

1 AN ACT relating to discrimination in educational settings and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
5 READ AS FOLLOWS:

6 *As used in Sections 1 to 3 of this Act:*

7 *(1) "Binding contract" includes any grant, endowment, settlement agreement,*
8 *commercial contract, or other legally enforceable agreement entered into by or on*
9 *behalf of the department or a school district, public school, or cooperative board;*

10 *(2) "Cooperative board" means an interlocal cooperative board created by an*
11 *interlocal cooperative agreement entered into by one (1) or more school districts*
12 *in accordance with KRS 65.210 to 65.300 and 160.290, including but not limited*
13 *to special education cooperatives and regional education cooperatives;*

14 *(3) "Department" means the Kentucky Department of Education;*

15 *(4) "Differential treatment or benefits" means differential, preferential, or*
16 *prejudicial treatment or consideration and includes the conferring or withholding*
17 *of a benefit;*

18 *(5) "Discriminatory concept" means a concept that justifies or promotes differential*
19 *treatment or benefits conferred to individuals on the basis of religion, race, sex,*
20 *color, or national origin, unless the differential treatment or benefit is excluded*
21 *from a diversity, equity, and inclusion initiative under subsection (6) of this*
22 *section;*

23 *(6) "Diversity, equity, and inclusion initiative":*

24 *(a) Means a policy, practice, or procedure designed or implemented to promote*
25 *or provide differential treatment or benefits to individuals on the basis of*
26 *religion, race, sex, color, or national origin, including but not limited to any*
27 *such policy, practice, or procedure related to employment, employee*

1 recruitment, employee hiring, employee promotion, contracts, contract
2 renewal, student enrollment, and student services; and

3 (b) Does not include a policy, practice, procedure, office, employee, training,
4 program, or activity that is expressly required pursuant to an applicable
5 state law or federal mandate;

6 (7) "Diversity, equity, and inclusion office" means an office, division, or other unit
7 of the department or a school district, public school, or cooperative board that
8 that is:

9 (a) Responsible for developing, implementing, or promoting a discriminatory
10 concept, a diversity, equity, and inclusion training, or a diversity, equity,
11 and inclusion initiative, regardless of whether the office is designated as a
12 diversity, equity, and inclusion office; and

13 (b) Not expressly required pursuant to an applicable state law or federal
14 mandate;

15 (8) "Diversity, equity, and inclusion officer" means an employee, contractor, or
16 volunteer:

17 (a) Whose responsibilities include developing, implementing, or promoting a
18 discriminatory concept, a diversity, equity, and inclusion training, or a
19 diversity, equity, and inclusion initiative, regardless of whether the position
20 is designated as a diversity, equity, and inclusion position or affiliated with
21 a diversity, equity, and inclusion office; and

22 (b) Who serves in a role that is not expressly required pursuant to an applicable
23 state law or federal mandate;

24 (9) "Diversity, equity, and inclusion training" means a training, conference,
25 presentation, meeting, or professional development that:

26 (a) Contains, implements, or promotes a discriminatory concept; and

27 (b) Is not expressly required pursuant to applicable federal or state law, a court

1 order, or a binding contract entered into prior to the effective date of this
2 Act;

3 (10) "Federal mandate" means a policy, program, training, activity, or procedure that
4 is:

5 (a) Designed or implemented to promote or justify discriminatory concepts or
6 promote or provide differential treatment or benefits to individuals on the
7 basis of religion, race, sex, color, or national origin; and

8 (b) Required pursuant to a court order, a binding contract entered into prior to
9 the effective date of this Act, or any applicable federal law, including but
10 not limited to:

11 1. The Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

12 2. Title IX of the Education Amendments Act of 1972, 20 U.S.C. sec.
13 1681 et seq., as amended;

14 3. The Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et
15 seq., as amended;

16 4. The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et
17 seq., as amended;

18 5. The Age Discrimination in Employment Act of 1967, 29 U.S.C. sec.
19 621 et seq., as amended; and

20 6. The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended;

21 (11) "Public school" means a public school or public charter school of the
22 Commonwealth and includes all programs, departments, and offices of a public
23 school and any individual acting in an official capacity on behalf of a public
24 school;

25 (12) "Qualified individual" means any of the following:

26 (a) A student enrolled in a public school;

27 (b) A parent or guardian of a student under the age of eighteen (18) who is

1 enrolled in a public school;

2 (c) An individual who is employed by the department or a school district, public
3 school, or cooperative board;

4 (d) A candidate or applicant for employment with the department or a school
5 district, public school, or cooperative board; and

6 (e) Any entity denied a contract, transaction, or other financial opportunity
7 with the department or a school district, public school, or cooperative board
8 based upon the religion, race, sex, color, or national origin of the
9 ownership, management, or staff of the entity;

10 (13) "Resource" means:

11 (a) Moneys appropriated by the General Assembly;

12 (b) Moneys or items of value derived from bequests, charges, deposits,
13 donations, endowments, fees, grants, gifts, income, receipts, tuition, or any
14 other source;

15 (c) Materials and other physical resources;

16 (d) Digital resources, including an official website, digital application, or social
17 media page of an institution; or

18 (e) Certified and classified employees, volunteers, and other human resources;
19 and

20 (14) "School district" means a public school district of the Commonwealth, and
21 includes all programs, departments, cooperative boards, and offices of a school
22 district and any individual acting in an official capacity on behalf of a school
23 district.

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) The department or a school district, public school, or cooperative board shall not
27 do any of the following:

1 (a) Provide any differential treatment or benefits to an individual, including an
2 applicant for employment, promotion, or contract renewal, on the basis of
3 the individual's religion, race, sex, color, or national origin;

4 (b) Prioritize or provide preferential consideration for vendors, contracts, or
5 other transactions based upon the religion, race, sex, color, or national
6 origin of the ownership, management, or staff of any business or nonprofit
7 entity, except that the institution may provide preferential consideration for
8 businesses owned by residents of Kentucky and the United States;

9 (c) Expend or utilize any resources to:

10 1. Establish or maintain a diversity, equity, and inclusion office;

11 2. Contract for or employ an individual to serve as a diversity, equity,
12 and inclusion officer;

13 3. Provide diversity, equity, and inclusion training or contribute to any
14 cost associated with planning, promoting, hosting, traveling to,
15 attending, presenting, or otherwise participating in diversity, equity,
16 and inclusion training;

17 4. Establish or maintain diversity, equity, and inclusion initiatives;

18 5. Promote or justify discriminatory concepts; or

19 6. Purchase, promote, or distribute any content or materials that promote
20 or justify discriminatory concepts or diversity, equity, and inclusion
21 initiatives;

22 (d) On an application for employment, promotion, contract renewal, or other
23 employment benefit, solicit any pledge or statement on the applicant's
24 experience with or views on religion, race, sex, color, or national origin;

25 (e) Require or incentivize an individual to attend diversity, equity, and
26 inclusion training or provide any differential treatment or benefits to an
27 individual based on the individual's participation in diversity, equity, and

1 inclusion training;

2 (f) Disseminate or profit from any research, work product, or material that
3 promotes or justifies discriminatory concepts or diversity, equity, and
4 inclusion initiatives; or

5 (g) Implement student disciplinary policies that consider religion, race, sex,
6 color, or national origin or otherwise establish student disciplinary caps or
7 quotas on the basis of religion, race, sex, color, or national origin.

8 (2) Compliance with a federal mandate shall be narrowly tailored to the express,
9 enforceable provisions thereof.

10 (3) Notwithstanding subsection (1) of this section, nothing in this section shall be
11 construed to apply to or affect any of the following:

12 (a) Instruction on the historical oppression of a particular group of people;

13 (b) Academic research or creative works of students;

14 (c) Religious freedom of students and school employees;

15 (d) The conduct, speech, and freedom of association of students and student-led
16 organizations;

17 (e) Mental or physical health services provided by licensed or certified
18 professionals;

19 (f) The ability of a school district to establish or maintain a single-sex school;

20 (g) Bona fide occupational qualifications and accommodations based on sex
21 that are reasonably necessary to the normal operation of a school district or
22 public school and do not constitute diversity, equity, and inclusion
23 initiatives; or

24 (h) The ability of a school district or public school to comply with a federal
25 mandate, provided that the compliance is narrowly tailored to the express,
26 enforceable provisions of that federal mandate.

27 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) The Attorney General may bring a civil action for a writ of mandamus to compel
3 the department or a school district, public charter school, or cooperative board to
4 comply with Section 2 of this Act and subsection (3) of this section.

5 (2) (a) Notwithstanding any provision of law to the contrary, a qualified individual
6 may bring a civil action for injunctive relief from a violation of Section 2 of
7 this Act or subsection (3) of this section.

8 (b) Sovereign, governmental, and qualified immunity are waived for the limited
9 purpose of bringing a claim filed under this subsection and arising from a
10 violation of Section 2 of this Act or subsection (3) of this section.

11 (c) A qualified individual may recover reasonable and actual attorney's fees
12 and litigation costs upon proving, by clear and convincing evidence, that a
13 defendant intentionally and willfully violated Section 2 of this Act or
14 subsection (3) of this section.

15 (d) The remedies identified in this subsection shall be in addition to and not in
16 lieu of any other remedies available at law or equity.

17 (3) An employee or agent of the department or a school district, public charter
18 school, or cooperative board shall not use, or threaten the use of, any official
19 authority or influence to discourage, interfere with, or otherwise retaliate against
20 any individual who in good faith files, supports, aids, or otherwise participates in
21 a civil action filed in accordance with subsection (2) of this section.

22 ➔Section 4. KRS 158.4416 is amended to read as follows:

23 (1) For purposes of this section:

24 (a) "Direct services" means in-person or virtual services provided directly to a
25 student by a school counselor, including but not limited to individual
26 counseling, group counseling, and individual student planning, scheduling,
27 and registration;

- 1 (b) "Indirect services" means services provided on behalf of a student as a result
2 of interactions with others, including but not limited to consultation and
3 collaboration with parents, teachers, and other educators;
- 4 (c) "School counselor" means an individual who holds a valid school counselor
5 certificate issued in accordance with the administrative regulations of the
6 Education Professional Standards Board;
- 7 (d) "School psychologist" means an individual who holds a valid school
8 psychology certificate issued in accordance with the administrative
9 regulations of the Education Professional Standards Board;
- 10 (e) "School social worker" means an individual who holds a valid school social
11 work certificate issued in accordance with the administrative regulations of
12 the Education Professional Standards Board;
- 13 (f) "School-based mental health services provider" means a certified school
14 counselor, school psychologist, school social worker, or other qualified
15 mental health professional as defined in KRS 202A.011;
- 16 (g) "Trauma" means physical, emotional, or life-threatening harm; and
- 17 (h) "Trauma-informed approach" means incorporating principles of trauma
18 awareness and trauma-informed practices in a school in order to foster a safe,
19 stable, and understanding learning environment for all students and staff and
20 ensuring that all students are known well by at least one (1) adult in the school
21 setting.
- 22 (2) The General Assembly recognizes that all schools must provide a place for students
23 to feel safe and supported to learn throughout the school day, and that any trauma a
24 student may have experienced can have a significant impact on the ability of a
25 student to learn. The General Assembly directs all public schools to adopt a trauma-
26 informed approach to education in order to better recognize, understand, and
27 address the learning needs of students impacted by trauma and to foster a learning

1 environment where all students, including those who have been traumatized, can be
2 safe, successful, and known well by at least one (1) adult in the school setting. The
3 requirements of this subsection shall apply to public charter schools as a health and
4 safety requirement under KRS 160.1592(1).

5 (3) (a) As funds and qualified personnel become available:

- 6 1. Each school district and each public charter school shall employ at least
7 one (1) school counselor in each school with the goal of the school
8 counselor spending at least sixty percent (60%) or more of his or her
9 time providing direct services to students and no more than forty percent
10 (40%) of his or her time providing indirect services to students; and
- 11 2. It shall be the goal that each school district and each public charter
12 school shall provide at least one (1) school counselor or school-based
13 mental health services provider who is employed by the school district
14 for every two hundred fifty (250) students, including but not limited to
15 the school counselor required in subparagraph 1. of this paragraph.

