

1 AN ACT relating to misconduct in schools and at school-sponsored activities.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *A public school district or public charter school shall not enter into a nondisclosure*
6 *agreement relating to misconduct involving a minor or student, including abusive*
7 *conduct as defined in Section 2 of this Act.*

8 ➔Section 2. KRS 160.380 is amended to read as follows:

9 (1) As used in this section:

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

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

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

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

27 *(d)*~~*(e)*~~ "Clear CA/N check" means a letter from the Cabinet for Health and

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

3 ~~(e)~~~~(d)~~ "Relative" means father, mother, brother, sister, husband, wife, son, and
4 daughter; and

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

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

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

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

1 160.152 fifteen (15) days before the position shall be filled. The local school
2 district shall post position openings in the local board office for public
3 viewing;

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

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

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

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

1 employment under an exception of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (6) **(a) Each application for a school district position shall require the applicant to:**

27 **1. Disclose:**

- 1 a Being the subject of any disciplinary action within the past
2 twelve (12) months; and
- 3 b. Any resulting resignation or termination related to abusive
4 conduct while employed by any school or school district; and
- 5 2. Consent to a reference check under paragraph (b) of this subsection
6 and a request for information under paragraph (c) of this subsection.
- 7 (b) 1. A school district considering an applicant for employment shall
8 contact each school district, public school, or nonpublic school that
9 employs or previously employed the applicant for a reference check
10 before extending an offer of employment.
- 11 2. A school district, public school, or nonpublic school that employs or
12 previously employed the applicant shall disclose any disciplinary
13 action, and any resulting resignation or termination, related to abusive
14 conduct while the applicant was employed by the school or school
15 district.
- 16 3. A school district, public school, or nonpublic school located in a
17 member state of the Interstate Teacher Mobility Compact that employs
18 or previously employed the applicant shall disclose any disciplinary
19 action, and any resulting resignation or termination, related to abusive
20 conduct while the applicant was employed by the school or school
21 district.
- 22 4. Any school district, public school, nonpublic school, or any school
23 employees making a disclosure pursuant to this paragraph of any
24 disciplinary action and any resulting resignation or termination shall
25 be immune from any civil or criminal liability that might otherwise be
26 incurred or imposed as a result of:
- 27 a. Making the disclosure; or

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

3 (c) Upon disclosure under paragraph (a) or (b) of this subsection of
4 disciplinary action involving abusive conduct by an applicant, the school
5 district considering the applicant for employment shall:

6 1. Request all related information and records from the school district,
7 public school, or nonpublic school that previously employed or
8 currently employs the applicant; and

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

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

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

18 1. Ineligible for hire by the school district; and

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

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

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

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

1 check, provided by the individual:

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

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

- 12 a. Classified and certified individuals employed by the school district
- 13 prior to June 27, 2019;
- 14 b. Certified individuals who were employed in another certified
- 15 position in a Kentucky school district within six (6) months of the
- 16 date of hire and who had previously submitted to a national and
- 17 state criminal background check and who have a clear CA/N check
- 18 for the previous employment; or
- 19 c. Student teachers who have submitted to and provide a copy of a
- 20 national and state criminal background check by the Department
- 21 of Kentucky State Police and the Federal Bureau of Investigation
- 22 through an accredited teacher education institution in which the
- 23 student teacher is enrolled and who have a clear CA/N check.

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

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

1 background check and clear CA/N check~~letter~~ required by paragraph (a) of
2 this subsection but shall be removed from the council on receipt by the school
3 district of a report documenting a record of abuse or neglect, or a sex crime or
4 criminal offense against a victim who is a minor as defined in KRS 17.500, or
5 as a violent offender as defined in KRS 17.165, and no further procedures
6 shall be required;

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

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

- 18 1. Submit to a national and state criminal background check by the
19 Department of Kentucky State Police and the Federal Bureau of
20 Investigation at least once every three (3) years and a criminal records
21 check conducted in accordance with KRS 27A.090 in all other years;
- 22 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
23 40;
- 24 3. Provide a biannual driving history record check performed by the
25 Transportation Cabinet;
- 26 4. Provide an annual clear CA/N check;
- 27 5. Immediately notify the superintendent of any conviction for a violation

1 under KRS Chapter 189 for which penalty points are assessed; and

2 6. Immediately notify the superintendent of any citation or arrest for a
3 violation of any provision of KRS Chapter 189A. The superintendent
4 shall inform the Kentucky Department of Education of the notification.

