

1 AN ACT relating to school district reporting and declaring an emergency.

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

3 ➔Section 1. KRS 160.345 is amended to read as follows:

4 (1) **As used in**~~[For the purpose of]~~ this section:

5 (a) "Minority" means American Indian; Alaskan native; African-American;  
6 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
7 South American origin; Pacific islander; or other ethnic group  
8 underrepresented in the school;

9 (b) "School" means an elementary or secondary educational institution that is  
10 under the administrative control of a principal and is not a program or part of  
11 another school. The term "school" does not include district-operated schools  
12 that are:

- 13 1. Exclusively vocational-technical, special education, or preschool  
14 programs;
- 15 2. Instructional programs operated in institutions or schools outside of the  
16 district; or
- 17 3. Alternative schools designed to provide services to at-risk populations  
18 with unique needs;

19 (c) "Teacher" means any person for whom certification is required as a basis of  
20 employment in the public schools of the state, with the exception of principals  
21 and assistant principals; and

22 (d) "Parent" means:

- 23 1. A parent, stepparent, or foster parent of a student; or
- 24 2. A person who has legal custody of a student pursuant to a court order  
25 and with whom the student resides.

26 (2) Each local board of education shall adopt a policy for implementing school-based  
27 decision making in the district which shall include but not be limited to a

1 description of how the district's policies, including those developed pursuant to  
2 KRS 160.340, have been amended to allow the professional staff members of a  
3 school to be involved in the decision-making process as they work to meet  
4 educational goals established in KRS 158.645 and 158.6451. The policy may  
5 include a requirement that each school council make an annual report at a public  
6 meeting of the local board describing the school's progress in meeting the  
7 educational goals set forth in KRS 158.6451 and district goals established by the  
8 local board. The policy shall also address and comply with the following:

9 (a) Except as provided in paragraph (b)2. of this subsection, each participating  
10 school shall form a school council composed of two (2) parents, three (3)  
11 teachers, and the principal or administrator. The membership of the council  
12 may be increased, but it may only be increased proportionately. A parent  
13 representative on the council shall not be an employee or a relative of an  
14 employee of the school in which that parent serves, nor shall the parent  
15 representative be an employee or a relative of an employee in the district  
16 administrative offices. A parent representative shall not be a local board  
17 member or a board member's spouse. None of the members shall have a  
18 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to  
19 district employees;

20 (b) 1. The teacher representatives shall be elected for one (1) year terms by a  
21 majority of the teachers. A teacher elected to a school council shall not  
22 be involuntarily transferred during the teacher representative's term of  
23 office. The parent representatives shall be elected for one (1) year terms.  
24 The parent members shall be elected by the parents of students  
25 preregistered to attend the school during the term of office in an election  
26 conducted by the parent and teacher organization of the school or, if  
27 none exists, the largest organization of parents formed for this purpose.

1 Council elections may allow voting to occur over multiple days and via  
2 electronic means. A school council, once elected, may adopt a policy  
3 setting different terms of office for parent and teacher members  
4 subsequently elected. The principal shall be the chair of the school  
5 council.

6 2. School councils in schools having eight percent (8%) or more minority  
7 students enrolled, as determined by the enrollment on the preceding  
8 October 1, shall have at least one (1) minority member. If the council  
9 formed under paragraph (a) of this subsection does not have a minority  
10 member, the principal, in a timely manner, shall be responsible for  
11 carrying out the following:

12 a. Organizing a special election to elect an additional member. The  
13 principal shall call for nominations and shall notify the parents of  
14 the students of the date, time, and location of the election to elect a  
15 minority parent to the council by ballot; and

16 b. Allowing the teachers in the building to select one (1) minority  
17 teacher to serve as a teacher member on the council. If there are no  
18 minority teachers who are members of the faculty, an additional  
19 teacher member shall be elected by a majority of all teachers.  
20 Term limitations shall not apply for a minority teacher member  
21 who is the only minority on faculty;

22 (c) 1. The school council shall have the responsibility to set school policy that  
23 shall be consistent with district board policy and which shall provide an  
24 environment to enhance the students' achievement and help the school  
25 meet the goals established by KRS 158.645 and 158.6451 and goals for  
26 the district established by the board. The principal shall be the primary  
27 administrator and the instructional leader of the school, and with the