16 (b) A school counselor or school-based mental health services provider at each
17 school shall be the facilitator of a trauma-informed team to identify and assist
18 students whose learning, behavior, and relationships have been impacted by
19 trauma. The trauma-informed team may consist of school administrators,
20 school counselors, school psychologists, school social workers, school-based
21 mental health services providers, community-based mental health services
22 providers hired by the district, family resource and youth services
23 coordinators, school nurses, school resource officers, and any other school or
24 district personnel.

25 (c) The trauma-informed team shall:

- 26 1. Provide assistance to school personnel to enable them to support
27 students whose learning, behavior, and relationships have been impacted

- 1 by trauma;
- 2 2. Identify ways to recognize and respond to mental health issues in all
- 3 students; and
- 4 3. Identify ways to build resiliency and wellness in all students.
- 5 (d) Each school counselor or school-based mental health services provider
- 6 providing services pursuant to this section, and the trauma-informed team
- 7 members described in paragraph (b) of this subsection, shall provide training,
- 8 guidance, and assistance to other administrators, teachers, and staff on:
- 9 1. Recognizing symptoms of trauma in students;
- 10 2. Utilizing interventions and strategies to support the learning needs of
- 11 those students; and
- 12 3. Implementing the plan for a trauma-informed approach as described in
- 13 subsection (5) of this section.
- 14 (e) 1. School districts may employ or contract for the services of school-based
- 15 mental health services providers to assist with the development and
- 16 implementation of a trauma-informed approach and the development of
- 17 a trauma-informed team pursuant to this subsection and to enhance or
- 18 expand student mental health support services as funds and qualified
- 19 personnel become available.
- 20 2. School-based mental health services providers may provide services
- 21 through a collaboration between two (2) or more school districts or
- 22 between school districts and educational cooperatives or any other
- 23 public or private entities, including but not limited to local or regional
- 24 mental health day treatment programs.
- 25 (f) No later than November 1 of each year, the local school district
- 26 superintendent shall report to the department the number of school-based
- 27 mental health service providers, the position held, placement in the district,

- 1 certification or licensure held, the source of funding for each position, a
2 summary of the job duties and work undertaken by each school-based mental
3 health service provider, and the approximate percent of time devoted to each
4 duty over the course of the year.
- 5 (g) The department shall annually compile and maintain a list of school-based
6 mental health service providers by district which shall include the information
7 required in paragraph (f) of this subsection.
- 8 (h) No later than June 1 of each year, the department shall provide the Legislative
9 Research Commission for referral to the appropriate interim joint
10 committee ~~[Interim Joint Committee on Education with]~~ the information
11 reported by local school district superintendents and compiled in accordance
12 with paragraph (g) of this subsection.
- 13 (4) The department shall make available a toolkit that includes guidance, strategies,
14 behavioral interventions, practices, and techniques to assist school districts and
15 public charter schools in developing a trauma-informed approach in schools.
- 16 (5) Each local board of education and board of a public charter school shall develop a
17 plan for implementing a trauma-informed approach in its schools. The plan shall
18 include but not be limited to strategies for:
- 19 (a) Enhancing trauma awareness throughout the school community;
20 (b) Conducting an assessment of the school climate, including but not limited to
21 inclusiveness and respect for diversity;
22 (c) Developing trauma-informed discipline policies;
23 (d) Collaborating with the Department of Kentucky State Police, the local sheriff,
24 and the local chief of police to create procedures for notification of trauma-
25 exposed students; and
26 (e) Providing services and programs designed to reduce the negative impact of
27 trauma, support critical learning, and foster a positive and safe school

1 environment for every student.

2 (6) (a) The trauma-informed approach plan developed in accordance with subsection
3 (5) of this section shall be reviewed and updated annually and submitted to
4 the department. The department shall annually provide a summary of the
5 trauma-informed approach strategies being used in districts to the board and
6 the Legislative Research Commission for referral to the Interim Joint
7 Committee on Education.

8 (b) This section shall not be construed to permit a trauma-informed plan or
9 trauma-informed approach that:

10 1. Incorporates a diversity, equity, and inclusion initiative as defined in
11 Section 1 of this Act;

12 2. Promotes discriminatory concepts as defined in Section 1 of this Act;

13 or

14 3. Is not aligned with Section 2 of this Act.

15 ➔Section 5. KRS 158.4414 is amended to read as follows:

16 (1) Local boards of education, school district superintendents, administrators of state-
17 controlled facilities, and local and state law enforcement agencies shall cooperate to
18 assign one (1) or more certified school resource officers to serve each campus
19 where one (1) or more school buildings are used to deliver instruction to students on
20 a continuous basis.

21 (2) Local boards of education shall ensure, for each campus in the district, that at least
22 one (1) certified school resource officer is assigned to and working on-site full-time
23 in the school building or buildings on the campus. If sufficient funds and qualified
24 personnel are not available for this purpose for every campus, the local board of
25 education shall fulfill the requirements of this subsection on a per campus basis, as
26 approved in writing by the state school security marshal, until a certified school
27 resource officer is assigned to and working on-site full-time on each campus in the

- 1 district.
- 2 (3) Beginning with the 2026-2027 school year, a local board of education that is unable
3 to meet the requirement of subsection (2) of this section may, after consultation
4 with and approval by the state school security marshal, employ one (1) or more
5 guardians pursuant to KRS 158.4431 to provide safety and security measures for
6 schools within the district. The use of guardians under this subsection shall not be
7 used to replace the certified school resource officer required under subsection (2) of
8 this section, but only to provide safety and security resources until a certified school
9 resource officer is available.
- 10 (4) Beginning with the 2026-2027 school year, a local board of education that has met
11 the requirement of subsection (2) of this section may employ one (1) or more
12 guardians pursuant to KRS 158.4431 to provide additional school safety and
13 security measures within the district.
- 14 (5) Local boards of education utilizing a school resource officer employed by a law
15 enforcement agency or the Department of Kentucky State Police shall enter into a
16 memorandum of understanding with the law enforcement agency or the Department
17 of Kentucky State Police that specifically states the purpose of the school resource
18 officer program and clearly defines the roles and expectations of each party
19 involved in the program. The memorandum shall provide that the school resource
20 officer shall not be responsible for school discipline matters that are the
21 responsibility of school administrators or school employees.
- 22 (6) Local boards of education utilizing a school resource officer employed directly by
23 the local board of education shall adopt policies and procedures that specifically
24 state the purpose of the school resource officer program and clearly define the roles
25 and expectations of school resource officers and other school employees.
- 26 (7) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school
27 resource officer shall be armed with a firearm, notwithstanding any provision of

- 1 local board policy, local school council policy, or memorandum of agreement.
- 2 (8) The Kentucky Law Enforcement Council, in collaboration with the Center for
3 School Safety, shall promulgate administrative regulations in accordance with KRS
4 Chapter 13A to establish, update, and maintain three (3) levels of training for
5 certification of school resource officers as follows: School Resource Officer
6 Training I (SRO I), School Resource Officer Training II (SRO II), and School
7 Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours
8 of training, with SRO I to be completed within one (1) year of the date of the
9 officer's employment and SRO II and SRO III within the subsequent two (2) years.
- 10 (9) Course curriculum for school resource officers shall include but not be limited to:
- 11 (a) Foundations of school-based law enforcement;
- 12 (b) Threat assessment and response;
- 13 (c) Youth drug use and abuse;
- 14 (d) Social media and cyber security;
- 15 (e) School resource officers as teachers and mentors;
- 16 (f) Youth mental health awareness;
- 17 (g) ~~Diversity and bias awareness training;~~
- 18 ~~(h)~~ Trauma-informed action;
- 19 ~~(h)~~⁽ⁱ⁾ Understanding students with special needs; and
- 20 ~~(i)~~^(j) De-escalation strategies.
- 21 (10) All school resource officers with active school resource officer certification status
22 shall successfully complete forty (40) hours of annual in-service training that has
23 been certified or recognized by the Kentucky Law Enforcement Council for school
24 resource officers.
- 25 (11) In the event of extenuating circumstances beyond the control of an officer that
26 prevent the officer from completing the in-service training within one (1) year, the
27 commissioner of the Department of Criminal Justice Training or a designee may

1 grant the officer an extension of time, not to exceed one hundred eighty (180) days,
2 in which to complete the training.

3 (12) Any school resource officer who fails to successfully complete training
4 requirements within the specified time periods, including any approved time
5 extensions, shall lose his or her school resource officer certification and shall no
6 longer serve in the capacity of a school resource officer in a school.

7 (13) When a school resource officer is deficient in required training, the commissioner
8 of the Department of Criminal Justice Training or his or her designee shall notify
9 the council, which shall notify the officer and the officer's employing agency.

10 (14) A school resource officer who has lost school resource officer certification due
11 solely to the officer's failure to meet the training requirements of this section may
12 regain certification status as a school resource officer and may resume service in the
13 capacity of a school resource officer in a school setting upon successful completion
14 of the training deficiency.

15 (15) No later than November 1 of each year, the local school district superintendent shall
16 report to the Center for School Safety the number and placement of school resource
17 officers in the district. The report shall include the source of funding and method of
18 employment for each position.

19 (16) ~~Nothing in~~ This section shall ***not*** be interpreted or construed to require a local
20 government or any of its agencies or offices to fund the school resource officer
21 positions required of local boards of education under this section. For purposes of
22 this subsection, "local government" has the same meaning as in KRS 65.8840.

23 (17) ~~Nothing in~~ This section shall ***not*** prevent a private or parochial school from
24 entering into a memorandum of understanding with a local law enforcement agency
25 or the Department of Kentucky State Police to provide school resource officers
26 employed by the local law enforcement agency or the Department of Kentucky
27 State Police.

1 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
2 READ AS FOLLOWS:

3 *Each school district and cooperative board shall provide to the State Treasurer the*
4 *name, job title, duty station, salary or wages, and amount of any contracted severance*
5 *or other form of post-employment compensation, of each employee of the school*
6 *district or cooperative board by the twentieth day of each month, to be reported to the*
7 *public in the manner and method designated by the State Treasurer. As used in this*
8 *section, "cooperative board" has the same meaning as in Section 1 of this Act.*

9 ➔Section 7. KRS 161.030 is amended to read as follows:

- 10 (1) Notwithstanding the age of the pupil, the certification of all teachers and other
11 school personnel, in public schools only, is vested in the Education Professional
12 Standards Board. When so certified, teachers and other school personnel shall not
13 be required to have licensure, certification, or other forms of approval from any
14 other state agency for the performance of their respective assignments within the
15 system of public schools, except as provided for by law. All certificates authorized
16 under KRS 161.010 to 161.126 shall be issued in accordance with the
17 administrative regulations of the Education Professional Standards Board.~~After~~
18 ~~July 15, 1994, all certificate applications and other data collection instruments of~~
19 ~~the board shall include a request for voluntary information about the applicant's~~
20 ~~ethnic background. This information shall be available to help local school districts~~
21 ~~locate minority candidates. A person who holds a certificate prior to this~~
22 ~~requirement may request that ethnic information be added to his or her file. Nothing~~
23 ~~in]~~ This section shall ***not*** preclude the right of an individual in a nonpublic school
24 from seeking voluntary certification by the Education Professional Standards
25 Board.
- 26 (2) Certificates shall be issued upon written application and in accordance with statutes
27 and regulations in effect at the time of application to persons who have completed,

1 at colleges, universities, or local school district programs approved by the
2 Education Professional Standards Board for the preparation of teachers and other
3 school personnel, the curricula prescribed by the administrative regulations of the
4 Education Professional Standards Board.

