

1       AN ACT relating to schools and declaring an emergency.

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

3           ➔Section 1. KRS 160.145 is amended to read as follows:

4       (1) As used in this section:

5       (a) "Family member" means:

6           1. A parent, brother, sister, son, daughter, aunt, uncle, cousin, or  
7           grandparent related to the student by consanguinity, affinity, or  
8           adoption; and

9           2. An adult that resides in the same household as the student;

10       (b) "Parent" means a parent, legal guardian, a person acting as a parent in the  
11           absence of a parent or guardian, or other individual[person] or agency  
12           responsible for a student;

13       (c) "Private electronic communication" means electronic communication that  
14           involves direct one-on-one or small group conversations that are only  
15           accessible to the participants;

16       (d) "Qualified school volunteer" means an adult who is not a school district  
17           employee and is not enrolled in the school district who serves the school or  
18           school district as a student teacher, a nonfaculty coach or assistant coach, a  
19           nonfaculty sponsor of an extracurricular program or activity, a school-  
20           sponsored academic tutor, or any other individual who serves in a  
21           nonfaculty student services role designated as a qualified school volunteer  
22           by the local board of education. Upon obtaining status as a qualified school  
23           volunteer, an adult shall retain his or her status for the duration of the  
24           academic year;

25       (e) "School district employee:[or volunteer"]

26           1. Means a school administrator, classified employee who is not enrolled  
27           in the school district,[or] certified employee[of a school district, school

volunteer], **or compensated** nonfaculty coach or assistant coach; **and**

2. Includes any Kentucky Department of Education or educational cooperative employee who is assigned to a school or area technology center within the school district{, student teacher, or sponsor of an extracurricular program or activity};

**(f)-(d)** "Traceable communication system" means one (1) or more electronic school notification and communication programs or applications that:

1. Are designated by a local board of education in accordance with subsection (2) of this section;
2. Trace all communications sent to or by a student; and
3. Provide parents an opportunity to access and review those communications; and

**(g)(e)** "Unauthorized electronic communication":

1. Means private[an] electronic communication with a student enrolled in a school district by the[a] school district's[district] employee or qualified school volunteer who is not the student's family member that occurs outside of a designated traceable communication system and without prior written parental consent;[and]

2. Includes any private electronic communication with a student or students enrolled in the school district through a personal email account, text messaging, social media, or other private electronic [notification and ]communication program[programs] outside of the traceable communication system[.]; and

### 3. *Does not include:*

- a. Virtual school instruction;*
- b. Electronic translation services;*
- c. Electronic communication with any telephone number provided*

by a parent for the purpose of school communication with that parent;

d. Electronic communication in which a parent of the student is included as a recipient or participant;

e. Voice communication on an official telephone number affiliated with the school or school district;

f. Social media posts and comments that are not private electronic communication;

**g. Electronic communication related to commercial products or services with a telephone number, email address, or other electronic account affiliated with a lawful commercial business;**

h. Electronic communication with a telephone number, email address, or other electronic account affiliated with a nonprofit organization granted tax exemption by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code; or

*i. Secure messaging for healthcare providers.*

17 (2) Each local board of education shall designate a traceable communication system to  
18 be the exclusive means for [a] school district employees and qualified school  
19 volunteers [employee or volunteer] to communicate electronically with students  
20 enrolled in the school district. The principal of each public school shall provide  
21 parents written or electronic notification within the first ten (10) days of the school  
22 year of each electronic school notification and communication program designated  
23 within the traceable communication system. The notification shall include  
24 instructions for parents to access and review communications sent through each  
25 electronic school notification and communication program.

26 (3) (a) [Except as provided in subsections (4) and (5) of this section,] A school  
27 district employee or *qualified school* volunteer shall not *engage in*

1                   *unauthorized electronic communication*[communicate electronically with a  
2                   student:  
3                   1. ~~Outside of the traceable communication system designated by the local~~  
4                   ~~board of education; or~~  
5                   2. ~~Through an unauthorized electronic communication program or~~  
6                   ~~application].~~

