

1 AN ACT relating to education and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act:*

6 *(1) "Binding contract" includes any grant, endowment, settlement agreement,*
7 *commercial contract, and any other legally enforceable agreement entered into by*
8 *or on behalf of the department or a school district, public school, or cooperative*
9 *board;*

10 *(2) "Cooperative board" means an interlocal cooperative board created by an*
11 *interlocal cooperative agreement entered into by one (1) or more school districts*
12 *in accordance with KRS 65.210 to 65.300 and 160.290, including but not limited*
13 *to special education cooperatives and regional education cooperatives;*

14 *(3) "Department" means the Kentucky Department of Education;*

15 *(4) "Differential treatment or benefits" means:*

16 *(a) Differential, preferential, or prejudicial treatment or consideration; or*

17 *(b) To confer or withhold a benefit;*

18 *(5) "Discriminatory concepts" means concepts justifying or promoting differential*
19 *treatment or benefits conferred to individuals on the basis of religion, race, sex,*
20 *color, or national origin, but does not include differential treatment or benefits*
21 *excluded from diversity, equity, and inclusion initiatives under subsection (6)(b)*
22 *of this section;*

23 *(6) (a) "Diversity, equity, and inclusion initiative" means:*

24 *1. A policy, practice, or procedure designed or implemented to promote*
25 *or provide differential treatment or benefits to individuals on the basis*
26 *of religion, race, sex, color, or national origin, including but not*
27 *limited to any such policy, practice or procedure related to*

1 employment, employee recruitment, employee hiring, contracts,
2 contract renewal, school policy, or student discipline;

3 2. A policy, practice, or procedure promoting gender nonconformity or
4 disparaging heterosexuality and heteronormativity; or

5 3. A training, conference, presentation, meeting, or professional
6 development containing, implementing, or promoting discriminatory
7 concepts.

8 (b) "Diversity, equity, and inclusion initiative" does not include any federal
9 mandate;

10 (7) "Diversity, equity, and inclusion office" means an office, division, or other unit
11 of the department or a school district, public school, or cooperative board that:

12 (a) Is responsible for developing, implementing, or promoting discriminatory
13 concepts or diversity, equity, and inclusion initiatives, regardless of whether
14 the office is designated as a diversity, equity, and inclusion office; and

15 (b) Is not expressly required pursuant to a federal mandate;

16 (8) "Diversity, equity, and inclusion officer" means an employee, contractor, or
17 volunteer:

18 (a) Whose responsibilities include developing, implementing, or promoting
19 discriminatory concepts or diversity, equity, and inclusion initiatives,
20 regardless of whether the position is designated as a diversity, equity, and
21 inclusion position or affiliated with a diversity, equity, and inclusion office;
22 and

23 (b) Who serves in a role that is not expressly required pursuant to a federal
24 mandate;

25 (9) "Diversity, equity, and inclusion training" means a training, conference,
26 presentation, meeting, or professional development that:

27 (a) Contains, implements, or promotes discriminatory concepts or diversity,

1 equity, and inclusion initiatives; and

2 (b) Is not expressly required pursuant to a federal mandate;

3 (10) "Federal mandate" means a policy, program, training, activity, or procedure that
4 is:

5 (a) Designed or implemented to promote or justify discriminatory concepts or
6 promote or provide differential treatment or benefits to individuals on the
7 basis of religion, race, sex, color, or national origin; and

8 (b) Required pursuant to a court order, a binding contract entered into prior to
9 the effective date of this Act, or any applicable federal law, including but
10 not limited to:

11 1. The Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

12 2. Title IX of the Education Amendments Act of 1972, 20 U.S.C. sec.
13 1681 et seq., as amended;

14 3. The Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et
15 seq., as amended;

16 4. The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et
17 seq., as amended;

18 5. The Age Discrimination in Employment Act of 1967, 29 U.S.C. sec.
19 621 et seq., as amended; and

20 6. The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended;

21 (11) "Public school" means a public school or public charter school of the
22 Commonwealth and includes all programs, departments, and offices of a public
23 school and any individual acting in an official capacity on behalf of a public
24 school;

25 (12) "Qualified individual" means any of the following:

26 (a) A student enrolled in a public school;

27 (b) A parent or guardian of a student under the age of eighteen (18) who is

1 enrolled in a public school;

2 (c) An individual who is employed by the department or a school district, public
3 school, or cooperative board;

4 (d) A candidate or applicant for employment with the department or a school
5 district, public school, or cooperative board; and

6 (e) Any entity denied a contract, transaction, or other financial opportunity
7 with the department or a school district, public school, or cooperative board
8 based upon the religion, race, sex, color, or national origin of the
9 ownership, management, or staff of the entity;

10 (13) "Resource" means:

11 (a) Moneys appropriated by the General Assembly;

12 (b) Moneys or items of value derived from bequests, charges, deposits,
13 donations, endowments, fees, grants, gifts, income, receipts, tuition, or any
14 other source;

15 (c) Facilities, materials, and other physical resources;

16 (d) Digital resources, including any official website or social media account of
17 the department or a school district, public school, or cooperative board; and

18 (e) Certified and classified employees, volunteers, and other human resources;
19 and

20 (14) "School district" means a public school district of the Commonwealth, and
21 includes all programs, departments, cooperative boards, and offices of a school
22 district and any individual acting in an official capacity on behalf of a school
23 district.

