AN ACT relating to reading and language arts instruction.

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

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

(1) As used in this section:

(a) "Curriculum" means the content and plan for instruction, including materials, instructional programs, texts, lesson plans, and assessments needed to help students develop critical skills, knowledge, and meet or exceed proficiency in required academic standards;

(b) "Educator preparation program" means a program approved by the Education Professional Standards Board that prepares individuals for licensure as teachers, school leaders, or other school or district administrators;

(c) "Reading intervention" means curriculum, activities, and evidence-based strategies used to accelerate student progress toward proficiency in reading, including but not limited to individual instruction, small groups, multisensory approaches, tutoring, mentoring, and the use of technology that targets specific reading skills and abilities; and

(d) "Three-cueing system" means any model of teaching students to read based on meaning, structure and syntax, and visual cues, which may also be known as "MSV."

(2) The Kentucky Department of Education shall establish an approved list of reading curriculum and interventions that are scientifically researched and evidence-based that may be used by schools to meet the requirements of subsection (3)(b) of this section and that do not include instructional strategies that employ the three-cueing system of reading.

(3) (a) By the 2029-2030 school year, no public school district shall use any

curriculum, reading intervention, or program of instruction that utilizes the three-cueing system of teaching students to read.

(b) Each public school district shall ensure that:

1. All curriculum, reading interventions, and programs of instruction utilized to teach students to read are high-quality, fully aligned to state content standards, and based on literacy strategies that are scientifically researched with proven results in teaching phonemic awareness, phonics, fluency, vocabulary, and comprehension;

2. Beginning with the 2029-2030 school year, no school in the district is utilizing a three-cueing system of teaching students to read; and

3. By June 30, 2029, all interdisciplinary early childhood through grade five (5) educators have completed a science of reading professional learning program approved by the department.

(4) Beginning with the 2030-2031 school year, if the Kentucky Board of Education determines that a public school district has violated subsection (3) of this section, the board shall notify the public school district of the violation.

(5) The department, the Education Professional Standards Board, educational cooperatives, special education cooperatives, early childhood regional training centers, and local school districts are prohibited from providing or utilizing any professional development that uses the three-cueing system of teaching students to read.

(6) The Education Professional Standards Board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish criteria for reading curriculum for each state-approved educator preparation program.

➔Section 2. KRS 158.307 is amended to read as follows:

(1) As used in this section:

(a) "Dyslexia" means a specific learning disability that is neurological in origin. It

is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge;

(b) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21); and

(c) "Phonemic awareness" means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking.

(2) ~~[By January 1, 2019,]~~The Department of Education shall make available a dyslexia toolkit that includes guidance, technical assistance, and training to assist all local school districts in the implementation of evidence-based practices for instructing students identified with or displaying characteristics of dyslexia.

(3) The dyslexia toolkit shall include but not be limited to the following guidance for local districts targeting students in kindergarten through grade three (3) who have been identified with or displaying characteristics of dyslexia:

(a) Evidence-based practices designed specifically for students with dyslexia;

(b) Characteristics of targeted instruction for dyslexia;

(c) Guidance on developing instructional plans for students with dyslexia;

(d) Best practices toward meaning-centered reading and writing;

(e) Structured multisensory and literacy approaches to teaching language and reading skills; and

(f) Suggested professional development activities.

(4) The department shall collaborate with the Education Professional Standards Board, Council on Postsecondary Education, and other groups as necessary to improve and

update professional development opportunities for teachers specifically related to dyslexia. Professional development opportunities may focus on:

(a) Development and ongoing implementation of training and coaching for teachers;

(b) Identifying high-quality trainers to provide support to local districts utilizing a coaching model to develop building level dyslexia experts;

(c) Developing awareness training modules for all instructional staff to include information about characteristics of dyslexia; and

(d) Evidence-based interventions, structured multisensory and literacy approaches to teach language and reading skills, and accommodations for dyslexia and other specific learning disabilities.

