

1       AN ACT relating to school districts.

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

3           ➔Section 1. KRS 160.290 is amended to read as follows:

4       (1) Each board of education shall have general control and management of the public  
5       schools in its district and may establish schools and provide for courses and other  
6       services as it deems necessary for the promotion of education and the general health  
7       and welfare of pupils, consistent with the administrative regulations of the  
8       Kentucky Board of Education. Each board shall have control and management of  
9       all school funds and all public school property of its district and may use its funds  
10       and property to promote public education. Each board shall exercise generally all  
11       powers prescribed by law in the administration of its public school system, appoint  
12       the superintendent of schools, and fix the compensation of employees.

13       (2) Each board shall make and adopt, and may amend or repeal, rules, regulations, and  
14       bylaws for its meetings and proceedings for the management of the schools and  
15       school property of the district, for the transaction of its business, and for the  
16       qualification and duties of employees and the conduct of pupils. The rules,  
17       regulations, and bylaws made by a board of education shall be consistent with the  
18       general school laws of the state and shall be binding on the board of education and  
19       parties dealing with it until amended or repealed by an affirmative vote of a  
20       majority of the members of the board. The rules, regulations, and bylaws shall be  
21       spread on the minutes of the board and be open to the public. The rules, regulations,  
22       and bylaws may include the use of reverse auctions as defined in KRS 45A.070 in  
23       the procurement of goods and leases.

24       (3) Local boards of education electing to enter into agreements pursuant to the  
25       Interlocal Cooperation Act, KRS 65.210 to 65.300, with other local boards of  
26       education to establish consortia to provide services in accordance with the  
27       Kentucky Education Reform Act of 1990, 1990 Ky. Acts Ch. 476, may transfer real

1 or personal property to the consortia without receiving fair market value  
2 compensation. The joint or cooperative action may employ employees transferred  
3 from employment of a local board of education, and the employees shall retain their  
4 eligibility for the Kentucky Teachers' Retirement System. The chief state school  
5 officer, under administrative regulations of the Kentucky Board of Education, may  
6 allot funding to an interlocal cooperative board created by two (2) or more local  
7 school districts pursuant to KRS 65.210 to 65.300 to provide educational services  
8 for the mutual advantage of the students in the representative districts. All statutes  
9 and administrative regulations that apply to the use of these funds in local school  
10 districts shall also apply to cooperative boards.

11 **(4) Each board of education shall adopt policies that ensure the school district's**  
12 **curriculum, textbooks, and instructional materials, including digital learning**  
13 **materials, remain subject to the open records provisions of KRS 61.870 to 61.884.**  
14 **The policies shall protect a resident of the Commonwealth's right to fair use of**  
15 **the records.**

16 ➔Section 2. KRS 160.350 is amended to read as follows:

17 (1) **(a)** After considering the recommendations of a screening committee, as provided  
18 in KRS 160.352, each board of education shall appoint a superintendent of  
19 schools whose term of office shall begin on July 1, following the individual's  
20 appointment. The appointment may be for a term of no more than four (4)  
21 years. In the event a vacancy occurs in the office of superintendent prior to the  
22 expiration of the term set by the board, the term shall expire on the date the  
23 vacancy occurs. Therefore, the board may appoint a superintendent for a new  
24 term as provided in this subsection, which shall begin on the date of the  
25 superintendent's appointment, except when the vacancy occurs after a school  
26 board election and before the newly elected members take office. When a  
27 vacancy occurs during this period, the position shall not be filled until the new

1           members take office, but the board may appoint an acting superintendent to  
2           serve a term not to exceed six (6) months. This appointment may be renewed  
3           once for a period not to exceed three (3) months. If a vacancy occurs, a local  
4           board may also appoint an acting superintendent during the period the  
5           screening committee pursuant to KRS 160.352 conducts its business and prior  
6           to the actual appointment of the new superintendent. No superintendent shall  
7           resign during a term and accept a new term from the same board of education  
8           prior to the expiration date of the present term. In the case of a vacancy in the  
9           office for an unexpired term, the board of education shall make the  
10           appointment so that the term will end on June 30.

11           **(b)** The board shall set the salary of the superintendent to be paid in regular  
12           installments. Any superintendent whose employment contract with a local  
13           board provides total annual compensation that is greater than the total  
14           annual compensation of the commissioner of education shall be subject to  
15           confirmation by the Senate. The Kentucky Department of Education shall  
16           publish the commissioner of education's total annual compensation on the  
17           department's website.

