

1 AN ACT relating to education and declaring an emergency.

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

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

5 *(1) As used in this section:*

6 *(a) "Curriculum" means the content and plan for instruction, including*
7 *materials, instructional programs, texts, lesson plans, and assessments*
8 *needed to help students develop critical skills, knowledge, and meet or*
9 *exceed proficiency in required academic standards;*

10 *(b) "Educator preparation program" means a program approved by the*
11 *Education Professional Standards Board that prepares individuals for*
12 *licensure as teachers, school leaders, or other school or district*
13 *administrators;*

14 *(c) "Reading intervention" means curriculum, activities, and evidence-based*
15 *strategies used to accelerate student progress toward proficiency in reading,*
16 *including but not limited to individual instruction, small groups,*
17 *multisensory approaches, tutoring, mentoring, and the use of technology*
18 *that targets specific reading skills and abilities; and*

19 *(d) "Three-cueing system" means any model of teaching students to read based*
20 *on meaning, structure and syntax, and visual cues, which may also be*
21 *known as "MSV."*

22 *(2) The Kentucky Department of Education shall establish an approved list of*
23 *reading curriculum and interventions that are scientifically researched and*
24 *evidence-based that may be used by schools to meet the requirements of*
25 *subsection (3)(b) of this section and that do not include instructional strategies*
26 *that employ the three-cueing system of reading.*

27 *(3) (a) By the 2029-2030 school year, no public school district shall use any*

1 curriculum, reading intervention, or program of instruction that utilizes the
2 three-cueing system of teaching students to read.

3 (b) Each public school district shall ensure that:

- 4 1. All curriculum, reading interventions, and programs of instruction
5 utilized to teach students to read are high-quality, fully aligned to state
6 content standards, and based on literacy strategies that are
7 scientifically researched with proven results in teaching phonemic
8 awareness, phonics, fluency, vocabulary, and comprehension;
9 2. Beginning with the 2029-2030 school year, no school in the district is
10 utilizing a three-cueing system of teaching students to read; and
11 3. By June 30, 2029, all interdisciplinary early childhood through grade
12 five (5) educators have completed a science of reading professional
13 learning program approved by the department.

14 (4) Beginning with the 2030-2031 school year, if the Kentucky Board of Education
15 determines that a public school district has violated subsection (3) of this section,
16 the board shall notify the public school district of the violation.

17 (5) The department, the Education Professional Standards Board, educational
18 cooperatives, special education cooperatives, early childhood regional training
19 centers, and local school districts are prohibited from providing or utilizing any
20 professional development that uses the three-cueing system of teaching students
21 to read.

22 (6) The Education Professional Standards Board shall promulgate administrative
23 regulations in accordance with KRS Chapter 13A to establish criteria for reading
24 curriculum for each state-approved educator preparation program.

25 ➔Section 2. KRS 158.307 is amended to read as follows:

26 (1) As used in this section:

27 (a) "Dyslexia" means a specific learning disability that is neurological in origin. It

1 is characterized by difficulties with accurate or fluent word recognition and by
2 poor spelling and decoding abilities. These difficulties typically result from a
3 deficit in the phonological component of language that is often unexpected in
4 relation to other cognitive abilities and the provision of effective classroom
5 instruction. Secondary consequences may include problems in reading
6 comprehension and reduced reading experience that can impede the growth of
7 vocabulary and background knowledge;

8 (b) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21); and

9 (c) "Phonemic awareness" means the ability to recognize that a spoken word
10 consists of a sequence of individual sounds and the ability to manipulate
11 individual sounds in speaking.

12 (2) ~~By January 1, 2019,~~ The Department of Education shall make available a dyslexia
13 toolkit that includes guidance, technical assistance, and training to assist all local
14 school districts in the implementation of evidence-based practices for instructing
15 students identified with or displaying characteristics of dyslexia.

16 (3) The dyslexia toolkit shall include but not be limited to the following guidance for
17 local districts targeting students in kindergarten through grade three (3) who have
18 been identified with or displaying characteristics of dyslexia:

19 (a) Evidence-based practices designed specifically for students with dyslexia;

20 (b) Characteristics of targeted instruction for dyslexia;

21 (c) Guidance on developing instructional plans for students with dyslexia;

22 (d) Best practices toward meaning-centered reading and writing;

23 (e) Structured multisensory and literacy approaches to teaching language and
24 reading skills; and

25 (f) Suggested professional development activities.