(5) Each local board of education ***shall*** ~~[may]~~ develop a policy addressing the implementation of a program for the identification of and strategies for assisting students in kindergarten through grade three (3) with dyslexia.

(6) The local board policies ***shall*** ~~[may]~~ include but not be limited to:

(a) The definition and characteristics of dyslexia;

(b) A process for identifying students who are displaying characteristics of dyslexia;

(c) A process for the utilization of evaluation tools to accurately identify students who are displaying characteristics of dyslexia. Any qualified dyslexia evaluation tool utilized by a local district shall address but not be limited to the following components:

1. Phonological awareness and phonemic awareness;

2. Sound symbol recognition;

3. Alphabet knowledge;

4. Decoding skills;

5. Encoding skills; and

6. Rapid naming;

(d) A process for how evaluation tools are administered and evaluated by trained district personnel or licensed professionals;

(e) A process for outreach to parents of students identified with or displaying the characteristics of dyslexia with information and resource materials and how dyslexia may be addressed in the student's educational setting;

(f) Identification of evidence-based interventions, structured multisensory and literacy approaches to teach language and reading skills, and accommodations that schools may utilize to provide services to students identified as having dyslexia; and

(g) A process for monitoring a student's progress~~[after the positive identification]~~, including assessments to ascertain whether the intervention services improve the student's language processing and reading skills.

(7) By June 30***, 2028, and June 30*** of each year ***thereafter for five (5) years***, each local school district ~~[that developed a policy addressing the implementation of a program for the identification of and strategies for assisting students in kindergarten through grade three (3) with dyslexia]~~shall provide the department the following data for the current school year:

(a) The number of students in kindergarten through grade three (3) that were identified ***through the approved universal screener and reading diagnostic assessment as defined in KRS 158.305*** as displaying characteristics of dyslexia;

(b) The number of students in paragraph (a) of this subsection that were identified ***as needing enrichment programs as defined in KRS 158.305***~~[through the response-to-intervention process]~~;

(c) ~~[The number of students in kindergarten through grade three (3) that were evaluated for dyslexia;~~

~~(d) The number of students in kindergarten through grade three (3) that were identified with dyslexia;~~

~~(e) The dyslexia evaluation tools used to identify students;~~

~~(f) ~~[~~~~]~~The number of students in kindergarten through grade three (3) that were participating in ***literacy*** interventions within the school setting; ***and***

(d) ~~[(g)]~~ The process or tools used to evaluate student progress~~[; and~~

~~(h) The number of trained district personnel or licensed professionals used to administer the dyslexia evaluation tools.~~

~~(8) (a) The department shall establish a study project to gather information on early screening and intervention services for children with characteristics of dyslexia. The commissioner of education shall select three (3) school districts to participate in the study project, one (1) of which shall be located in an urban setting, one (1) of which shall be located in a suburban setting, and one (1) of which shall be located in a rural setting.~~

~~(b) The department shall establish guidelines and procedures for the study project.~~

~~(c) The study project shall operate for three (3) full school years, beginning with the school year that begins at least three (3) months after July 14, 2018.~~

~~(d) The goal of the study project shall be to evaluate the effectiveness of early reading assistance programs for children with characteristics of dyslexia.~~

~~(e) The commissioner may consult with recognized organizations that specialize in structured literacy programs for the treatment of dyslexia in establishing and operating the study project.~~

~~(f) The department shall submit a final report outlining the findings of the study to the Interim Joint Committee on Education by November 1 after the final academic year of the study project~~].