5 (3) (a) Certification of all new teachers and teachers seeking additional certification
6 shall require the successful completion of appropriate assessments prior to
7 certification. The assessments shall be selected by the Education Professional
8 Standards Board and shall measure knowledge in the specific teaching field of
9 the applicant, including content of the field and teaching of that content. The
10 Education Professional Standards Board shall determine the minimum
11 acceptable level of achievement on each assessment. The assessments shall
12 measure those concepts, ideas, and facts which are being taught in teacher
13 education programs in Kentucky. Upon successful completion of the
14 assessments and the approved teacher preparation program, a professional
15 certificate valid for five (5) years shall be issued.

16 (b) If an applicant for teacher certification has completed the approved teacher
17 preparation program and has taken but failed to successfully complete the
18 appropriate assessments selected by the Education Professional Standards
19 Board, a conditional certificate may be issued for a period not to exceed one
20 (1) year. The employing school district, in collaboration with the teacher
21 education institution, shall provide technical assistance and mentoring support
22 to the conditionally certified teacher. The teacher shall retake the assessments
23 during the validity period of the conditional certificate. The conditional
24 certificate shall not be reissued. Upon successful completion of the required
25 assessments, a professional certificate valid for five (5) years shall be issued.
26 The Education Professional Standards Board shall promulgate administrative
27 regulations to establish the standards and procedures for issuance of a

1 conditional certificate.

2 (c) If an out-of-state teacher with less than two (2) years' experience comes to
3 Kentucky after the deadline for taking the assessments, a temporary certificate
4 may be issued for a period up to six (6) months. The teacher shall take the
5 assessments during the period of the temporary certificate. If the teacher fails
6 the assessments, the temporary certificate shall be valid only for the current
7 semester. If the teacher passes the assessments, a professional certificate valid
8 for five (5) years shall be issued.

9 (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of
10 the administration of the assessments shall be established by the Education
11 Professional Standards Board. Provisions shall be made for persons having less than
12 minimum levels of performance on any assessment to repeat that assessment, and
13 candidates shall be informed of their strengths and weaknesses in the specific
14 performance areas. The Education Professional Standards Board shall provide for
15 confidentiality of the individual assessment scores. Scores shall be available only to
16 the candidate and to the education officials who are responsible for determining
17 whether established certification standards have been met. Scores shall be used only
18 in the assessment for certification of new teachers and of out-of-state teachers with
19 less than two (2) years of teaching experience who are seeking initial certification
20 in Kentucky.

21 (5) Individuals who are participating in an alternative certification pathway, seeking
22 to transfer teaching certification from another state, or seeking initial
23 certification after completion of an out-of-state teacher preparation program,
24 shall successfully complete professional development training on Kentucky
25 education law approved by the Education Professional Standards Board. At a
26 minimum, the professional development training shall be two (2) hours long and
27 include a comprehensive overview of Section 2 of this Act and KRS 158.1415,

1 158.181 to 158.187, 158.188, 158.189, 158.190, 158.191, 158.192, 158.193, and
2 158.196.

3 (6) If an applicant establishes eligibility for a five (5) year professional certificate under
4 the provisions of subsection (3)(a) of this section, the applicant shall also be eligible
5 for the issuance of a certificate for substitute teaching as provided by the
6 administrative regulations of the Education Professional Standards Board.

7 ~~(7)~~(6) (a) The Education Professional Standards Board shall issue a ten (10) year
8 emeritus certificate to an applicant who has:

- 9 1. Retired or will retire not more than one (1) year prior to the expiration
10 date of the certificate;
- 11 2. Met the requirements to receive an emeritus certificate as set forth in
12 administrative regulation promulgated by the Education Professional
13 Standards Board; and
- 14 3. Completed the required application unless the provisions of KRS
15 161.120 apply.

16 (b) The Education Professional Standards Board shall issue a one (1) time five (5)
17 year exception certificate to an individual:

- 18 1. Whose certificate has expired;
- 19 2. Whose rank upon expiration was Rank I or Rank II;
- 20 3. Who has met the requirements to receive an exception certificate as set
21 forth in administrative regulation promulgated by the Education
22 Professional Standards Board;
- 23 4. Who completed three (3) years of classroom instruction prior to the
24 certificate's expiration; and
- 25 5. Who has completed the required application unless the provisions of
26 KRS 161.120 apply.

27 ~~(8)~~(7) The Education Professional Standards Board shall approve the curricula of

1 any college or university, or of any department thereof, for the training of teachers,
2 and any nontraditional or alternative teacher preparation program offered in a
3 public or private postsecondary education institution, private contractor, or state
4 agency, and shall also approve the curricula of any local district alternative
5 certification program, when the curricula comply with the administrative
6 regulations of the Education Professional Standards Board for the issuance of
7 certificates and when the institution has met the terms and conditions provided in
8 KRS 161.010 to 161.120. Any student who has completed any of these curricula, as
9 approved by the Education Professional Standards Board, and who has completed
10 the prescribed requirements for the issuance of certificates shall be granted a
11 certificate corresponding to the curricula completed.

12 ~~(9)~~⁽⁸⁾ The issuance of any certificate, except emergency certificates issued pursuant
13 to KRS 161.100, by the Education Professional Standards Board shall not be
14 dependent upon an offer of employment. The certification process, except for
15 emergency certificates, is independent of any job prospects and certification shall
16 be awarded on the basis of completing a teacher preparation program or an
17 alternative certification pathway and passing required assessments.

18 ➔Section 8. KRS 160.380 is amended to read as follows:

19 (1) As used in this section:

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

- 23 1. Not appealed through an administrative hearing conducted in
24 accordance with KRS Chapter 13B;
- 25 2. Upheld at an administrative hearing conducted in accordance with KRS
26 Chapter 13B and not appealed to a Circuit Court; or
- 27 3. Upheld by a Circuit Court in an appeal of the results of an

- 1 administrative hearing conducted in accordance with KRS Chapter 13B;
- 2 (b) "Alternative education program" means a program that exists to meet the
3 needs of students that cannot be addressed in a traditional classroom setting
4 but through the assignment of students to alternative classrooms, centers, or
5 campuses that are designed to remediate academic performance, improve
6 behavior, or provide an enhanced learning experience. Alternative education
7 programs do not include career or technical centers or departments;
- 8 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
9 Services indicating that there are no administrative findings of child abuse or
10 neglect relating to a specific individual;
- 11 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
12 daughter; and
- 13 (e) "Vacancy" means any certified position opening created by the resignation,
14 dismissal, nonrenewal of contract, transfer, or death of a certified staff
15 member of a local school district, or a new position created in a local school
16 district for which certification is required. However, if an employer-employee
17 bargained contract contains procedures for filling certified position openings
18 created by the resignation, dismissal, nonrenewal of contract, transfer, or
19 death of a certified staff member, or creation of a new position for which
20 certification is required, a vacancy shall not exist, unless certified positions
21 remain open after compliance with those procedures.
- 22 (2) Except as provided in KRS 160.346, the school district personnel actions identified
23 in this section shall be carried out as follows:
- 24 (a) All appointments, promotions, and transfers of principals, supervisors,
25 teachers, and other public school employees shall be made only by the
26 superintendent of schools, who shall notify the board of the action taken. All
27 employees of the local district shall have the qualifications prescribed by law

1 and by the administrative regulations of the Kentucky Board of Education and
2 of the employing board. Supervisors, principals, teachers, and other
3 employees may be appointed by the superintendent for any school year at any
4 time after February 1 preceding the beginning of the school year. No
5 superintendent of schools shall appoint or transfer himself or herself to
6 another position within the school district;

7 (b) When a vacancy occurs in a local school district, the superintendent shall
8 submit the job posting to the statewide job posting system described in KRS
9 160.152 fifteen (15) days before the position shall be filled. The local school
10 district shall post position openings in the local board office for public
11 viewing; and

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

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

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

26 (a) No relative of a superintendent of schools shall be an employee of the school
27 district. However, this shall not apply to a relative who is a classified or

- 1 certified employee of the school district for at least thirty-six (36) months
2 prior to the superintendent assuming office and who is qualified for the
3 position the employee holds. A superintendent's spouse who has previously
4 been employed in a school system may be an employee of the school district.
5 A superintendent's spouse who is employed under this provision shall not hold
6 a position in which the spouse supervises certified or classified employees. A
7 superintendent's spouse may supervise teacher aides and student teachers.
8 However, the superintendent shall not promote a relative who continues
9 employment under an exception of this subsection;
- 10 (b) No superintendent shall employ a relative of a school board member of the
11 district;
- 12 (c) No principal's relative shall be employed in the principal's school; and
- 13 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
14 this subsection may be employed as a substitute for a certified or classified
15 employee if the relative is not:
- 16 1. A regular full-time or part-time employee of the district;
 - 17 2. Accruing continuing contract status or any other right to continuous
18 employment;
 - 19 3. Receiving fringe benefits other than those provided other substitutes; or
 - 20 4. Receiving preference in employment or assignment over other
21 substitutes.
- 22 (4) No superintendent shall assign a certified or classified staff person to an alternative
23 education program as part of any disciplinary action taken pursuant to KRS 161.011
24 or 161.790 as part of a corrective action plan established pursuant to the local
25 district evaluation plan.
- 26 (5) No superintendent shall employ in any position in the district any person who:
- 27 (a) Has been convicted of an offense that would classify a person as a violent

1 offender under KRS 439.3401;

2 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
3 misdemeanor offense under KRS Chapter 510;

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

5 (d) Has an administrative finding of child abuse or neglect in records maintained
6 by the Cabinet for Health and Family Services.

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

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

- 12 1. Each new certified or classified hire;
- 13 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
14 161.185;
- 15 3. A student teacher;
- 16 4. A school-based decision making council parent member; and
- 17 5. Any adult who is permitted access to school grounds on a regularly
18 scheduled and continuing basis pursuant to a written agreement for the
19 purpose of providing services directly to a student or students as part of
20 a school-sponsored program or activity;

21 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:

- 22 a. Classified and certified individuals employed by the school district
23 prior to June 27, 2019;
- 24 b. Certified individuals who were employed in another certified
25 position in a Kentucky school district within six (6) months of the
26 date of hire and who had previously submitted to a national and
27 state criminal background check and who have a clear CA/N check

- 1 for the previous employment; or
- 2 c. Student teachers who have submitted to and provide a copy of a
- 3 national and state criminal background check by the Department
- 4 of Kentucky State Police and the Federal Bureau of Investigation
- 5 through an accredited teacher education institution in which the
- 6 student teacher is enrolled and who have a clear CA/N check.
- 7 2. The Education Professional Standards Board may promulgate
- 8 administrative regulations to impose additional qualifications to meet
- 9 the requirements of Pub. L. No. 92-544;
- 10 (c) A parent member may serve prior to the receipt of the criminal history
- 11 background check and CA/N letter required by paragraph (a) of this
- 12 subsection but shall be removed from the council on receipt by the school
- 13 district of a report documenting a record of abuse or neglect, or a sex crime or
- 14 criminal offense against a victim who is a minor as defined in KRS 17.500, or
- 15 as a violent offender as defined in KRS 17.165, and no further procedures
- 16 shall be required;
- 17 (d) A superintendent may require a volunteer or a visitor to submit to a national
- 18 and state criminal history background check by the Department of Kentucky
- 19 State Police and the Federal Bureau of Investigation and have a clear CA/N
- 20 check, provided by the individual; and
- 21 (e) The superintendent of a school district operating under an alternative
- 22 transportation plan approved by the Kentucky Department of Education in
- 23 accordance with KRS 156.153(3) shall require the driver of any non-school
- 24 bus passenger vehicle authorized to transport students to and from school
- 25 pursuant to the alternative transportation plan who does not have a valid
- 26 commercial driver's license issued in accordance with KRS Chapter 281A
- 27 with an "S" endorsement to:

- 1 1. Submit to a national and state criminal background check by the
- 2 Department of Kentucky State Police and the Federal Bureau of
- 3 Investigation at least once every three (3) years and a criminal records
- 4 check conducted in accordance with KRS 27A.090 in all other years;
- 5 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt.
- 6 40;
- 7 3. Provide a biannual driving history record check performed by the
- 8 Transportation Cabinet;
- 9 4. Provide an annual clear CA/N check;
- 10 5. Immediately notify the superintendent of any conviction for a violation
- 11 under KRS Chapter 189 for which penalty points are assessed; and
- 12 6. Immediately notify the superintendent of any citation or arrest for a
- 13 violation of any provision of KRS Chapter 189A. The superintendent
- 14 shall inform the Kentucky Department of Education of the notification.
- 15 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
- 16 vacancy occurs during a school term, a superintendent may employ an
- 17 individual, who will have supervisory or disciplinary authority over minors,
- 18 on probationary status pending receipt of the criminal history background
- 19 check and a clear CA/N check, provided by the individual. Application for the
- 20 criminal record and a request for a clear CA/N check of a probationary
- 21 employee shall be made no later than the date probationary employment
- 22 begins.
- 23 (b) Employment shall be contingent on the receipt of the criminal history
- 24 background check documenting that the probationary employee has no record
- 25 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
- 26 of a letter, provided by the individual, from the Cabinet for Health and Family
- 27 Services stating the employee is clear to hire based on no administrative

1 findings of child abuse or neglect found through a background check of child
2 abuse and neglect records maintained by the Cabinet for Health and Family
3 Services.