7                   (b) A school district employee that violates paragraph (a) of this subsection  
8                   *may*[shall] be subject to disciplinary action in accordance with:  
9                   1. For certified employees, KRS 161.120 and 161.790; or  
10                   2. For classified employees, KRS 161.011(7).  
11                   (c) A *qualified* school volunteer that violates paragraph (a) of this subsection  
12                   *may*[shall] be prohibited *by the school district* from future school volunteer  
13                   opportunities.  
14                   (4) A parent may submit written consent to authorize a designated school district  
15                   employee or *qualified school* volunteer who is not a family member to *participate*  
16                   *in private electronic communication*[communicate electronically] with his or her  
17                   child outside of the traceable communication system. The written consent:  
18                   (a) Shall be filed in the administrative office of the student's school;  
19                   (b) *Shall be submitted to the administrative office* prior to any *private* electronic  
20                   communication being sent from a school district employee or *qualified school*  
21                   volunteer to a student outside of the traceable communication system;  
22                   (c)[(b)] Shall designate *each*[a single,] specific school district employee or  
23                   *qualified school* volunteer[ per each consent form] that may *participate in*  
24                   *private electronic communication*[communicate] with the student outside of  
25                   the traceable communication system and shall not be transferable to any other  
26                   school district employee or *qualified school* volunteer;  
27                   (d)[(e)] May be revoked by *the*[a] parent *who filed the consent* at any time.

1                   Upon notice of a revocation, the administrative office shall promptly notify  
2                   the school district and each school district employee and qualified school  
3                   volunteer subject to the revocation;

4                   (e){(d)} May establish terms limiting electronic communication with a student,  
5                   including ~~a term requiring that a parent be included as a direct party to all~~  
6                   electronic communications sent to the student outside of the traceable  
7                   communication system or }establishing an expiration for the term of the  
8                   consent. Any electronic communication with ~~the~~{a} student enrolled in the  
9                   school district outside of the traceable communication system under this  
10                   subsection shall comply with all terms of the written consent;{and}

11                   (f) Shall not be rejected or denied by the school or school district unless the  
12                   written consent fails to properly identify the applicable student, school  
13                   district employee, or qualified school volunteer. Upon receipt of the written  
14                   consent, the administrative office of the school shall deliver a copy of the  
15                   written consent to the school district and the designated school district  
16                   employee or qualified school volunteer;

17                   (g) Shall not be compelled as a requirement for a student to participate in an  
18                   academic, athletic, or extracurricular opportunity; and

19                   (h){(e)} Shall not authorize a school district employee or qualified school  
20                   volunteer to engage in inappropriate or sexual electronic communication with  
21                   a student or be used as a basis of a defense for a school district employee or  
22                   qualified school volunteer that engages in inappropriate or sexual electronic  
23                   communication with a student or students.

24                   (5) Notwithstanding subsections (2) and (3) of this section, this section shall not restrict  
25                   any private electronic communications:  
26                   (a) Between a student and his or her family member who is a school district  
27                   employee or qualified school volunteer; or

(b) Between a student and a school district employee or qualified school volunteer who reasonably believes an emergency exists that creates an imminent risk to any person or property, provided the school district employee promptly discloses the private electronic communication to his or her immediate supervisor after the fact in accordance with subsection (6) of this section.

(6) (a) A school district employee or qualified school volunteer that participated in unauthorized electronic communication or reasonably believes [receives a report alleging] that another school district employee or qualified school volunteer participated in unauthorized electronic communication that has not been previously reported shall immediately notify the supervising principal or applicable supervisor. If the subject of the report is the principal or district-wide employee, the reporting employee or volunteer shall immediately notify the superintendent of the school district. If the subject of the report is the superintendent or a Kentucky Department of Education employee assigned to a school or area technology center within the school district, the reporting employee or volunteer shall immediately notify the commissioner of education and the chair of the local board of education.

(b) A school district employee that violates paragraph (a) of this subsection shall be subject to disciplinary action in accordance with:

1. For certified employees, KRS 161.120 and 161.790; or
2. For classified employees, KRS 161.011(7).

(7) (a) Upon receipt of a report alleging that a school district employee or qualified school volunteer participated in unauthorized electronic communication, the commissioner of education, a principal, or a superintendent shall immediately:

1. Notify the parent of each student that is an alleged party to the unauthorized electronic communications; and



1 (b) Abstinence from sexual activity is the only certain way to avoid unintended  
2 pregnancy, sexually transmitted diseases, and other associated health  
3 problems;