- 1 assistance of the total school staff shall administer the policies  
2 established by the school council and the local board.
- 3 2. If a school council establishes committees, it shall adopt a policy to  
4 facilitate the participation of interested persons, including, but not  
5 limited to, classified employees and parents. The policy shall include the  
6 number of committees, their jurisdiction, composition, and the process  
7 for membership selection;
- 8 (d) The school council and each of its committees shall determine the frequency  
9 of and agenda for their meetings. Matters relating to formation of school  
10 councils that are not provided for by this section shall be addressed by local  
11 board policy;
- 12 (e) The meetings of the school council shall be open to the public and all  
13 interested persons may attend. However, the exceptions to open meetings  
14 provided in KRS 61.810 shall apply;
- 15 (f) After receiving notification of the funds available for the school from the local  
16 board, the school council shall determine, within the parameters of the total  
17 available funds, the number of persons to be employed in each job  
18 classification at the school. The council may make personnel decisions on  
19 vacancies occurring after the school council is formed but shall not have the  
20 authority to recommend transfers or dismissals;
- 21 (g) The local superintendent shall determine which curriculum, textbooks,  
22 instructional materials, and student support services shall be provided in the  
23 school after consulting with the local board of education, the school principal,  
24 and the school council and after a reasonable review and response period for  
25 stakeholders in accordance with local board of education policy. Subject to  
26 available resources, the local board shall allocate an appropriation to each  
27 school that is adequate to meet the school's needs related to instructional

1 materials and school-based student support services, as determined by the  
2 school principal after consultation with the school council. The school council  
3 shall consult with the school media librarian on the maintenance of the school  
4 library media center, including the purchase of instructional materials,  
5 information technology, and equipment;

6 (h) Personnel decisions at the school level shall be as follows:

7 1. From a list of qualified applicants submitted by the local superintendent,  
8 the principal at the participating school shall select personnel to fill  
9 vacancies, after consultation with the school council, consistent with  
10 paragraph (i)11. of this subsection. The superintendent shall provide  
11 additional applicants to the principal upon request when qualified  
12 applicants are available. The superintendent may forward to the school  
13 principal the names of qualified applicants who have pending  
14 certification from the Education Professional Standards Board based on  
15 recent completion of preparation requirements, out-of-state preparation,  
16 or alternative routes to certification pursuant to KRS 161.028 and  
17 161.048. Requests for transfer shall conform to any employer-employee  
18 bargained contract which is in effect;

19 2. If the vacancy to be filled is the position of principal:

20 a. The superintendent shall fill the vacancy after consultation with  
21 the school council consistent with paragraph (i)11. of this  
22 subsection;

23 b. Prior to consultation with the school council, each member shall  
24 sign a nondisclosure agreement forbidding the disclosure of  
25 information shared and discussions held during consultation;

26 c. A person who believes a violation of the nondisclosure agreement  
27 referred to in subdivision b. of this subparagraph has occurred may

1 file a written complaint with the Kentucky Board of Education;  
2 and

3 d. A school council member found to have violated the nondisclosure  
4 agreement referred to in subdivision b. of this subparagraph may  
5 be subject to removal from the school council by the Kentucky  
6 Board of Education under subsection (9)(e) of this section;

7 3. Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be  
8 filled is the position of principal in a county school district in a county  
9 with a consolidated local government adopted under KRS Chapter 67C,  
10 then:

11 a. The outgoing principal shall not serve on the council during the  
12 principal selection process. The superintendent or the  
13 superintendent's designee shall serve as the chair of the council for  
14 the purpose of the hiring process and shall have voting rights  
15 during the selection process;

16 b. The council shall have access to the applications of all persons  
17 certified for the position. The principal shall be elected on a  
18 majority vote of the membership of the council. The school  
19 council shall receive training in recruitment and interviewing  
20 techniques prior to carrying out the process of selecting a  
21 principal. The council shall select the trainer to deliver the  
22 training; and

23 c. Notwithstanding the requirement that a principal be elected by a  
24 majority vote of the council, the selection of a principal shall be  
25 subject to approval by the superintendent. If the superintendent  
26 does not approve the principal selected by the council, then the  
27 superintendent may select the principal;