18           (2) An individual shall not assume the duties of superintendent in a district until he or  
19           she provides the board of education with a copy of a certificate for school  
20           superintendent issued by the Education Professional Standards Board or its legal  
21           predecessor. A superintendent shall hold a valid certificate throughout the period of  
22           employment. A superintendent shall successfully complete the training program and  
23           assessment center process within two (2) years of assuming the duties of  
24           superintendent. A superintendent shall not serve as director or officer of a bank,  
25           trust company, or savings or loan association that has the school district's funds on  
26           deposit. Following appointment, the superintendent shall establish residency in  
27           Kentucky.

1       (3) A superintendent of schools may be removed for cause by a vote of the majority~~of four-fifths (4/5)~~ of the membership of a board of education~~and upon approval by the commissioner of education. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the commissioner of education, the board shall terminate the superintendent's contract~~. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent. A superintendent may petition the Kentucky Board of Education to review the local board of education's decision at the next regularly scheduled meeting of the state board. Upon review, if the state board determines that the local board's decision may have been in error, the state board shall return the issue to the local board for reconsideration~~[The board shall seek approval by the commissioner of education for removing the superintendent. The commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request]~~.

19     (4) After the completion of a superintendent's first contract or after four (4) years, whichever comes last, the board of education may, no later than June 30, extend the contract of the superintendent for one (1) additional year beyond the current term of employment.

23     ➔ Section 3. KRS 160.160 is amended to read as follows:

24     (1) Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner

1       prescribed by KRS 160.210(5), to be known as the "Board of Education of ....,  
2       Kentucky." Each board of education shall be a body politic and corporate with  
3       perpetual succession. It may sue and be sued; make contracts; expend funds  
4       necessary for liability insurance premiums and for the defense of any civil action  
5       brought against an individual board member in his official or individual capacity, or  
6       both, on account of an act made in the scope and course of his performance of legal  
7       duties as a board member; purchase, receive, hold, and sell property; issue its bonds  
8       to build and construct improvements; and do all things necessary to accomplish the  
9       purposes for which it is created. Each board of education shall elect a  
10      chair[chairman] and vice chair[chairman] from its membership in a manner  
11      prescribed by the board and for a one (1) year term[term prescribed by the board  
12      not to exceed two (2) years].

13     (2) No board of education shall participate in any financing of school buildings, school  
14     improvements, appurtenances thereto, or furnishing and equipment, including  
15     education technology equipment without:

16       (a) First establishing the cost of the project in advance of financing, based on the  
17       receipt of advertised, public, and competitive bids for such project, in  
18       accordance with KRS Chapter 424; and

19       (b) Establishing the cost of financing in advance of the sale of any bonds,  
20       certificates of participation in any leases, or other evidences of financial  
21       commitments issued by or on behalf of such board. Any bonds, leases,  
22       participations, or other financial arrangements shall not involve a final  
23       commitment of the board until the purchaser or lender involved shall have  
24       been determined by public advertising in accordance with KRS Chapter 424.

25     (3) No board of education shall make a mortgage, lien, or other encumbrance upon any  
26     school building owned by the board, or transfer title to any such school building as  
27     part of any financing arrangement, without the specific approval of the Department

1 of Education, and without the transaction being entered into pursuant to a detailed  
2 plan or procedure specifically authorized by Kentucky statute.

3 (4) Without the approval of the Department of Education, no board may lease, as  
4 lessee, a building or public facility that has been or is to be financed at the request  
5 of the board or on its behalf through the issuance of bonds by another public body  
6 or by a nonprofit corporation serving as an agency and instrumentality of the board,  
7 or by a leasing corporation. Any lease, participation, or other financial arrangement  
8 shall not involve a final commitment of the board unless and until the purchaser or  
9 lender involved in same shall have been determined by public advertising in  
10 accordance with KRS Chapter 424. No transaction shall be entered into by the  
11 board except upon the basis of public advertising and competitive bidding in  
12 accordance with KRS Chapter 424.

13 (5) A school district may issue general obligation bonds in accordance with KRS  
14 Chapter 66.

15 (6) Rental payments due by a board under a lease approved by the Department of  
16 Education in accordance with subsection (4) of this section, and debt service  
17 payments under a general obligation bond issued in accordance with this section,  
18 shall be due and payable not less than ten (10) days prior to the interest due date for  
19 the bonds, notes, or other debt obligations issued to finance the building or public  
20 facility. If a board fails to make a rental payment when due under a lease or a debt  
21 service payment when due for a general obligation bond issue, upon notification to  
22 the Department of Education by the paying agent, bond registrar, or trustee for the  
23 bonds not less than three (3) days prior to the interest due date, the Department of  
24 Education shall withhold or intercept any funds then due the board to the extent of  
25 the amount of the required payment on the bonds and remit the amount to the  
26 paying agent, bond registrar, or trustee as appropriate. Thereafter, the Department  
27 of Education shall resolve the matter with the board and adjust remittances to the

1       board to the extent of the amount paid by the Department of Education on the  
2       board's behalf.