➔Section 3. KRS 164.304 is amended to read as follows:

By the ***2027-2028***~~[2019-2020]~~ academic year, postsecondary institutions offering teacher preparation programs for elementary and secondary regular education shall~~[, subject to available funds,]~~ include instruction on:

(1) The definition and characteristics of dyslexia;

(2) Processes for identifying dyslexia;

(3) Evidence-based interventions and accommodations for dyslexia and other disorders defined in KRS 158.305 and related literacy and learning challenges; and

(4) Core elements of a response-to-intervention framework addressing reading, writing, mathematics, and behavior, including;

(a) Universal screening;

(b) Evidence-based research interventions;

(c) Progress monitoring of the effectiveness of interventions on student performance;

(d) Data-based decision-making procedures related to:

1. Determining intervention effectiveness on student performance; and

2. Determining the need to continue, alter, or discontinue interventions or conduct further evaluation of student needs; and

(e) Application and implementation of ***a multitiered system of supports***~~[response-to-intervention]~~ and dyslexia instructional practices in the classroom setting.

➔Section 4. KRS 164.306 is amended to read as follows:

(1) ~~[Beginning in the 2022-2023 school year,]~~Postsecondary institutions offering teacher preparation programs for interdisciplinary early childhood education or elementary regular education shall include evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension and on:

(a) The administration of specific assessment processes***,*** ~~[and]~~programs***, and***

interventions used to identify student strengths and needs and that are determined by the Department of Education to be reliable and valid;

(b) The use of assessment data for designing instruction and interventions;

(c) Progress monitoring of student performance; and

(d) Instructional strategies that address students' individual differences.

(2) Postsecondary institutions offering teacher preparation programs for interdisciplinary early childhood education or elementary regular education shall:

(a) Provide instruction on how to teach reading and language arts using scientifically researched and evidence-based reading instruction and reading intervention programs as defined in Section 1 of this Act;

(b) Prohibit instruction on teaching reading and language arts that incorporates a three-cueing system as defined in Section 1 of this Act; and

(c) Align to the academic standards established by the Department of Education, and the approved list of reading curriculum and interventions that are utilized by local districts under Section 1 of this Act.

(3) ~~[(2)]~~ ~~[By January 1, 2024,]~~The Education Professional Standards Board shall develop and maintain a list of approved teacher preparation tests that are determined by the board to be an effective evaluation of reading instruction knowledge and skills.

(4) ~~[(3)]~~ ~~[Beginning in the 2024-2025 school year,]~~All new teachers seeking certification in interdisciplinary early childhood education or elementary education shall successfully pass an approved teacher preparation test that includes an evaluation of reading instruction knowledge and skills.

(5) ~~[(4)]~~ The Education Professional Standards Board shall report program data to an external evaluator for analysis of postsecondary teacher preparation programs for interdisciplinary early childhood education or elementary regular education for the

goal of increasing the success of new teacher candidates in demonstrating reading instruction knowledge and skills.

➔Section 5. KRS 161.028 is amended to read as follows:

(1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:

(a) Establish standards and requirements for obtaining and maintaining a teaching certificate;

(b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards and shall address, at a minimum, the following:

1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
2. Research-based classroom practices, including effective classroom management techniques;
3. Emphasis on subject matter competency of teacher education students;
4. Methodologies to meet diverse educational needs of all students;
5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;

7. The diversity of faculty;

8. The effectiveness of partnerships with local school districts; and

9. The performance of graduates on various measures as determined by the board;

(c) ***Include in the standards established for programs for the preparation of teachers under paragraph (b) of this subsection the requirement that interdisciplinary early childhood education or elementary regular education programs shall:***

1. Provide instruction on how to teach reading and language arts using scientifically researched and evidence-based reading instruction and reading intervention programs as defined in Section 1 of this Act; and

2. Not provide instruction on teaching reading and language arts that incorporates a three-cueing system as defined in Section 1 of this Act;

(d) Require all interdisciplinary early childhood through grade five (5) educators who receive certification pursuant to KRS 161.048(2) to (6) and (9) to complete within two (2) years of initial employment a science of reading professional learning program approved by the department;

(e) Conduct an annual review of diversity in teacher preparation programs;

(f)~~[(d)]~~ Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;

(g)~~[(e)]~~ Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;

(h)~~[(f)]~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or

admonishment; or any combination of actions regarding any certificate;

(i) ~~[(g)]~~ Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

(j) ~~[(h)]~~ Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;