26 (4) The department shall collaborate with the Education Professional Standards Board,
27 Council on Postsecondary Education, and other groups as necessary to improve and

- 1 update professional development opportunities for teachers specifically related to
2 dyslexia. Professional development opportunities may focus on:
- 3 (a) Development and ongoing implementation of training and coaching for
4 teachers;
 - 5 (b) Identifying high-quality trainers to provide support to local districts utilizing a
6 coaching model to develop building level dyslexia experts;
 - 7 (c) Developing awareness training modules for all instructional staff to include
8 information about characteristics of dyslexia; and
 - 9 (d) Evidence-based interventions, structured multisensory and literacy approaches
10 to teach language and reading skills, and accommodations for dyslexia and
11 other specific learning disabilities.
- 12 (5) Each local board of education ~~shall~~~~may~~ develop a policy addressing the
13 implementation of a program for the identification of and strategies for assisting
14 students in kindergarten through grade three (3) with dyslexia.
- 15 (6) The local board policies ~~shall~~~~may~~ include but not be limited to:
- 16 (a) The definition and characteristics of dyslexia;
 - 17 (b) A process for identifying students who are displaying characteristics of
18 dyslexia;
 - 19 (c) A process for the utilization of evaluation tools to accurately identify students
20 who are displaying characteristics of dyslexia. Any qualified dyslexia
21 evaluation tool utilized by a local district shall address but not be limited to
22 the following components:
 - 23 1. Phonological awareness and phonemic awareness;
 - 24 2. Sound symbol recognition;
 - 25 3. Alphabet knowledge;
 - 26 4. Decoding skills;
 - 27 5. Encoding skills; and

- 1 6. Rapid naming;
- 2 (d) A process for how evaluation tools are administered and evaluated by trained
- 3 district personnel or licensed professionals;
- 4 (e) A process for outreach to parents of students identified with or displaying the
- 5 characteristics of dyslexia with information and resource materials and how
- 6 dyslexia may be addressed in the student's educational setting;
- 7 (f) Identification of evidence-based interventions, structured multisensory and
- 8 literacy approaches to teach language and reading skills, and accommodations
- 9 that schools may utilize to provide services to students identified as having
- 10 dyslexia; and
- 11 (g) A process for monitoring a student's progress~~[after the positive~~
- 12 ~~identification]~~, including assessments to ascertain whether the intervention
- 13 services improve the student's language processing and reading skills.
- 14 (7) By June 30, **2028, and June 30** of each year **thereafter for five (5) years**, each local
- 15 school district ~~[that developed a policy addressing the implementation of a program~~
- 16 ~~for the identification of and strategies for assisting students in kindergarten through~~
- 17 ~~grade three (3) with dyslexia]~~shall provide the department the following data for
- 18 the current school year:
- 19 (a) The number of students in kindergarten through grade three (3) that were
- 20 identified **through the approved universal screener and reading diagnostic**
- 21 **assessment as defined in KRS 158.305** as displaying characteristics of
- 22 dyslexia;
- 23 (b) The number of students in paragraph (a) of this subsection that were identified
- 24 **as needing enrichment programs as defined in KRS 158.305**~~[through the~~
- 25 ~~response to intervention process]~~;
- 26 (c) ~~[The number of students in kindergarten through grade three (3) that were~~
- 27 ~~evaluated for dyslexia;~~

1 ~~(d) The number of students in kindergarten through grade three (3) that were~~
 2 ~~identified with dyslexia;~~

3 ~~(e) The dyslexia evaluation tools used to identify students;~~

4 ~~(f) The number of students in kindergarten through grade three (3) that were~~
 5 ~~participating in literacy interventions within the school setting; and~~

6 ~~(d)(g) The process or tools used to evaluate student progress; and~~

7 ~~(h) The number of trained district personnel or licensed professionals used to~~
 8 ~~administer the dyslexia evaluation tools.~~

9 ~~(8) (a) The department shall establish a study project to gather information on early~~
 10 ~~screening and intervention services for children with characteristics of~~
 11 ~~dyslexia. The commissioner of education shall select three (3) school districts~~
 12 ~~to participate in the study project, one (1) of which shall be located in an~~
 13 ~~urban setting, one (1) of which shall be located in a suburban setting, and one~~
 14 ~~(1) of which shall be located in a rural setting.~~