4 (c) The best way to avoid sexually transmitted diseases and other associated  
5 health problems is to establish a permanent mutually faithful monogamous  
6 relationship;

7 (d) A policy to respect parental rights by ensuring that:

8 1. ~~Except as provided in subsection (4)(b) of this section,~~  Children in  
9 grade five (5) and below do not receive any instruction through  
10 curriculum or programs on human sexuality or sexually transmitted  
11 diseases; or

12 2. Any child, regardless of grade level, enrolled in the district does not  
13 receive any instruction or presentation that has a goal or purpose of  
14 students studying or exploring gender identity, gender expression, or  
15 sexual orientation; and

16 (e) A policy to notify a parent in advance and obtain the parent's written consent  
17 before the parent's child in grade six (6) or above receives any instruction  
18 through curriculum or programs on human sexuality or sexually transmitted  
19 diseases authorized in this section.

20 (2) Any course, curriculum, or program offered by a public school on the subject of  
21 human sexuality provided by school personnel or by third parties authorized by the  
22 school shall:

23 (a) **Except as provided in subsection (4) of this section,** provide an alternative  
24 course, curriculum, or program without any penalty to the student's grade or  
25 standing for students whose parents have not provided written consent as  
26 required in subsection (1)(e) of this section;

27 (b) Be subject to an inspection by parents of participating students that allows

1                   parents to review the following materials:

2                   1. Curriculum;

3                   2. Instructional materials;

4                   3. Lesson plans;

5                   4. Assessments or tests;

6                   5. Surveys or questionnaires;

7                   6. Assignments; and

8                   7. Instructional activities;

9                   (c) Be developmentally appropriate; and

10                  (d) Be limited to a curriculum that has been subject to the reasonable review and

11                  response by stakeholders in conformity with this subsection and KRS

12                  160.345(2).

13                  (3) **Except as provided in subsection (4) of this section,** a public school offering any

14                  course, curriculum, or program on the subject of human sexuality shall provide

15                  notification to the parents of a student at least two (2) weeks prior to the student's

16                  planned participation in the course, curriculum, or program. The notification shall:

17                  (a) Inform the parents of the provisions of subsection (2) of this section;

18                  (b) Provide the date the course, curriculum, or program is scheduled to begin;

19                  (c) Detail the process for a parent to review the materials outlined in subsection

20                  (2) of this section;

21                  (d) Explain the process for a parent to provide written consent for the student's

22                  participation in the course, curriculum, or program; and

23                  (e) Provide the contact information for the teacher or instructor of the course,

24                  curriculum, or program and a school administrator designated with oversight.

25                  (4) **Each public school shall provide age-appropriate instruction on child sexual**

26                  **abuse to all students regardless of grade level through curriculum or programs in**

27                  **accordance with the standards set forth by the National Children's Alliance and**

1        approved by the Children's Advocacy Centers of Kentucky. This instruction shall  
2        not be subject to the requirements of subsections (2)(a) and (3) of this section.

3        (5) Nothing in this section shall prohibit school personnel from:

4            (a) Discussing human sexuality, including the sexuality of any historic person,  
5            group, or public figure, where the discussion provides necessary context in  
6            relation to a topic of instruction from a curriculum approved pursuant to KRS  
7            160.345; or  
8            (b) ~~Providing age appropriate instruction on child sexual abuse through~~  
9            ~~curriculum or programs in accordance with the standards set forth by the~~  
10           ~~National Children's Alliance and approved by the Children's Advocacy~~  
11           ~~Centers of Kentucky, regardless of grade level; or~~  
12           (c) ~~Responding to a question from a student during class regarding human~~  
13           ~~sexuality as it relates to a topic of instruction from a curriculum approved~~  
14           ~~pursuant to KRS 160.345.~~

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

17        A public school district or public charter school shall not enter into a nondisclosure  
18        agreement relating to misconduct involving a minor or student, including but not  
19        limited to:

20        (1) Unauthorized electronic communication as defined in Section 1 of this Act; or  
21        (2) Abusive conduct as defined in Section 4 of this Act.