(k) ~~[(i)]~~ Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the appropriate Interim Joint Committee on Education;

(l) ~~[(j)]~~ Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;

(m) ~~[(k)]~~ Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;

(n) ~~[(l)]~~ Develop a professional code of ethics;

(o) ~~[(m)]~~ Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and

renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;

(p) ~~[(n)]~~ Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;

(q) ~~[(o)]~~ Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

(r) ~~[(p)]~~ Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance

with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

(s)~~[(q)]~~ Employ consultants as needed;

(t)~~[(r)]~~ Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars ($1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

(u)~~[(s)]~~ Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and

(v)~~[(t)]~~ Issue orders as necessary in any administrative action before the board.

(2) (a) The board shall be composed of seventeen (17) members. The secretary of the Education and Labor Cabinet and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:

1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
3. One (1) member representative of local boards of education; and
4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer or head of an educator preparation program of an independent not-for-profit college or university.

(b) The members appointed by the Governor shall be confirmed by the Senate

under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(c) Each appointed member shall serve a three (3) year term. A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his or her successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed shall no longer be eligible to serve in that position.

(d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.

(e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.

(f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. Regular meetings shall be held at least semiannually on call of the chairman.

(g) The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties.

(h) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants

as needed; and to sponsor studies, conduct conferences, and publish information.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

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

➔Section 7. KRS 160.380 is amended to read as follows:

(1) As used in this section:

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

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

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

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

(d) ~~[(c)]~~ "Clear CA/N check" means a letter from the Cabinet for Health and

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

(e)~~[(d)]~~ "Relative" means father, mother, brother, sister, husband, wife, son**,** and daughter; and

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

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

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

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

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

(c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer outside of the process established in KRS 156.161. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and

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

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

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

employment under an exception of this subsection;

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

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

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

1. A regular full-time or part-time employee of the district;

2. Accruing continuing contract status or any other right to continuous employment;

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

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

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

(5) No superintendent shall employ in any position in the district any person who:

(a) Has been convicted of an offense that would classify a person as a violent offender under KRS 439.3401;

(b) Has been convicted of a sex crime as defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510;

(c) Is required to register as a sex offender under KRS 17.500 to 17.580; or

(d) Has an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services.

(6) ***(a) If requested by a school district regarding an applicant for a position:***

1. A school district, public school, or nonpublic school that employs or

previously employed the applicant shall disclose any disciplinary action, and any resulting resignation or termination, related to abusive conduct while the applicant was employed by the school or school district; and

2. A school district, public school, or nonpublic school located in a member state of the Interstate Teacher Mobility Compact that employs or previously employed the applicant shall disclose any disciplinary action, and any resulting resignation or termination, related to abusive conduct while the applicant was employed by the school or school district.

(b) Any school district, public school, nonpublic school, or any school employees making a disclosure pursuant to paragraph (a) of this subsection of any disciplinary action and any resulting resignation or termination shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of:

1. Making the disclosure; or

2. Participating in any judicial proceeding that may result from making the disclosure.

(c) Upon disclosure under paragraph (a) of this subsection of disciplinary action involving abusive conduct by an applicant, the school district considering the applicant for employment shall, if the application is for a certified position, request information from the Education Professional Standards Board related to pending and resolved disciplinary action against the applicant involving abusive conduct.

(d) Upon request from a school district under paragraph (c) of this subsection, the school district, public school, or nonpublic school of previous or current employment or the Educational Professional Standards Board shall provide

the requested information, if applicable, within ten (10) working days.

(e) If there is a finding of abusive conduct regarding an applicant, the applicant shall be:

1. Ineligible for hire by the school district; and

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

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

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

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

1. Each new certified or classified hire;
2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
3. A student teacher;
4. A school-based decision making council parent member; and
5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;

(b) 1. The requirements of paragraph (a) of this subsection shall not apply to:

a. Classified and certified individuals employed by the school district prior to June 27, 2019;

b. Certified individuals who were employed in another certified

position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or

c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.