15 ~~(b) The department shall establish guidelines and procedures for the study~~
 16 ~~project.~~

17 ~~(c) The study project shall operate for three (3) full school years, beginning with~~
 18 ~~the school year that begins at least three (3) months after July 14, 2018.~~

19 ~~(d) The goal of the study project shall be to evaluate the effectiveness of early~~
 20 ~~reading assistance programs for children with characteristics of dyslexia.~~

21 ~~(e) The commissioner may consult with recognized organizations that specialize~~
 22 ~~in structured literacy programs for the treatment of dyslexia in establishing~~
 23 ~~and operating the study project.~~

24 ~~(f) The department shall submit a final report outlining the findings of the study~~
 25 ~~to the Interim Joint Committee on Education by November 1 after the final~~
 26 ~~academic year of the study project].~~

27 ➔Section 3. KRS 164.304 is amended to read as follows:

1 By the ~~2027-2028~~~~[2019-2020]~~ academic year, postsecondary institutions offering teacher
 2 preparation programs for elementary and secondary regular education shall ~~[-, subject to~~
 3 ~~available funds,]~~ include instruction on:

- 4 (1) The definition and characteristics of dyslexia;
- 5 (2) Processes for identifying dyslexia;
- 6 (3) Evidence-based interventions and accommodations for dyslexia and other disorders
 7 defined in KRS 158.305 and related literacy and learning challenges; and
- 8 (4) Core elements of a response-to-intervention framework addressing reading, writing,
 9 mathematics, and behavior, including:
 - 10 (a) Universal screening;
 - 11 (b) Evidence-based research interventions;
 - 12 (c) Progress monitoring of the effectiveness of interventions on student
 13 performance;
 - 14 (d) Data-based decision-making procedures related to:
 - 15 1. Determining intervention effectiveness on student performance; and
 - 16 2. Determining the need to continue, alter, or discontinue interventions or
 17 conduct further evaluation of student needs; and
 - 18 (e) Application and implementation of a multitiered system of
 19 supports~~[response to intervention]~~ and dyslexia instructional practices in the
 20 classroom setting.

21 ➔Section 4. KRS 164.306 is amended to read as follows:

- 22 (1) ~~[Beginning in the 2022-2023 school year,]~~Postsecondary institutions offering
 23 teacher preparation programs for interdisciplinary early childhood education or
 24 elementary regular education shall include evidence-based reading instructional
 25 programming related to reading instruction in the areas of phonemic awareness,
 26 phonics, fluency, vocabulary, and comprehension and on:

- 27 (a) The administration of specific assessment processes, ~~and]~~programs, and

1 interventions used to identify student strengths and needs and that are
2 determined by the Department of Education to be reliable and valid;

3 (b) The use of assessment data for designing instruction and interventions;

4 (c) Progress monitoring of student performance; and

5 (d) Instructional strategies that address students' individual differences.

6 (2) Postsecondary institutions offering teacher preparation programs for
7 interdisciplinary early childhood education or elementary regular education
8 shall:

9 (a) Provide instruction on how to teach reading and language arts using
10 scientifically researched and evidence-based reading instruction and
11 reading intervention programs as defined in Section 1 of this Act;

12 (b) Prohibit instruction on teaching reading and language arts that
13 incorporates a three-cueing system as defined in Section 1 of this Act; and

14 (c) Align to the academic standards established by the Department of
15 Education, and the approved list of reading curriculum and interventions
16 that are utilized by local districts under Section 1 of this Act.

17 ~~(3)(2)~~ ~~[By January 1, 2024,]~~The Education Professional Standards Board shall
18 develop and maintain a list of approved teacher preparation tests that are
19 determined by the board to be an effective evaluation of reading instruction
20 knowledge and skills.

21 ~~(4)(3)~~ ~~[Beginning in the 2024-2025 school year,]~~All new teachers seeking
22 certification in interdisciplinary early childhood education or elementary education
23 shall successfully pass an approved teacher preparation test that includes an
24 evaluation of reading instruction knowledge and skills.

25 ~~(5)(4)~~ The Education Professional Standards Board shall report program data to an
26 external evaluator for analysis of postsecondary teacher preparation programs for
27 interdisciplinary early childhood education or elementary regular education for the

1 goal of increasing the success of new teacher candidates in demonstrating reading
2 instruction knowledge and skills.