- 1           4. No principal who has been previously removed from a position in the  
2           district for cause may be considered for appointment as principal in that  
3           district;
- 4           5. Personnel decisions made at the school level under the authority of  
5           subparagraph 1. of this paragraph shall be binding on the superintendent  
6           who completes the hiring process;
- 7           6. Applicants subsequently employed shall provide evidence that they are  
8           certified prior to assuming the duties of a position in accordance with  
9           KRS 161.020; and
- 10          7. Notwithstanding other provisions of this paragraph, if the applicant is  
11          the spouse of the superintendent and the applicant meets the service  
12          requirements of KRS 160.380(3)(a), the applicant shall only be  
13          employed upon the recommendation of the principal and the approval of  
14          a majority vote of the school council;
- 15          (i) The school council shall adopt a policy that shall be consistent with local  
16          board policy and shall be implemented by the principal in the following  
17          additional areas:
  - 18               1. Curriculum responsibilities under KRS 158.6453(19);
  - 19               2. Assignment of all instructional and noninstructional staff time;
  - 20               3. Assignment of students to classes and programs within the school;
  - 21               4. Determination of the schedule of the school day and week, subject  
22               to the beginning and ending times of the school day and school  
23               calendar year as established by the local board;
  - 24               5. Determination of use of school space during the school day related  
25               to improving classroom teaching and learning;
  - 26               6. Planning and resolution of issues regarding instructional practices;
  - 27               7. Selection and implementation of discipline and classroom

- 1 management techniques as a part of a comprehensive school safety  
2 plan, including responsibilities of the student, parent, teacher,  
3 counselor, and principal;
- 4 8. Selection of extracurricular programs and determination of  
5 policies relating to student participation based on academic  
6 qualifications and attendance requirements, program evaluation,  
7 and supervision;
- 8 9. Adoption of an emergency plan as required in KRS 158.162;
- 9 10. Procedures, consistent with local school board policy, for  
10 determining alignment with state standards, technology utilization,  
11 and program appraisal; and
- 12 11. Procedures to assist the council with consultation in the selection  
13 of the principal by the superintendent, and the selection of  
14 personnel by the principal, including but not limited to meetings,  
15 timelines, interviews, review of written applications, and review of  
16 references. Procedures shall address situations in which members  
17 of the council are not available for consultation; and
- 18 (j) Each school council shall annually review data as shown on state and local  
19 student assessments required under KRS 158.6453. The data shall include but  
20 not be limited to information on performance levels of all students tested, and  
21 information on the performance of students disaggregated by race, gender,  
22 disability, and participation in the federal free and reduced price lunch  
23 program. After completing the review of data, each school council, with the  
24 involvement of parents, faculty, and staff, shall develop and adopt a plan to  
25 ensure that each student makes progress toward meeting the goals set forth in  
26 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan  
27 to the superintendent and local board of education for review as described in

1           KRS 160.340. The Kentucky Department of Education shall provide each  
2           school council the data needed to complete the review required by this  
3           paragraph no later than October 1 of each year. If a school does not have a  
4           council, the review shall be completed by the principal with the involvement  
5           of parents, faculty, and staff.

- 6       (3) The policies adopted by the local board to implement school-based decision making  
7       shall also address the following:
- 8           (a) School budget and administration, including: discretionary funds; activity and  
9           other school funds; funds for maintenance, supplies, and equipment; and  
10          procedures for authorizing reimbursement for training and other expenses;
  - 11          (b) Assessment of individual student progress, including testing and reporting of  
12          student progress to students, parents, the school district, the community, and  
13          the state;
  - 14          (c) School improvement plans, including the form and function of strategic  
15          planning and its relationship to district planning, as well as the school safety  
16          plan and requests for funding from the Center for School Safety under KRS  
17          158.446;
  - 18          (d) Professional development plans developed pursuant to KRS 156.095;
  - 19          (e) Parent, citizen, and community participation including the relationship of the  
20          council with other groups;
  - 21          (f) Cooperation and collaboration within the district, with other districts, and with  
22          other public and private agencies;
  - 23          (g) Requirements for waiver of district policies;
  - 24          (h) Requirements for record keeping by the school council; and
  - 25          (i) A process for appealing a decision made by a school council.
- 26       (4) In addition to the authority granted to the school council in this section, the local  
27       board may grant to the school council any other authority permitted by law. The

1 board shall make available liability insurance coverage for the protection of all  
2 members of the school council from liability arising in the course of pursuing their  
3 duties as members of the council.

4 (5) All schools shall implement school-based decision making in accordance with this  
5 section and with the policy adopted by the local board pursuant to this section.  
6 Upon favorable vote of a majority of the faculty at the school and a majority of at  
7 least twenty-five (25) voting parents of students enrolled in the school, a school  
8 meeting its goal as determined by the Department of Education pursuant to KRS  
9 158.6455 may apply to the Kentucky Board of Education for exemption from the  
10 requirement to implement school-based decision making, and the state board shall  
11 grant the exemption. The voting by the parents on the matter of exemption from  
12 implementing school-based decision making shall be in an election conducted by  
13 the parent and teacher organization of the school or, if none exists, the largest  
14 organization of parents formed for this purpose. Notwithstanding the provisions of  
15 this section, a local school district shall not be required to implement school-based  
16 decision making if the local school district contains only one (1) school.