2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Pub. L. No. 92-544;

(c) A parent member may serve prior to the receipt of the criminal history background check and ***clear*** CA/N ***check*** ~~[letter]~~ required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required;

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

(e) The superintendent of a school district operating under an alternative transportation plan approved by the Kentucky Department of Education in accordance with KRS 156.153(3) shall require the driver of any non-school bus passenger vehicle authorized to transport students to and from school

pursuant to the alternative transportation plan who does not have a valid commercial driver's license issued in accordance with KRS Chapter 281A with an "S" endorsement to:

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

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

(b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record

of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.

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

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

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

(b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR

THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

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

1. Identify the states in which he or she has maintained residency, including the dates of residency; and

2. Provide picture identification.

(11) (a) When an allegation of abusive conduct is made against a school district employee to another school district employee, the school district employee in receipt of the allegation, whether communicated in writing, electronically, or orally, shall report the allegation to the school principal and in accordance with KRS 620.030. The principal shall document the allegation in writing and notify the superintendent or designee. An investigation of the allegation shall be conducted by the school district until it is completed and shall not end prior to completion due to the employee transferring positions within the school district or leaving the school district, unless directed by the Cabinet for Health and Family Services or law enforcement officials to cease the investigation.

(b) Notwithstanding Section 11 of this Act, all records and references relating to an allegation of abusive conduct by a school district employee with a student or minor shall be included and remain in an employee's personnel file until completion of an investigation. If, after completion of an

investigation, the allegation is determined to be false or unsubstantiated, all records and references relating to the allegation shall be removed from the employee's personnel file.

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

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

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

(15) ~~[(12)]~~ The form for requesting a CA/N check shall be made available on the Cabinet

for Health and Family Services website.

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

➔Section 8. KRS 156.160 is amended to read as follows:

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

(a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. The administrative regulations shall provide that:

1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;

2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;

3. Every public middle and high school's curriculum shall include instruction on the Holocaust and other cases of genocide, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, that a court of competent jurisdiction, whether a court in the United States or the International Court of Justice, has determined to have been committed by applying rigorous standards of

due process; and

4. Beginning in the 2025-2026 school year, cursive writing shall be included as a course of study in all elementary schools and shall be designed to ensure proficiency in cursive writing by the end of grade five (5);

(b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;

(c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;

(d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. The minimum requirements shall not include achieving any postsecondary readiness indicator as described in KRS 158.6455 or any minimum score on a statewide assessment administered under KRS 158.6453. Student scores from any assessment administered under KRS 158.6453 that are determined by the department's technical advisory committee to be valid and reliable at the individual level shall be included on the student transcript. The department's technical advisory committee shall submit its determination to the commissioner of education and the Legislative Research Commission;

(e) The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):

1. The student cannot participate in the regular statewide assessment; and

2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;

(f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;

(g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;

(h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his or her initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;

(i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations

shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;

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

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

(k) The transportation of children to and from school;

(l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

(n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;

(o) The disposal of real and personal property owned by local boards of

education; and

(p) The development and implementation of procedures, for all students who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:

1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;

2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and

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

(2) Any private, parochial, or church school may voluntarily comply with**:**

(a) Curriculum, certification, and textbook standards established by the Kentucky Board of Education***; and***

(b) Employment standards established in Section 9 of this Act;

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

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

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

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

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

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

➔Section 9. KRS 160.151 is amended to read as follows:

(1) For purposes of this section, "certified nonpublic school" means a private, parochial, or church school that has voluntarily been certified by the Kentucky Board of Education in accordance with subsection (2) of Section 8 of this Act.

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

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

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

(c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation by the Department of Kentucky State Police after a state criminal background check has been conducted. Any fee charged by the Department of Kentucky State Police, the Administrative Office of the Courts, or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.