3       (7) Bonds, notes, or leases negotiated to provide education technology shall not be sold  
4       for longer than seven (7) years or the useful life of the equipment as established by  
5       the state technology master plan, whichever is less.

6       (8) Notwithstanding any requirements of public advertising, competitive bidding, or  
7       approval by the Department of Education, or any administrative regulation  
8       promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the  
9       transfer or sale of the district's real or personal property to another governmental or  
10       quasi-governmental agency in exchange for money or a similar type of property that  
11       equals or exceeds the fair market value of the district property as determined by an  
12       independent appraisal conducted by:

13       (a) An individual or organization not affiliated with the district or its officers or  
14       employees, using a generally accepted national or professional standard; or  
15       (b) A district's officers or employees using a nationally published valuation of  
16       property based on the most recent edition of the publication.

17       (9) A board of education shall maintain oversight over the superintendent. The  
18       superintendent shall submit a report on closed investigations of district employees  
19       to the board for the purpose of the board's consideration of board policy and the  
20       evaluation of the superintendent's performance.

21       ➔ Section 4. KRS 160.180 is amended to read as follows:

22       (1) ~~[As used in this section, "relative" means father, mother, brother, sister, husband,~~  
23       ~~wife, son, and daughter.~~

24       (2) ]A person shall only be eligible for membership on a board of education if the  
25       person:

26       (a) Has attained the age of twenty-four (24) years;  
27       (b) Has been a citizen of Kentucky for at least three (3) years preceding the

1 election and is a voter of the district for which he or she is elected;

7           2. A transcript evidencing completion of the twelfth grade or the results of  
8           a twelfth grade equivalency examination that has been filed with the  
9           nominating petition required by KRS 118.315;

10 (d) Does not hold any elective federal, state, county, or city office;

11 (e) Is not, at the time of his or her election, directly or indirectly interested in the  
12 sale to the board of books, stationery, or any other property, materials,  
13 supplies, equipment, or services for which school funds are expended;

14 (f) Has not been removed from membership on a board of education for cause;  
15 and

16 (g) Is not, at the time of his or her election:

17        1. Assisting, representing, or contracting with an employee of the school  
18        district in employment or legal matters in which the school district is a  
19        party; or

20        2. An officer or director of an organization that is assisting,  
21        representing, or contracting with an employee of the school district in  
22        employment or legal matters in which the school district is a party  
23        Does not have a relative employed by the school district, in the case of a  
24        person elected after July 13, 1990. This shall not apply to a board  
25        member holding office on July 13, 1990, whose relative was not initially  
26        hired by the district during the tenure of the board member].

27 (2)(F)(3) (a) A member of a board of education shall be subject to removal from

1 office pursuant to KRS 415.050 and 415.060 if, after the election the member:

2     1. Becomes interested in any contract with or claims against the board, of

3         the kind mentioned in subsection (1)(2)(e) of this section;

4     2. Moves his or her residence from the division for which he or she was

5         chosen;

6     3. Attempts to influence the employment of any school employee, except

7         the superintendent or school board attorney;

8     4. Is convicted of a felony;

9     5. Performs acts of malfeasance in performance of duties prescribed by

10         law;

11     6. Willfully misuses, converts, or misappropriates public property or funds;

12         or

13     7. Does anything that would render the member ineligible for reelection.

14 (b) In accordance with KRS 7.410, the Office of Education Accountability shall  
15 have the duty and responsibility to investigate current local board of education  
16 members for allegations of conduct prohibited by paragraph (a) of this  
17 subsection. After review and investigation, the Office of Education  
18 Accountability shall refer appropriate matters to the Attorney General.

19 (3)(4) A member of a board of education shall be eligible for reelection unless he or  
20 she becomes disqualified.

21 **(4)(5)** The annual in-service training requirements for all members of boards of  
22 education in office as of December 31, 2014, shall be as follows:

23 (a) Twelve (12) hours for members with zero to three (3) years of experience;

24 (b) Eight (8) hours for members with four (4) to seven (7) years of experience;

25 (c) *One (1) hour of open meetings and open records training every other year;*

26 and

27 (d)(1)(e) Four (4) hours for members with eight (8) or more years of experience.