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) The department or a school district, public school, or cooperative board shall not
27 do any of the following:

1 (a) Provide any differential treatment or benefits to an individual, including an
2 applicant for employment, promotion, or contract renewal, on the basis of
3 the individual's religion, race, sex, color, or national origin;

4 (b) Prioritize or provide preferential consideration for vendors, contracts, or
5 other transactions based upon the religion, race, sex, color, or national
6 origin of the ownership, management, or staff of any business or nonprofit
7 entity, except that the institution may provide preferential consideration for
8 businesses owned by residents of Kentucky and the United States;

9 (c) Expend or utilize any resources to:

10 1. Establish or maintain a diversity, equity, and inclusion office;

11 2. Contract for or employ an individual to serve as a diversity, equity,
12 and inclusion officer;

13 3. Provide diversity, equity, and inclusion training or contribute to any
14 cost associated with planning, promoting, hosting, traveling to,
15 attending, presenting, or otherwise participating in diversity, equity,
16 and inclusion training;

17 4. Establish or maintain diversity, equity, and inclusion initiatives;

18 5. Promote or justify discriminatory concepts; or

19 6. Purchase, promote, or distribute any content or materials that promote
20 or justify discriminatory concepts or diversity, equity, and inclusion
21 initiatives;

22 (d) On an application for employment, promotion, contract renewal, or other
23 employment benefit, solicit any pledge or statement on the applicant's
24 experience with or views on religion, race, sex, color, or national origin;

25 (e) Require or incentivize an individual to attend diversity, equity, and
26 inclusion training or provide any differential treatment or benefits to an
27 individual based on the individual's participation in diversity, equity, and

1 inclusion training;

2 (f) Disseminate or profit from any research, work product, or material that
3 promotes or justifies discriminatory concepts or diversity, equity, and
4 inclusion initiatives; or

5 (g) Implement student disciplinary policies that consider religion, race, sex,
6 color, or national origin or otherwise establish student disciplinary caps or
7 quotas on the basis of religion, race, sex, color, or national origin.

8 (2) Compliance with a federal mandate shall be narrowly tailored to the express,
9 enforceable provisions thereof.

10 (3) Notwithstanding subsection (1) of this section, nothing in this section shall be
11 construed to apply to or affect any of the following:

12 (a) Instruction on the historical oppression of a particular group of people;

13 (b) Academic research or creative works of students;

14 (c) Religious freedom of students and school employees;

15 (d) The conduct, speech, and freedom of association of students and student-led
16 organizations;

17 (e) Mental or physical health services provided by licensed or certified
18 professionals;

19 (f) The ability of a school district to establish or maintain a single-sex school;

20 (g) Bona fide occupational qualifications and accommodations based on sex
21 that are reasonably necessary to the normal operation of a school district or
22 public school and do not constitute diversity, equity, and inclusion
23 initiatives; or

24 (h) The ability of a school district or public school to comply with a federal
25 mandate, provided that the compliance is narrowly tailored to the express,
26 enforceable provisions of that federal mandate.

27 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) The Attorney General may bring a civil action for a writ of mandamus to compel
3 the department or a school district, public charter school, or cooperative board to
4 comply with Section 2 of this Act and subsection (3) of this section.

5 (2) (a) Notwithstanding any provision of law to the contrary, a qualified individual
6 may bring a civil action for injunctive relief from a violation of Section 2 of
7 this Act or subsection (3) of this section.

8 (b) Sovereign, governmental, and qualified immunity are waived for the limited
9 purpose of bringing a claim filed under this subsection and arising from a
10 violation of Section 2 of this Act or subsection (3) of this section.

11 (c) A qualified individual may recover reasonable and actual attorney's fees
12 and litigation costs upon proving, by clear and convincing evidence, that a
13 defendant intentionally and willfully violated Section 2 of this Act or
14 subsection (3) of this section.

15 (d) The remedies identified in this subsection shall be in addition to and not in
16 lieu of any other remedies available at law or equity.