(3) ~~[(2)]~~ (a) ***When a certified nonpublic*** ~~[If a]~~ school requires a criminal background check or requires a clear CA/N check ***under this section*** ~~[for a new hire]~~, the school shall conspicuously include the following disclosure statement on each application or renewal form provided by the employer to an applicant for a certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER***, PROVIDED BY THE INDIVIDUAL,*** FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT ***HAS NO ADMINISTRATIVE FINDINGS OF*** ~~[IS CLEAR TO HIRE~~

~~BASED ON NO FINDINGS OF SUBSTANTIATED]~~ CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS ***MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES***~~[AS A CONDITION OF EMPLOYMENT FOR THIS TYPE OF POSITION]~~."

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

(c) Any request for records from the Department of Kentucky State Police under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police if required. The results of the state criminal background check and the results of the national criminal history background check~~[, if requested,]~~ shall be sent to the hiring superintendent. ***When***~~[If]~~ a background check of child abuse and neglect records is requested, the person seeking employment shall provide to the hiring superintendent a clear CA/N check.

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

(4)~~[(3)]~~ (a) A ***certified*** nonpublic school ***shall***~~[voluntarily implementing the provisions of this chapter may choose]~~ not~~[to]~~ employ any person who is a violent offender as defined by KRS 17.165(2), has been convicted of a sex

crime which is classified as a felony as defined by KRS 17.165(1), or has committed a violent crime as defined in KRS 17.165(3) or persons with a substantiated finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. A ***certified*** nonpublic school may employ, at its discretion, persons convicted of sex crimes classified as a misdemeanor.

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

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

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

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

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

➔Section 10. KRS 156.095 is amended to read as follows:

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

(b) By August 1, 2025, the department shall create a four (4) year recurring professional development training schedule that includes all professional development for certified personnel required by subsection (2) of this section and federal law.

(c) Each local school district shall implement the professional development training schedule created by the department.

(2) All certified school district employees and public charter school employees shall complete at least one (1) hour of each of the following trainings within twelve (12) months of initial hire and at least once every four (4) years thereafter:

(a) How to respond to an active shooter situation training prepared by the Department of Criminal Justice Training in collaboration with the department, the Kentucky Law Enforcement Council, and the Center for School Safety;

(b) Child abuse and neglect prevention, recognition, and reporting training from the list of trainings approved by the department in accordance with subsection (7) of this section;

(c) 1. High-quality, evidence-based suicide prevention training, including risk factors, warning signs, protective factors, response procedures, referral, postvention, and the recognition of signs and symptoms of possible mental illness.

2. As used in this paragraph, "postvention" means a series of planned supports and interventions with persons affected by a suicide for the purpose of facilitating the grieving or adjustment process, stabilizing the environment, reducing the risk of negative behaviors, and limiting the

risk of further suicides through contagion; and

(d) Self-study review of seizure disorder materials.

(3) (a) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.

(b) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by the local board of education.

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

(4) The department shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on

the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;

(b) Curriculum content and methods of instruction for each content area, including differentiated instruction;

(c) School-based decision making;

(d) Assessment literacy;

(e) Integration of performance-based student assessment into daily classroom instruction;

(f) Nongraded primary programs;

(g) Research-based instructional practices;

(h) Instructional uses of technology;

(i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;

(j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;

(k) Educational leadership; and

(l) Strategies to incorporate character education throughout the curriculum.

(5) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

(6) (a) Upon the request of a school district or school council, the department shall assist with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.

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

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

(d) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff,

including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.

(7) (a) The department shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.

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

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

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

(d) Each local board of education shall adopt one (1) or more trainings from the list approved by the department to be implemented by schools.

(8) ***(a) By May 1, 2027, the Kentucky Department of Education, in collaboration with the Education Professional Standards Board, shall develop a training for school district employees, to be available via multiple delivery options, related to appropriate relationships and communication with students, inappropriate relationships and communication with students, sexual grooming, and sexual misconduct. Each local school district shall require all current employees to complete the training by June 30, 2027.***

(b) Beginning with the 2027-2028 school year, every local school district shall require all new employees to undergo the training described in paragraph (a) of this subsection within ninety (90) days of the employee's initial hiring. Any new employee who has completed the training within the prior five (5) years with a previous employer shall be exempt from the requirement under this paragraph.