3 ➔Section 5. KRS 161.028 is amended to read as follows:

4 (1) The Education Professional Standards Board is recognized to be a public body
5 corporate and politic and an agency and instrumentality of the Commonwealth, in
6 the performance of essential governmental functions. The Education Professional
7 Standards Board has the authority and responsibility to:

8 (a) Establish standards and requirements for obtaining and maintaining a teaching
9 certificate;

10 (b) Set standards for, approve, and evaluate college, university, and school district
11 programs for the preparation of teachers and other professional school
12 personnel. College or university programs may be approved by the board for a
13 college or university with regional institutional level accreditation or national
14 institutional level accreditation that is recognized by the United States
15 Department of Education and is eligible to receive federal funding under 20
16 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards
17 and shall address, at a minimum, the following:

18 1. The alignment of programs with the state's core content for assessment
19 as defined in KRS 158.6457;

20 2. Research-based classroom practices, including effective classroom
21 management techniques;

22 3. Emphasis on subject matter competency of teacher education students;

23 4. Methodologies to meet diverse educational needs of all students;

24 5. The consistency and quality of classroom and field experiences,
25 including early practicums and student teaching experiences;

26 6. The amount of college-wide or university-wide involvement and support
27 during the preparation as well as the induction of new teachers;

- 1 7. The diversity of faculty;
- 2 8. The effectiveness of partnerships with local school districts; and
- 3 9. The performance of graduates on various measures as determined by the
- 4 board;
- 5 (c) *Include in the standards established for programs for the preparation of*
- 6 *teachers under paragraph (b) of this subsection the requirement that*
- 7 *interdisciplinary early childhood education or elementary regular education*
- 8 *programs shall:*
- 9 *1. Provide instruction on how to teach reading and language arts using*
- 10 *scientifically researched and evidence-based reading instruction and*
- 11 *reading intervention programs as defined in Section 1 of this Act; and*
- 12 *2. Not provide instruction on teaching reading and language arts that*
- 13 *incorporates a three-cueing system as defined in Section 1 of this Act;*
- 14 (d) *Require all interdisciplinary early childhood through grade five (5)*
- 15 *educators who receive certification pursuant to KRS 161.048(2) to (6) and*
- 16 *(9) to complete within two (2) years of initial employment a science of*
- 17 *reading professional learning program approved by the department;*
- 18 (e) Conduct an annual review of diversity in teacher preparation programs;
- 19 ~~(f)~~~~(d)~~ Provide assistance to universities and colleges in addressing diversity,
- 20 which may include researching successful strategies and disseminating the
- 21 information, encouraging the development of nontraditional avenues of
- 22 recruitment and providing incentives, waiving administrative regulations
- 23 when needed, and other assistance as deemed necessary;
- 24 ~~(g)~~~~(e)~~ Discontinue approval of programs that do not meet standards or whose
- 25 graduates do not perform according to criteria set by the board;
- 26 ~~(h)~~~~(f)~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 27 probationary or supervisory conditions upon; issue a written reprimand or

1 admonishment; or any combination of actions regarding any certificate;

2 ~~(i)(g)~~ Develop specific guidelines to follow upon receipt of an allegation of
3 sexual misconduct by an employee certified by the Education Professional
4 Standards Board. The guidelines shall include investigation, inquiry, and
5 hearing procedures which ensure the process does not revictimize the alleged
6 victim or cause harm if an employee is falsely accused;

7 ~~(j)(h)~~ Receive, along with investigators hired by the Education Professional
8 Standards Board, training on the dynamics of sexual misconduct of
9 professionals, including the nature of this abuse of authority, characteristics of
10 the offender, the impact on the victim, the possibility and the impact of false
11 accusations, investigative procedures in sex offense cases, and effective
12 intervention with victims and offenders;

13 ~~(k)(i)~~ Recommend to the Kentucky Board of Education the essential data
14 elements relating to teacher preparation and certification, teacher supply and
15 demand, teacher attrition, teacher diversity, and employment trends to be
16 included in a state comprehensive data and information system and
17 periodically report data to the appropriate Interim Joint Committee on
18 Education;

19 ~~(l)(j)~~ Submit reports to the Governor and the Legislative Research
20 Commission and inform the public on the status of teaching in Kentucky;

21 ~~(m)(k)~~ Devise a credentialing system that provides alternative routes to gaining
22 certification and greater flexibility in staffing local schools while maintaining
23 standards for teacher competence;