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

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

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

23 (b) Each application form, provided by the employer to an applicant for a
24 certified or classified position, shall conspicuously state the following: "FOR
25 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
26 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A
27 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET

1 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
2 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
3 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
4 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
5 FOR HEALTH AND FAMILY SERVICES."

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

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

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

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

1 to dismissal or termination.

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

4 ➔Section 9. KRS 156.029 is amended to read as follows:

5 (1) There is hereby established a Kentucky Board of Education, which shall consist of
6 eleven (11) voting members appointed by the Governor and confirmed by the
7 Senate of the General Assembly, with the president of the Council on
8 Postsecondary Education and the secretary of the Education and Labor Cabinet
9 serving as ex officio nonvoting members, and an active public elementary or
10 secondary school teacher and a public high school student appointed by the board
11 as described in subsection (3) of this section serving as nonvoting members. Seven
12 (7) voting members shall represent each of the Supreme Court districts as
13 established by KRS 21A.010, and four (4) voting members shall represent the state
14 at large. Each of the voting members shall serve for a four (4) year term, except the
15 initial appointments shall be as follows: the seven (7) members representing
16 Supreme Court districts shall serve a term which shall expire on April 14, 1994; and
17 the four (4) at-large members shall serve a term which shall expire on April 14,
18 1992. Subsequent appointments shall be submitted to the Senate for confirmation in
19 accordance with KRS 11.160.

20 (2) Appointments of the voting members shall be made without reference to
21 occupation. No voting member at the time of his or her appointment or during the
22 term of his or her service shall be engaged as a professional educator. ~~Beginning~~
23 ~~with voting members appointed on or after June 29, 2021,]~~Appointments to the
24 group of members representing Supreme Court districts and to the group of at-large
25 members shall, respectively, ~~shall reflect equal representation of the two (2) sexes,~~
26 ~~inasmuch as possible;]~~ reflect no less than proportional representation of the two (2)
27 leading political parties of the Commonwealth based on the state's voter registration

1 and the political affiliation of each appointee as of December 31 of the year
2 preceding the date of his or her appointment~~[-; and reflect the minority racial~~
3 ~~composition of the Commonwealth based on the total minority racial population~~
4 ~~using the most recent census or estimate data from the United States Census~~
5 ~~Bureau].~~ ~~[If the determination of proportional minority representation does not~~
6 ~~result in a whole number of minority members, it shall be rounded up to the next~~
7 ~~whole number.]~~ A particular political affiliation shall not be a prerequisite to
8 appointment to the board generally; however, if any person is appointed to the
9 board that does not represent either of the two (2) leading political parties of the
10 Commonwealth, the proportional representation by political affiliation requirement
11 shall be determined and satisfied based on the total number of members on the
12 board less any members not affiliated with either of the two (2) leading political
13 parties. Pursuant to KRS 63.080, a member shall not be removed except for cause
14 or, beginning with voting members appointed on or after June 29, 2021, in
15 accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not
16 be subject to reorganization by the Governor.

17 (3) Ex officio and other nonvoting members shall not be represented by proxy at any
18 meeting of the board.

19 (4) The nonvoting teacher and student members shall be selected by the board from the
20 state's six (6) congressional districts on a rotating basis from different districts. The
21 public high school student shall be classified as a junior at the time of appointment.
22 The teacher and student members shall serve for a one (1) year term, except the
23 initial appointments shall serve a term which shall expire on April 14, 2022. The
24 board shall promulgate an administrative regulation establishing the process for
25 selecting the nonvoting teacher and student members.

26 (5) A vacancy in the voting membership of the board shall be filled by the Governor
27 for the unexpired term with the consent of the Senate. In the event that the General

1 Assembly is not in session at the time of the appointment, the consent of the Senate
2 shall be obtained during the time the General Assembly next convenes.

3 (6) At the first regular meeting of the board in each fiscal year, a chairperson shall be
4 elected from its voting membership.

5 (7) The members shall be reimbursed for actual and necessary expenses incurred in the
6 performance of their duties.

7 (8) The commissioner of education shall serve as the executive secretary to the board.

8 (9) The primary function of the board shall be to develop and adopt policies and
9 administrative regulations, with the advice of the Local Superintendents Advisory
10 Council, by which the Department of Education shall be governed in planning,
11 coordinating, administering, supervising, operating, and evaluating the educational
12 programs, services, and activities within the Department of Education which are
13 within the jurisdiction of the board.

14 ➔Section 10. KRS 158.6452 is amended to read as follows:

15 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to
16 study, review, and make recommendations concerning Kentucky's system of setting
17 academic standards, assessing learning, identifying academic competencies and
18 deficiencies of individual students, holding schools accountable for learning, and
19 assisting schools to improve their performance. The council shall advise the
20 Kentucky Board of Education and the Legislative Research Commission on issues
21 related to the development and communication of the academic expectations and
22 core content for assessment, the development and implementation of the statewide
23 assessment and accountability program, recognition of high performing schools,
24 imposition of sanctions, and assistance for schools to improve their performance
25 under KRS 158.6453, 158.6455, 158.782, and 158.805.

26 (2) The School Curriculum, Assessment, and Accountability Council shall be
27 composed of seventeen (17) voting members appointed by the Governor. On

1 making appointments to the council, the Governor shall assure broad geographical
2 representation and representation of elementary, middle, and secondary school
3 levels~~[-; assure equal representation of the two (2) sexes, inasmuch as possible; and~~
4 ~~assure that appointments reflect the minority racial composition of the~~
5 ~~Commonwealth]~~. The members shall serve terms of two (2) years with no member
6 serving more than two (2) consecutive terms, except that seven (7) of the initial
7 appointments shall be for four (4) year terms. The members shall be appointed as
8 follows:

- 9 (a) Two (2) parents from recommendations submitted by organizations
10 representing school councils and parents;
- 11 (b) Two (2) teachers from recommendations submitted by organizations
12 representing teachers;
- 13 (c) Two (2) superintendents from recommendations submitted by organizations
14 representing superintendents;
- 15 (d) Two (2) principals from organizations representing school administrators;
- 16 (e) Two (2) local school board members from recommendations submitted by
17 organizations representing school boards;
- 18 (f) Two (2) school district assessment coordinators from recommendations
19 submitted by organizations representing district assessment coordinators;
- 20 (g) Two (2) employers in the state from recommendations submitted by
21 organizations representing business and industry;
- 22 (h) Two (2) university professors with expertise in assessment and measurement;
23 and
- 24 (i) One (1) at-large member.

25 (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair
26 annually from its membership.

27 (4) The members shall be remunerated for actual and necessary expenses incurred

1 while attending meetings of the council or while serving as representative of the
2 council.

3 (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
4 four (4) times each year at times and places as it determines by resolution.

5 (6) The School Curriculum, Assessment, and Accountability Council shall be attached
6 to the Department of Education for administrative purposes. It shall be provided
7 appropriate staff and resources to conduct its work.

8 ➔Section 11. KRS 158.6453 (Effective July 1, 2026) is amended to read as
9 follows:

10 (1) As used in this section:

11 (a) "Accelerated learning" means an organized way of helping students meet
12 individual academic goals by providing direct instruction to eliminate student
13 performance deficiencies or enable students to move more quickly through
14 course requirements and pursue higher level skill development;

15 (b) "Advanced coursework" means educational programs or opportunities
16 designed to challenge students with more rigorous content beyond the
17 standard curriculum, including but not limited to advanced placement,
18 International Baccalaureate, and honors courses;

19 (c) "Constructed-response items" or "performance-based items" means individual
20 test items that require the student to create an answer rather than select a
21 response and may include fill-in-the-blank, short-answer, extended-answer,
22 open-response, and writing-on-demand formats;

23 (d) "Criterion-referenced test" means a test that is aligned with defined academic
24 content standards and measures an individual student's level of performance
25 against the standards;

26 (e) "Formative assessment" means a process used by teachers and students during
27 instruction to adjust ongoing teaching and learning to improve students'

1 achievement of intended instructional outcomes. Formative assessments may
2 include the use of commercial assessments, classroom observations, teacher-
3 designed classroom tests and assessments, and other processes and
4 assignments to gain information about individual student learning;

5 (f) "Interim assessments" means assessments that are given periodically
6 throughout the year to provide diagnostic information and to show individual
7 student performance against content standards;

8 (g) "Summative assessment" means an assessment given at the end of the school
9 year, semester, or other period of time to evaluate students' performance
10 against content standards within a unit of instruction or a course; and

11 (h) "Writing" means a purposeful act of thinking and expression that uses
12 language to explore ideas and communicate meaning to others. Writing is a
13 complex, multifaceted act of communication and is distinct from basic
14 handwriting or penmanship.

15 (2) (a) Every six (6) years, the Kentucky Department of Education shall implement a
16 process for reviewing Kentucky's academic standards and the alignment of
17 corresponding assessments for possible revision or replacement to ensure
18 alignment with transition readiness standards necessary for global
19 competitiveness, state career and technical education standards, and KRS
20 158.196.

21 (b) The revisions to the content standards shall:

- 22 1. Focus on critical knowledge, skills, and capacities needed for success in
23 the global economy;
- 24 2. Result in fewer but more in-depth standards to facilitate mastery
25 learning;
- 26 3. Communicate expectations more clearly and concisely to teachers,
27 parents, students, and citizens;

- 1 4. Be based on evidence-based research;
- 2 5. Consider international benchmarks; and
- 3 6. Ensure that the standards are aligned from elementary to high school to
- 4 postsecondary education so that students can be successful at each
- 5 education level.
- 6 (c) 1. The department shall establish four (4) standards and assessments
- 7 review committees, with each committee composed of a minimum of six
- 8 (6) Kentucky public school teachers and a minimum of two (2)
- 9 representatives from Kentucky institutions of higher education,
- 10 including at least one (1) representative from a public institution of
- 11 higher education. Each committee member shall teach in the subject
- 12 area that his or her committee is assigned to review and have no prior or
- 13 current affiliation with a curriculum or assessment resources vendor.
- 14 2. One (1) of the four (4) committees shall be assigned to focus on the
- 15 review of language arts and writing academic standards and
- 16 assessments, one (1) on the review of mathematics academic standards
- 17 and assessments, one (1) on the review of science academic standards
- 18 and assessments, and one (1) on the review of social studies academic
- 19 standards and assessments.
- 20 (d) 1. The department shall establish twelve (12) advisory panels to advise and
- 21 assist each of the four (4) standards and assessments review committees.
- 22 2. Three (3) advisory panels shall be assigned to each standards and
- 23 assessments review committee. One (1) panel shall review the standards
- 24 and assessments for kindergarten through grade five (5), one (1) shall
- 25 review the standards and assessments for grades six (6) through eight
- 26 (8), and one (1) shall review the standards and assessments for grades
- 27 nine (9) through twelve (12).