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

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

(10) ~~[(9)]~~ The department shall provide voluntary training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

(a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;

(b) Plan specific instructional strategies to teach at-risk students;

(c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;

(d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and

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

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

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

➔Section 11. KRS 161.151 is amended to read as follows:

(1) ***Except as provided in Section 7 of this Act,*** all records and references relating to an allegation of a criminal offense committed by a school employee that did not lead to formal charges and all records relating to a criminal proceeding in which a school employee was found not guilty or the charges were dismissed shall be removed from the school employee's personnel file by the superintendent or the superintendent's designee in the local school district.

(2) The provisions of subsection (1) of this section shall not preclude a school district

from separately investigating, taking action upon, and creating and maintaining records on the same or a similar fact situation upon which the allegations of a criminal offense was based.

➔Section 12. KRS 158.4431 is amended to read as follows:

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

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

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

(a) Is a citizen of the United States and the Commonwealth of Kentucky;

(b) Has received a high school diploma or a High School Equivalency Diploma;

(c) Is currently licensed under KRS 237.110 to carry a concealed weapon;

(d) Has completed and passed background checks as required pursuant to ***subsection (7)(a) of Section 7 of this Act***~~[KRS 160.380(6)(a)]~~, and has not been convicted of any felony, any misdemeanor under KRS 510.120, 510.130, 510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510, or have had any offense listed in this

paragraph expunged;

(e) Has passed a medical examination completed by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he or she can perform the duties of a guardian;

(f) Has passed a drug screening test administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse;

(g) Has passed the following examinations administered by the Kentucky Law Enforcement Council:

1. A background investigation to determine the person's suitability for the position of guardian;
2. A psychological suitability screening to determine the person's suitability to perform guardian duties; and
3. A polygraph examination to determine the person's suitability to perform guardian duties;

(h) Has passed the following courses provided by the Department of Criminal Justice Training:

1. Active Shooter Response;
2. Enhanced Handgun Performance; and
3. Patrol Rifle;

(i) Has passed the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140;

(j) Has been honorably discharged from the Armed Forces of the United States within the five (5) years immediately preceding an initial contract to be a guardian as evidenced by a Department of Defense form DD 214, or is a retired Kentucky state trooper, retired special or sworn law enforcement

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

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

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

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

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

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

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

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

(b) The uniform to be worn by guardians that would best suit the needs of the schools while also allowing outside agencies to easily identify guardians;

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

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

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

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

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

➔Section 13. KRS 156.492 is amended to read as follows:

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

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

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

(2) The participating trade organization shall ensure ample opportunities for school counselors that serve grades seven (7) through twelve (12) to complete the training

created under subsection (1) of this section annually and shall bear all costs associated with the training. The participating trade organization may choose to offer professional development opportunities to teachers who serve students in grades seven (7) through twelve (12), if resources are available for this purpose.

(3) The department shall include the training program created in this section on the electronic consumer bulletin board created pursuant to KRS 156.095~~[(8)]~~ if requested by the training program.

(4) A school counselor serving students in grades seven (7) through twelve (12) may complete four (4) hours of training developed under this section which shall count towards the twenty-one (21) hours required annually pursuant to KRS 156.101(4)(b)2.

(5) Local boards of education or school-based decision making councils may incorporate this training as part of the four (4) days of professional development required pursuant to KRS 158.070(3)(a) for teachers who serve students in grades seven (7) through twelve (12) if offered by the participating trade organization.

➔Section 14. KRS 158.200 is amended to read as follows:

(1) The boards of education of local school districts may provide an opportunity for pupils to attend moral instruction in their jurisdiction, in the manner provided in this section.

(2) (a) Local boards of education shall allow pupils to be excused for up to one (1) hour on no more than one (1) day each week, which shall include time attributed to travel to and from, to attend a district-approved request for a moral instruction offering upon receiving the consent of the pupil's parent or guardian.

