

1 AN ACT relating to educators.

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

3 ➔Section 1. KRS 161.120 is amended to read as follows:

4 (1) Except as described in KRS 161.795, the Education Professional Standards Board
5 may revoke, suspend, or refuse to issue or renew; impose probationary or
6 supervisory conditions upon; issue a written reprimand or admonishment; or any
7 combination of those actions regarding any certificate issued under KRS 161.010 to
8 161.100, or any certificate or license issued under any previous law to
9 superintendents, principals, teachers, substitute teachers, interns, supervisors,
10 directors of pupil personnel, or other administrative, supervisory, or instructional
11 employees for the following reasons:

12 (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to,
13 notwithstanding an order granting probation or suspending imposition of any
14 sentence imposed following the conviction or entry of the plea, one (1) of the
15 following:

16 1. A felony;
17 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525,
18 529, 530, or 531; or
19 3. A misdemeanor involving a student or minor.

20 A certified copy of the conviction or plea shall be conclusive evidence of the
21 conviction or plea;

22 (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor.
23 Conviction in a criminal proceeding shall not be a requirement for
24 disciplinary action;

25 (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral
26 conduct. If the act constitutes a crime, conviction in a criminal proceeding
27 shall not be a condition precedent to disciplinary action;

- 1 (d) Demonstrating willful or careless disregard for the health, welfare, or safety
2 of others;
- 3 (e) Physical or mental incapacity that prevents the certificate holder from
4 performing duties with reasonable skill, competence, or safety;
- 5 (f) Possessing, using, or being under the influence of alcohol, which impairs the
6 performance of duties;
- 7 (g) Unlawfully possessing or unlawfully using a drug during the performance of
8 duties;
- 9 (h) Incompetency or neglect of duty;
- 10 (i) Making, or causing to be made, any false or misleading statement or
11 concealing a material fact in obtaining issuance or renewal of any certificate;
- 12 (j) Failing to report as required by subsection ~~(4)~~⁽³⁾ of this section;
- 13 (k) Failing to comply with an order of the Education Professional Standards
14 Board;
- 15 (l) Violating any state statute relating to schools or the teaching profession;
- 16 (m) Violating the professional code of ethics for Kentucky school certified
17 personnel established by the Education Professional Standards Board through
18 the promulgation of administrative regulation;
- 19 (n) Violating any administrative regulation promulgated by the Education
20 Professional Standards Board or the Kentucky Board of Education; or
- 21 (o) Receiving disciplinary action or having the issuance of a certificate denied or
22 restricted by another jurisdiction on grounds that constitute a violation of this
23 subsection.

24 (2) The Education Professional Standards Board shall respond to complaints against a
25 certificate holder by the following process:

26 (a) ~~{1. Except as provided in subparagraph 2. of this paragraph, }Within thirty~~
27 (30) calendar days of the receipt of a completed complaint, board staff shall

1 conduct an initial review to determine whether there is sufficient evidence that
2 a violation may have occurred and shall provide notice of the initial
3 determination to the certificate holder within seven (7) business days that
4 shall include the complete copy of the report and all underlying relevant
5 documents and records. If the complaint alleges unauthorized electronic
6 communication as defined in KRS 160.145, sexual contact, or other sexual
7 misconduct, the identity of a complainant that is not the superintendent and
8 any identifying information of the minor involved shall not be subject to
9 public disclosure pursuant to the Kentucky Open Records Act, KRS 61.870
10 to 61.884~~in the complaint shall remain confidential.~~
11 2. ~~When a complaint alleges unauthorized electronic communication, as~~
12 ~~defined in KRS 160.145, sexual contact, or other sexual misconduct, the~~
13 ~~board staff shall have one hundred twenty (120) days to conduct the~~
14 ~~initial review required by subparagraph 1. of this paragraph];~~
15 (b) Upon receipt of the notice, the certificate holder shall have thirty (30)
16 calendar days to respond or provide a rebuttal to any complaint that was
17 determined to contain sufficient evidence that a violation may have occurred.
18 The response period shall be extended an additional thirty (30) calendar days
19 upon the certificate holder's written request submitted to the board;
20 (c) Within ten (10) business days of the receipt of the certificate holder's response
21 or the end of the response period established in paragraph (b) of this
22 subsection, board staff shall conduct another review of the complaint to
23 determine if sufficient evidence exists to support a violation. If the board staff
24 determines that the evidence is:
25 1. Insufficient, then the board staff shall recommend dismissal and shall
26 notify the certificate holder and the complainant of the recommendation
27 within seven (7) business days of the determination; or