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

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

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

26 ~~(9)~~~~(8)~~ The provisions of KRS 161.790 shall apply to terminate employment of a
27 certified employee on the basis of a criminal record other than a record of a sex

1 crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N
2 check showing an administrative finding of child abuse or neglect.

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

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

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

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

26 2. Provide picture identification; and

27 3. List each school district and nonpublic school in which the applicant

1 has been employed, including the dates of employment.

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

13 (b) Notwithstanding Section 6 of this Act, all records and references relating to
14 an allegation of abusive conduct by a school district employee with a
15 student or minor shall be included and remain in an employee's personnel
16 file until completion of an investigation. If, after completion of an
17 investigation, the allegation is determined to be false or unsubstantiated, all
18 records and references relating to the allegation shall be removed from the
19 employee's personnel file.

20 (12) [(10)] Notwithstanding any provision of the Kentucky Revised Statutes to the
21 contrary, any certified or classified employee of the school district shall notify the
22 superintendent within seven (7) calendar days of being ~~when an employee of the~~
23 ~~school district is~~ charged with any offense which is classified as a felony. ~~[(1)]~~ The
24 superintendent may transfer the employee to a second position until such time as
25 the employee is found not guilty, the charges are dismissed, the employee is
26 terminated, or the superintendent determines that further personnel action is not
27 required. The employee shall continue to be paid at the same rate of pay he or she

1 received prior to the transfer. If an employee is charged with an offense outside of
2 the Commonwealth, this provision may also be applied if the charge would have
3 been treated as a felony if committed within the Commonwealth. Transfers shall be
4 made to prevent disruption of the educational process and district operations and in
5 the interest of students and staff and shall not be construed as evidence of
6 misconduct.

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

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

16 ~~(15)~~~~((12))~~ The form for requesting a CA/N check shall be made available on the Cabinet
17 for Health and Family Services website.

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

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

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

27 (a) Courses of study for the different grades and kinds of common schools

1 identifying the common curriculum content directly tied to the goals,
2 outcomes, and assessment strategies developed under KRS 158.645,
3 158.6451, and 158.6453 and distributed to local school districts and schools.

4 The administrative regulations shall provide that:

- 5 1. If a school offers American sign language, the course shall be accepted
6 as meeting the foreign language requirements in common schools
7 notwithstanding other provisions of law;
- 8 2. If a school offers the Reserve Officers Training Corps program, the
9 course shall be accepted as meeting the physical education requirement
10 for high school graduation notwithstanding other provisions of law;
- 11 3. Every public middle and high school's curriculum shall include
12 instruction on the Holocaust and other cases of genocide, as defined by
13 the United Nations Convention on the Prevention and Punishment of the
14 Crime of Genocide, that a court of competent jurisdiction, whether a
15 court in the United States or the International Court of Justice, has
16 determined to have been committed by applying rigorous standards of
17 due process; and
- 18 4. Beginning in the 2025-2026 school year, cursive writing shall be
19 included as a course of study in all elementary schools and shall be
20 designed to ensure proficiency in cursive writing by the end of grade
21 five (5);

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

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

27 (d) The minimum requirements for high school graduation in light of the

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

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

- 13 1. The student cannot participate in the regular statewide assessment; and
- 14 2. An appropriate alternate assessment has been selected for the student
15 based upon a modified curriculum and an individualized course of
16 study;