- 1 3. Each advisory panel shall be composed of at least one (1) representative
2 from a Kentucky institution of higher education and a minimum of six
3 (6) Kentucky public school teachers who teach in the grade level and
4 subject reviewed by the advisory panel to which they are assigned and
5 have no prior or current affiliation with a curriculum or assessment
6 resources vendor.
- 7 (e) The commissioner of education and the president of the Council on
8 Postsecondary Education shall also provide consultants for the standards and
9 assessments review committees and the advisory panels who are business and
10 industry professionals actively engaged in career fields that depend on the
11 various content areas.
- 12 (f) 1. The standards and assessments process review committee is hereby
13 established and shall be composed of the commissioner of education or
14 designee as a nonvoting member and nine (9) voting representatives of
15 public schools, of whom at least two (2) shall be parents of public
16 school students, appointed by the Governor and confirmed by the Senate
17 in accordance with KRS 11.160 as follows:
- 18 a. One (1) language arts teacher;
19 b. One (1) math teacher;
20 c. One (1) science teacher;
21 d. One (1) social studies teacher;
22 e. Two (2) school principals;
23 f. Two (2) school superintendents; and
24 g. One (1) school board member.
- 25 2. On making appointments to the committee, the Governor shall ensure
26 broad geographical urban and rural representation and representation of
27 elementary, middle, and high school levels~~[- ensure equal representation~~

1 ~~of the two (2) sexes, inasmuch as possible; and ensure that appointments~~
2 ~~reflect the minority racial composition of the Commonwealth].~~

3 3. The review of the committee shall be limited to the procedural aspects
4 of the review process undertaken prior to its consideration.

5 4. Notwithstanding KRS 12.028, the committee shall not be subject to
6 reorganization by the Governor.

7 (g) 1. The review process implemented under this subsection shall be an open,
8 transparent process that allows all Kentuckians an opportunity to
9 participate. The department shall ensure the public's assistance in
10 reviewing and suggesting changes to the standards and alignment
11 adjustments to corresponding state assessments by establishing a
12 website dedicated to collecting comments by the public and educators.
13 An independent third party, which has no prior or current affiliation with
14 a curriculum or assessment resources vendor, shall be selected by the
15 department to collect and transmit the comments to the department for
16 dissemination to the appropriate advisory panel for review and
17 consideration.

18 2. Each advisory panel shall review the standards and assessments for its
19 assigned subject matter and grade level and the suggestions made by the
20 public and educators. After completing its review, each advisory panel
21 shall make recommendations for changes to the standards and alignment
22 adjustments for assessments to the appropriate standards and
23 assessments review committee.

24 3. Each standards and assessments review committee shall review the
25 findings and make recommendations to revise or replace existing
26 standards and to adjust alignment of assessments.

27 4. The recommendations shall be published on the website established in

1 this subsection for the purpose of gathering additional feedback from the
2 public. The commissioner shall subsequently present the
3 recommendations and the public feedback to the Interim Joint
4 Committee on Education.

5 5. The commissioner shall subsequently provide a report to the standards
6 and assessments process review committee summarizing the process
7 conducted under this subsection and the resulting recommendations. The
8 report shall include but not be limited to the timeline of the review
9 process, public feedback, and responses from the Interim Joint
10 Committee on Education.

11 6. After receiving the commissioner's report, the standards and assessments
12 process review committee shall either concur that stakeholders have had
13 adequate opportunity to provide input on standards and the
14 corresponding alignment of state assessments or find the input process
15 deficient. If the process is found deficient, the recommendations may be
16 returned to the appropriate standards and assessments review committee
17 for review as described in subparagraph 3. of this paragraph. If the
18 process is found sufficient, the recommendations shall be forwarded
19 without amendment to the Kentucky Board of Education.

20 (h) The Kentucky Board of Education shall promulgate administrative regulations
21 in accordance with KRS Chapter 13A as may be needed for the administration
22 of the review process, including staggering the timing and sequence of the
23 review process by subject area and remuneration of the review committees
24 and advisory panels described in paragraphs (c) and (d) of this subsection.

25 (i) 1. The Kentucky Board of Education shall consider for approval the
26 revisions to academic standards for a content area and the alignment of
27 the corresponding state assessment once recommendations are received

- 1 from the standards and assessments process review committee. Existing
2 state academic standards shall remain in place until the board approves
3 new standards.
- 4 2. Any revision to, or replacement of, the academic standards and
5 assessments as a result of the review process conducted under this
6 subsection shall be implemented in Kentucky public schools no later
7 than the second academic year following the review process. Existing
8 academic standards shall be used until new standards are implemented.
- 9 3. The Department of Education shall disseminate the academic content
10 standards to the schools and teacher preparation programs.
- 11 (j) The Department of Education shall provide or facilitate statewide training
12 sessions for existing teachers and administrators on how to:
- 13 1. Integrate the revised content standards into classroom instruction;
14 2. Better integrate performance assessment of students within their
15 instructional practices; and
16 3. Help all students use higher-order thinking and communication skills.
- 17 (k) The Education Professional Standards Board in cooperation with the
18 Kentucky Board of Education and the Council on Postsecondary Education
19 shall coordinate information and training sessions for faculty and staff in all of
20 the teacher preparation programs in the use of the revised academic content
21 standards. The Education Professional Standards Board shall ensure that each
22 teacher preparation program includes use of the academic standards in the
23 pre-service education programs and that all teacher interns will have
24 experience planning classroom instruction based on the revised standards.
- 25 (l) The Council on Postsecondary Education in cooperation with the Kentucky
26 Department of Education and the postsecondary education institutions in the
27 state shall coordinate information sessions regarding the academic content

1 standards for faculty who teach in the various content areas.

2 (m) The Education Professional Standards Board shall, as a condition of program
3 approval, require teacher preparation programs to align curriculum with the
4 expectations set forth in the state's academic content standards.

5 (3) (a) The Kentucky Board of Education shall be responsible for creating and
6 implementing a balanced statewide assessment program that measures the
7 students', schools', and districts' achievement of the goals set forth in KRS
8 158.645 and 158.6451, to ensure compliance with the federal Every Student
9 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
10 school accountability.

11 (b) The board shall revise the annual statewide assessment program as needed in
12 accordance with revised academic standards and corresponding assessment
13 alignment adjustments approved by the board under subsection (2) of this
14 section.

15 (c) The statewide assessments shall not include any academic standards not
16 approved by the board under subsection (2) of this section.

17 (d) The board shall seek the advice of the Office of Education Accountability; the
18 School Curriculum, Assessment, and Accountability Council; the Education
19 Assessment and Accountability Review Subcommittee, and the department's
20 technical advisory committee in the development of the assessment program.
21 The statewide assessment program shall not include measurement of a
22 student's ability to become a self-sufficient individual or to become a
23 responsible member of a family, work group, or community.

24 (4) (a) The academic components of the statewide assessment program shall be
25 composed of annual student summative tests, which may include a
26 combination of multiple competency-based assessment and performance
27 measures approved by the Kentucky Board of Education.

- 1 (b) The annual student summative tests shall:
- 2 1. Measure individual student achievement in language, reading, English,
- 3 mathematics, science, and social studies at designated grades;
- 4 2. Provide teachers and parents a valid and reliable comprehensive analysis
- 5 of skills mastered by individual students;
- 6 3. Provide diagnostic information that identifies strengths and academic
- 7 deficiencies of individual students in the content areas;
- 8 4. Provide information to teachers that can enable them to improve
- 9 instruction for current and future students;
- 10 5. Provide longitudinal profiles for students; and
- 11 6. Ensure school and district accountability for student achievement of the
- 12 goals set forth in KRS 158.645 and 158.6451, except the statewide
- 13 assessment program shall not include measurement of a student's ability
- 14 to become a self-sufficient individual or to become a responsible
- 15 member of a family, work group, or community.
- 16 (5) The state student assessments shall include the following components:
- 17 (a) Elementary and middle grades requirements are:
- 18 1. A criterion-referenced test each in mathematics and reading in grades
- 19 three (3) through eight (8) that is valid and reliable for an individual
- 20 student and that measures the depth and breadth of Kentucky's academic
- 21 content standards;
- 22 2. A criterion-referenced test each in science and social studies that is valid
- 23 and reliable for an individual student as necessary to measure the depth
- 24 and breadth of Kentucky's academic content standards to be
- 25 administered one (1) time within the elementary and middle grades,
- 26 respectively;
- 27 3. An on-demand assessment of student writing to be administered one (1)

- 1 time within the elementary grades and one (1) time within the middle
2 grades; and
- 3 4. An editing and mechanics test relating to writing, using multiple choice
4 and constructed response items, to be administered one (1) time within
5 the elementary and the middle grades, respectively;
- 6 (b) High school requirements are:
- 7 1. A criterion-referenced test in mathematics, reading, and science that is
8 valid and reliable for an individual student and that measures the depth
9 and breadth of Kentucky's academic content standards to be
10 administered one (1) time within the high school grades;
- 11 2. A criterion-referenced test in social studies that is valid and reliable for
12 an individual student as necessary to measure the depth and breadth of
13 Kentucky's academic content standards to be administered one (1) time
14 within the high school grades;
- 15 3. An on-demand assessment of student writing to be administered one (1)
16 time within the high school grades;
- 17 4. An editing and mechanics test relating to writing, using multiple choice
18 and constructed response items, to be administered one (1) time within
19 the high school grades; and
- 20 5. A college admissions examination to assess English, reading,
21 mathematics, and science in the spring of grade eleven (11);
- 22 (c) The Kentucky Board of Education shall add any other component necessary
23 to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95,
24 or its successor, as determined by the United States Department of Education;
- 25 (d) The criterion-referenced components required in this subsection shall be
26 composed of constructed response items and multiple choice items; and
- 27 (e) The results of the assessment program developed under this subsection shall

1 be used by schools and districts to determine appropriate instructional
2 modifications for all students in order for students to make continuous
3 progress, including that needed by advanced learners.

4 (6) Each school district shall administer the statewide student assessment during the
5 last fourteen (14) days of school in the district's instructional calendar. The
6 Kentucky Board of Education may change the testing window to allow for
7 innovative assessment systems or other online test administration and shall
8 promulgate administrative regulations that minimize the number of days of testing
9 and outline the procedures to be used during the testing process to ensure test
10 security, including procedures for testing makeup days, and to comply with federal
11 assessment requirements.

12 (7) A student enrolled in a district-operated or district-contracted alternative program
13 shall participate in the appropriate assessments required by this section.

14 (8) A local school district may select and use commercial interim or formative
15 assessments or develop and use its own formative assessments to provide data on
16 how well its students are growing toward mastery of Kentucky academic standards,
17 so long as the district's local school board develops a policy minimizing the
18 reduction in instructional time related to the administration of the interim
19 assessments. Nothing in this section precludes teachers from using ongoing teacher-
20 developed formative processes.

21 (9) Each school that enrolls primary students shall use diagnostic assessments and
22 prompts that measure readiness in reading and mathematics for its primary students
23 as determined by the school to be developmentally appropriate. The schools may
24 use commercial products, use products and procedures developed by the district, or
25 develop their own diagnostic procedures. The results shall be used to inform the
26 teachers and parents or guardians of each student's skill level.

27 (10) The state board shall ensure that a technically sound longitudinal comparison of the

1 assessment results for the same students shall be made available.