1 2. Sufficient, then the board staff shall have seven (7) business days to
2 notify the certificate holder and the complainant of the determination.
3 Notice to the complainant shall only state that further proceedings will
4 occur;

5 (d) ~~Upon a determination that sufficient evidence exists to support a possible~~
6 ~~violation, within the notice required under paragraph (c)2. of this subsection,~~
7 ~~board staff shall initiate an in person or virtual conference with the certificate~~
8 ~~holder to share information and to determine if an agreed resolution can be~~
9 ~~recommended to the board concerning the alleged violation. The conference~~
10 ~~shall be scheduled within thirty (30) calendar days of the determination. The~~
11 ~~certificate holder may decline the conference. If the conference does not occur~~
12 ~~due to the certificate holder's failure to respond within the thirty (30) calendar~~
13 ~~days, the required conference shall be considered waived. The certificate~~
14 ~~holder may have an attorney present at the conference;~~

15 (e) ~~Within~~Upon the conclusion of the thirty (30) calendar days of the board
16 staff determination~~[conference period]~~, the board shall act on the complaint~~[~~
17 ~~within thirty (30) calendar days~~~~]~~. If the board fails to act on the complaint
18 within the thirty (30) calendar days, then the complaint shall be considered
19 dismissed. The board shall consider the entirety of the complaint with any
20 associated response or recommended agreed resolution to determine:

21 1. Dismissal or~~,~~ conditional dismissal upon completion of training~~,~~

22 2. *Issuance of a written admonishment to the certificate holder if the*
23 *board determines, based on the evidence, that a violation has occurred*
24 *that is not of a serious nature. Once the determination has been made,*
25 *notice shall be provided to the certificate holder of the action with a*
26 *copy of the written admonishment. The certificate holder may respond*
27 *to the notice in writing within thirty (30) calendar days of receipt and*

1 have the response placed in his or her official certification file.
2 Alternatively, the certificate holder may file a request for a hearing
3 with the board within thirty (30) calendar days of receipt of the notice.
4 Upon receipt of a request for a hearing, the board shall set aside the
5 written admonishment and refer the matter for a hearing under
6 subsection (3) of this section within thirty (30) calendar days of receipt
7 of the request. If after thirty (30) days of receipt of the notice the
8 certificate holder has not requested a hearing, the written
9 admonishment shall be placed in the official certification file of the
10 certificate holder along with any timely written
11 response;[admonishment]

12 3. Referral of the complaint to a hearing because the complaint may
13 warrant possible revocation, suspension, refusal to renew, imposition
14 of probationary or supervisory conditions, issuance of a formal written
15 reprimand, or any combination of these actions regarding any
16 certificate, or further investigation[, or initiation of a hearing];

17 4.[2.] Approval of the recommended agreed resolution; or

18 5.[3.] A deferral if:

19 a. The content of the complaint is subject to ongoing:
20 i. Criminal investigation or proceedings;
21 ii. Child abuse, dependency, or neglect investigation by an
22 authorized state agency; or
23 iii. Teacher tribunal process as provided in KRS 161.790; or
24 b. The deferral is agreed to by the certificate holder; and

25 (e)[(f)] The **board staff shall provide**[provision of] a confirmation of receipt[
26 from the board] to the certificate holder whenever the certificate holder
27 submits a response or correspondence to the board.