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

25 (g) Sanitary and protective construction of public school buildings, toilets,
26 physical equipment of school grounds, school buildings, and classrooms. With
27 respect to physical standards of sanitary and protective construction for school

1 buildings, the Kentucky Board of Education shall adopt the Uniform State
2 Building Code;

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

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

22 (j) 1. ~~Beginning with the 2010-2011 school year,~~ A dental screening or
23 examination by a dentist, dental hygienist, physician, registered nurse,
24 advanced practice registered nurse, or physician assistant that shall be
25 required by the Kentucky Board of Education. The administrative
26 regulations shall require evidence that a dental screening or examination
27 that meets the criteria prescribed by the Kentucky Board of Education

1 has been performed. This evidence shall be submitted to the school no
2 later than January 1 of the first year that a five (5) or six (6) year-old
3 child is enrolled in a public school.

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

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

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

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

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

16 (o) The disposal of real and personal property owned by local boards of
17 education; and

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

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

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

- 1 3. Awarding a diploma, at the student's request, by a district from which
2 the student transferred, if the student transfers schools at any time after
3 the completion of the student's second year of high school and the
4 student is ineligible to graduate from the district to which the student
5 transfers, but meets the graduation requirements of the district from
6 which the student transferred; and
- 7 4. Exempting the student from all coursework and other requirements
8 imposed by the local board of education that are in addition to the
9 minimum requirements for high school graduation established by the
10 Kentucky Board of Education pursuant to paragraph (d) of this
11 subsection in the district to which the student transfers, if the student
12 transfers schools at any time after the completion of the student's second
13 year of high school and the student is ineligible to graduate both from
14 the district to which the student transfers and the district from which the
15 student transferred.
- 16 (2) Any private, parochial, or church school may voluntarily comply with:
- 17 (a) Curriculum, certification, and textbook standards established by the Kentucky
18 Board of Education; and
- 19 (b) *Employment standards established in Section 4 of this Act;*
- 20 and be certified upon application to the board by such schools.
- 21 (3) Any public school that violates the provisions of KRS 158.854 shall be subject to a
22 penalty to be assessed by the commissioner of education as follows:
- 23 (a) The first violation shall result in a fine of no less than one (1) week's revenue
24 from the sale of the competitive food;
- 25 (b) Subsequent violations shall result in a fine of no less than one (1) month's
26 revenue from the sale of the competitive food;
- 27 (c) "Habitual violations," which means five (5) or more violations within a six (6)

1 month period, shall result in a six (6) month ban on competitive food sales for
2 the violating school; and

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

5 ➔Section 4. KRS 160.151 is amended to read as follows:

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

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

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

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

27 (c) All fingerprints requested under this section shall be on an applicant

1 fingerprint card provided by the Department of Kentucky State Police. The
2 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
3 the Department of Kentucky State Police after a state criminal background
4 check has been conducted. Any fee charged by the Department of Kentucky
5 State Police, the Administrative Office of the Courts, or the Federal Bureau of
6 Investigation shall be an amount no greater than the actual cost of processing
7 the request and conducting the search.

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

22 (b) The school or school board may require an adult who is permitted access to
23 school grounds on a regularly scheduled and continuing basis pursuant to a
24 written agreement for the purpose of providing services directly to a student
25 or students as part of a school-sponsored program or activity, a volunteer, or a
26 visitor to submit to a national criminal history check by the Federal Bureau of
27 Investigation and state criminal history background check by the Department

1 of Kentucky State Police or Administrative Office of the Courts and require a
2 clear CA/N check.

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

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

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

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

27 (b) If a school term has begun and a certified position remains unfilled or if a

1 vacancy occurs during a school term, a certified nonpublic school
2 ~~[implementing this chapter]~~ may employ an individual who will have
3 supervisory or disciplinary authority over minors on probationary status
4 pending receipt of a criminal history background check or the receipt of a
5 clear CA/N check, provided by the individual.

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

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

16 ~~(5)~~~~[(4)]~~ The form for requesting a ~~[clear]~~ CA/N check shall be made available on the
17 Cabinet for Health and Family Services website.