2 (11) The following provisions shall apply to the college admissions examination
3 described in subsection (5)(b)5. of this section:

4 (a) The cost of the college admissions examination administered to students in
5 high school shall be paid for by the Kentucky Department of Education. The
6 costs of additional college admissions examinations shall be the responsibility
7 of the student;

8 (b) If funds are available, the Kentucky Department of Education shall provide a
9 college admissions examination preparation program to all public high school
10 juniors. The department may contract for necessary services; and

11 (c) Accommodations provided to a student with a disability taking the college
12 admissions assessment under this subsection shall consist of:

13 1. Accommodations provided in a manner allowed by the college
14 admissions assessment provider when results in test scores are
15 reportable to a postsecondary institution for admissions and placement
16 purposes, except as provided in subparagraph 2. of this paragraph; or

17 2. Accommodations provided in a manner allowed by a student's
18 individualized education program as defined in KRS 158.281 for a
19 student whose disability precludes valid assessment of his or her
20 academic abilities using the accommodations provided under
21 subparagraph 1. of this paragraph when the student's scores are not
22 reportable to a postsecondary institution for admissions and placement
23 purposes.

24 (12) Kentucky teachers shall have a significant role in providing feedback about the
25 design of the assessments, except for the college admissions exam described in
26 subsection (5)(b)5. of this section. The assessments shall be designed to:

27 (a) Measure grade appropriate core academic content, basic skills, and higher-

- 1 order thinking skills and their application;
- 2 (b) Provide valid and reliable scores for schools. If scores are reported for
- 3 students individually, they shall be valid and reliable;
- 4 (c) Minimize the time spent by teachers and students on assessment; and
- 5 (d) Assess Kentucky academic standards only.
- 6 (13) The results from assessment under subsections (3) and (5) of this section shall be
- 7 reported to the school districts and schools no later than seventy-five (75) days
- 8 following the last day the assessment can be administered. Assessment reports
- 9 provided to the school districts and schools shall include an electronic copy of an
- 10 operational subset of test items from each assessment administered to their students
- 11 and the results for each of those test items by student and by school.
- 12 (14) The Department of Education shall gather information to establish the validity of
- 13 the assessment and accountability program. It shall develop a biennial plan for
- 14 validation studies that shall include but not be limited to the consistency of student
- 15 results across multiple measures, the congruence of school scores with documented
- 16 improvements in instructional practice and the school learning environment, and the
- 17 potential for all scores to yield fair, consistent, and accurate student performance
- 18 level and school accountability decisions. Validation activities shall take place in a
- 19 timely manner and shall include a review of the accuracy of scores assigned to
- 20 students and schools, as well as of the testing materials. The plan shall be submitted
- 21 to the Commission by July 1 of the first year of each biennium. A summary of the
- 22 findings shall be submitted to the Legislative Research Commission by September
- 23 1 of the second year of the biennium.
- 24 (15) The Department of Education and the state board shall offer optional assistance to
- 25 local school districts and schools in developing and using continuous assessment
- 26 strategies needed to ensure student progress. The continuous assessment shall
- 27 provide diagnostic information to improve instruction to meet the needs of

1 individual students.

2 (16) The Administration Code for Kentucky's Assessment Program shall include
3 prohibitions of inappropriate test preparation activities by school district employees
4 charged with test administration and oversight, including but not limited to the issue
5 of teachers being required to do test practice in lieu of regular classroom instruction
6 and test practice outside the normal work day. The code shall include disciplinary
7 sanctions that may be taken toward a school or individuals.

8 (17) The Kentucky Board of Education, after the Department of Education has received
9 advice from the Office of Education Accountability; the School Curriculum,
10 Assessment, and Accountability Council; and the department's technical advisory
11 committee, shall promulgate an administrative regulation under KRS Chapter 13A
12 to establish the components of a reporting structure for assessments administered
13 under this section. The reporting structure shall include the following components:

14 (a) A school report card that clearly communicates with parents and the public
15 about school performance. The school report card shall be sent to the parents
16 of the students of the districts, and information on electronic access to a
17 summary of the results for the district shall be published in the newspaper
18 with the largest circulation in the county. It shall include but not be limited to
19 the following components reported by race, gender, and disability when
20 appropriate:

- 21 1. Student academic achievement, including the results from each of the
22 assessments administered under this section;
- 23 2. For Advanced Placement, Cambridge Advanced International, and
24 International Baccalaureate, the courses offered, the number of students
25 enrolled, completing, and taking the examination for each course, and
26 the percentage of examinees receiving a score of three (3) or better on
27 AP examinations, a score of "e" or better on Cambridge Advanced

- 1 International examinations, or a score of four (4) or better on IB
2 examinations. The data shall be disaggregated by gender, race, students
3 with disabilities, and economic status;
- 4 3. Nonacademic achievement, including the school's attendance, retention,
5 graduation rates, and student transition to postsecondary;
- 6 4. School learning environment, including measures of parental
7 involvement; and
- 8 5. Any other school performance data required by the Every Student
9 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 10 (b) An individual student report to parents for each student in grades three (3)
11 through eight (8) summarizing the student's skills in reading, science, social
12 studies, and mathematics. The school's staff shall develop a plan for
13 accelerated learning for any student with identified deficiencies or strengths;
14 and
- 15 (c) A student's score on the college admissions assessment administered under
16 subsection (5)(b)5. of this section.
- 17 (18) (a) Every six (6) years, the Kentucky Department of Education shall implement a
18 comprehensive process for reviewing and revising the academic standards in
19 visual and performing arts and practical living skills and career studies for all
20 levels and in foreign language for middle and high schools. The department
21 shall develop review committees for the standards for each of the content
22 areas that include representation from certified specialist public school
23 teachers and postsecondary teachers in those subject areas.
- 24 (b) The academic standards in practical living skills for elementary, middle, and
25 high school levels shall include a focus on drug abuse prevention, with an
26 emphasis on the prescription drug epidemic and the connection between
27 prescription opioid abuse and addiction to other drugs, such as heroin and

1 synthetic drugs.

2 (c) The department shall provide to all schools guidelines for programs that
3 incorporate the adopted academic standards in visual and performing arts and
4 practical living and career studies. The department shall provide to middle and
5 high schools guidelines for including a foreign language program. The
6 guidelines shall address program length and time, courses offered, staffing,
7 resources, and facilities.

8 (d) The Kentucky Department of Education, in consultation with certified public
9 school teachers of visual and performing arts, may develop program standards
10 for the visual and performing arts.

11 (19) The Kentucky Department of Education shall provide to all school districts
12 guidelines for including an effective writing program within the curriculum.

13 (20) (a) The Kentucky Department of Education, in consultation with the review
14 committees described in subsection (18) of this section, shall develop a school
15 profile report to be used by all schools to document how they will address the
16 adopted academic standards in their implementation of the programs as
17 described in subsection (18) of this section, which may include student
18 opportunities and experiences in extracurricular activities. The department
19 shall include the essential workplace ethics program on the school profile
20 report.

21 (b) By October 1 of each year, each school principal shall complete the school
22 profile report, which shall be signed by the members of the school council, or
23 the principal if no school council exists, and the superintendent. The report
24 shall be electronically transmitted to the Kentucky Department of Education,
25 and the original shall be maintained on file at the local board office and made
26 available to the public upon request. The department shall include a link to
27 each school's profile report on its website.

1 (c) If a school staff member, student, or a student's parent has concerns regarding
2 deficiencies in a school's implementation of the programs described in
3 subsection (18) of this section, he or she may submit a written inquiry to the
4 school council.

5 (21) (a) No later than December 1, 2025, each local board of education shall adopt a
6 district plan establishing clear policies on the promotion of advanced
7 coursework or accelerated learning in language arts, mathematics, social
8 studies, and science by grade level for students in grades four (4) to twelve
9 (12).

10 (b) The district plan required by paragraph (a) of this subsection shall:

- 11 1. Be published on a publicly accessible location on the district website;
- 12 2. Describe the strategies and approach to advanced coursework or
13 accelerated learning options by grade level for language arts,
14 mathematics, social studies, and science; and
- 15 3. Require that the service delivery options for students identified as gifted
16 and talented in language arts, mathematics, social studies, and science
17 include the following for each grade level and subject area:
 - 18 a. i. Accelerated learning; or
 - 19 ii. Advanced coursework; and
 - 20 b. At least one (1) of the following service delivery options:
 - 21 i. Collaborative teaching and consultation services;
 - 22 ii. Special counseling services;
 - 23 iii. Differentiated study experiences for individuals and cluster
24 groups in the regular classroom;
 - 25 iv. Distance learning;
 - 26 v. Enrichment services that are not extracurricular during the
27 school day;

- vi. Independent study;
- vii. Mentorships;
- viii. Resource services delivered in a pull-out classroom or other appropriate instructional setting;
- ix. Seminars;
- x. Travel study options; or
- xi. Special schools or self-contained classrooms for students in grades four (4) through twelve (12) only.

(c) The district plan required by paragraph (a) of this subsection may:

1. Automatically enroll a student who scores distinguished in any subject area on the most recent statewide assessment for which scores are available in available advanced coursework for that subject area and any corresponding subject area designated by the local board of education;
2. Include eligibility criteria for qualification for available advanced coursework for all other students;
3. Require written consent from a parent or guardian of a student to withdraw or exclude a student that is eligible for advanced coursework according to the district plan from that advanced coursework. If a student requests to withdraw from advanced coursework to pursue another educational opportunity, a principal may withdraw the student without written consent from a parent or guardian only after a good-faith attempt to contact the parent or guardian is unsuccessful; and
4. Permit a principal to withdraw a student from advanced coursework without written consent from his or her parent or guardian if the student's participation in advanced coursework would have an adverse educational impact on a student, including interference with his or her career pathway, access to career and technical education coursework, or

1 another educational opportunity.

2 (22) (a) The Kentucky Board of Education may promulgate administrative regulations
3 in accordance with KRS Chapter 13A to administer the provisions of
4 subsection (21) of this section.

5 (b) By December 1, 2025, the Kentucky Department of Education, in
6 collaboration with local school districts, shall establish school district
7 recommendations for the consistent use of preliminary assessment data and
8 other criteria to identify students prepared for advanced coursework.

9 ➔Section 12. KRS 160.345 is amended to read as follows:

10 (1) For the purpose of this section:

11 (a) ~~["Minority" means American Indian; Alaskan native; African American;~~
12 ~~Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or~~
13 ~~South American origin; Pacific islander; or other ethnic group~~
14 ~~underrepresented in the school;~~

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

- 19 1. Exclusively vocational-technical, special education, or preschool
20 programs;
- 21 2. Instructional programs operated in institutions or schools outside of the
22 district; or
- 23 3. Alternative schools designed to provide services to at-risk populations
24 with unique needs;

25 ~~(b)~~~~(c)~~ "Teacher" means any person for whom certification is required as a
26 basis of employment in the public schools of the state, with the exception of
27 principals and assistant principals; and

1 ~~(c)~~~~(d)~~ "Parent" means:

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

5 (2) Each local board of education shall adopt a policy for implementing school-based

6 decision making in the district which shall include but not be limited to a

7 description of how the district's policies, including those developed pursuant to

8 KRS 160.340, have been amended to allow the professional staff members of a

9 school to be involved in the decision-making process as they work to meet

10 educational goals established in KRS 158.645 and 158.6451. The policy may

11 include a requirement that each school council make an annual report at a public

12 meeting of the board describing the school's progress in meeting the educational

13 goals set forth in KRS 158.6451 and district goals established by the board. The

14 policy shall also address and comply with the following:

15 (a) Except as provided in paragraph (b)2. of this subsection, each participating

16 school shall form a school council composed of two (2) parents, three (3)

17 teachers, and the principal or administrator. The membership of the council

18 may be increased, but it may only be increased proportionately. A parent

19 representative on the council shall not be an employee or a relative of an

20 employee of the school in which that parent serves, nor shall the parent

21 representative be an employee or a relative of an employee in the district

22 administrative offices. A parent representative shall not be a local board

23 member or a board member's spouse. None of the members shall have a

24 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to

25 district employees;