1 (3) The Education Professional Standards Board shall schedule and conduct
2 hearings in accordance with KRS Chapter 13B subject to the following:

3 (a) A hearing shall occur:

4 1. Upon referral under subsection (2)(d) of this section; or
5 2. After the denial of an application for a certificate, upon written
6 request of appeal by the applicant filed within thirty (30) calendar days
7 of receipt of the letter advising of the denial;

8 (b) If a certificate holder or applicant believes the hearing is not timely
9 following a referral for a hearing under paragraph (a) of this subsection,
10 the certificate holder or applicant may submit a request for an expedited
11 hearing. The expedited hearing shall be conducted within sixty (60)
12 calendar days of the request. If the hearing fails to be convened within sixty
13 (60) days of the request and the subject of the hearing is:

14 1. A referral under subsection (2)(d) of this section, the referral shall be
15 dismissed with prejudice; and
16 2. An appeal of denial under paragraph (a)2. of this subsection, the
17 denial shall be reversed;

18 (c) Upon request, a hearing may be public or private at the discretion of the
19 certificate holder or applicant;

20 (d) Until and including June 30, 2027, the hearing shall be conducted before a
21 hearing officer secured pursuant to KRS 13B.030. The hearing shall afford
22 the certificate holder or applicant all the rights secured under KRS Chapter
23 13B; and

24 (e) Beginning July 1, 2027, the hearing shall be conducted before a hearing
25 officer who is a licensed attorney secured by the board from the Office of
26 the Attorney General under KRS Chapter 13B. The hearing shall afford the
27 certificate holder or applicant all the rights secured under KRS Chapter

13B.

2 (4)(3) (a) The superintendent of each local school district shall report in writing to
3 the Education Professional Standards Board the name, address, phone number,
4 Social Security number, and position name of any **certificate holder employed in**
5 ~~the certified school employee in the employee's~~ district whose contract is
6 terminated or not renewed, for cause except failure to meet local standards for
7 quality of teaching performance prior to the employee gaining tenure; who resigns
8 from, or otherwise leaves, a position under threat of contract termination, or
9 nonrenewal, for cause; who is convicted in a criminal prosecution; or who
10 otherwise may have engaged in any actions or conduct while employed in the
11 school district that might reasonably be expected to warrant consideration for action
12 against the certificate under subsection (1) of this section, **including knowledge of**
13 **a report being filed against a certificate holder pursuant to KRS 620.030.**

14 (a) The duty to report shall exist without regard to any disciplinary action, or lack
15 thereof, by the superintendent, and the required report shall be submitted
16 within thirty (30) calendar days of **notification of** the event giving rise to the
17 duty to report.

18 (b) The district superintendent shall inform the Education Professional Standards
19 Board in writing of the full facts and circumstances leading to the contract
20 termination or nonrenewal, resignation, or other absence, conviction, or
21 otherwise reported actions or conduct of the certified employee, that may
22 warrant action against the certificate under subsection (1) of this section, and
23 shall forward copies of all relevant documents and records in his or her
24 possession.

25 (c) The Education Professional Standards Board shall provide the superintendent
26 confirmation of receipt of any report submitted by the superintendent within
27 seven (7) business days and shall provide the superintendent with notice of:

1 ~~(5)(4)~~ A finding or action by a school superintendent or tribunal does not create a
2 presumption of a violation or lack of a violation of subsection (1) of this section.

3 ~~(5) The board may issue a written admonishment to the certificate holder if the board~~
4 determines, based on the evidence, that a violation has occurred that is not of a
5 serious nature. ~~A copy of the written admonishment shall be placed in the official~~
6 ~~file of the certificate holder. The certificate holder may respond in writing to the~~
7 ~~admonishment within thirty (30) calendar days of receipt and have that response~~
8 ~~placed in his or her official certification file. Alternatively, the certificate holder~~
9 ~~may file a request for a hearing with the board within thirty (30) calendar days of~~
10 ~~receipt of the admonishment. Upon receipt of a request for a hearing, the board~~
11 ~~shall set aside the written admonishment and set the matter for hearing pursuant to~~
12 ~~the provisions of KRS Chapter 13B within thirty (30) calendar days of receipt of the~~
13 ~~request.~~

14 ~~(6) (a) In accordance with the timeline specified in this section, the Education~~
15 ~~Professional Standards Board shall schedule and conduct a hearing in~~
16 ~~accordance with KRS Chapter 13B:~~

17 1. ~~Upon determining that a complaint warrants possible revoking,~~
18 ~~suspending, refusing to renew, imposing probationary or supervisory~~
19 ~~conditions upon, issuing a written reprimand, or any combination of~~
20 ~~these actions regarding any certificate;~~

21 2. ~~After denying an application for a certificate, upon written request filed~~
22 ~~within thirty (30) calendar days of receipt of the letter advising of the~~
23 ~~denial; or~~

24 3. ~~After issuing a written admonishment, upon written request for a~~
25 ~~hearing filed within thirty (30) calendar days of receipt of the written~~
26 ~~admonishment.~~

27 ~~(b) If after the hearing required under paragraph (a) of this subsection is~~

1 scheduled and the certificate holder or applicant believes the hearing is not
2 timely, the certificate holder or applicant may submit a request for an
3 expedited hearing, and the hearing shall be conducted within sixty (60)
4 calendar days of the request.