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

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

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

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

1 schools.

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

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

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

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

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

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

21 2. As used in this paragraph, "postvention" means a series of planned
22 supports and interventions with persons affected by a suicide for the
23 purpose of facilitating the grieving or adjustment process, stabilizing the
24 environment, reducing the risk of negative behaviors, and limiting the
25 risk of further suicides through contagion; and

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

27 (3) (a) Each local school district superintendent shall appoint a certified school

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

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

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

23 (4) The department shall provide or facilitate optional, professional development
24 programs for certified personnel throughout the Commonwealth that are based on
25 the statewide needs of teachers, administrators, and other education personnel.
26 Programs may include classified staff and parents when appropriate. Programs
27 offered or facilitated by the department shall be at locations and times convenient to

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

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

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

1 teaching practices related to the content and subject matter that are required
2 for their specific classroom assignments.

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

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

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

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

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

18 (8) (a) By May 1, 2027, the Kentucky Department of Education, in collaboration
19 with the Education Professional Standards Board, shall develop a training
20 for school district employees, to be provided via video recording, related to
21 appropriate relationships and communication with students, inappropriate
22 relationships and communication with students, sexual grooming, and
23 sexual misconduct.

24 (b) Beginning with the 2027-2028 school year, and every five (5) years
25 thereafter, every local school district shall require all employees to undergo
26 the training described in paragraph (a) of this subsection.

27 (c) When an employee is hired by a district during a school year in which the

1 training is not required, the school district shall require the employee to
2 complete the training within ninety (90) days of hiring.

3 (d) 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 6. KRS 161.151 is amended to read as follows:

17 (1) **Except as provided in Section 2 of this Act,** all records and references relating to an
18 allegation of a criminal offense committed by a school employee that did not lead to
19 formal charges and all records relating to a criminal proceeding in which a school
20 employee was found not guilty or the charges were dismissed shall be removed
21 from the school employee's personnel file by the superintendent or the
22 superintendent's designee in the local school district.

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

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

- 1 (1) As used in this section, a "Kentucky guardian" or "guardian" means an employee of
2 a local board of education who is employed for the purpose of providing school
3 safety and security to students and staff on a school site. A person providing
4 services as a guardian may only include honorably discharged veterans, retired
5 Kentucky state troopers, retired special and sworn law enforcement officers, and
6 former federal law enforcement officers. A guardian certified by the Center for
7 School Safety as having met all requirements of this section is deemed to be an
8 authorized individual under KRS 527.070(3)(f) and may be armed with a firearm on
9 school property.
- 10 (2) Local boards of education may employ as many guardians as the board considers
11 necessary for the safety and security of its schools.
- 12 (3) Prior to hiring a guardian, the local board of education shall require the applicant to
13 provide certification from the Center for School Safety that he or she meets all of
14 the following minimum requirements:
- 15 (a) Is a citizen of the United States and the Commonwealth of Kentucky;
 - 16 (b) Has received a high school diploma or a High School Equivalency Diploma;
 - 17 (c) Is currently licensed under KRS 237.110 to carry a concealed weapon;
 - 18 (d) Has completed and passed background checks as required pursuant to
19 subsection (7)(a) of Section 2 of this Act ~~[KRS 160.380(6)(a)]~~, and has not
20 been convicted of any felony, any misdemeanor under KRS 510.120, 510.130,
21 510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or
22 solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual
23 misconduct under KRS Chapter 510, or have had any offense listed in this
24 paragraph expunged;
 - 25 (e) Has passed a medical examination completed by a licensed physician,
26 physician assistant, or advanced practice registered nurse to determine if he or
27 she can perform the duties of a guardian;