17 (6) The Department of Education shall provide professional development activities to  
18 assist schools in implementing school-based decision making. School council  
19 members elected for the first time shall complete a minimum of six (6) clock hours  
20 of training in the process of school-based decision making, no later than thirty (30)  
21 days after the beginning of the service year for which they are elected to serve.  
22 School council members who have served on a school council at least one (1) year  
23 shall complete a minimum of three (3) clock hours of training in the process of  
24 school-based decision making no later than one hundred twenty (120) days after the  
25 beginning of the service year for which they are elected to serve. Experienced  
26 members may participate in the training for new members to fulfill their training  
27 requirement. School council training required under this subsection shall be

1 conducted by trainers endorsed by the Department of Education. By November 1 of  
2 each year, the principal through the local superintendent shall forward to the  
3 Department of Education the names and addresses of each council member and  
4 verify that the required training has been completed. School council members  
5 elected to fill a vacancy shall complete the applicable training within thirty (30)  
6 days of their election.

7 (7) A school that chooses to have school-based decision making but would like to be  
8 exempt from the administrative structure set forth by this section may develop a  
9 model for implementing school-based decision making, including but not limited to  
10 a description of the membership, organization, duties, and responsibilities of a  
11 school council. The school shall submit the model through the local board of  
12 education to the commissioner of education and the Kentucky Board of Education,  
13 which shall have final authority for approval. The application for approval of the  
14 model shall show evidence that it has been developed by representatives of the  
15 parents, students, certified personnel, and the administrators of the school and that  
16 two-thirds (2/3) of the faculty have agreed to the model.

17 (8) The Kentucky Board of Education, upon recommendation of the commissioner of  
18 education, shall adopt by administrative regulation a formula by which school  
19 district funds shall be allocated to each school council. Included in the school  
20 council formula shall be an allocation for professional development that is at least  
21 sixty-five percent (65%) of the district's per pupil state allocation for professional  
22 development for each student in average daily attendance in the school. The school  
23 council shall plan professional development in compliance with requirements  
24 specified in KRS 156.095, except as provided in KRS 158.649. School councils of  
25 small schools shall be encouraged to work with other school councils to maximize  
26 professional development opportunities.

27 (9) (a) No board member, superintendent of schools, district employee, or member of

1 a school council shall intentionally engage in a pattern of practice which is  
2 detrimental to the successful implementation of or circumvents the intent of  
3 school-based decision making to allow the professional staff members of a  
4 school and parents to be involved in the decision making process in working  
5 toward meeting the educational goals established in KRS 158.645 and  
6 158.6451 or to make decisions in areas of policy assigned to a school council  
7 pursuant to paragraph (i) of subsection (2) of this section.

8 (b) An affected party who believes a violation of this subsection has occurred  
9 may file a written complaint with the Office of Education Accountability. The  
10 office shall investigate the complaint and resolve the conflict, if possible, or  
11 forward the matter to the Kentucky Board of Education.

12 (c) The Kentucky Board of Education shall conduct a hearing in accordance with  
13 KRS Chapter 13B for complaints referred by the Office of Education  
14 Accountability.

15 (d) If the state board determines a violation has occurred, the party shall be  
16 subject to reprimand. A second violation of this subsection may be grounds  
17 for removing a superintendent or a member of a school council from office or  
18 grounds for dismissal of an employee for misconduct in office or willful  
19 neglect of duty.

20 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the  
21 state board determines a violation of the nondisclosure agreement required by  
22 subsection (2)(h)2.b. of this section by a school council member has occurred,  
23 the state board shall remove the member from the school council, and the  
24 member shall be permanently prohibited from serving on any school council  
25 in the district.

26 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or  
27 maintain a school-based decision making council and the powers, duties, and

1 authority granted to a school council may be rescinded or the school council's role  
2 may be advisory if the commissioner of education or the Kentucky Board of  
3 Education takes action under KRS 160.346.

4 (11) Each school council of a school containing grades K-5 or any combination thereof,  
5 or if there is no school council, the principal, shall develop and implement a  
6 wellness policy that includes moderate to vigorous physical activity each day and  
7 encourages healthy choices among students. The policy may permit physical  
8 activity to be considered part of the instructional day, not to exceed thirty (30)  
9 minutes per day, or one hundred and fifty (150) minutes per week. Each school  
10 council, or if there is no school council, the principal, shall adopt an assessment tool  
11 to determine each child's level of physical activity on an annual basis. The council  
12 or principal may utilize an existing assessment program. The Kentucky Department  
13 of Education shall make available a list of available resources to carry out the  
14 provisions of this subsection. ~~[ The department shall report to the Legislative  
15 Research Commission no later than November 1 of each year on how the schools  
16 are providing physical activity under this subsection and on the types of physical  
17 activity being provided. ]~~ The policy developed by the school council or principal  
18 shall comply with provisions required by federal law, state law, or local board  
19 policy.