1       The Kentucky Board of Education shall identify the criteria for fulfilling this  
2       requirement.

3       (5)(6) (a) For all members of boards of education who begin their initial service  
4       on or after January 1, 2015, the in-service training requirements shall be:

5           1. Twelve (12) hours for members with zero to eight (8) years of  
6           experience each year, which shall include a minimum of:

7              a. One (1) hour of ethics training each year; and  
8              b. One (1) hour of open meetings and open records training within  
9                the first twelve (12) months of initial service and at least once  
10              every four (4) years thereafter; and

11           2. Eight (8) hours for members with more than eight (8) years of  
12           experience each year, which shall include a minimum of:

13              a. One (1) hour of ethics training each year; and  
14              b. One (1) hour of open meetings and open records training at least  
15                once every four (4) years.

16       (b) Training topics for members under this subsection with less than two (2) years  
17       of consecutive service shall include three (3) hours of finance and one (1)  
18       hour of superintendent evaluation within the first two (2) years of service. The  
19       Kentucky Board of Education shall identify criteria for fulfilling this  
20       requirement.

21       ➔Section 5. KRS 160.380 is amended to read as follows:

22       (1) As used in this section:

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

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

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

25                  (2) Except as provided in KRS 160.346, the school district personnel actions identified

26                  in this section shall be carried out as follows:

27                  (a) All appointments, promotions, and transfers of principals, supervisors,

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

10           (b) When a vacancy occurs in a local school district, the superintendent shall  
11           submit the job posting to the statewide job posting system described in KRS  
12           160.152 fifteen (15) days before the position shall be filled. The local school  
13           district shall post position openings in the local board office for public  
14           viewing;

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

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

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

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

13          (b) ~~No superintendent shall employ a relative of a school board member of the  
14           district;~~

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

16          (c) ~~(d)~~ A relative that is ineligible for employment under paragraph (a)~~,~~ **or**  
17           (b)~~,~~ **or** (e) of this subsection may be employed as a substitute for a certified  
18           or classified employee if the relative is not:

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

20           2. Accruing continuing contract status or any other right to continuous  
21           employment;

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

23           4. Receiving preference in employment or assignment over other  
24           substitutes.

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

## 1 district evaluation plan.

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

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

4 offender under KRS 439.3401;

5 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a

6 misdemeanor offense under KRS Chapter 510;

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

8 (d) Has an administrative finding of child abuse or neglect in records maintained

9 by the Cabinet for Health and Family Services; *or*

10                   (e) Has been convicted of a violation of KRS 510.120, 510.130, 510.140,  
11                   510.148, or 510.150.

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

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

17 1. Each new certified or classified hire;

18 2. A nonfaculty coach or nonfaculty assistant as defined under KRS  
19 161.185;

20 3. A student teacher;

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

22 5. Any adult who is permitted access to school grounds on a regularly  
23 scheduled and continuing basis pursuant to a written agreement for the  
24 purpose of providing services directly to a student or students as part of  
25 a school-sponsored program or activity;

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

1 prior to June 27, 2019;

2 b. Certified individuals who were employed in another certified

3 position in a Kentucky school district within six (6) months of the

4 date of hire and who had previously submitted to a national and

5 state criminal background check and who have a clear CA/N check

6 for the previous employment; or

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

8 national and state criminal background check by the Department

9 of Kentucky State Police and the Federal Bureau of Investigation

10 through an accredited teacher education institution in which the

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

12 2. The Education Professional Standards Board may promulgate

13 administrative regulations to impose additional qualifications to meet

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

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

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

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

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

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

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

21 shall be required;

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

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

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

25 check, provided by the individual; and

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

27 transportation plan approved by the Kentucky Department of Education in

1 accordance with KRS 156.153(3) shall require the driver of any non-school  
2 bus passenger vehicle authorized to transport students to and from school  
3 pursuant to the alternative transportation plan who does not have a valid  
4 commercial driver's license issued in accordance with KRS Chapter 281A  
5 with an "S" endorsement to:

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

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

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

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

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

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

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

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

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

27 (11) Notwithstanding any law to the contrary, each certified and classified employee of

1       the school district shall notify the superintendent if he or she has been found by the  
2       Cabinet for Health and Family Services to have abused or neglected a child, and if  
3       he or she has waived the right to appeal a substantiated finding of child abuse or  
4       neglect or if the substantiated incident was upheld upon appeal. Any failure to  
5       report this finding shall result in the certified or classified employee being subject  
6       to dismissal or termination.

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

9           ➔Section 6. Within 30 days of the effective date of this Act, each superintendent  
10       shall submit a report to the district's local board of education as required under subsection  
11       (9) of Section 3 of this Act for all closed investigations that have been concluded during  
12       the superintendent's current contract.