- 1 (f) Has passed a drug screening test administered or approved by the Kentucky
2 Law Enforcement Council. A person shall be deemed to have passed a drug
3 screening test if the results of the test are negative for the use of an illegal
4 controlled substance or prescription drug abuse;
- 5 (g) Has passed the following examinations administered by the Kentucky Law
6 Enforcement Council:
- 7 1. A background investigation to determine the person's suitability for the
8 position of guardian;
- 9 2. A psychological suitability screening to determine the person's
10 suitability to perform guardian duties; and
- 11 3. A polygraph examination to determine the person's suitability to
12 perform guardian duties;
- 13 (h) Has passed the following courses provided by the Department of Criminal
14 Justice Training:
- 15 1. Active Shooter Response;
- 16 2. Enhanced Handgun Performance; and
- 17 3. Patrol Rifle;
- 18 (i) Has passed the marksmanship qualification requirement for a retired peace
19 officer as specified in KRS 237.140;
- 20 (j) Has been honorably discharged from the Armed Forces of the United States
21 within the five (5) years immediately preceding an initial contract to be a
22 guardian as evidenced by a Department of Defense form DD 214, or is a
23 retired Kentucky state trooper, retired special or sworn law enforcement
24 officer, or former federal law enforcement officer. Each agency that employed
25 a retired Kentucky state trooper, retired special law enforcement officer, or
26 sworn law enforcement officer shall provide to the retired individual proof of
27 prior employment in a prompt and efficient manner, without charge to the

- 1 individual; and
- 2 (k) Has met any other requirements imposed by the local board of education,
- 3 which may include but are not limited to a preemployment written
- 4 examination.
- 5 (4) Each guardian shall be required to complete annual firearm proficiency testing and
- 6 shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).
- 7 (5) Each guardian shall be required to complete the course requirements for School
- 8 Resource Officer Training I (SRO I) as set forth in KRS 158.4414(8).
- 9 (6) The employing local board of education may require the completion of any
- 10 additional courses and training as determined to be necessary by the board.
- 11 (7) Any cost associated with subsections (3) to (6) of this section shall be the
- 12 responsibility of the guardian unless otherwise agreed to by the employing local
- 13 board of education. The Kentucky Law Enforcement Council shall not charge more
- 14 to guardians for tests, assessments, or training completed than what is customarily
- 15 charged to any other type of applicant tested, assessed, or trained by the council.
- 16 (8) A local board of education employing a guardian shall collaborate with the local
- 17 police department, local sheriff, area post of the Department of Kentucky State
- 18 Police, and the state school security marshal in order to adopt school district policy
- 19 regarding:
- 20 (a) The job description of the guardian, including but not limited to the scope of
- 21 duties, responsibilities, and direct supervisor of the guardian;
- 22 (b) The uniform to be worn by guardians that would best suit the needs of the
- 23 schools while also allowing outside agencies to easily identify guardians;
- 24 (c) The procedures, processes, and chain of command to be used during an
- 25 emergency in which law enforcement agencies are called to the school; and
- 26 (d) The type of firearm and ammunition to be used by the guardian, if any.
- 27 (9) A local board of education shall be immune from civil or criminal liability in all

1 claims arising out of any action of a guardian.

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

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

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

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

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

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

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

- 1 (3) The department shall include the training program created in this section on the
2 electronic consumer bulletin board created pursuant to KRS 156.095~~[(8)]~~ if
3 requested by the training program.
- 4 (4) A school counselor serving students in grades seven (7) through twelve (12) may
5 complete four (4) hours of training developed under this section which shall count
6 towards the twenty-one (21) hours required annually pursuant to KRS
7 156.101(4)(b)2.
- 8 (5) Local boards of education or school-based decision making councils may
9 incorporate this training as part of the four (4) days of professional development
10 required pursuant to KRS 158.070(3)(a) for teachers who serve students in grades
11 seven (7) through twelve (12) if offered by the participating trade organization.
- 12 ➔Section 9. KRS 158.200 is amended to read as follows:
- 13 (1) The boards of education of local school districts may provide an opportunity for
14 pupils to attend moral instruction in their jurisdiction, in the manner provided in this
15 section.
- 16 (2) (a) Local boards of education shall allow pupils to be excused for up to one (1)
17 hour on no more than one (1) day each week, which shall include time
18 attributed to travel to and from, to attend a district-approved request for a
19 moral instruction offering upon receiving the consent of the pupil's parent or
20 guardian.
- 21 (b) Moral instruction provided under this section shall not take place on school
22 property.
- 23 (c) Pupil participation in moral instruction shall be voluntary and free from
24 coercion by school personnel.
- 25 (d) Moral instruction shall be given without expense to any local board of
26 education above de minimis administrative expenses incurred in carrying out
27 this section.

