

1 AN ACT relating to prison educational programs.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Kentucky Community and Technical College System Prison Education*
6 *Program, or KCTCS Prison Education Program, is hereby established within the*
7 *department to provide inmates with intensive, hands-on job training in high-*
8 *demand workforce sectors.*

9 *(2) The department shall enter into a memorandum of agreement with the Kentucky*
10 *Community and Technical College System (KCTCS) as defined in KRS 164.001*
11 *in accordance with Section 2 of this Act to provide academic instruction for the*
12 *program.*

13 *(3) (a) The program established in subsection (1) of this section shall be located on*
14 *the grounds of the Northpoint Training Center.*

15 *(b) The department shall:*

16 *1. Manage facility operations, including operations related to safety and*
17 *security;*

18 *2. Be responsible for all maintenance and repair of the facility, utilities,*
19 *and facility supplies; and*

20 *3. Provide inmate transportation to the facility, inmate meals and food*
21 *services, and inmate housing that is segregated from the general*
22 *prison population.*

23 *(4) The program shall not be available to an inmate serving a sentence:*

24 *(a) Of imprisonment for life without possibility of parole;*

25 *(b) For escape or attempted escape; or*

26 *(c) For a sex crime as defined in KRS 17.500.*

27 *(5) (a) The department shall be responsible for the identification of candidates for*

1 the program, including recruitment and selection, in accordance with the
2 restrictions set forth in subsection (4) of this section and as determined by
3 the department.

4 (b) Selection of candidates for the program shall include consideration of:

5 1. Established security criteria;

6 2. Industry guidance for second-chance employment; and

7 3. The capacity of academic instructors to provide industry-
8 recommended and high-need training.

9 (6) An inmate who is selected and meets eligibility requirements shall be transported
10 by the department to the Northpoint Training Center facility.

11 (7) The department shall promulgate administrative regulations in accordance with
12 KRS Chapter 13A relating to:

13 (a) The selection and eligibility of inmates for the program, including but not
14 limited to the following criteria:

15 1. The inmate's academic background;

16 2. Vocational counseling or testing that indicates the inmate has an
17 interest or aptitude for a particular trade; and

18 3. The inmate's willingness to abide by the attendance, academic, and
19 behavioral requirements of the program;

20 (b) The terms and conditions under which inmates may continue in the
21 program;

22 (c) The adequate care, supervision, guarding, disciplining, maintenance,
23 transportation, and housing of inmates when assigned to the program;

24 (d) Availability and accessibility of post-release services, including
25 consideration of education and employment requirements in administering
26 terms of probation and parole;

27 (e) The collection of data to include:

- 1 1. The number of inmates:
- 2 a. Participating in the program who receive an offer of employment
- 3 prior to release;
- 4 b. Who successfully complete the program;
- 5 c. Who obtained employment following participation in the
- 6 program; and
- 7 d. Who were unsuccessful and the reason for removal from the
- 8 program; and
- 9 2. Following completion of the program and release from the facility, the
- 10 number of inmates with:
- 11 a. Successful completion of parole;
- 12 b. A violation of parole;
- 13 c. A return to prison as a result of a parole violation and the date
- 14 the inmate returned; and
- 15 d. A return to prison as a result of the commission of a new
- 16 offense;
- 17 (f) Requirements of KCTCS employees, including:
- 18 1. Compliance with the department's institutional safety and facilities
- 19 management policies and procedures; and
- 20 2. Participation in the department's drug-testing program, including
- 21 random screenings and tests based upon reasonable suspicion of drug
- 22 or alcohol impairment, as determined by the warden of the institution,
- 23 and at the cost of the department if the test is administered at a
- 24 department facility by a department vendor;
- 25 (g) Policies to permit remote instruction or services during emergencies or
- 26 pandemics, consistent with department and health advisories of the
- 27 Commonwealth; and

1 (g) Determine program placement with regard to a participant's academic
2 readiness.

3 (12) This section shall not be interpreted to:

4 (a) Create or confer upon any inmate any private right or benefit; or

5 (b) Limit the discretion of the department in determining and maintaining
6 operational and security requirements of the department.

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) The memorandum of agreement required under Section 1 of this Act between the
10 department and the Kentucky Community and Technical College System
11 (KCTCS):

12 (a) Shall establish the duties and responsibilities of each party; and

13 (b) May be amended by the parties as necessary, including the addition of terms
14 not required under this section, to meet the needs of the program.

