employ as many guardians as the board considers
17 necessary for the safety and security of its schools.

18 (3) Prior to hiring a guardian, the local board of education shall require the applicant to
19 provide certification from the Center for School Safety that he or she meets all of
20 the following minimum requirements:

- 21 (a) Is a citizen of the United States and the Commonwealth of Kentucky;
- 22 (b) Has received a high school diploma or a High School Equivalency Diploma;
- 23 (c) Is currently licensed under KRS 237.110 to carry a concealed weapon;
- 24 (d) Has completed and passed background checks as required pursuant to KRS
25 160.380(7)(6)(a), and has not been convicted of any felony, any
26 misdemeanor under KRS 510.120, 510.130, 510.140, or 510.148, or a
27 criminal attempt, conspiracy, facilitation, or solicitation to commit any degree

- 1 of rape, sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510,
2 or have had any offense listed in this paragraph expunged;
- 3 (e) Has passed a medical examination completed by a licensed physician,
4 physician assistant, or advanced practice registered nurse to determine if he or
5 she can perform the duties of a guardian;
- 6 (f) Has passed a drug screening test administered or approved by the Kentucky
7 Law Enforcement Council. A person shall be deemed to have passed a drug
8 screening test if the results of the test are negative for the use of an illegal
9 controlled substance or prescription drug abuse;
- 10 (g) Has passed the following examinations administered by the Kentucky Law
11 Enforcement Council:
- 12 1. A background investigation to determine the person's suitability for the
13 position of guardian;
- 14 2. A psychological suitability screening to determine the person's
15 suitability to perform guardian duties; and
- 16 3. A polygraph examination to determine the person's suitability to
17 perform guardian duties;
- 18 (h) Has passed the following courses provided by the Department of Criminal
19 Justice Training:
- 20 1. Active Shooter Response;
- 21 2. Enhanced Handgun Performance; and
- 22 3. Patrol Rifle;
- 23 (i) Has passed the marksmanship qualification requirement for a retired peace
24 officer as specified in KRS 237.140;
- 25 (j) Has been honorably discharged from the Armed Forces of the United States
26 within the five (5) years immediately preceding an initial contract to be a
27 guardian as evidenced by a Department of Defense form DD 214, or is a

1 retired Kentucky state trooper, retired special or sworn law enforcement
2 officer, or former federal law enforcement officer. Each agency that employed
3 a retired Kentucky state trooper, retired special law enforcement officer, or
4 sworn law enforcement officer shall provide to the retired individual proof of
5 prior employment in a prompt and efficient manner, without charge to the
6 individual; and

7 (k) Has met any other requirements imposed by the local board of education,
8 which may include but are not limited to a preemployment written
9 examination.

10 (4) Each guardian shall be required to complete annual firearm proficiency testing and
11 shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).

12 (5) Each guardian shall be required to complete the course requirements for School
13 Resource Officer Training I (SRO I) as set forth in KRS 158.4414(8).

14 (6) The employing local board of education may require the completion of any
15 additional courses and training as determined to be necessary by the board.

16 (7) Any cost associated with subsections (3) to (6) of this section shall be the
17 responsibility of the guardian unless otherwise agreed to by the employing local
18 board of education. The Kentucky Law Enforcement Council shall not charge more
19 to guardians for tests, assessments, or training completed than what is customarily
20 charged to any other type of applicant tested, assessed, or trained by the council.

21 (8) A local board of education employing a guardian shall collaborate with the local
22 police department, local sheriff, area post of the Department of Kentucky State
23 Police, and the state school security marshal in order to adopt school district policy
24 regarding:

25 (a) The job description of the guardian, including but not limited to the scope of
26 duties, responsibilities, and direct supervisor of the guardian;

27 (b) The uniform to be worn by guardians that would best suit the needs of the

1 schools while also allowing outside agencies to easily identify guardians;

2 (c) The procedures, processes, and chain of command to be used during an
3 emergency in which law enforcement agencies are called to the school; and

4 (d) The type of firearm and ammunition to be used by the guardian, if any.

5 (9) A local board of education shall be immune from civil or criminal liability in all
6 claims arising out of any action of a guardian.

7 (10) Guardians shall possess all the immunities and defenses now available or hereafter
8 made available under state law to sheriffs, constables granted peace officer powers,
9 and police officers in any suit brought against them in consequence of acts done in
10 the course of their employment.

11 (11) Nothing in this section requires a local board of education to hire or provide
12 guardians. Participation by a local board of education in the use of a guardian is
13 voluntary and subject to the availability of local school district funds. Any local
14 board of education that opts to participate shall do so at its own expense.

15 ➔Section 8. KRS 156.492 is amended to read as follows:

16 (1) The Kentucky Department of Education may enter into an agreement with any
17 building and construction trade organization to develop a training program for
18 school counselors providing services to students in the Commonwealth. The
19 purpose of the training program shall be to promote building and construction
20 trades and training facilities available to students by making school counselors
21 aware of what is available to students participating in the building and construction
22 trade. The training program shall include information relating to:

23 (a) The pay and benefits available to people who work in the building and
24 construction trades; and

25 (b) Job opportunities, pre-apprenticeships, apprenticeships, and pathways within
26 the building and construction trade industry.

27 (2) The participating trade organization shall ensure ample opportunities for school

- 1 counselors that serve grades seven (7) through twelve (12) to complete the training
2 created under subsection (1) of this section annually and shall bear all costs
3 associated with the training. The participating trade organization may choose to
4 offer professional development opportunities to teachers who serve students in
5 grades seven (7) through twelve (12), if resources are available for this purpose.
- 6 (3) The department shall include the training program created in this section on the
7 electronic consumer bulletin board created pursuant to KRS 156.095~~[(9)]~~ if
8 requested by the training program.
- 9 (4) A school counselor serving students in grades seven (7) through twelve (12) may
10 complete four (4) hours of training developed under this section which shall count
11 towards the twenty-one (21) hours required annually pursuant to KRS
12 156.101(4)(b)2.
- 13 (5) Local boards of education or school-based decision making councils may
14 incorporate this training as part of the four (4) days of professional development
15 required pursuant to KRS 158.070(3)(a) for teachers who serve students in grades
16 seven (7) through twelve (12) if offered by the participating trade organization.