- 1 (3) An individual, organization, entity, or any combination thereof seeking to provide a
2 moral instruction offering for pupils shall submit a written, signed request to the
3 local board of education of a school district regarding the proposed moral
4 instruction offering. The request shall include:
- 5 (a) Contact information for the primary individual who will be providing the
6 moral instruction, as well as all other individuals who may be transporting
7 pupils or providing moral instruction to students through the offering;
 - 8 (b) A statement acknowledging and agreeing to be bound by the requirements
9 placed upon moral instruction offerings under this section;
 - 10 (c) The address or a description of the location where the moral instruction will
11 be provided;
 - 12 (d) A transportation plan to ensure the safety of pupils while traveling to and
13 from moral instruction within the allotted time period;
 - 14 (e) A statement acknowledging and agreeing to inform the parent or guardian of a
15 participating pupil that the school district and its employees and agents shall
16 not incur any liability as a result of any injury sustained by the pupil related to
17 participation in the moral instruction offering;
 - 18 (f) A statement acknowledging and agreeing to indemnify and hold harmless the
19 school district and its employees and agents against any claims relating to the
20 moral instruction offering or transportation to or from the offering; and
 - 21 (g) Proof of insurance coverage to be carried by the provider that shall include
22 adequate insurance for liability, property loss, and personal injury of students
23 related to the moral instruction offering or transportation to or from the
24 offering.
- 25 (4) (a) Upon receipt of a request under subsection (3) of this section, the local board
26 of education may make arrangements with the person seeking to provide the
27 moral instruction offering as the local board deems necessary.

- 1 (b) Upon approval by the local board of a request under this section, the
2 superintendent of the school district shall require each individual identified in
3 the request to submit to a national and state criminal history background
4 check by the Department of Kentucky State Police and the Federal Bureau of
5 Investigation and have a clear CA/N check, provided by the individual,
6 consistent with the provisions of KRS 160.380~~(7)~~~~(6)~~. The individuals, or the
7 organization or entity through which the moral instruction offering will be
8 provided, shall be responsible for all costs associated with obtaining the
9 criminal history and CA/N checks under this paragraph.
- 10 (c) As a condition of the agreement between the local board and a provider, the
11 local board shall require that any individual identified in the request under
12 subsection (3) of this section be barred from providing transportation or
13 participating in moral instruction offerings under this section upon receipt by
14 the school district of a report documenting a record of:
- 15 1. Child abuse or neglect;
 - 16 2. A sex crime or criminal offense against a victim who is a minor, as
17 defined in KRS 17.500; or
 - 18 3. A violent crime as defined in KRS 17.165;
- 19 by the individual. The prohibition shall continue until the local board receives
20 an updated record for that individual that does not contain a disqualifying
21 item.
- 22 (5) A pupil who attends a moral instruction offering at the time specified and for the
23 period fixed shall be:
- 24 (a) Credited with the time of attendance as if he or she had been in actual
25 attendance in school, and the time shall be included as part of the actual
26 school work required in KRS 158.060. A pupil shall not be penalized for any
27 school work missed during the specified time; and

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

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

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

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

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

22 (b) The Kentucky Department of Education shall compile the quarterly reports
23 required by this subsection and submit a combined report to the Legislative
24 Research Commission no later than December 1 of each year for referral to
25 the appropriate Interim Joint Committee on Education.