17 (3) An employee or agent of the department or a school district, public charter
18 school, or cooperative board shall not use, or threaten the use of, any official
19 authority or influence to discourage, interfere with, or otherwise retaliate against
20 any individual who in good faith files, supports, aids, or otherwise participates in
21 a civil action filed in accordance with subsection (2) of this section.

22 ➔Section 4. KRS 158.4416 is amended to read as follows:

23 (1) For purposes of this section:

24 (a) "Direct services" means in-person or virtual services provided directly to a
25 student by a school counselor, including but not limited to individual
26 counseling, group counseling, and individual student planning, scheduling,
27 and registration;

- 1 (b) "Indirect services" means services provided on behalf of a student as a result
2 of interactions with others, including but not limited to consultation and
3 collaboration with parents, teachers, and other educators;
- 4 (c) "School counselor" means an individual who holds a valid school counselor
5 certificate issued in accordance with the administrative regulations of the
6 Education Professional Standards Board;
- 7 (d) "School psychologist" means an individual who holds a valid school
8 psychology certificate issued in accordance with the administrative
9 regulations of the Education Professional Standards Board;
- 10 (e) "School social worker" means an individual who holds a valid school social
11 work certificate issued in accordance with the administrative regulations of
12 the Education Professional Standards Board;
- 13 (f) "School-based mental health services provider" means a certified school
14 counselor, school psychologist, school social worker, or other qualified
15 mental health professional as defined in KRS 202A.011;
- 16 (g) "Trauma" means physical, emotional, or life-threatening harm; and
- 17 (h) "Trauma-informed approach" means incorporating principles of trauma
18 awareness and trauma-informed practices in a school in order to foster a safe,
19 stable, and understanding learning environment for all students and staff and
20 ensuring that all students are known well by at least one (1) adult in the school
21 setting.
- 22 (2) The General Assembly recognizes that all schools must provide a place for students
23 to feel safe and supported to learn throughout the school day, and that any trauma a
24 student may have experienced can have a significant impact on the ability of a
25 student to learn. The General Assembly directs all public schools to adopt a trauma-
26 informed approach to education in order to better recognize, understand, and
27 address the learning needs of students impacted by trauma and to foster a learning

1 environment where all students, including those who have been traumatized, can be
2 safe, successful, and known well by at least one (1) adult in the school setting. The
3 requirements of this subsection shall apply to public charter schools as a health and
4 safety requirement under KRS 160.1592(1).

5 (3) (a) As funds and qualified personnel become available:

- 6 1. Each school district and each public charter school shall employ at least
7 one (1) school counselor in each school with the goal of the school
8 counselor spending at least sixty percent (60%) or more of his or her
9 time providing direct services to students and no more than forty percent
10 (40%) of his or her time providing indirect services to students; and
- 11 2. It shall be the goal that each school district and each public charter
12 school shall provide at least one (1) school counselor or school-based
13 mental health services provider who is employed by the school district
14 for every two hundred fifty (250) students, including but not limited to
15 the school counselor required in subparagraph 1. of this paragraph.

16 (b) A school counselor or school-based mental health services provider at each
17 school shall be the facilitator of a trauma-informed team to identify and assist
18 students whose learning, behavior, and relationships have been impacted by
19 trauma. The trauma-informed team may consist of school administrators,
20 school counselors, school psychologists, school social workers, school-based
21 mental health services providers, community-based mental health services
22 providers hired by the district, family resource and youth services
23 coordinators, school nurses, school resource officers, and any other school or
24 district personnel.

25 (c) The trauma-informed team shall:

- 26 1. Provide assistance to school personnel to enable them to support
27 students whose learning, behavior, and relationships have been impacted

- 1 by trauma;
- 2 2. Identify ways to recognize and respond to mental health issues in all
3 students;
- 4 3. Identify ways to build resiliency and wellness in all students;
- 5 4. Compile an annual record of its activities during the course of the school
6 year to be used in the annual comprehensive school improvement plan
7 process required by 703 KAR 5:225; and
- 8 5. Submit the record created in accordance with subparagraph 4. of this
9 paragraph to the department.
- 10 (d) Each school counselor or school-based mental health services provider
11 providing services pursuant to this section, and the trauma-informed team
12 members described in paragraph (b) of this subsection, shall provide training,
13 guidance, and assistance to other administrators, teachers, and staff on:
- 14 1. Recognizing symptoms of trauma in students;
- 15 2. Utilizing interventions and strategies to support the learning needs of
16 those students; and
- 17 3. Implementing the plan for a trauma-informed approach as described in
18 subsection (5) of this section.
- 19 (e) 1. School districts may employ or contract for the services of school-based
20 mental health services providers to assist with the development and
21 implementation of a trauma-informed approach and the development of
22 a trauma-informed team pursuant to this subsection and to enhance or
23 expand student mental health support services as funds and qualified
24 personnel become available.
- 25 2. School-based mental health services providers may provide services
26 through a collaboration between two (2) or more school districts or
27 between school districts and educational cooperatives or any other

1 public or private entities, including but not limited to local or regional
2 mental health day treatment programs.