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

23        (1) As used in this section:

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

26            (b) "Administrative finding of child abuse or neglect" means a substantiated  
27            finding of child abuse or neglect issued by the Cabinet for Health and Family

1 Services that is:

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

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

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

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

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

26           (d) When a vacancy occurs in a local district, the superintendent shall conduct a  
27          search to locate minority teachers to be considered for the position. The

1                   superintendent shall, pursuant to administrative regulations of the Kentucky  
2                   Board of Education, report annually the district's recruitment process and the  
3                   activities used to increase the percentage of minority teachers in the district.

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

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

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

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

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

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

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

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

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

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

5       (5) No superintendent shall employ in any position in the district any person who:  
6           (a) Has been convicted of an offense that would classify a person as a violent  
7           offender under KRS 439.3401;  
8           (b) Has been convicted of a sex crime as defined by KRS 17.500 or a  
9           misdemeanor offense under KRS Chapter 510;  
10          (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or  
11          (d) Has an administrative finding of child abuse or neglect in records maintained  
12           by the Cabinet for Health and Family Services.

13       (6) (a) Each application for a school district position shall require the applicant to:  
14           1. Disclose:  
15           a. Being the subject of any disciplinary action within the past  
16           twelve (12) months; and  
17           b. Any resulting resignation or termination related to abusive  
18           conduct while employed by any school or school district; and  
19           2. Consent to a reference check under paragraph (b) of this subsection  
20           and a request for information under paragraph (c) of this subsection.

21       (b) 1. A school district considering an applicant for employment shall  
22           contact each school district, public school, or nonpublic school that  
23           employs or previously employed the applicant for a reference check  
24           before extending an offer of employment.

25       2. A school district, public school, or nonpublic school that employs or  
26           previously employed the applicant shall disclose any disciplinary  
27           action, and any resulting resignation or termination, related to abusive

conduct while the applicant was employed by the school or school district.

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

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

**a. *Making the disclosure; or***

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

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

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

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

**(d) Upon request from a school district under paragraph (c) of this subsection, the school district, public school, or nonpublic school of previous or current**

1                   employment or the Educational Professional Standards Board shall provide  
2                   the requested information, if applicable, within ten (10) working days.

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

- 5                   1. Ineligible for hire by the school district; and
- 6                   2. Subject to dismissal or termination if the applicant is hired by the  
7                   school district or is a current employee of the school district.

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

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

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

- 16                   1. Each new certified or classified hire;
- 17                   2. A nonfaculty coach or nonfaculty assistant as defined under KRS  
18                   161.185;
- 19                   3. A student teacher;
- 20                   4. A school-based decision making council parent member; and
- 21                   5. Any adult who is permitted access to school grounds on a regularly  
22                   scheduled and continuing basis pursuant to a written agreement for the  
23                   purpose of providing services directly to a student or students as part of  
24                   a school-sponsored program or activity;

25                   (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:  
26                   a. Classified and certified individuals employed by the school district  
27                   prior to June 27, 2019;



1                   bus passenger vehicle authorized to transport students to and from school  
2                   pursuant to the alternative transportation plan who does not have a valid  
3                   commercial driver's license issued in accordance with KRS Chapter 281A  
4                   with an "S" endorsement to:

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

19                   (8)(7) (a) If a certified or classified position remains unfilled after July 31 or if a  
20                   vacancy occurs during a school term, a superintendent may employ an  
21                   individual, who will have supervisory or disciplinary authority over minors,  
22                   on probationary status pending receipt of the criminal history background  
23                   check and a clear CA/N check, provided by the individual. Application for the  
24                   criminal record and a request for a clear CA/N check of a probationary  
25                   employee shall be made no later than the date probationary employment  
26                   begins.

27                   (b) Employment shall be contingent on the receipt of the criminal history

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

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

13 (9)~~(8)~~ The provisions of KRS 161.790 shall apply to terminate employment of a  
14 certified employee on the basis of a criminal record other than a record of a sex  
15 crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N  
16 check showing an administrative finding of child abuse or neglect.

17 (10)~~(9)~~ (a) All fingerprints requested under this section shall be on an applicant  
18 fingerprint card provided by the Department of Kentucky State Police. The  
19 fingerprint cards shall be forwarded to the Federal Bureau of Investigation  
20 from the Department of Kentucky State Police after a state criminal  
21 background check is conducted. The results of the state and federal criminal  
22 background check shall be sent to the hiring superintendent. Any fee charged  
23 by the Department of Kentucky State Police, the Federal Bureau of  
24 Investigation, and the Cabinet for Health and Family Services shall be an  
25 amount no greater than the actual cost of processing the request and  
26 conducting the search.