15 (2) The duties and responsibilities of the department shall include:

16 (a) Establishing rules of conduct for inmates participating in the program and
17 maintaining decision-making authority related to any disciplinary action for
18 violations of the rules established under this paragraph;

19 (b) Marketing the program across correctional facilities throughout the
20 Commonwealth with inmates who may meet eligibility requirements;

21 (c) Providing training for each college employee entering the facility or
22 communicating with an inmate, including necessary training related to
23 safety, security, and relevant policies and procedures;

24 (d) Providing training for each college employee entering the facility or
25 communicating with a participating inmate virtually or in a distance
26 format;

27 (e) For the training required under paragraphs (c) and (d) of this subsection,

1 providing modules related to:

2 1. Safety, security, and related policies and procedures;

3 2. The Prison Rape Elimination Act, 34 U.S.C. sec. 30301 et seq.;

4 3. Maintaining professional boundaries; and

5 4. The use of core correctional practices to effectively respond to
6 behavior;

7 (f) Providing KCTCS with necessary data to operate the program, including:

8 1. The transfer and release dates of inmates participating in the program
9 as required by the United States Secretary of Education under 34
10 C.F.R. sec. 668.239;

11 2. A roster of inmates approved for the program to be submitted to the
12 college's designated office for each term;

13 3. Grades and course completions entered into the Kentucky Offender
14 Management System;

15 4. Information to determine the last day of attendance; and

16 5. Information to assist in tracking graduates post-release;

17 (g) Helping to facilitate required verification, identification, and financial aid
18 documents with identified federal agencies for participation in the program;

19 (h) Providing operational support to successfully carry out the program,
20 including:

21 1. Adequate security staffing to support the inmates participating in the
22 program at the KCTCS Prison Education Program campus and
23 collaborating with external partners on reentry services;

24 2. Office space, copier access, and utilities at no cost to KCTCS;

25 3. Clear processes and systems to pay for education expenses, for use by
26 inmates participating in the program;

27 4. Background checks of all KCTCS employees using the department's

- 1 approved vendors and processes;
- 2 5. Maintenance and replacement of learning technology onsite to ensure
- 3 continuity in the learning environment when technology
- 4 malfunctions, including the use of department-issued tablets; and
- 5 6. Facilitating the purchase and acquisition of class supplies at the
- 6 beginning of each academic term and charging the cost, along with
- 7 books, to the participating inmate's financial aid account; and
- 8 (i) Participating in joint meetings between the department and KCTCS to
- 9 review program outcomes, security issues, and facility updates each term.
- 10 (3) The duties and responsibilities of KCTCS shall include:
- 11 (a) Establishing rules of academic conduct for inmates participating in the
- 12 program and maintaining decision-making authority related to any
- 13 disciplinary action for violations of the rules established under this
- 14 paragraph;
- 15 (b) Ensuring compliance with all applicable federal, state, and local laws
- 16 related to student privacy and department security procedures;
- 17 (c) Maintaining all instructional equipment that is provided by KCTCS within
- 18 the facility, outside of learning technology that is part of the prison
- 19 environment;
- 20 (d) Providing marketing support for the program including:
- 21 1. Brand guidelines;
- 22 2. Program information;
- 23 3. Transfer pathways; and
- 24 4. Public relations requests related to the program;
- 25 (e) Developing and distributing a specific catalog or similar publication
- 26 describing available programs, services for inmates participating in the
- 27 program, curriculum maps, and delivery options;

1 (f) Establishing and maintaining a companion website section to inform
2 participating inmate's families, department partners, and community
3 supporters about the campus programs;

4 (g) Managing partnership components pertaining to the educational status of
5 participating inmates, including:

6 1. Initial college application completion and other educational records
7 required for admission;

8 2. Academic records and materials to determine transfer credit and
9 initial placement;

10 3. Free Application for Federal Student Aid (FAFSA) completion and
11 submission, including eligibility criteria and financial aid payment
12 options;

13 4. Facilitation of financial aid payments for tuition, books, and supplies
14 on behalf of the participating inmate, ensuring no direct
15 disbursements to the inmate;

16 5. Orientation for participating inmates each term addressing:

17 a. College policies and procedures;

18 b. Program requirements;

19 c. FAFSA and payment plans;

20 d. Code of student conduct and college student expectations; and

21 e. Available support services;

22 6. Completion of graduation application and transfer enrollment if
23 desired;

24 7. Instructional materials that comply with the facility requirements of
25 the department; and

26 8. Quality assurance processes, including:

27 a. Course evaluations;