20 **(12) Notwithstanding any statute to the contrary, the Kentucky Board of Education or**  
21 **Kentucky Department of Education shall not require a school to complete any**  
22 **component of a comprehensive school improvement plan that does not expressly**  
23 **apply to that school by federal law or state statute. When requiring a school to**  
24 **complete a component of a comprehensive school improvement plan, the**  
25 **department shall provide the school a specific citation to the federal law or state**  
26 **statute requiring that school to complete the component.**

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

- 1 (1) As used in this section:
- 2 (a) "Administrative finding of child abuse or neglect" means a substantiated  
3 finding of child abuse or neglect issued by the Cabinet for Health and Family  
4 Services that is:
- 5 1. Not appealed through an administrative hearing conducted in  
6 accordance with KRS Chapter 13B;
  - 7 2. Upheld at an administrative hearing conducted in accordance with KRS  
8 Chapter 13B and not appealed to a Circuit Court; or
  - 9 3. Upheld by a Circuit Court in an appeal of the results of an  
10 administrative hearing conducted in accordance with KRS Chapter 13B;
- 11 (b) "Alternative education program" means a program that exists to meet the  
12 needs of students that cannot be addressed in a traditional classroom setting  
13 but through the assignment of students to alternative classrooms, centers, or  
14 campuses that are designed to remediate academic performance, improve  
15 behavior, or provide an enhanced learning experience. Alternative education  
16 programs do not include career or technical centers or departments;
- 17 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family  
18 Services indicating that there are no administrative findings of child abuse or  
19 neglect relating to a specific individual;
- 20 (d) "Relative" means father, mother, brother, sister, husband, wife, son and  
21 daughter; and
- 22 (e) "Vacancy" means any certified position opening created by the resignation,  
23 dismissal, nonrenewal of contract, transfer, or death of a certified staff  
24 member of a local school district, or a new position created in a local school  
25 district for which certification is required. However, if an employer-employee  
26 bargained contract contains procedures for filling certified position openings  
27 created by the resignation, dismissal, nonrenewal of contract, transfer, or

1 death of a certified staff member, or creation of a new position for which  
2 certification is required, a vacancy shall not exist, unless certified positions  
3 remain open after compliance with those procedures.

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

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

16 (b) When a vacancy occurs in a local school district, the superintendent shall  
17 submit the job posting to the statewide job posting system described in KRS  
18 160.152 fifteen (15) days before the position shall be filled. The local school  
19 district shall post position openings in the local board office for public  
20 viewing; and

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

1 approval of an appointment within two (2) working days~~]; and~~

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

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

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

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

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

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

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

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

- 1           3.    Receiving fringe benefits other than those provided other substitutes; or
- 2           4.    Receiving preference in employment or assignment over other
- 3                 substitutes.
- 4   (4)   No superintendent shall assign a certified or classified staff person to an alternative
- 5         education program as part of any disciplinary action taken pursuant to KRS 161.011
- 6         or 161.790 as part of a corrective action plan established pursuant to the local
- 7         district evaluation plan.
- 8   (5)   No superintendent shall employ in any position in the district any person who:
- 9         (a)   Has been convicted of an offense that would classify a person as a violent
- 10         offender under KRS 439.3401;
- 11         (b)   Has been convicted of a sex crime as defined by KRS 17.500 or a
- 12         misdemeanor offense under KRS Chapter 510;
- 13         (c)   Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 14         (d)   Has an administrative finding of child abuse or neglect in records maintained
- 15         by the Cabinet for Health and Family Services.
- 16   (6)   Requirements for background checks shall be as follows:
- 17         (a)   A superintendent shall require the following individuals to submit to a
- 18         national and state criminal 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:
- 21                 1.    Each new certified or classified hire;
- 22                 2.    A nonfaculty coach or nonfaculty assistant as defined under KRS
- 23                 161.185;
- 24                 3.    A student teacher;
- 25                 4.    A school-based decision making council parent member; and
- 26                 5.    Any adult who is permitted access to school grounds on a regularly
- 27                 scheduled and continuing basis pursuant to a written agreement for the