3 (f) No later than November 1 of each year, the local school district
4 superintendent shall report to the department the number of school-based
5 mental health service providers, the position held, placement in the district,
6 certification or licensure held, the source of funding for each position, a
7 summary of the job duties and work undertaken by each school-based mental
8 health service provider, and the approximate percent of time devoted to each
9 duty over the course of the year.

10 (g) The department shall annually compile and maintain a list of school-based
11 mental health service providers by district which shall include the information
12 required in paragraph (f) of this subsection.

13 (h) No later than June 1 of each year, the department shall provide the Legislative
14 Research Commission for referral to the appropriate Interim Joint
15 Committee on Education~~[-with]~~ the information reported by local school
16 district superintendents and compiled in accordance with paragraph (g) of this
17 subsection.

18 (4) The department shall make available a toolkit that includes guidance, strategies,
19 behavioral interventions, practices, and techniques to assist school districts and
20 public charter schools in developing a trauma-informed approach in schools.

21 (5) Each local board of education and board of a public charter school shall develop a
22 plan for implementing a trauma-informed approach in its schools. The plan shall
23 include but not be limited to strategies for:

24 (a) Enhancing trauma awareness throughout the school community;

25 (b) Conducting an assessment of the school climate, including but not limited to
26 inclusiveness and respect for diversity;

27 (c) Developing trauma-informed discipline policies;

1 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,
2 and the local chief of police to create procedures for notification of trauma-
3 exposed students; and

4 (e) Providing services and programs designed to reduce the negative impact of
5 trauma, support critical learning, and foster a positive and safe school
6 environment for every student.

7 (6) The trauma-informed~~[-approach]~~ plan developed in accordance with subsection (5)
8 of this section shall be reviewed and updated annually, incorporated into the annual
9 comprehensive district improvement plan required by 703 KAR 5:225, and
10 submitted to the department. The department shall annually provide a summary of
11 the trauma-informed approach strategies being used in districts to the board and the
12 Legislative Research Commission for referral to the appropriate Interim Joint
13 Committee on Education.

14 **(7) This section shall not be construed to permit a trauma-informed plan or trauma-**
15 **informed approach that:**

16 **(a) Incorporates a diversity, equity, and inclusion initiative as defined in**

17 **Section 1 of this Act;**

18 **(b) Promotes discriminatory concepts as defined in Section 1 of this Act; or**

19 **(c) Is not aligned with Section 2 of this Act.**

20 ➔Section 5. KRS 158.4414 is amended to read as follows:

21 (1) Local boards of education, school district superintendents, administrators of state-
22 controlled facilities, and local and state law enforcement agencies shall cooperate to
23 assign one (1) or more certified school resource officers to serve each campus
24 where one (1) or more school buildings are used to deliver instruction to students on
25 a continuous basis.

26 (2) Local boards of education shall ensure, for each campus in the district, that at least
27 one (1) certified school resource officer is assigned to and working on-site full-time

1 in the school building or buildings on the campus. If sufficient funds and qualified
2 personnel are not available for this purpose for every campus, the local board of
3 education shall fulfill the requirements of this subsection on a per campus basis, as
4 approved in writing by the state school security marshal, until a certified school
5 resource officer is assigned to and working on-site full-time on each campus in the
6 district.

7 (3) Beginning with the 2025-2026 school year, a local board of education that is unable
8 to meet the requirement of subsection (2) of this section may, after consultation
9 with and approval by the state school security marshal, employ one (1) or more
10 guardians pursuant to KRS 158.4431 to provide safety and security measures for
11 schools within the district. The use of guardians under this subsection shall not be
12 used to replace the certified school resource officer required under subsection (2) of
13 this section, but only to provide safety and security resources until a certified school
14 resource officer is available.

15 (4) Beginning with the 2025-2026 school year, a local board of education that has met
16 the requirement of subsection (2) of this section may employ one (1) or more
17 guardians pursuant to KRS 158.4431 to provide additional school safety and
18 security measures within the district.

19 (5) Local boards of education utilizing a school resource officer employed by a law
20 enforcement agency or the Department of Kentucky State Police shall enter into a
21 memorandum of understanding with the law enforcement agency or the Department
22 of Kentucky State Police that specifically states the purpose of the school resource
23 officer program and clearly defines the roles and expectations of each party
24 involved in the program. The memorandum shall provide that the school resource
25 officer shall not be responsible for school discipline matters that are the
26 responsibility of school administrators or school employees.