27 (b) Each application form, provided by the employer to an applicant for a

1 certified or classified position, shall conspicuously state the following: "FOR  
2 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL  
3 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A  
4 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET  
5 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT  
6 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR  
7 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD  
8 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET  
9 FOR HEALTH AND FAMILY SERVICES."

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

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

13 2. Provide picture identification;and

14 3. List each school district and nonpublic school in which the applicant  
15 has been employed, including the dates of employment.

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

27 (b) Notwithstanding Section 8 of this Act, all records and references relating to

1                   *an allegation of abusive conduct by a school district employee with a*  
2                   *student or minor shall be included and remain in an employee's personnel*  
3                   *file until completion of an investigation. If, after completion of an*  
4                   *investigation, the allegation is determined to be false or unsubstantiated, all*  
5                   *records and references relating to the allegation shall be removed from the*  
6                   *employee's personnel file.*

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

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

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

3        **(15) (12) The form for requesting a CA/N check shall be made available on the Cabinet**  
4        **for Health and Family Services website.**

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

7        ➔Section 5. KRS 156.160 is amended to read as follows:

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

14        (a) Courses of study for the different grades and kinds of common schools  
15        identifying the common curriculum content directly tied to the goals,  
16        outcomes, and assessment strategies developed under KRS 158.645,  
17        158.6451, and 158.6453 and distributed to local school districts and schools.

18        The administrative regulations shall provide that:

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

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

25        3. Every public middle and high school's curriculum shall include  
26        instruction on the Holocaust and other cases of genocide, as defined by  
27        the United Nations Convention on the Prevention and Punishment of the

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

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

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

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

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

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

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

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

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

1 physical examinations prescribed by the Kentucky Board of Education;

2 (i) A vision examination by an optometrist or ophthalmologist that shall be

3 required by the Kentucky Board of Education. The administrative regulations

4 shall require evidence that a vision examination that meets the criteria

5 prescribed by the Kentucky Board of Education has been performed. This

6 evidence shall be submitted to the school no later than January 1 of the first

7 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a

8 public school, public preschool, or Head Start program;

9 (j) 1. ~~Beginning with the 2010 2011 school year,~~  A dental screening or

10 examination by a dentist, dental hygienist, physician, registered nurse,

11 advanced practice registered nurse, or physician assistant that shall be

12 required by the Kentucky Board of Education. The administrative

13 regulations shall require evidence that a dental screening or examination

14 that meets the criteria prescribed by the Kentucky Board of Education

15 has been performed. This evidence shall be submitted to the school no

16 later than January 1 of the first year that a five (5) or six (6) year-old

17 child is enrolled in a public school.

18 2. A child shall be referred to a licensed dentist if a dental screening or

19 examination performed by anyone other than a licensed dentist identifies

20 the possibility of dental disease;

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

22 (l) The fixing of holidays on which schools may be closed and special days to be

23 observed, and the pay of teachers during absence because of sickness or

24 quarantine or when the schools are closed because of quarantine;

25 (m) The preparation of budgets and salary schedules for the several school

26 districts under the management and control of the Kentucky Board of

27 Education;



1 the district to which the student transfers and the district from which the  
2 student transferred.

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

4 (a) Curriculum, certification, and textbook standards established by the Kentucky

5 Board of Education; and

6 (b) **Employment standards established in Section 4 of this Act;**

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

8 (3) Any public school that violates the provisions of KRS 158.854 shall be subject to a

9 penalty to be assessed by the commissioner of education as follows:

10 (a) The first violation shall result in a fine of no less than one (1) week's revenue

11 from the sale of the competitive food;

12 (b) Subsequent violations shall result in a fine of no less than one (1) month's

13 revenue from the sale of the competitive food;

14 (c) "Habitual violations," which means five (5) or more violations within a six (6)

15 month period, shall result in a six (6) month ban on competitive food sales for

16 the violating school; and

17 (d) Revenue collected as a result of the fines in this subsection shall be

18 transferred to the food service fund of the local school district.