- 1 purpose of providing services directly to a student or students as part of  
2 a school-sponsored program or activity;
- 3 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 4 a. Classified and certified individuals employed by the school district  
5 prior to June 27, 2019;
- 6 b. Certified individuals who were employed in another certified  
7 position in a Kentucky school district within six (6) months of the  
8 date of hire and who had previously submitted to a national and  
9 state criminal background check and who have a clear CA/N check  
10 for the previous employment; or
- 11 c. Student teachers who have submitted to and provide a copy of a  
12 national and state criminal background check by the Department  
13 of Kentucky State Police and the Federal Bureau of Investigation  
14 through an accredited teacher education institution in which the  
15 student teacher is enrolled and who have a clear CA/N check.
- 16 2. The Education Professional Standards Board may promulgate  
17 administrative regulations to impose additional qualifications to meet  
18 the requirements of Pub. L. No. 92-544;
- 19 (c) A parent member may serve prior to the receipt of the criminal history  
20 background check and CA/N letter required by paragraph (a) of this  
21 subsection but shall be removed from the council on receipt by the school  
22 district of a report documenting a record of abuse or neglect, or a sex crime or  
23 criminal offense against a victim who is a minor as defined in KRS 17.500, or  
24 as a violent offender as defined in KRS 17.165, and no further procedures  
25 shall be required;
- 26 (d) A superintendent may require a volunteer or a visitor to submit to a national  
27 and state criminal history background check by the Department of Kentucky

1 State Police and the Federal Bureau of Investigation and have a clear CA/N  
2 check, provided by the individual; and

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

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

24 (7) (a) If a certified or classified position remains unfilled after July 31 or if a  
25 vacancy occurs during a school term, a superintendent may employ an  
26 individual, who will have supervisory or disciplinary authority over minors,  
27 on probationary status pending receipt of the criminal history background

1 check and a clear CA/N check, provided by the individual. Application for the  
2 criminal record and a request for a clear CA/N check of a probationary  
3 employee shall be made no later than the date probationary employment  
4 begins.

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

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

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

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

1 by the Department of Kentucky State Police, the Federal Bureau of  
2 Investigation, and the Cabinet for Health and Family Services shall be an  
3 amount no greater than the actual cost of processing the request and  
4 conducting the search.

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

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

- 16 1. Identify the states in which he or she has maintained residency,  
17 including the dates of residency; and
- 18 2. Provide picture identification.

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

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

13 ➔Section 3. KRS 158.1413 is amended to read as follows:

14 (1) Beginning with the 2019-2020 school year, each school district shall implement  
15 essential workplace ethics programs that promote characteristics that are critical to  
16 success in the workplace. Each student in elementary, middle, and high school shall  
17 receive essential workplace ethics instruction that shall include but not be limited  
18 to:

19 (a) Adaptability, including an openness to learning and problem solving, an  
20 ability to embrace new ways of doing things, and a capability for critical  
21 thinking;

22 (b) Diligence, including seeing a task through to completion;

23 (c) Initiative, including taking appropriate action when needed without waiting  
24 for direct instruction;

25 (d) Knowledge, including exhibiting an understanding of work-related  
26 information, the ability to apply that understanding to a job, and effectively  
27 explain the concepts to colleagues in reading, writing, mathematics, science,

- 1           and technology as required by the job;
- 2       (e) Reliability, including showing up on time, wearing appropriate attire, self-
- 3           control, motivation, and ethical behavior;
- 4       (f) Remaining drug-free; and
- 5       (g) Working well with others, including effective communication skills, respect
- 6           for different points of view and diversity of coworkers, the ability to
- 7           cooperate and collaborate, enthusiasm, and the ability to provide appropriate
- 8           leadership to or support for colleagues.
- 9   (2) (a) A school district shall use the essential workplace ethics characteristics listed
- 10           in subsection (1) of this section when creating a program or when choosing an
- 11           existing program.
- 12       (b) Each school district's local workforce investment board, in conjunction with
- 13           local economic development organizations from its state regional sector, and
- 14           other economic, workforce, or industry organizations the workforce
- 15           investment board deems necessary, shall recommend to the school district
- 16           best practices which may be used by schools to implement an essential
- 17           workplace ethics program.
- 18   (3) By January 1, 2019, and every two (2) years thereafter, each local school board
- 19           shall collaborate with the local workforce investment board, in conjunction with
- 20           local economic development organizations from its state regional sector, and other
- 21           economic, workforce, or industry organizations the workforce investment board
- 22           deems necessary, to establish essential workplace ethics indicators for middle and
- 23           high school students that are aligned with the essential workplace ethics
- 24           characteristics listed in subsection (1) of this section.
- 25   (4) Each local school board shall design and adopt a diploma seal, certificate, card, or
- 26           other identifiable symbol to award students deemed as having minimally
- 27           demonstrated attainment of the local board's essential workplace ethics indicators[-

