

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19 parties dealing with it until amended or repealed by an affirmative vote of a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~~
2 ~~four-fifths (4/5)]~~ of the membership of a board of education~~[and upon approval by~~
3 ~~the commissioner of education. However, if the dismissal of the superintendent has~~
4 ~~been recommended by a highly skilled certified educator pursuant to KRS 158.6455~~
5 ~~and the action is approved by the commissioner of education, the board shall~~
6 ~~terminate the superintendent's contract]~~. Written notice setting out the charges for
7 removal shall be spread on the minutes of the board and given to the
8 superintendent. A superintendent may petition the Kentucky Board of Education
9 to review the local board of education's decision at the next regularly scheduled
10 meeting of the state board. Upon review, if the state board determines that the
11 local board's decision may have been in error, the state board shall return the
12 issue to the local board for reconsideration~~[The board shall seek approval by the~~
13 ~~commissioner of education for removing the superintendent. The commissioner of~~
14 ~~education shall investigate the accuracy of the charges made, evaluate the~~
15 ~~superintendent's overall performance during the superintendent's appointment, and~~
16 ~~consider the educational performance of the students in the district. Within thirty~~
17 ~~(30) days of notification, the commissioner of education shall either approve or~~
18 ~~reject the board's request]~~.

19 (4) After the completion of a superintendent's first contract or after four (4) years,
20 whichever comes last, the board of education may, no later than June 30, extend the
21 contract of the superintendent for one (1) additional year beyond the current term of
22 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
25 education consisting of five (5) members, except in counties containing a city of the
26 first class wherein a merger pursuant to KRS 160.041 shall have been accomplished
27 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;
- 2 (c) Has completed at least the twelfth grade or has been issued a High School
- 3 Equivalency Diploma, as evidenced by:
- 4 1. An affidavit signed under penalty of perjury certifying completion of the
- 5 twelfth grade or the equivalent that has been filed with the nominating
- 6 petition required by KRS 118.315; or
- 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)(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)~~~~(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)—[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 (c)]~~ 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.