26 (b) ~~[1.—]~~ The teacher representatives shall be elected for one (1) year

27 terms by a majority of the teachers. A teacher elected to a school

1 council shall not be involuntarily transferred during the teacher
2 representative's term of office. The parent representatives shall be
3 elected for one (1) year terms. The parent members shall be
4 elected by the parents of students preregistered to attend the school
5 during the term of office in an election conducted by the parent
6 and teacher organization of the school or, if none exists, the largest
7 organization of parents formed for this purpose. Council elections
8 may allow voting to occur over multiple days and via electronic
9 means. A school council, once elected, may adopt a policy setting
10 different terms of office for parent and teacher members
11 subsequently elected. The principal shall be the chair of the school
12 council.†

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

19 ~~a. Organizing a special election to elect an additional member. The~~
20 ~~principal shall call for nominations and shall notify the parents of~~
21 ~~the students of the date, time, and location of the election to elect a~~
22 ~~minority parent to the council by ballot; and~~

23 ~~b. Allowing the teachers in the building to select one (1) minority~~
24 ~~teacher to serve as a teacher member on the council. If there are no~~
25 ~~minority teachers who are members of the faculty, an additional~~
26 ~~teacher member shall be elected by a majority of all teachers.~~
27 ~~Term limitations shall not apply for a minority teacher member~~

1 ~~who is the only minority on faculty;]~~

- 2 (c) 1. The school council shall have the responsibility to set school policy that
3 shall be consistent with district board policy and which shall provide an
4 environment to enhance the students' achievement and help the school
5 meet the goals established by KRS 158.645 and 158.6451 and goals for
6 the district established by the board. The principal shall be the primary
7 administrator and the instructional leader of the school, and with the
8 assistance of the total school staff shall administer the policies
9 established by the school council and the local board.
- 10 2. If a school council establishes committees, it shall adopt a policy to
11 facilitate the participation of interested persons, including, but not
12 limited to, classified employees and parents. The policy shall include the
13 number of committees, their jurisdiction, composition, and the process
14 for membership selection;
- 15 (d) The school council and each of its committees shall determine the frequency
16 of and agenda for their meetings. Matters relating to formation of school
17 councils that are not provided for by this section shall be addressed by local
18 board policy;
- 19 (e) The meetings of the school council shall be open to the public and all
20 interested persons may attend. However, the exceptions to open meetings
21 provided in KRS 61.810 shall apply;
- 22 (f) After receiving notification of the funds available for the school from the local
23 board, the school council shall determine, within the parameters of the total
24 available funds, the number of persons to be employed in each job
25 classification at the school. The council may make personnel decisions on
26 vacancies occurring after the school council is formed but shall not have the
27 authority to recommend transfers or dismissals;

1 (g) The local superintendent shall determine which curriculum, textbooks,
2 instructional materials, and student support services shall be provided in the
3 school after consulting with the local board of education, the school principal,
4 and the school council and after a reasonable review and response period for
5 stakeholders in accordance with local board of education policy. Subject to
6 available resources, the local board shall allocate an appropriation to each
7 school that is adequate to meet the school's needs related to instructional
8 materials and school-based student support services, as determined by the
9 school principal after consultation with the school council. The school council
10 shall consult with the school media librarian on the maintenance of the school
11 library media center, including the purchase of instructional materials,
12 information technology, and equipment;

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

14 1. From a list of qualified applicants submitted by the local superintendent,
15 the principal at the participating school shall select personnel to fill
16 vacancies, after consultation with the school council, consistent with
17 paragraph (i)11. of this subsection. The superintendent shall provide
18 additional applicants to the principal upon request when qualified
19 applicants are available. The superintendent may forward to the school
20 principal the names of qualified applicants who have pending
21 certification from the Education Professional Standards Board based on
22 recent completion of preparation requirements, out-of-state preparation,
23 or alternative routes to certification pursuant to KRS 161.028 and
24 161.048. Requests for transfer shall conform to any employer-employee
25 bargained contract which is in effect;

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

27 a. The superintendent shall fill the vacancy after consultation with

- 1 the school council consistent with paragraph (i)11. of this
2 subsection;
- 3 b. Prior to consultation with the school council, each member shall
4 sign a nondisclosure agreement forbidding the disclosure of
5 information shared and discussions held during consultation;
- 6 c. A person who believes a violation of the nondisclosure agreement
7 referred to in subdivision b. of this subparagraph has occurred may
8 file a written complaint with the Kentucky Board of Education;
9 and
- 10 d. A school council member found to have violated the nondisclosure
11 agreement referred to in subdivision b. of this subparagraph may
12 be subject to removal from the school council by the Kentucky
13 Board of Education under subsection (9)(e) of this section;
- 14 3. Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be
15 filled is the position of principal in a county school district in a county
16 with a consolidated local government adopted under KRS Chapter 67C,
17 then:
- 18 a. The outgoing principal shall not serve on the council during the
19 principal selection process. The superintendent or the
20 superintendent's designee shall serve as the chair of the council for
21 the purpose of the hiring process and shall have voting rights
22 during the selection process;
- 23 b. The council shall have access to the applications of all persons
24 certified for the position. The principal shall be elected on a
25 majority vote of the membership of the council. The school
26 council shall receive training in recruitment and interviewing
27 techniques prior to carrying out the process of selecting a

1 principal. The council shall select the trainer to deliver the
2 training; and

3 c. Notwithstanding the requirement that a principal be elected by a
4 majority vote of the council, the selection of a principal shall be
5 subject to approval by the superintendent. If the superintendent
6 does not approve the principal selected by the council, then the
7 superintendent may select the principal;

8 4. No principal who has been previously removed from a position in the
9 district for cause may be considered for appointment as principal in that
10 district;

11 5. Personnel decisions made at the school level under the authority of
12 subparagraph 1. of this paragraph shall be binding on the superintendent
13 who completes the hiring process;

14 6. Applicants subsequently employed shall provide evidence that they are
15 certified prior to assuming the duties of a position in accordance with
16 KRS 161.020; and

17 7. Notwithstanding other provisions of this paragraph, if the applicant is
18 the spouse of the superintendent and the applicant meets the service
19 requirements of KRS 160.380(3)(a), the applicant shall only be
20 employed upon the recommendation of the principal and the approval of
21 a majority vote of the school council;

22 (i) The school council shall adopt a policy that shall be consistent with local
23 board policy and shall be implemented by the principal in the following
24 additional areas:

- 25 1. Curriculum responsibilities under KRS 158.6453(19);
26 2. Assignment of all instructional and noninstructional staff time;
27 3. Assignment of students to classes and programs within the school;

- 1 4. Determination of the schedule of the school day and week, subject to the
- 2 beginning and ending times of the school day and school calendar year
- 3 as established by the local board;
- 4 5. Determination of use of school space during the school day related to
- 5 improving classroom teaching and learning;
- 6 6. Planning and resolution of issues regarding instructional practices;
- 7 7. Selection and implementation of discipline and classroom management
- 8 techniques as a part of a comprehensive school safety plan, including
- 9 responsibilities of the student, parent, teacher, counselor, and principal;
- 10 8. Selection of extracurricular programs and determination of policies
- 11 relating to student participation based on academic qualifications and
- 12 attendance requirements, program evaluation, and supervision;
- 13 9. Adoption of an emergency plan as required in KRS 158.162;
- 14 10. Procedures, consistent with local school board policy, for determining
- 15 alignment with state standards, technology utilization, and program
- 16 appraisal; and
- 17 11. Procedures to assist the council with consultation in the selection of the
- 18 principal by the superintendent, and the selection of personnel by the
- 19 principal, including but not limited to meetings, timelines, interviews,
- 20 review of written applications, and review of references. Procedures
- 21 shall address situations in which members of the council are not
- 22 available for consultation; and
- 23 (j) Each school council shall annually review data as shown on state and local
- 24 student assessments required under KRS 158.6453. The data shall include but
- 25 not be limited to information on performance levels of all students tested, and
- 26 information on the performance of students disaggregated by race, gender,
- 27 disability, and participation in the federal free and reduced price lunch

1 program. After completing the review of data, each school council, with the
2 involvement of parents, faculty, and staff, shall develop and adopt a plan to
3 ensure that each student makes progress toward meeting the goals set forth in
4 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan
5 to the superintendent and local board of education for review as described in
6 KRS 160.340. The Kentucky Department of Education shall provide each
7 school council the data needed to complete the review required by this
8 paragraph no later than October 1 of each year. If a school does not have a
9 council, the review shall be completed by the principal with the involvement
10 of parents, faculty, and staff.

11 (3) The policies adopted by the local board to implement school-based decision making
12 shall also address the following:

13 (a) School budget and administration, including: discretionary funds; activity and
14 other school funds; funds for maintenance, supplies, and equipment; and
15 procedures for authorizing reimbursement for training and other expenses;

16 (b) Assessment of individual student progress, including testing and reporting of
17 student progress to students, parents, the school district, the community, and
18 the state;

19 (c) School improvement plans, including the form and function of strategic
20 planning and its relationship to district planning, as well as the school safety
21 plan and requests for funding from the Center for School Safety under KRS
22 158.446;

23 (d) Professional development plans developed pursuant to KRS 156.095;

24 (e) Parent, citizen, and community participation including the relationship of the
25 council with other groups;

26 (f) Cooperation and collaboration within the district, with other districts, and with
27 other public and private agencies;

- 1 (g) Requirements for waiver of district policies;
- 2 (h) Requirements for record keeping by the school council; and
- 3 (i) A process for appealing a decision made by a school council.

4 (4) In addition to the authority granted to the school council in this section, the local
5 board may grant to the school council any other authority permitted by law. The
6 board shall make available liability insurance coverage for the protection of all
7 members of the school council from liability arising in the course of pursuing their
8 duties as members of the council.

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

22 (6) The Department of Education shall provide professional development activities to
23 assist schools in implementing school-based decision making. School council
24 members elected for the first time shall complete a minimum of six (6) clock hours
25 of training in the process of school-based decision making, no later than thirty (30)
26 days after the beginning of the service year for which they are elected to serve.
27 School council members who have served on a school council at least one (1) year

1 shall complete a minimum of three (3) clock hours of training in the process of
2 school-based decision making no later than one hundred twenty (120) days after the
3 beginning of the service year for which they are elected to serve. Experienced
4 members may participate in the training for new members to fulfill their training
5 requirement. School council training required under this subsection shall be
6 conducted by trainers endorsed by the Department of Education. By November 1 of
7 each year, the principal through the local superintendent shall forward to the
8 Department of Education the names and addresses of each council member and
9 verify that the required training has been completed. School council members
10 elected to fill a vacancy shall complete the applicable training within thirty (30)
11 days of their election.

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

22 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
23 education, shall adopt by administrative regulation a formula by which school
24 district funds shall be allocated to each school council. Included in the school
25 council formula shall be an allocation for professional development that is at least
26 sixty-five percent (65%) of the district's per pupil state allocation for professional
27 development for each student in average daily attendance in the school. The school

1 council shall plan professional development in compliance with requirements
2 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
3 small schools shall be encouraged to work with other school councils to maximize
4 professional development opportunities.

5 (9) (a) No board member, superintendent of schools, district employee, or member of
6 a school council shall intentionally engage in a pattern of practice which is
7 detrimental to the successful implementation of or circumvents the intent of
8 school-based decision making to allow the professional staff members of a
9 school and parents to be involved in the decision making process in working
10 toward meeting the educational goals established in KRS 158.645 and
11 158.6451 or to make decisions in areas of policy assigned to a school council
12 pursuant to paragraph (i) of subsection (2) of this section.

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

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

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

25 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the
26 state board determines a violation of the nondisclosure agreement required by
27 subsection (2)(h)2.b. of this section by a school council member has occurred,

1 the state board shall remove the member from the school council, and the
2 member shall be permanently prohibited from serving on any school council
3 in the district.

4 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
5 maintain a school-based decision making council and the powers, duties, and
6 authority granted to a school council may be rescinded or the school council's role
7 may be advisory if the commissioner of education or the Kentucky Board of
8 Education takes action under KRS 160.346.