1 ~~(5) By September 1, 2019, and every two (2) years thereafter, the superintendent of~~  
2 ~~each school district shall provide to the commissioner of education and the~~  
3 ~~Kentucky Workforce Innovation Board a report, in a format specified by the~~  
4 ~~commissioner, describing the school district's essential workplace ethics programs~~  
5 ~~and how they are being implemented at each school. A summary report compiled~~  
6 ~~by the commissioner that includes information from all local school district reports~~  
7 ~~shall be provided to the Kentucky Board of Education, the Interim Joint Committee~~  
8 ~~on Education, the Kentucky Workforce Innovation Board and each Kentucky~~  
9 ~~superintendent and principal in order to foster program improvement and the~~  
10 ~~sharing of best practices].~~

11 ➔Section 4. KRS 158.647 (Effective until January 1, 2027) is amended to read as  
12 follows:

13 (1) A permanent subcommittee of the Legislative Research Commission to be known  
14 as the Education Assessment and Accountability Review Subcommittee is hereby  
15 created. The subcommittee shall be composed of eight (8) members appointed as  
16 follows: three (3) members of the Senate appointed by the President of the Senate;  
17 one (1) member of the minority party in the Senate appointed by the Minority Floor  
18 Leader in the Senate; three (3) members of the House of Representatives appointed  
19 by the Speaker of the House of Representatives; and one (1) member of the  
20 minority party in the House of Representatives appointed by the Minority Floor  
21 Leader in the House of Representatives. Members of the subcommittee shall serve  
22 for terms of two (2) years, and the members appointed from each chamber shall  
23 elect one (1) member from their chamber to serve as co-chair. The co-chairs shall  
24 have joint responsibilities for subcommittee meeting agendas and presiding at  
25 subcommittee meetings. A majority of the entire membership of the Education  
26 Assessment and Accountability Review Subcommittee shall constitute a quorum,  
27 and all actions of the subcommittee shall be by vote of a majority of its entire

1 membership. Any vacancy that may occur in the membership of the subcommittee  
2 shall be filled by the same appointing authority who made the original appointment.

3 (2) The subcommittee shall review administrative regulations and advise the Kentucky  
4 Board of Education concerning the implementation of the state system of  
5 assessment and accountability, established in KRS 158.6453, 158.6455, and  
6 158.782, and for any administrative regulation promulgated under provisions of  
7 KRS 158.860.

8 (3) *The subcommittee may temporarily authorize the Kentucky Department of*  
9 *Education or Kentucky Board of Education to require a new report that is not*  
10 *expressly required by state statute or federal law while the General Assembly is*  
11 *not in session. The authorization shall expire upon the sine die adjournment of*  
12 *the next regular session of the General Assembly.*

13 (4) The subcommittee shall advise and monitor the Office of Education Accountability  
14 in the performance of its duties according to the provisions of KRS 7.410.

15 ~~(5)~~~~(4)~~ On an alternating basis, each co-chair shall have the first option to set the  
16 monthly meeting date. A monthly meeting may be canceled by agreement of both  
17 co-chairs. The members of the subcommittee shall be compensated for attending  
18 meetings as provided in KRS 7.090.

19 ~~(6)~~~~(5)~~ Any professional, clerical, or other employees required by the subcommittee  
20 shall be provided in accordance with the provisions of KRS 7.090.

21 ➔Section 5. KRS 158.647 (Effective January 1, 2027) is amended to read as  
22 follows:

23 (1) A permanent subcommittee of the Legislative Research Commission to be known  
24 as the Education Assessment and Accountability Review Subcommittee is hereby  
25 created. The subcommittee shall be composed of eight (8) members appointed as  
26 follows: three (3) members of the Senate appointed by the President of the Senate;  
27 one (1) member of the minority party in the Senate appointed by the Minority Floor

1 Leader in the Senate; three (3) members of the House of Representatives appointed  
2 by the Speaker of the House of Representatives; and one (1) member of the  
3 minority party in the House of Representatives appointed by the Minority Floor  
4 Leader in the House of Representatives. Members of the subcommittee shall be  
5 appointed in January of each odd-numbered year and shall serve for terms of two  
6 (2) years. The President of the Senate and Speaker of the House of Representatives  
7 shall each appoint one (1) member of the subcommittee from their chamber to serve  
8 as co-chair. The co-chairs shall have joint responsibilities for subcommittee  
9 meeting agendas and presiding at subcommittee meetings. A majority of the entire  
10 membership of the Education Assessment and Accountability Review  
11 Subcommittee shall constitute a quorum, and all actions of the subcommittee shall  
12 be by vote of a majority of its entire membership. Any vacancy that may occur in  
13 the membership of the subcommittee shall be filled within thirty (30) days of the  
14 occurrence, in the same manner as the original appointment, and for the balance of  
15 the vacated member's term.