24 ~~(n)(l)~~ Develop a professional code of ethics;

25 ~~(o)(m)~~ Charge reasonable fees for the issuance, reissuance, and renewal of
26 certificates that are established by administrative regulation. The proceeds
27 shall be used to meet a portion of the costs of the issuance, reissuance, and

1 renewal of certificates, and the costs associated with disciplinary action
2 against a certificate holder under KRS 161.120;

3 ~~(p)~~~~(n)~~ Waive a requirement that may be established in an administrative
4 regulation promulgated by the board. A request for a waiver shall be
5 submitted to the board, in writing, by an applicant for certification, a
6 postsecondary institution, or a superintendent of a local school district, with
7 appropriate justification for the waiver. The board may approve the request if
8 the person or institution seeking the waiver has demonstrated extraordinary
9 circumstances justifying the waiver. Any waiver granted under this subsection
10 shall be subject to revocation if the person or institution falsifies information
11 or subsequently fails to meet the intent of the waiver;

12 ~~(q)~~~~(o)~~ Promote the development of one (1) or more innovative, nontraditional
13 or alternative administrator or teacher preparation programs through public or
14 private colleges or universities, private contractors, the Department of
15 Education, or the Kentucky Commonwealth Virtual University and waive
16 administrative regulations if needed in order to implement the program;

17 ~~(r)~~~~(p)~~ Grant approval, if appropriate, of a university's request for an alternative
18 program that enrolls an administrator candidate in a postbaccalaureate
19 administrator preparation program concurrently with employment as an
20 assistant principal, principal, assistant superintendent, or superintendent in a
21 local school district. An administrator candidate in the alternative program
22 shall be granted a temporary provisional certificate and shall be a candidate in
23 the Kentucky Principal Internship Program, notwithstanding provisions of
24 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
25 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
26 valid for a maximum of two (2) years, and shall be contingent upon the
27 candidate's continued enrollment in the preparation program and compliance

1 with all requirements established by the board. A professional certificate shall
2 be issued upon the candidate's successful completion of the program,
3 internship requirements, and assessments as required by the board;

4 ~~(s)~~~~(e)~~ Employ consultants as needed;

5 ~~(t)~~~~(+)~~ Enter into contracts. Disbursements to professional educators who
6 receive less than one thousand dollars (\$1,000) in compensation per fiscal
7 year from the board for serving on an assessment validation panel or as a test
8 scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

9 ~~(u)~~~~(s)~~ Sponsor studies, conduct research, conduct conferences, and publish
10 information as appropriate; and

11 ~~(v)~~~~(t)~~ Issue orders as necessary in any administrative action before the board.

12 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the
13 Education and Labor Cabinet and the president of the Council on
14 Postsecondary Education, or their designees, shall serve as ex officio voting
15 members. The Governor shall make the following fifteen (15) appointments:

16 1. Nine (9) members who shall be teachers representative of elementary,
17 middle or junior high, secondary, special education, and secondary
18 vocational classrooms;

19 2. Two (2) members who shall be school administrators, one (1) of whom
20 shall be a school principal;

21 3. One (1) member representative of local boards of education; and

22 4. Three (3) members representative of postsecondary institutions, two (2)
23 of whom shall be deans of colleges of education at public universities
24 and one (1) of whom shall be the chief academic officer or head of an
25 educator preparation program of an independent not-for-profit college or
26 university.

27 (b) The members appointed by the Governor shall be confirmed by the Senate

1 under KRS 11.160. If the General Assembly is not in session at the time of the
2 appointment, persons appointed shall serve prior to confirmation, but the
3 Governor shall seek the consent of the Senate at the next regular session or at
4 an intervening extraordinary session if the matter is included in the call of the
5 General Assembly.

6 (c) Each appointed member shall serve a three (3) year term. A vacancy on the
7 board shall be filled in the same manner as the original appointment within
8 sixty (60) days after it occurs. A member shall continue to serve until his or
9 her successor is named. Any member who, through change of employment
10 status or residence, or for other reasons, no longer meets the criteria for the
11 position to which he or she was appointed shall no longer be eligible to serve
12 in that position.

13 (d) Members of the board shall serve without compensation but shall be permitted
14 to attend board meetings and perform other board business without loss of
15 income or other benefits.

16 (e) A state agency or any political subdivision of the state, including a school
17 district, required to hire a substitute for a member of the board who is absent
18 from the member's place of employment while performing board business
19 shall be reimbursed by the board for the actual amount of any costs incurred.