5 (e) Upon request, a hearing may be public or private at the discretion of the
6 certified employee or applicant.

7 (d) The hearing shall be conducted before a hearing officer secured by the board
8 pursuant to KRS 13B.030 and the board may:

9 4. Employ hearing officers;

10 2. Contract with another agency for hearing officers;

11 3. Contract with private attorneys through personal service contracts; or

12 4. Secure a hearing officer from the Attorney General's office.

15 **(6)(7)** The Education Professional Standards Board or its chair may take emergency
16 action pursuant to KRS 13B.125. Emergency action shall not affect a certificate
17 holder's contract or tenure rights in the school district.

18 (7)(h)(8) If the Education Professional Standards Board substantiates that sexual
19 contact occurred between a certified employee and a student or minor, the
20 employee's certificate may be revoked or suspended with mandatory treatment of
21 the employee as prescribed by the Education Professional Standards Board. The
22 Education Professional Standards Board may require the employee to pay a
23 specified amount for mental health services for the student or minor which are
24 needed as a result of the sexual contact.

25 (8)(9) At any time during the investigative or hearing processes, the board may enter
26 into an agreed order or accept an assurance of voluntary compliance with the
27 certificate holder.

1 **(9)(10)** The board may reconsider, modify, or reverse its decision on any disciplinary
2 action.

3 **(10)¶(11)** Suspension of a certificate shall be for a specified period of time, not to
4 exceed two (2) years.

8 (b) A suspended certificate is subject to expiration and termination.

11 (a) At the conclusion of the specified period, and upon demonstration of
12 compliance with any educational requirements and the terms set forth in the
13 agreed order, the applicant shall bear the burden of proof to show that he or
14 she is again fit for practice.

15 (b) The board shall have discretion to impose conditions that it deems reasonably
16 appropriate to ensure the applicant's fitness and the protection of public
17 safety. Any conditions imposed by the board shall address or apply to only
18 that time period after the revocation of the certificate.

19 (12){(13)} An appeal from any final order of the Education Professional Standards Board
20 shall be filed in Franklin Circuit Court or the Circuit Court of the county in which
21 the certificate holder was employed when the incident occurred in accordance with
22 KRS Chapter 13B which provides that all final orders of an agency shall be subject
23 to judicial review.

24 ➔Section 2. KRS 156.095 is amended to read as follows:

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

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

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

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

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

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

16 (c) 1. High-quality, evidence-based suicide prevention training, including risk
17 factors, warning signs, protective factors, response procedures, referral,
18 postvention, and the recognition of signs and symptoms of possible
19 mental illness.
20 2. As used in this paragraph, "postvention" means a series of planned
21 supports and interventions with persons affected by a suicide for the
22 purpose of facilitating the grieving or adjustment process, stabilizing the
23 environment, reducing the risk of negative behaviors, and limiting the
24 risk of further suicides through contagion; and
25 (d) Self-study review of seizure disorder materials.

26 (3) (a) Each local school district superintendent shall appoint a certified school
27 employee to fulfill the role and responsibilities of a professional development

1 coordinator who shall disseminate professional development information to
2 schools and personnel. Upon request by a school council or any employees of
3 the district, the coordinator shall provide technical assistance to the council or
4 the personnel that may include assisting with needs assessments, analyzing
5 school data, planning and evaluation assistance, organizing districtwide
6 programs requested by school councils or groups of teachers, or other
7 coordination activities.