19           ➔ Section 6. KRS 160.151 is amended to read as follows:

20    (1) *For purposes of this section, "certified nonpublic school" means a private,*

21           *parochial, or church school that has voluntarily been certified by the Kentucky*

22           *Board of Education in accordance with subsection (2) of Section 5 of this Act.*

23 (2)(1) (a) 1. A certified nonpublic school shall [private, parochial, or church  
24 school that has voluntarily been certified by the Kentucky Board of  
25 Education in accordance with KRS 156.160(2) may] require a national  
26 and state criminal background check and require a clear CA/N check, as  
27 defined in KRS 160.380, on all new certified hires in the school and

1 student teachers assigned to the school and may require a new national  
2 and state criminal background check and require a clear CA/N check on  
3 each certified teacher once every five (5) years of employment.

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

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

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

22 (3)(2) (a) **When a certified nonpublic** school requires a criminal background  
23 check or requires a clear CA/N check under this section [for a new hire], the  
24 school shall conspicuously include the following disclosure statement on each  
25 application or renewal form provided by the employer to an applicant for a  
26 certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO  
27 REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A

1 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET  
2 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT  
3 HAS NO ADMINISTRATIVE FINDINGS OF~~IS CLEAR TO HIRE~~  
4 ~~BASED ON NO FINDINGS OF SUBSTANTIATED~~} CHILD ABUSE OR  
5 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD  
6 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET  
7 FOR HEALTH AND FAMILY SERVICES~~AS A CONDITION OF~~  
8 ~~EMPLOYMENT FOR THIS TYPE OF POSITION~~."

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

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

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

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

1           ~~check documenting a record as a violent offender, of a sex crime, or of a~~  
2           ~~violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.]~~

3   (5)(4) The form for requesting a ~~clear~~ CA/N check shall be made available on the  
4           Cabinet for Health and Family Services website.

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

9   (7) *A certified nonpublic school shall not enter into a nondisclosure agreement*  
10           *relating to misconduct involving a minor or student, including abusive conduct as*  
11           *defined in Section 4 of this Act.*

12           ➔ Section 7. KRS 156.095 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

26 (c) The local district professional development coordinator may participate in the  
27 Kentucky Department of Education annual training program for local school

1 district professional development coordinators. The training program may  
2 include but is not~~be~~ limited to the demonstration of various approaches to  
3 needs assessment and planning; strategies for implementing long-term,  
4 school-based professional development; strategies for strengthening teachers'  
5 roles in the planning, development, and evaluation of professional  
6 development; and demonstrations of model professional development  
7 programs. The training shall include information about teacher learning  
8 opportunities relating to the core content standards. The department shall  
9 regularly collect and distribute this information.

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

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



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

8                   (d) State funds allocated for professional development shall be used to support  
9                   professional development initiatives that are consistent with local school  
10                  improvement and professional development plans and teachers' individual  
11                  growth plans. The funds may be used throughout the year for all staff,  
12                  including classified and certified staff and parents on school councils or  
13                  committees. A portion of the funds allocated to each school council under  
14                  KRS 160.345 may be used to prepare or enhance the teachers' knowledge and  
15                  teaching practices related to the content and subject matter that are required  
16                  for their specific classroom assignments.

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

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

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



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

11                   *(a) Identify at-risk students early in elementary schools as well as at-risk and*  
12                   *potential dropouts in the middle and high schools;*  
13                   *(b) Plan specific instructional strategies to teach at-risk students;*  
14                   *(c) Improve the academic achievement of students at risk of school failure by*  
15                   *providing individualized and extra instructional support to increase*  
16                   *expectations for targeted students;*  
17                   *(d) Involve parents as partners in ways to help their children and to improve their*  
18                   *children's academic progress; and*  
19                   *(e) Significantly reduce the dropout rate of all students.*

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

27                   *(12) The department shall annually provide to the oversight council established in*

1       KRS 15A.063, the information received from local schools pursuant to KRS  
2       158.449.

3       ➔Section 8. KRS 161.151 is amended to read as follows:

4       (1) Except as provided in Section 4 of this Act, all records and references relating to an  
5       allegation of a criminal offense committed by a school employee that did not lead to  
6       formal charges and all records relating to a criminal proceeding in which a school  
7       employee was found not guilty or the charges were dismissed shall be removed  
8       from the school employee's personnel file by the superintendent or the  
9       superintendent's designee in the local school district.