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

25 ➔Section 13. KRS 160.352 is amended to read as follows:

26 (1) ~~For purposes of this section the term "minority" means American Indian; Alaskan~~
27 ~~native; African American; Hispanic, including persons of Mexican, Puerto Rican,~~

1 ~~Cuban, and Central or South American origin; Pacific islander; or other ethnic~~
2 ~~group underrepresented in a local school district.~~

3 ~~(2)~~ Each board of education shall appoint a superintendent of schools after receiving
4 the recommendations of a screening committee. A screening committee shall be
5 established within thirty (30) days of a determination by a board of education that a
6 vacancy has occurred or will occur in the office of superintendent, except that when
7 the board determines a vacancy will not occur before six (6) months from the date
8 of determination, the board shall establish a screening committee at least ninety
9 (90) days before the first date on which the position may be filled.

10 ~~(2)~~(3) A screening committee shall be composed of:

- 11 (a) Two (2) teachers, elected by the teachers in the district;
- 12 (b) One (1) board of education member, appointed by the board chairman;
- 13 (c) One (1) principal, elected by the principals in the district;
- 14 (d) One (1) parent, elected by the presidents of the parent-teacher organizations of
15 the schools in the district; and
- 16 (e) One (1) classified employee, elected by the classified employees in the
17 district; ~~and~~

18 ~~(f) If a minority member is not elected or appointed to a screening committee in~~
19 ~~districts with a minority population of eight percent (8%) or more, as~~
20 ~~determined by the enrollment on the preceding October 1, the committee~~
21 ~~membership shall be increased to include one (1) minority parent. This~~
22 ~~minority parent member shall be elected by the parents in an election~~
23 ~~conducted by the local school board. Parents in the district shall be given~~
24 ~~adequate notice of the date, time, place, and purpose of the election].~~

25 ~~(3)~~(4) Prior to appointing a superintendent of schools, the board of education shall
26 consider the recommendations of the screening committee, but the board shall not
27 be required to appoint a superintendent from the committee's recommendations.

1 ➔Section 14. KRS 161.167 is amended to read as follows:

2 (1) By January 1, 2001, the Kentucky Department of Education, with help from
3 representatives of the Education Professional Standards Board, the Council on
4 Postsecondary Education, the Kentucky Higher Education Assistance Authority, the
5 Association of Independent Kentucky Colleges and Universities, public and private
6 not-for-profit postsecondary institutions, and local educational agencies, shall
7 develop a plan, including timelines for implementation, for a multidimensional
8 recruitment and information program, to encourage persons to enter the teaching
9 profession and to seek employment in Kentucky.

10 (2) ~~[(The program shall not supplant or diminish current efforts required in KRS~~
11 ~~161.165.~~

12 (3) ~~[(The components of the program shall include:~~

- 13 (a) Early recruitment programs to inform middle and high school students about
14 the potential of teaching as a career;
- 15 (b) Programs to encourage paraprofessionals in schools, as well as other
16 nontraditional students, to pursue additional education to become teachers;
- 17 (c) Programs to enlist highly skilled career employees in specific content areas to
18 pursue teaching as a second career;
- 19 (d) Options for recruiting persons with liberal arts and sciences majors and
20 current students with nondeclared majors into nontraditional and accelerated
21 teacher preparation programs;
- 22 (e) Marketing strategies for informing the public of the importance of high
23 quality teaching to student achievement, the value of teachers to society as a
24 whole, the benefits and rewards of teaching, and the options for entering
25 teacher preparation, including scholarship information; and
- 26 (f) Expanding the Kentucky Department of Education's electronic bulletin board
27 for certified vacancies in local school districts to include an option for

1 potential teachers to voluntarily post their availability for education positions
2 within the state.

3 ~~(3)~~~~(4)~~ No later than March 15, 2001, the Department of Education shall present a
4 status report of the recruitment and information program to the Interim Joint
5 Committee on Education; and no later than October 15, 2001, the Department of
6 Education shall present to the Interim Joint Committee on Education and the
7 Interim Joint Committee on Appropriations and Revenue a summary report with
8 recommendations.

9 ➔Section 15. The following KRS sections are repealed:

10 156.500 Appointments to reflect reasonable minority representation.

11 161.165 Recruitment of minority teachers.

12 ➔Section 16. (1) Each school district shall:

13 (a) No later than June 30, 2026, review its organizational structure and existing
14 contracts related to diversity, equity, and inclusion initiatives to ensure compliance with
15 the requirements of Section 2 of this Act, eliminate all diversity, equity, and inclusion
16 initiatives and diversity, equity, and inclusion offices, and terminate or transfer all
17 diversity, equity, and inclusion officers, as those terms are defined in Section 1 of this
18 Act. A school district may only transfer a diversity, equity, and inclusion officer to
19 another position within the district if:

- 20 1. The new position is open and existed prior to January 1, 2026;
- 21 2. The transferred individual is qualified for the new position; and
- 22 3. The duties of the new position comply with Section 2 of this Act;

23 (b) No later than August 30, 2026, report the following information for each
24 former diversity, equity, and inclusion officer employed by the school district at any
25 point between January 1, 2026, and the effective date of this Act who is transferred,
26 reassigned, or rehired by the school district prior to August 30, 2026, to the Legislative
27 Research Commission for referral to the appropriate interim joint committee:

- 1 1. Full name;
- 2 2. Present job title, duty station, and salary or wages;
- 3 3. Former job title, duty station, and salary or wages; and
- 4 4. Any amount of additional compensation paid to the individual upon
- 5 reassignment, transfer, termination, or rehire;

6 (c) Review all trainings, orientations, or similar programming related to diversity,

7 equity, and inclusion to ensure compliance with Section 2 of this Act. A school district

8 and the Kentucky Department of Education shall promptly terminate the use of a

9 diversity, equity, and inclusion training that violates Section 2 of this Act. If the training,

10 orientation, or similar programing is offered through a third party, such as a contractor,

11 the school district shall promptly:

- 12 1. Terminate any contract with the third party, consistent with applicable law
- 13 and administrative regulations; and
- 14 2. Evaluate whether to permanently bar the third party from contracts, consistent
- 15 with applicable law and administrative regulations; and

16 (d) No later than August 30, 2026, submit a report to the Legislative Research

17 Commission and the Attorney General on its compliance with this section and Sections 2

18 and 4 of this Act that certifies the status of its compliance, the steps taken to achieve

19 compliance, and the guardrails put in place to ensure future compliance.

20 (2) Each school district shall submit the reports required by subsections (1)(b)

21 and (1)(d) of this section to the Kentucky Department of Education. The department shall

22 publish each report submitted by a school district to a central location on the department's

23 website. If a school district fails to submit a report as required by this section, that fact

24 shall be clearly notated on that same website. The department shall investigate any failure

25 to report, and submit a report of any noncompliance to the Legislative Research

26 Commission for referral to the appropriate interim joint committee no later than October

27 1, 2026.

1 (3) The Attorney General may bring a civil action for a writ of mandamus to
2 compel a school district to comply with this section.

3 ➔Section 17. (1) The Kentucky Department of Education shall:

4 (a) No later than June 30, 2026, eliminate any diversity, equity, and inclusion
5 offices and terminate or transfer all diversity, equity, and inclusion officers. The
6 department may only transfer an employee to another position within the department if:

- 7 1. The new position is open and existed prior to January 1, 2026;
- 8 2. The transferred individual is qualified for the new position; and
- 9 3. The duties of the new position comply with Section 2 of this Act;

10 (b) No later than August 30, 2026, report the following information for each
11 former employee employed by the department at any point between January 1, 2026, and
12 the effective date of this Act who is terminated or transferred under paragraph (a) of this
13 subsection and is transferred, reassigned, or rehired by the department prior to August 30,
14 2026, to the Legislative Research Commission for referral to the appropriate interim joint
15 committee:

- 16 1. Full name;
- 17 2. Present job title, duty station, and salary or wages;
- 18 3. Former job title, duty station, and salary or wages; and
- 19 4. Any amount of additional compensation paid to the individual upon
20 reassignment, transfer, termination, or rehire;

21 (c) Review all trainings, orientations, or similar programming related to diversity,
22 equity, and inclusion to ensure compliance with Section 2 of this Act and promptly
23 terminate the use or promotion of any diversity, equity, and inclusion training that
24 violates Section 2 of this Act. If the training, orientation, or similar programing is offered
25 through a third party, such as a contractor, the department shall promptly:

- 26 1. Terminate any contract with the third party, consistent with applicable law
27 and administrative regulations; and

2. Evaluate whether to permanently bar the third party from contracts, consistent with applicable law and administrative regulations;

(d) No later than August 1, 2026, submit a report to the Legislative Research Commission and the Attorney General on its compliance with this section and Sections 2 and 3 of this Act that certifies the status of its compliance, the steps taken to achieve compliance, and the guardrails put in place to ensure future compliance; and

(e) Publish the reports required by paragraphs (b) and (d) of this subsection to a central location on the department's website.

(2) The Attorney General may bring a civil action for a writ of mandamus to compel the Kentucky Department of Education to comply with this section.

➔Section 18. (1) Each cooperative board, as defined in Section 1 of this Act, shall:

(a) No later than June 30, 2026, eliminate any diversity, equity, and inclusion office, as defined in Section 1 of this Act, and terminate or transfer all employees of those offices and all diversity, equity, and inclusion officers, as defined in Section 1 of this Act. A cooperative board may only transfer an employee to another position within the cooperative board if:

1. The new position is open and existed prior to January 1, 2026;

2. The transferred individual is qualified for the new position; and

3. The duties of the new position comply with Section 2 of this Act;

(b) No later than August 30, 2026, report the following information for each former employee employed by the cooperative board at any point between January 1, 2026, and the effective date of this Act who is terminated or transferred under paragraph (a) of this subsection and is transferred, reassigned, or rehired by the cooperative board prior to August 30, 2026, to the Legislative Research Commission for referral to the appropriate interim joint committee:

1. Full name;

- 1 2. Present job title, duty station, and salary or wages;
- 2 3. Former job title, duty station, and salary or wages; and
- 3 4. Any amount of additional compensation paid to the individual upon
- 4 reassignment, transfer, termination, or rehire;

5 (c) Review all trainings, orientations, or similar programming related to diversity,

6 equity, and inclusion to ensure compliance with Section 2 of this Act and promptly

7 terminate the use or promotion of any diversity, equity, and inclusion training that

8 violates Section 2 of this Act. If the training, orientation, or similar programming is offered

9 through a third party, such as a contractor, the department shall promptly:

10 1. Terminate any contract with the third party, consistent with applicable law

11 and administrative regulations; and

12 2. Evaluate whether to permanently bar the third party from contracts, consistent

13 with applicable law and administrative regulations;

14 (d) No later than August 1, 2026, submit a report to the Legislative Research

15 Commission and the Attorney General on its compliance with this section and Section 2

16 of this Act that certifies the status of its compliance, the steps taken to achieve

17 compliance, and the guardrails put in place to ensure future compliance; and

18 (e) Publish the reports required by paragraphs (b) and (d) of this subsection to a

19 central location on the department's website.

20 (2) The Attorney General may bring a civil action for a writ of mandamus to

21 compel the cooperative board to comply with this section.

22 ➔Section 19. This Act may be cited as the Kentucky Education Equality

23 Protection Act or the KEEP Act.

24 ➔Section 20. Section 3 of this Act takes effect February 1, 2027.

25 ➔Section 21. Section 11 of this Act takes effect July 1, 2026.

26 ➔Section 22. Whereas the General Assembly is committed to honoring the

27 constitutional promise of equal protection under the law, regardless of color, creed, race,

1 ethnicity, sex, age, marital status, familial status, disability, religion, and national origin,
2 an emergency is declared to exist, and Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16,
3 17, 18, and 19 of this Act take effect upon its passage and approval by the Governor or
4 upon its otherwise becoming a law.