- 1 *b. Performance of the participating inmate;*
 2 *c. Syllabi review; and*
 3 *d. Faculty observation;*
 4 *(h) Providing and managing staffing related to the academic components of the*
 5 *program, including:*
 6 *1. Qualified and credentialed in-person and online instructors for*
 7 *coursework; and*
 8 *2. Admissions, financial aid, advising, online library, tutoring, veteran*
 9 *support, transcript collection, and academic support services on-site at*
 10 *the facility;*
 11 *(i) Ensuring compliance with requirements of the Southern Association of*
 12 *Colleges and Schools Commission on Colleges and requirements of the*
 13 *Department of Education for the program;*
 14 *(j) Providing graduation ceremonies on-site; and*
 15 *(k) Working with the department and external partners to match inmates who*
 16 *have completed the program with employers and collecting and reporting*
 17 *job placement and data transfer on an annual basis.*
 18 *(4) The department and KCTCS shall negotiate the responsibility for the cost of*
 19 *licensing and certification examinations if required by an academic program*
 20 *offered in the facility.*
 21 *(5) This section shall not be interpreted to:*
 22 *(a) Create or confer upon any inmate any private right or benefit; or*
 23 *(b) Limit the discretion of the department in determining and maintaining*
 24 *operational and security requirements of the department.*

25 ➔ Section 3. KRS 196.281 is amended to read as follows:

- 26 (1) When a prisoner is released, the department shall issue to that prisoner, with the
 27 prisoner's consent, documents regarding all of the following:

- 1 (a) The prisoner's criminal history in Kentucky;
- 2 (b) The prisoner's institutional history, including all of the following:
- 3 1. Any record of major disciplinary violations;
- 4 2. Whether the prisoner successfully completed programming approved by
- 5 the department;
- 6 3. Whether the prisoner obtained a high school equivalency diploma or
- 7 other educational degree prior to incarceration, to the extent known or
- 8 verifiable by the department;
- 9 4. Whether the prisoner obtained a high school equivalency diploma or
- 10 other educational degree while incarcerated;
- 11 5. The prisoner's work record prior to incarceration, including past
- 12 employment and skills, to the extent known or verifiable by the
- 13 department, and to the extent the department is technologically capable
- 14 of providing this information; and
- 15 6. The prisoner's institutional work record, including skills obtained
- 16 through any job training or programming provided by the department;
- 17 and
- 18 (c) Other information considered relevant by the department.
- 19 (2) When a prisoner is released, the department may, in conjunction with the
- 20 Transportation Cabinet, issue to that prisoner an operator's license or personal
- 21 identification card that is a voluntary travel ID document pursuant to KRS 186.417.
- 22 (3) In addition to the documents provided under subsections (1) and (2) of this section,
- 23 the department shall issue a certificate of employability to a prisoner if all of the
- 24 following apply:
- 25 (a) The prisoner achieved one (1) or both of the following:
- 26 1. While incarcerated:^[,]
- 27 a. Successfully earned one (1) or more of the following:

- 1 ~~i.[a.]~~ An educational credit pursuant to KRS 197.045(1)(a)2.;
- 2 ~~ii.[b.]~~ A program completion credit pursuant to KRS
- 3 197.045(1)(a)3.; or
- 4 ~~iii.[c.]~~ A work-for-time credit pursuant to KRS 197.047; or
- 5 **b. Successfully completed the Kentucky Community and Technical**
- 6 **College System Prison Education Program pursuant to Section 1**
- 7 **of this Act; or**
- 8 2. Prior to incarceration, earned a High School Equivalency Diploma, a
- 9 high school diploma, a college degree, certification from a vocational or
- 10 technical education program that the program was completed, or a
- 11 diploma or degree from a correspondence postsecondary education
- 12 program approved by the department;
- 13 (b) The prisoner received no major disciplinary violations during the year
- 14 immediately preceding his or her release; and
- 15 (c) **1.** The prisoner received a score or level of competence as determined by
- 16 the department on a job skills assessment test administered by the
- 17 department or jail; **or**
- 18 **2. The prisoner successfully completed the KCTCS Prison Education**
- 19 **Program and received an academic certificate, diploma, or degree.**
- 20 (4) A certificate of employability issued pursuant to subsection (3) of this section shall:
- 21 (a) Be issued to the prisoner when he or she is released from a correctional
- 22 facility;
- 23 (b) Be on a form provided by the department;
- 24 (c) Be valid unless revoked by the department; and
- 25 (d) Not create relief from:
- 26 1. A requirement to register as a sex offender under KRS 17.510;
- 27 2. A driver's license, commercial driver's license, or probationary license