27 (6) Local boards of education utilizing a school resource officer employed directly by

1 the local board of education shall adopt policies and procedures that specifically
2 state the purpose of the school resource officer program and clearly define the roles
3 and expectations of school resource officers and other school employees.

4 (7) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school
5 resource officer shall be armed with a firearm, notwithstanding any provision of
6 local board policy, local school council policy, or memorandum of agreement.

7 (8) The Kentucky Law Enforcement Council, in collaboration with the Center for
8 School Safety, shall promulgate administrative regulations in accordance with KRS
9 Chapter 13A to establish, update, and maintain three (3) levels of training for
10 certification of school resource officers as follows: School Resource Officer
11 Training I (SRO I), School Resource Officer Training II (SRO II), and School
12 Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours
13 of training, with SRO I to be completed within one (1) year of the date of the
14 officer's employment and SRO II and SRO III within the subsequent two (2) years.

15 (9) Course curriculum for school resource officers shall include but not be limited to:

- 16 (a) Foundations of school-based law enforcement;
- 17 (b) Threat assessment and response;
- 18 (c) Youth drug use and abuse;
- 19 (d) Social media and cyber security;
- 20 (e) School resource officers as teachers and mentors;
- 21 (f) Youth mental health awareness;
- 22 (g) ~~Diversity and bias awareness training;~~
- 23 ~~(h)~~ Trauma-informed action;
- 24 (h)~~(i)~~ Understanding students with special needs; and
- 25 (i)~~(j)~~ De-escalation strategies.

26 (10) All school resource officers with active school resource officer certification status
27 shall successfully complete forty (40) hours of annual in-service training that has

1 been certified or recognized by the Kentucky Law Enforcement Council for school
2 resource officers.

3 (11) In the event of extenuating circumstances beyond the control of an officer that
4 prevent the officer from completing the in-service training within one (1) year, the
5 commissioner of the Department of Criminal Justice Training or a designee may
6 grant the officer an extension of time, not to exceed one hundred eighty (180) days,
7 in which to complete the training.

8 (12) Any school resource officer who fails to successfully complete training
9 requirements within the specified time periods, including any approved time
10 extensions, shall lose his or her school resource officer certification and shall no
11 longer serve in the capacity of a school resource officer in a school.

12 (13) When a school resource officer is deficient in required training, the commissioner
13 of the Department of Criminal Justice Training or his or her designee shall notify
14 the council, which shall notify the officer and the officer's employing agency.

15 (14) A school resource officer who has lost school resource officer certification due
16 solely to the officer's failure to meet the training requirements of this section may
17 regain certification status as a school resource officer and may resume service in the
18 capacity of a school resource officer in a school setting upon successful completion
19 of the training deficiency.

20 (15) No later than November 1 of each year, the local school district superintendent shall
21 report to the Center for School Safety the number and placement of school resource
22 officers in the district. The report shall include the source of funding and method of
23 employment for each position.

24 (16) ~~Nothing in~~ This section shall ***not*** be interpreted or construed to require a local
25 government or any of its agencies or offices to fund the school resource officer
26 positions required of local boards of education under this section. For purposes of
27 this subsection, "local government" has the same meaning as in KRS 65.8840.

1 (17) ~~Nothing in~~ This section shall ***not*** prevent a private or parochial school from
2 entering into a memorandum of understanding with a local law enforcement agency
3 or the Department of Kentucky State Police to provide school resource officers
4 employed by the local law enforcement agency or the Department of Kentucky
5 State Police.

6 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
7 READ AS FOLLOWS:

8 ***Each school district and cooperative board shall provide to the State Treasurer the***
9 ***name, job title, duty station, salary or wages, and amount of any contracted severance***
10 ***or other form of post-employment compensation, of each employee of the school***
11 ***district or cooperative board by the twentieth day of each month, to be reported to the***
12 ***public in the manner and method designated by the State Treasurer. As used in this***
13 ***section, "cooperative board" has the same meaning as in Section 1 of this Act.***

14 ➔Section 7. KRS 161.030 is amended to read as follows:

15 (1) Notwithstanding the age of the pupil, the certification of all teachers and other
16 school personnel, in public schools only, is vested in the Education Professional
17 Standards Board. When so certified, teachers and other school personnel shall not
18 be required to have licensure, certification, or other forms of approval from any
19 other state agency for the performance of their respective assignments within the
20 system of public schools, except as provided for by law. All certificates authorized
21 under KRS 161.010 to 161.126 shall be issued in accordance with the
22 administrative regulations of the Education Professional Standards Board.~~After~~
23 ~~July 15, 1994, all certificate applications and other data collection instruments of~~
24 ~~the board shall include a request for voluntary information about the applicant's~~
25 ~~ethnic background. This information shall be available to help local school districts~~
26 ~~locate minority candidates. A person who holds a certificate prior to this~~
27 ~~requirement may request that ethnic information be added to his or her file.]~~

1 ~~Nothing in~~ This section shall ***not*** preclude the right of an individual in a nonpublic
2 school from seeking voluntary certification by the Education Professional Standards
3 Board.