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

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

- 1 (5) The department shall assist school personnel in assessing the impact of professional
- 2 development on their instructional practices and student learning.
- 3 (6) (a) Upon the request of a school district or school council, the department shall
- 4 assist with the development of long-term school and district improvement
- 5 plans that include multiple strategies for professional development based on
- 6 the assessment of needs at the school level.
- 7 (b) Professional development strategies may include but are not limited to
- 8 participation in subject matter academies, teacher networks, training institutes,
- 9 workshops, seminars, and study groups; collegial planning; action research;
- 10 mentoring programs; appropriate university courses; and other forms of
- 11 professional development.
- 12 (c) In planning the use of the four (4) days for professional development under
- 13 KRS 158.070, school councils and districts shall give priority to programs that
- 14 increase teachers' understanding of curriculum content and methods of
- 15 instruction appropriate for each content area based on individual school plans.
- 16 The district may use up to one (1) day to provide district-wide training and
- 17 training that is mandated by state or federal law. Only those employees
- 18 identified in the mandate or affected by the mandate shall be required to
- 19 attend the training.
- 20 (d) State funds allocated for professional development shall be used to support
- 21 professional development initiatives that are consistent with local school
- 22 improvement and professional development plans and teachers' individual
- 23 growth plans. The funds may be used throughout the year for all staff,
- 24 including classified and certified staff and parents on school councils or
- 25 committees. A portion of the funds allocated to each school council under
- 26 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
- 27 teaching practices related to the content and subject matter that are required

1 for their specific classroom assignments.

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

6 (b) The trainings shall be web-based or in-person and cover, at a minimum, the
7 following topics:
8 1. Recognizing child physical, sexual, and emotional abuse and neglect;
9 2. Reporting suspected child abuse and neglect in Kentucky as required by
10 KRS 620.030 and the appropriate documentation;
11 3. Responding to the child; and
12 4. Understanding the response of child protective services.

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

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

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

24 (b) Beginning with the 2027-2028 school year, every local school district shall
25 require all new employees to undergo the training described in paragraph
26 (a) of this subsection within ninety (90) days of the employee's initial hiring.
27 Any new employee who has completed the training within the prior five (5)

1 *years with a previous employer shall be exempt from the requirement under*
2 *this paragraph.*

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

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

18 *(10)(9)* The department shall provide voluntary training to address the characteristics
19 and instructional needs of students at risk of school failure and most likely to drop
20 out of school. The training shall be developed to meet the specific needs of all
21 certified and classified personnel depending on their relationship with these
22 students. The training for instructional personnel shall be designed to provide and
23 enhance skills of personnel to:

- 24 (a) Identify at-risk students early in elementary schools as well as at-risk and
25 potential dropouts in the middle and high schools;
- 26 (b) Plan specific instructional strategies to teach at-risk students;
- 27 (c) Improve the academic achievement of students at risk of school failure by

1 providing individualized and extra instructional support to increase
2 expectations for targeted students;

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

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

6 ~~(11)~~~~(10)~~ The department shall establish teacher academies to the extent funding is
7 available in cooperation with postsecondary education institutions for elementary,
8 middle school, and high school faculty in core disciplines, utilizing facilities and
9 faculty from universities and colleges, local school districts, and other appropriate
10 agencies throughout the state. Priority for participation shall be given to those
11 teachers who are teaching core discipline courses for which they do not have a
12 major or minor or the equivalent. Participation of teachers shall be voluntary.

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

16 ➔Section 3. KRS 156.492 is amended to read as follows:

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

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

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

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

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

10 (4) A school counselor serving students in grades seven (7) through twelve (12) may
11 complete four (4) hours of training developed under this section which shall count
12 towards the twenty-one (21) hours required annually pursuant to KRS
13 156.101(4)(b)2.

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

18 ➔ Section 4. KRS 160.380 is amended to read as follows:

19 (1) As used in this section:

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

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

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

27 3. Upheld by a Circuit Court in an appeal of the results of an

administrative hearing conducted in accordance with KRS Chapter 13B;

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

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

1 and by the administrative regulations of the Kentucky Board of Education and
2 of the employing board. Supervisors, principals, teachers, and other
3 employees may be appointed by the superintendent for any school year at any
4 time after February 1 preceding the beginning of the school year. No
5 superintendent of schools shall appoint or transfer himself or herself to
6 another position within the school district;