20 (f) A chairman shall be elected by and from the membership. A member shall be
21 eligible to serve no more than three (3) one (1) year terms in succession as
22 chairman. Regular meetings shall be held at least semiannually on call of the
23 chairman.

24 (g) The commissioner of education shall serve as executive secretary to the board
25 and may designate staff to facilitate his or her duties.

26 (h) To carry out the functions relating to its duties and responsibilities, the board
27 is empowered to receive donations and grants of funds; to appoint consultants

1 as needed; and to sponsor studies, conduct conferences, and publish
2 information.

3 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 **A public school district or public charter school shall not enter into a nondisclosure**
6 **agreement relating to misconduct involving a minor or student, including abusive**
7 **conduct as defined in Section 7 of this Act.**

8 ➔Section 7. KRS 160.380 is amended to read as follows:

9 (1) As used in this section:

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

12 **(b)** "Administrative finding of child abuse or neglect" means a substantiated
13 finding of child abuse or neglect issued by the Cabinet for Health and Family
14 Services that is:

- 15 1. Not appealed through an administrative hearing conducted in
16 accordance with KRS Chapter 13B;
- 17 2. Upheld at an administrative hearing conducted in accordance with KRS
18 Chapter 13B and not appealed to a Circuit Court; or
- 19 3. Upheld by a Circuit Court in an appeal of the results of an
20 administrative hearing conducted in accordance with KRS Chapter 13B;

21 **(c)**~~(b)~~ "Alternative education program" means a program that exists to meet
22 the needs of students that cannot be addressed in a traditional classroom
23 setting but through the assignment of students to alternative classrooms,
24 centers, or campuses that are designed to remediate academic performance,
25 improve behavior, or provide an enhanced learning experience. Alternative
26 education programs do not include career or technical centers or departments;

27 **(d)**~~(e)~~ "Clear CA/N check" means a letter from the Cabinet for Health and

1 Family Services indicating that there are no administrative findings of child
2 abuse or neglect relating to a specific individual;

3 ~~(e)~~~~(d)~~ "Relative" means father, mother, brother, sister, husband, wife, son, and
4 daughter; and

5 ~~(f)~~~~(e)~~ "Vacancy" means any certified position opening created by the
6 resignation, dismissal, nonrenewal of contract, transfer, or death of a certified
7 staff member of a local school district, or a new position created in a local
8 school district for which certification is required. However, if an employer-
9 employee bargained contract contains procedures for filling certified position
10 openings created by the resignation, dismissal, nonrenewal of contract,
11 transfer, or death of a certified staff member, or creation of a new position for
12 which certification is required, a vacancy shall not exist, unless certified
13 positions remain open after compliance with those procedures.

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

16 (a) All appointments, promotions, and transfers of principals, supervisors,
17 teachers, and other public school employees shall be made only by the
18 superintendent of schools, who shall notify the board of the action taken. All
19 employees of the local district shall have the qualifications prescribed by law
20 and by the administrative regulations of the Kentucky Board of Education and
21 of the employing board. Supervisors, principals, teachers, and other
22 employees may be appointed by the superintendent for any school year at any
23 time after February 1 preceding the beginning of the school year. No
24 superintendent of schools shall appoint or transfer himself or herself to
25 another position within the school district;

26 (b) When a vacancy occurs in a local school district, the superintendent shall
27 submit the job posting to the statewide job posting system described in KRS

1 160.152 fifteen (15) days before the position shall be filled. The local school
2 district shall post position openings in the local board office for public
3 viewing;

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

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

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

18 (a) No relative of a superintendent of schools shall be an employee of the school
19 district. However, this shall not apply to a relative who is a classified or
20 certified employee of the school district for at least thirty-six (36) months
21 prior to the superintendent assuming office and who is qualified for the
22 position the employee holds. A superintendent's spouse who has previously
23 been employed in a school system may be an employee of the school district.
24 A superintendent's spouse who is employed under this provision shall not hold
25 a position in which the spouse supervises certified or classified employees. A
26 superintendent's spouse may supervise teacher aides and student teachers.
27 However, the superintendent shall not promote a relative who continues