4 (2) Certificates shall be issued upon written application and in accordance with statutes
5 and regulations in effect at the time of application to persons who have completed,
6 at colleges, universities, or local school district programs approved by the
7 Education Professional Standards Board for the preparation of teachers and other
8 school personnel, the curricula prescribed by the administrative regulations of the
9 Education Professional Standards Board.

10 (3) (a) Certification of all new teachers and teachers seeking additional certification
11 shall require the successful completion of appropriate assessments prior to
12 certification. The assessments shall be selected by the Education Professional
13 Standards Board and shall measure knowledge in the specific teaching field of
14 the applicant, including content of the field and teaching of that content. The
15 Education Professional Standards Board shall determine the minimum
16 acceptable level of achievement on each assessment. The assessments shall
17 measure those concepts, ideas, and facts which are being taught in teacher
18 education programs in Kentucky. Upon successful completion of the
19 assessments and the approved teacher preparation program, a professional
20 certificate valid for five (5) years shall be issued.

21 (b) If an applicant for teacher certification has completed the approved teacher
22 preparation program and has taken but failed to successfully complete the
23 appropriate assessments selected by the Education Professional Standards
24 Board, a conditional certificate may be issued for a period not to exceed one
25 (1) year. The employing school district, in collaboration with the teacher
26 education institution, shall provide technical assistance and mentoring support
27 to the conditionally certified teacher. The teacher shall retake the assessments

1 during the validity period of the conditional certificate. The conditional
2 certificate shall not be reissued. Upon successful completion of the required
3 assessments, a professional certificate valid for five (5) years shall be issued.
4 The Education Professional Standards Board shall promulgate administrative
5 regulations to establish the standards and procedures for issuance of a
6 conditional certificate.

7 (c) If an out-of-state teacher with less than two (2) years' experience comes to
8 Kentucky after the deadline for taking the assessments, a temporary certificate
9 may be issued for a period up to six (6) months. The teacher shall take the
10 assessments during the period of the temporary certificate. If the teacher fails
11 the assessments, the temporary certificate shall be valid only for the current
12 semester. If the teacher passes the assessments, a professional certificate valid
13 for five (5) years shall be issued.

14 (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of
15 the administration of the assessments shall be established by the Education
16 Professional Standards Board. Provisions shall be made for persons having less than
17 minimum levels of performance on any assessment to repeat that assessment, and
18 candidates shall be informed of their strengths and weaknesses in the specific
19 performance areas. The Education Professional Standards Board shall provide for
20 confidentiality of the individual assessment scores. Scores shall be available only to
21 the candidate and to the education officials who are responsible for determining
22 whether established certification standards have been met. Scores shall be used only
23 in the assessment for certification of new teachers and of out-of-state teachers with
24 less than two (2) years of teaching experience who are seeking initial certification
25 in Kentucky.

26 (5) *Individuals who are participating in an alternative certification pathway, seeking*
27 *to transfer teaching certification from another state, or seeking initial*

1 certification after completion of an out-of-state teacher preparation program,
2 shall successfully complete professional development training on Kentucky
3 education law approved by the Education Professional Standards Board. At a
4 minimum, the professional development training shall be two (2) hours long and
5 include a comprehensive overview of Section 2 of this Act and KRS 158.1415,
6 158.181 to 158.187, 158.188, 158.189, 158.190, 158.191, 158.192, 158.193, and
7 158.196.

8 **(6)** If an applicant establishes eligibility for a five (5) year professional certificate under
9 the provisions of subsection (3)(a) of this section, the applicant shall also be eligible
10 for the issuance of a certificate for substitute teaching as provided by the
11 administrative regulations of the Education Professional Standards Board.

12 ~~(7)~~~~(6)~~ (a) The Education Professional Standards Board shall issue a ten (10) year
13 emeritus certificate to an applicant who has:

- 14 1. Retired or will retire not more than one (1) year prior to the expiration
15 date of the certificate;
- 16 2. Met the requirements to receive an emeritus certificate as set forth in
17 administrative regulation promulgated by the Education Professional
18 Standards Board; and
- 19 3. Completed the required application unless the provisions of KRS
20 161.120 apply.