- 1 suspension, cancellation, or revocation;
- 2 3. A restriction on employment as a prosecutor or law enforcement officer;
- 3 or
- 4 4. The denial, ineligibility, or automatic suspension of a health care
- 5 professional's license due to a substance use disorder.
- 6 (5) (a) The department shall revoke the certificate of employability provided under
- 7 this section of any individual who is convicted of a felony after receiving a
- 8 certificate of employability.
- 9 (b) The department shall provide an individual whose certificate of employability
- 10 has been revoked under this subsection an opportunity to file a grievance
- 11 through the department's prisoner grievance system. The revocation of a
- 12 certificate of employability is effective when the individual is notified of the
- 13 revocation.
- 14 (c) The revocation of a certificate of employability does not affect the right of an
- 15 employer to rely on the validity of the certificate of employability unless the
- 16 employer knew before the individual was employed that the certificate of
- 17 employability was fraudulent.
- 18 (6) An individual shall not intentionally state or otherwise represent that he or she has a
- 19 valid certificate of employability issued by the department knowing that the
- 20 statement or representation is false. An individual who violates this subsection shall
- 21 be guilty of a Class B misdemeanor.
- 22 (7) Upon request, the department shall confirm whether a certificate of employability
- 23 has been issued to a named individual and whether the certificate is valid at the time
- 24 of the inquiry and at the time of the department's response to that inquiry.
- 25 (8) The department is not civilly liable for damages based upon its decision to issue or
- 26 deny issuance of a certificate of employability to any prisoner or for revoking or
- 27 failing to revoke a certificate of employability issued to any prisoner.

- 1 (9) (a) In a judicial or administrative proceeding alleging negligence or other fault, a
 2 certificate of employability issued to an individual under this section may be
 3 introduced as evidence of a person's due care in hiring, retaining, licensing,
 4 leasing to, admitting to a school or program, or otherwise transacting business
 5 or engaging in activity with the individual to whom the certificate of
 6 employability was issued if the person knew of the certificate at the time of
 7 the alleged negligence or other fault.
- 8 (b) In any proceeding on a claim against an employer for negligent hiring, a
 9 certificate of employability issued to an individual under this section may be a
 10 defense for the employer as to the claim if the employer knew of the
 11 certificate at the time of the alleged negligence, except in cases where the
 12 employer knew or should have known the employee should not be hired for
 13 the position due to the nature of his or her history, including criminal history
 14 **relevant to the claim.**
- 15 (10) The department shall notify incoming prisoners of the possibility to earn a
 16 certificate of employability.
- 17 (11) The department shall submit an annual report no later than September 1 of each
 18 year to the Governor **and to the Legislative Research Commission for referral to**
 19 **the Interim Joint Committee on Licensing, Occupations, and Administrative**
 20 **Regulations** and the **Interim Joint Committee on Judiciary**~~[General Assembly],~~
 21 which shall include:
- 22 (a) The number of certificates of employability issued in the preceding twelve
 23 (12) months;~~[,]~~
- 24 (b) The rate of recidivism among released prisoners previously issued certificates
 25 of employability;~~[, and]~~
- 26 (c) Any other information the department deems appropriate to include; **and**
- 27 **(d) Beginning September 1, 2029, the data in subsection (7)(e) of Section 1 of**

1 *this Act.*

2 ➔Section 4. KRS 335B.020 is amended to read as follows:

3 (1) ~~A~~~~Not~~ person shall *not* be disqualified from public employment~~[,] or~~~~nor shall a~~
4 ~~person be disqualified~~ from pursuing, practicing, or engaging in any occupation for
5 which a license is required solely because of a:

6 *(a)* Prior conviction of a crime, unless the crime for which *the person was*
7 convicted directly relates to the position of employment sought or the
8 occupation for which the license is sought; *or*

9 *(b) Finding that an applicant lacks good character or fails to meet any other*
10 *similar standard where a criminal conviction is the sole basis for the*
11 *finding.*

12 (2) In determining if a conviction directly relates to the position of public employment
13 sought or the occupation for which the license is sought, the hiring or licensing
14 authority shall consider *the*:

15 ~~(a) The~~ Nature and seriousness of the crime for which the individual was
16 convicted and the passage of time since its commission;

17 ~~(b) The~~ Relationship of the crime to the purposes of regulating the position of
18 public employment sought or the occupation for which the license is sought;

19 *and*

20 ~~(c) The~~ Relationship of the crime to the ability, capacity, and fitness required to
21 perform the duties and discharge the responsibilities of the position of
22 employment or occupation.

23 *(3) There shall be a rebuttable presumption for any occupational license that*
24 *requires good moral character that the person applying for the license is of good*
25 *moral character if, after the criminal conviction, the person obtains a certificate*
26 *of employability pursuant to Section 3 of this Act and the certificate has not been*
27 *revoked. This rebuttable presumption shall not apply if the conviction would*

1 **qualify the individual as a registrant as defined in KRS 17.500.**

2 ➔Section 5. The data collected pursuant to subsection (7)(e) of Section 1 of this
3 Act shall be reported in compliance with subsection (11) of Section 3 of this Act
4 beginning with the September 1, 2029, report submitted by the department.