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

14       ➔Section 9. KRS 158.4431 is amended to read as follows:

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

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

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

1                   the following minimum requirements:

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

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

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

5                   (d) Has completed and passed background checks as required pursuant to  
6                   subsection (7)(a) of Section 4 of this Act~~KRS 160.380(6)(a)}~~, and has not  
7                   been convicted of any felony, any misdemeanor under KRS 510.120, 510.130,  
8                   510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or  
9                   solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual  
10                  misconduct under KRS Chapter 510, or have had any offense listed in this  
11                  paragraph expunged;

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

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

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

21                   1. A background investigation to determine the person's suitability for the  
22                   position of guardian;

23                   2. A psychological suitability screening to determine the person's  
24                   suitability to perform guardian duties; and

25                   3. A polygraph examination to determine the person's suitability to  
26                   perform guardian duties;

27                  (h) Has passed the following courses provided by the Department of Criminal



1 to guardians for tests, assessments, or training completed than what is customarily  
2 charged to any other type of applicant tested, assessed, or trained by the council.

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

7 (a) The job description of the guardian, including but not limited to the scope of  
8 duties, responsibilities, and direct supervisor of the guardian;  
9 (b) The uniform to be worn by guardians that would best suit the needs of the  
10 schools while also allowing outside agencies to easily identify guardians;  
11 (c) The procedures, processes, and chain of command to be used during an  
12 emergency in which law enforcement agencies are called to the school; and  
13 (d) The type of firearm and ammunition to be used by the guardian, if any.

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

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

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

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

25 (1) The Kentucky Department of Education may enter into an agreement with any  
26 building and construction trade organization to develop a training program for  
27 school counselors providing services to students in the Commonwealth. The

1       purpose of the training program shall be to promote building and construction  
2       trades and training facilities available to students by making school counselors  
3       aware of what is available to students participating in the building and construction  
4       trade. The training program shall include information relating to:

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

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

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

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

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

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

26      ➔Section 11. KRS 158.200 is amended to read as follows:

27      (1) The boards of education of local school districts may provide an opportunity for

1       pupils to attend moral instruction in their jurisdiction, in the manner provided in this  
2       section.

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

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

10      (c) Pupil participation in moral instruction shall be voluntary and free from  
11           coercion by school personnel.

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

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

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

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

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

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

- 1 (e) A statement acknowledging and agreeing to inform the parent or guardian of a  
2 participating pupil that the school district and its employees and agents shall  
3 not incur any liability as a result of any injury sustained by the pupil related to  
4 participation in the moral instruction offering;
- 5 (f) A statement acknowledging and agreeing to indemnify and hold harmless the  
6 school district and its employees and agents against any claims relating to the  
7 moral instruction offering or transportation to or from the offering; and
- 8 (g) Proof of insurance coverage to be carried by the provider that shall include  
9 adequate insurance for liability, property loss, and personal injury of students  
10 related to the moral instruction offering or transportation to or from the  
11 offering.

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

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

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

1 the school district of a report documenting a record of:

2     1. Child abuse or neglect;

3     2. A sex crime or criminal offense against a victim who is a minor, as

4                 defined in KRS 17.500; or

5     3. A violent crime as defined in KRS 17.165;

6     by the individual. The prohibition shall continue until the local board receives

7     an updated record for that individual that does not contain a disqualifying

8     item.

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

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

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

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

27 (7) A school district shall not discriminate against a pupil for his or her participation or

1                   nonparticipation in a moral instruction offering.

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

4                   1. The name of each applicant that submitted a request to provide a moral  
5                   instruction offering;

6                   2. The date of the application;

7                   3. The local board's approval or denial of the application; and

8                   4. If the request was denied, the reason for the denial.

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

13                  ➔Section 12. If a school district volunteer was prohibited from future school  
14                  volunteer opportunities pursuant to KRS 160.145(3)(c) prior to the effective date of this  
15                  Act, a school district may permit that person to participate in future school volunteer  
16                  opportunities.

17                  ➔Section 13. Section 2 of this Act may be cited as Erin's Law.

18                  ➔Section 14. Whereas it is critical to ensure that parents, schools, and school  
19                  districts have clarity on lawful electronic communication with students, an emergency is  
20                  declared to exist, and this Act takes effect upon its passage and approval by the Governor  
21                  or upon its otherwise becoming a law.