21 (b) The Education Professional Standards Board shall issue a one (1) time five (5)
22 year exception certificate to an individual:

- 23 1. Whose certificate has expired;
- 24 2. Whose rank upon expiration was Rank I or Rank II;
- 25 3. Who has met the requirements to receive an exception certificate as set
26 forth in administrative regulation promulgated by the Education
27 Professional Standards Board;

- 1 4. Who completed three (3) years of classroom instruction prior to the
2 certificate's expiration; and
- 3 5. Who has completed the required application unless the provisions of
4 KRS 161.120 apply.

5 ~~(8)~~~~(7)~~ The Education Professional Standards Board shall approve the curricula of
6 any college or university, or of any department thereof, for the training of teachers,
7 and any nontraditional or alternative teacher preparation program offered in a
8 public or private postsecondary education institution, private contractor, or state
9 agency, and shall also approve the curricula of any local district alternative
10 certification program, when the curricula comply with the administrative
11 regulations of the Education Professional Standards Board for the issuance of
12 certificates and when the institution has met the terms and conditions provided in
13 KRS 161.010 to 161.120. Any student who has completed any of these curricula, as
14 approved by the Education Professional Standards Board, and who has completed
15 the prescribed requirements for the issuance of certificates shall be granted a
16 certificate corresponding to the curricula completed.

17 ~~(9)~~~~(8)~~ The issuance of any certificate, except emergency certificates issued pursuant
18 to KRS 161.100, by the Education Professional Standards Board shall not be
19 dependent upon an offer of employment. The certification process, except for
20 emergency certificates, is independent of any job prospects and certification shall
21 be awarded on the basis of completing a teacher preparation program or an
22 alternative certification pathway and passing required assessments.

23 ➔Section 8. (1) Each school district shall:

24 (a) No later than June 30, 2025, review its organizational structure and existing
25 contracts related to diversity, equity, and inclusion initiatives to ensure compliance with
26 the requirements of Section 2 of this Act, eliminate all diversity, equity, and inclusion
27 initiatives and offices, and terminate or transfer all diversity, equity, and inclusion

1 officers, as those terms are defined in Section 1 of this Act. A school district may only
2 transfer a diversity, equity, and inclusion officer to another position within the district if:

- 3 1. The new position is open and existed prior to January 1, 2025;
- 4 2. The transferred individual is qualified for the new position; and
- 5 3. The duties of the new position comply with Section 2 of this Act;

6 (b) No later than August 30, 2025, report the following information for each
7 former diversity, equity, and inclusion officer employed by the school district at any
8 point between January 1, 2025, and the effective date of this Act who is transferred,
9 reassigned, or rehired by the school district prior to August 30, 2025, to the Legislative
10 Research Commission for referral to the appropriate Interim Joint Committee on
11 Education:

- 12 1. Full name;
- 13 2. Present job title, duty station, and salary or wages;
- 14 3. Former job title, duty station, and salary or wages; and
- 15 4. Any amount of additional compensation paid to the individual upon
16 reassignment, transfer, termination, or rehire;

17 (c) Review all trainings, orientations, or similar programming related to diversity,
18 equity, and inclusion to ensure compliance with Section 2 of this Act. A school district
19 and the Kentucky Department of Education shall promptly terminate the use of a
20 diversity, equity, and inclusion training that violates Section 2 of this Act. If the training,
21 orientation, or similar programing is offered through a third party, such as a contractor,
22 the school district shall promptly:

- 23 1. Terminate any contract with the third party, consistent with applicable law
24 and administrative regulations; and
- 25 2. Evaluate whether to permanently bar the third party from contracts, consistent
26 with applicable law and administrative regulations; and

27 (d) No later than August 30, 2025, submit a report to the Legislative Research

1 Commission and the Attorney General on its compliance with this section and Sections 2
2 and 4 of this Act that certifies the status of its compliance, the steps taken to achieve
3 compliance, and the guardrails put in place to ensure future compliance.

4 (2) Each school district shall submit the reports required by subsections (1)(b)
5 and (1)(d) of this section to the Kentucky Department of Education. The department shall
6 publish each report submitted by a school district to a central location on the department's
7 website. If a school district fails to submit a report as required by this section, that fact
8 shall be clearly notated on that same website. The department shall investigate any failure
9 to report, and submit a report of any noncompliance to the Legislative Research
10 Commission for referral to the appropriate Interim Joint Committee on Education no later
11 than October 1, 2025.

12 (3) The Attorney General may bring a civil action for a writ of mandamus to
13 compel a school district to comply with this section.