(b) Moral instruction provided under this section shall not take place on school property.

(c) Pupil participation in moral instruction shall be voluntary and free from

coercion by school personnel.

(d) Moral instruction shall be given without expense to any local board of education above de minimis administrative expenses incurred in carrying out this section.

(3) An individual, organization, entity, or any combination thereof seeking to provide a moral instruction offering for pupils shall submit a written, signed request to the local board of education of a school district regarding the proposed moral instruction offering. The request shall include:

(a) Contact information for the primary individual who will be providing the moral instruction, as well as all other individuals who may be transporting pupils or providing moral instruction to students through the offering;

(b) A statement acknowledging and agreeing to be bound by the requirements placed upon moral instruction offerings under this section;

(c) The address or a description of the location where the moral instruction will be provided;

(d) A transportation plan to ensure the safety of pupils while traveling to and from moral instruction within the allotted time period;

(e) A statement acknowledging and agreeing to inform the parent or guardian of a participating pupil that the school district and its employees and agents shall not incur any liability as a result of any injury sustained by the pupil related to participation in the moral instruction offering;

(f) A statement acknowledging and agreeing to indemnify and hold harmless the school district and its employees and agents against any claims relating to the moral instruction offering or transportation to or from the offering; and

(g) Proof of insurance coverage to be carried by the provider that shall include adequate insurance for liability, property loss, and personal injury of students related to the moral instruction offering or transportation to or from the

offering.

(4) (a) Upon receipt of a request under subsection (3) of this section, the local board of education may make arrangements with the person seeking to provide the moral instruction offering as the local board deems necessary.

(b) Upon approval by the local board of a request under this section, the superintendent of the school district shall require each individual identified in the request to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual, consistent with the provisions of KRS 160.380***(7)***~~[(6)]~~. The individuals, or the organization or entity through which the moral instruction offering will be provided, shall be responsible for all costs associated with obtaining the criminal history and CA/N checks under this paragraph.

(c) As a condition of the agreement between the local board and a provider, the local board shall require that any individual identified in the request under subsection (3) of this section be barred from providing transportation or participating in moral instruction offerings under this section upon receipt by the school district of a report documenting a record of:

1. Child abuse or neglect;
2. A sex crime or criminal offense against a victim who is a minor, as defined in KRS 17.500; or
3. A violent crime as defined in KRS 17.165;

by the individual. The prohibition shall continue until the local board receives an updated record for that individual that does not contain a disqualifying item.

(5) A pupil who attends a moral instruction offering at the time specified and for the period fixed shall be:

(a) Credited with the time of attendance as if he or she had been in actual attendance in school, and the time shall be included as part of the actual school work required in KRS 158.060. A pupil shall not be penalized for any school work missed during the specified time; and

(b) Included in calculating the average daily attendance for the Support Education Excellence in Kentucky program as if the pupil was in actual attendance in school.

(6) A pupil who does not participate in a moral instruction offering shall remain in school during the time when the instruction is being given, and shall take noncredit enrichment courses or participate in educational activities not required in the regular curriculum, and that time shall be included as part of the actual school work required in KRS 158.060. Students of different grade levels may be placed into combined classrooms in accordance with maximum class size allotments as described in KRS 157.360. These courses or activities shall be supervised by certified school personnel and may include but are not limited to study hall, computer instruction, music, art, library, physical education, and tutorial assistance.

(7) A school district shall not discriminate against a pupil for his or her participation or nonparticipation in a moral instruction offering.

(8) (a) Each local board of education shall submit the following information quarterly to the Kentucky Department of Education:

1. The name of each applicant that submitted a request to provide a moral instruction offering;
2. The date of the application;
3. The local board's approval or denial of the application; and
4. If the request was denied, the reason for the denial.

(b) The Kentucky Department of Education shall compile the quarterly reports required by this subsection and submit a combined report to the Legislative

Research Commission no later than December 1 of each year for referral to the appropriate Interim Joint Committee on Education.