16 (2) The subcommittee shall review administrative regulations and advise the Kentucky  
17 Board of Education concerning the implementation of the state system of  
18 assessment and accountability, established in KRS 158.6453, 158.6455, and  
19 158.782, and for any administrative regulation promulgated under provisions of  
20 KRS 158.860.

21 (3) *The subcommittee may temporarily authorize the Kentucky Department of*  
22 *Education or Kentucky Board of Education to require a new report that is not*  
23 *expressly required by state statute or federal law while the General Assembly is*  
24 *not in session. The temporary authorization shall expire upon the sine die*  
25 *adjournment of the next regular session of the General Assembly.*

26 (4) The subcommittee shall advise and monitor the Office of Education Accountability  
27 in the performance of its duties according to the provisions of KRS 7.410.

1 ~~(5)~~~~(4)~~ On an alternating basis, each co-chair shall have the first option to set the  
2 monthly meeting date. A monthly meeting may be canceled by agreement of both  
3 co-chairs. The members of the subcommittee shall be compensated for attending  
4 meetings as provided in KRS 7.090.

5 ~~(6)~~~~(5)~~ Any professional, clerical, or other employees required by the subcommittee  
6 shall be provided in accordance with the provisions of KRS 7.090.

7 ➔Section 6. The following KRS section is repealed:

8 158.867 Minimum requirements for summer learning camps at schools with certain  
9 Title I programs -- Mandatory reports -- Student participation guidelines -- Teacher  
10 compensation -- Summary annual reports.

11 ➔Section 7. (1) Notwithstanding 2025 Ky. Acts ch. 145, sec. 13(3), the  
12 Kentucky Department of Education and Kentucky Board of Education may require the  
13 following reports, regardless of whether the report is expressly required by state statute or  
14 federal law:

15 (a) Any new or existing report required to administer federal programs or  
16 required to respond to specific requests or requirements from the United States  
17 Department of Education or other federal government entity, including but not limited to:

18 1. 21st Century Community Learning Center reports;

19 2. Perkins Comprehensive Local Needs Assessment; and

20 3. "CDIP" quarterly expenditure reports;

21 (b) Any existing report required to administer state funding;

22 (c) Any new or existing report required to administer federal funding;

23 (d) Any existing report required to monitor compliance with state statute;

24 (e) Any new or existing report required to monitor compliance with federal law;

25 (f) Any report temporarily authorized by the Education Assessment and  
26 Accountability Review Subcommittee pursuant to Section 4 or 5 of this Act;

27 (g) Any existing report related to pupil transportation, including but not limited

1 to:

- 2 1. School bus inventory;
  - 3 2. Transportation growth factor adjustment form;
  - 4 3. Certification of school bus transportation milage;
  - 5 4. School bus driver database;
  - 6 5. Pupil transportation adjustment end-of-year form; and
  - 7 6. School bus accidents;
  - 8 (h) The superintendent compensation survey;
  - 9 (i) Professional staff data report;
  - 10 (j) Classified staff data report;
  - 11 (k) Growth factor report;
  - 12 (l) Superintendent's annual attendance report;
  - 13 (m) QA homeless report;
  - 14 (n) Alternative education program reports;
  - 15 (o) New and amended school calendars;
  - 16 (p) Home/hospital reporting; and
  - 17 (q) Property acquisition and disposal.
- 18 (2) Except as provided in subsection (1) of this section, the Kentucky Department  
19 of Education shall cease requiring the following reports:
- 20 (a) Any component of a comprehensive school improvement plan that does not  
21 expressly apply to a specific school under federal law or state statute, regardless of  
22 whether the component is required by a state administrative regulation; and
  - 23 (b) Any component of a comprehensive district improvement plan that does not  
24 expressly apply to a specific school district under federal law or state statute, regardless  
25 of whether the component is required by a state administrative regulation.
- 26 ➔Section 8. The components of 703 KAR 5:225 that impose a reporting  
27 requirement on any school or school district that are not expressly required by federal law

1 or state statute shall be null and void.

2       ➔Section 9. Whereas school districts need relief from unnecessary reporting  
3 requirements upon starting the 2026-2027 school year, an emergency is declared to exist,  
4 and this Act takes effect July 1, 2026.