14 ➔Section 9. (1) The Kentucky Department of Education shall:

15 (a) No later than June 30, 2025, eliminate the Division of Diversity, Equity,
16 Inclusion and Belonging and terminate or transfer all employees of that division. The
17 department may only transfer an employee to another position within the department if:

- 18 1. The new position is open and existed prior to January 1, 2025;
- 19 2. The transferred individual is qualified for the new position; and
- 20 3. The duties of the new position comply with Section 2 of this Act;

21 (b) No later than August 30, 2025, report the following information for each
22 former employee employed by the department at any point between January 1, 2025, and
23 the effective date of this Act who is terminated or transferred under paragraph (a) of this
24 subsection and is transferred, reassigned, or rehired by the department prior to August 30,
25 2025, to the Legislative Research Commission for referral to the appropriate Interim Joint
26 Committee on Education:

- 27 1. Full name;

- 1 2. Present job title, duty station, and salary or wages;
- 2 3. Former job title, duty station, and salary or wages; and
- 3 4. Any amount of additional compensation paid to the individual upon
- 4 reassignment, transfer, termination, or rehire;

5 (c) Review all trainings, orientations, or similar programming related to diversity,

6 equity, and inclusion to ensure compliance with Section 2 of this Act and promptly

7 terminate the use or promotion of any diversity, equity, and inclusion training that

8 violates Section 2 of this Act. If the training, orientation, or similar programing is offered

9 through a third party, such as a contractor, the department shall promptly:

10 1. Terminate any contract with the third party, consistent with applicable law

11 and administrative regulations; and

12 2. Evaluate whether to permanently bar the third party from contracts, consistent

13 with applicable law and administrative regulations;

14 (d) No later than August 1, 2025, submit a report to the Legislative Research

15 Commission and the Attorney General on its compliance with this section and Sections 2

16 and 3 of this Act that certifies the status of its compliance, the steps taken to achieve

17 compliance, and the guardrails put in place to ensure future compliance; and

18 (e) Publish the reports required by paragraphs (b) and (d) of this subsection to a

19 central location on the department's website.

20 (2) The Attorney General may bring a civil action for a writ of mandamus to

21 compel the Kentucky Department of Education to comply with this section.

22 ➔Section 10. (1) Each cooperative board, as defined in Section 1 of this Act,

23 shall:

24 (a) No later than June 30, 2025, eliminate any diversity, equity, and inclusion

25 office, as defined in Section 1 of this Act, and terminate or transfer all employees of those

26 offices and all diversity, equity, and inclusion officers, as defined in Section 1 of this Act.

27 A cooperative board may only transfer an employee to another position within the

1 cooperative board if:

- 2 1. The new position is open and existed prior to January 1, 2025;
- 3 2. The transferred individual is qualified for the new position; and
- 4 3. The duties of the new position comply with Section 2 of this Act;

5 (b) No later than August 30, 2025, report the following information for each
6 former employee employed by the cooperative board at any point between January 1,
7 2025, and the effective date of this Act who is terminated or transferred under paragraph
8 (a) of this subsection and is transferred, reassigned, or rehired by the cooperative board
9 prior to August 30, 2025, to the Legislative Research Commission for referral to the
10 appropriate Interim Joint Committee on Education:

- 11 1. Full name;
- 12 2. Present job title, duty station, and salary or wages;
- 13 3. Former job title, duty station, and salary or wages; and
- 14 4. Any amount of additional compensation paid to the individual upon
15 reassignment, transfer, termination, or rehire;

16 (c) Review all trainings, orientations, or similar programming related to diversity,
17 equity, and inclusion to ensure compliance with Section 2 of this Act and promptly
18 terminate the use or promotion of any diversity, equity, and inclusion training that
19 violates Section 2 of this Act. If the training, orientation, or similar programing is offered
20 through a third party, such as a contractor, the department shall promptly:

- 21 1. Terminate any contract with the third party, consistent with applicable law
22 and administrative regulations; and
- 23 2. Evaluate whether to permanently bar the third party from contracts, consistent
24 with applicable law and administrative regulations;

25 (d) No later than August 1, 2025, submit a report to the Legislative Research
26 Commission and the Attorney General on its compliance with this section and Section 2
27 of this Act that certifies the status of its compliance, the steps taken to achieve

1 compliance, and the guardrails put in place to ensure future compliance; and

2 (e) Publish the reports required by paragraphs (b) and (d) of this subsection to a
3 central location on the department's website.

4 (2) The Attorney General may bring a civil action for a writ of mandamus to
5 compel the cooperative board to comply with this section.

6 ➔Section 11. This Act may be cited as the Kentucky Education Equality
7 Protection Act, or the KEEP Act.

8 ➔Section 12. Section 3 of this Act takes effect February 1, 2026.

9 ➔Section 13. Whereas the General Assembly is committed to honoring the
10 constitutional promise of equal protection under the law, regardless of color, creed, race,
11 ethnicity, sex, age, marital status, familial status, disability, religion, and national origin,
12 an emergency is declared to exist, and Sections 1, 2, and 4 to 11 of this Act take effect
13 upon its passage and approval by the Governor or upon its otherwise becoming a law.