7 (b) When a vacancy occurs in a local school district, the superintendent shall
8 submit the job posting to the statewide job posting system described in KRS
9 160.152 fifteen (15) days before the position shall be filled. The local school
10 district shall post position openings in the local board office for public
11 viewing;

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

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

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

26 (a) No relative of a superintendent of schools shall be an employee of the school
27 district. However, this shall not apply to a relative who is a classified or

1 certified employee of the school district for at least thirty-six (36) months
2 prior to the superintendent assuming office and who is qualified for the
3 position the employee holds. A superintendent's spouse who has previously
4 been employed in a school system may be an employee of the school district.
5 A superintendent's spouse who is employed under this provision shall not hold
6 a position in which the spouse supervises certified or classified employees. A
7 superintendent's spouse may supervise teacher aides and student teachers.
8 However, the superintendent shall not promote a relative who continues
9 employment under an exception of this subsection;

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

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

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

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

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

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

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

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

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

27 (a) Has been convicted of an offense that would classify a person as a violent

1 offender under KRS 439.3401;

- 2 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
- 3 misdemeanor offense under KRS Chapter 510;
- 4 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 5 (d) Has an administrative finding of child abuse or neglect in records maintained
- 6 by the Cabinet for Health and Family Services.

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

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

12 1. Each new certified or classified hire;

13 2. A nonfaculty coach or nonfaculty assistant as defined under KRS

14 161.185;

15 3. A student teacher;

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

17 5. Any adult who is permitted access to school grounds on a regularly

18 scheduled and continuing basis pursuant to a written agreement for the

19 purpose of providing services directly to a student or students as part of

20 a school-sponsored program or activity;

1 for the previous employment; or

2 c. Student teachers who have submitted to and provide a copy of a

3 national and state criminal background check by the Department

4 of Kentucky State Police and the Federal Bureau of Investigation

5 through an accredited teacher education institution in which the

6 student teacher is enrolled and who have a clear CA/N check.

7 2. The Education Professional Standards Board may promulgate

8 administrative regulations to impose additional qualifications to meet

9 the requirements of Pub. L. No. 92-544;

10 (c) A parent member may serve prior to the receipt of the criminal history

11 background check and CA/N letter required by paragraph (a) of this

12 subsection but shall be removed from the council on receipt by the school

13 district of a report documenting a record of abuse or neglect, or a sex crime or

14 criminal offense against a victim who is a minor as defined in KRS 17.500, or

15 as a violent offender as defined in KRS 17.165, and no further procedures

16 shall be required;

17 (d) A superintendent may require a volunteer or a visitor to submit to a national

18 and state criminal history background check by the Department of Kentucky

19 State Police and the Federal Bureau of Investigation and have a clear CA/N

20 check, provided by the individual; ~~and~~

21 (e) The superintendent of a school district operating under an alternative

22 transportation plan approved by the Kentucky Department of Education in

23 accordance with KRS 156.153(3) shall require the driver of any non-school

24 bus passenger vehicle authorized to transport students to and from school

25 pursuant to the alternative transportation plan who does not have a valid

26 commercial driver's license issued in accordance with KRS Chapter 281A

27 with an "S" endorsement to:

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

(f) Pursuant to the Open Records Act, as set forth in KRS 61.870 to 61.884, a superintendent may submit to each school district that employs or previously employed a certified applicant and the Education Professional Standards Board a request for any records concerning disciplinary actions or professional misconduct concerning the applicant prior to extending an offer of employment.

22 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
23 vacancy occurs during a school term, a superintendent may employ an
24 individual, who will have supervisory or disciplinary authority over minors,
25 on probationary status pending receipt of the criminal history background
26 check and a clear CA/N check, provided by the individual. Application for the
27 criminal record and a request for a clear CA/N check of a probationary

1 employee shall be made no later than the date probationary employment
2 begins.

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

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

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

20 (9) (a) All fingerprints requested under this section shall be on an applicant
21 fingerprint card provided by the Department of Kentucky State Police. The
22 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
23 from the Department of Kentucky State Police after a state criminal
24 background check is conducted. The results of the state and federal criminal
25 background check shall be sent to the hiring superintendent. Any fee charged
26 by the Department of Kentucky State Police, the Federal Bureau of
27 Investigation, and the Cabinet for Health and Family Services shall be an

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

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

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

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

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

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

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