- 1 employment under an exception of this subsection;
- 2 (b) No superintendent shall employ a relative of a school board member of the
3 district;
- 4 (c) No principal's relative shall be employed in the principal's school; and
- 5 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
6 this subsection may be employed as a substitute for a certified or classified
7 employee if the relative is not:
- 8 1. A regular full-time or part-time employee of the district;
- 9 2. Accruing continuing contract status or any other right to continuous
10 employment;
- 11 3. Receiving fringe benefits other than those provided other substitutes; or
- 12 4. Receiving preference in employment or assignment over other
13 substitutes.
- 14 (4) No superintendent shall assign a certified or classified staff person to an alternative
15 education program as part of any disciplinary action taken pursuant to KRS 161.011
16 or 161.790 as part of a corrective action plan established pursuant to the local
17 district evaluation plan.
- 18 (5) No superintendent shall employ in any position in the district any person who:
- 19 (a) Has been convicted of an offense that would classify a person as a violent
20 offender under KRS 439.3401;
- 21 (b) Has been convicted of a sex crime as defined by KRS 17.500 or a
22 misdemeanor offense under KRS Chapter 510;
- 23 (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
- 24 (d) Has an administrative finding of child abuse or neglect in records maintained
25 by the Cabinet for Health and Family Services.
- 26 (6) **(a) If requested by a school district regarding an applicant for a position:**
27 **1. A school district, public school, or nonpublic school that employs or**

1 previously employed the applicant shall disclose any disciplinary
2 action, and any resulting resignation or termination, related to abusive
3 conduct while the applicant was employed by the school or school
4 district; and

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

11 **(b) Any school district, public school, nonpublic school, or any school**
12 employees making a disclosure pursuant to paragraph (a) of this subsection
13 of any disciplinary action and any resulting resignation or termination shall
14 be immune from any civil or criminal liability that might otherwise be
15 incurred or imposed as a result of:

16 1. Making the disclosure; or

17 2. Participating in any judicial proceeding that may result from making
18 the disclosure.

19 **(c) Upon disclosure under paragraph (a) of this subsection of disciplinary**
20 action involving abusive conduct by an applicant, the school district
21 considering the applicant for employment shall, if the application is for a
22 certified position, request information from the Education Professional
23 Standards Board related to pending and resolved disciplinary action against
24 the applicant involving abusive conduct.

25 **(d) Upon request from a school district under paragraph (c) of this subsection,**
26 the school district, public school, or nonpublic school of previous or current
27 employment or the Educational Professional Standards Board shall provide

1 *the requested information, if applicable, within ten (10) working days.*

2 *(e) If there is a finding of abusive conduct regarding an applicant, the*
 3 *applicant shall be:*

4 *1. Ineligible for hire by the school district; and*

5 *2. Subject to dismissal or termination if the applicant is hired by the*
 6 *school district or is a current employee of the school district.*

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

10 *(Z)* Requirements for background checks shall be as follows:

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

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

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

- 1 position in a Kentucky school district within six (6) months of the
2 date of hire and who had previously submitted to a national and
3 state criminal background check and who have a clear CA/N check
4 for the previous employment; or
- 5 c. Student teachers who have submitted to and provide a copy of a
6 national and state criminal background check by the Department
7 of Kentucky State Police and the Federal Bureau of Investigation
8 through an accredited teacher education institution in which the
9 student teacher is enrolled and who have a clear CA/N check.
- 10 2. The Education Professional Standards Board may promulgate
11 administrative regulations to impose additional qualifications to meet
12 the requirements of Pub. L. No. 92-544;
- 13 (c) A parent member may serve prior to the receipt of the criminal history
14 background check and clear CA/N check~~letter~~ required by paragraph (a) of
15 this subsection but shall be removed from the council on receipt by the school
16 district of a report documenting a record of abuse or neglect, or a sex crime or
17 criminal offense against a victim who is a minor as defined in KRS 17.500, or
18 as a violent offender as defined in KRS 17.165, and no further procedures
19 shall be required;
- 20 (d) A superintendent may require a volunteer or a visitor to submit to a national
21 and state criminal history background check by the Department of Kentucky
22 State Police and the Federal Bureau of Investigation and have a clear CA/N
23 check, provided by the individual; and
- 24 (e) The superintendent of a school district operating under an alternative
25 transportation plan approved by the Kentucky Department of Education in
26 accordance with KRS 156.153(3) shall require the driver of any non-school
27 bus passenger vehicle authorized to transport students to and from school

1 pursuant to the alternative transportation plan who does not have a valid
2 commercial driver's license issued in accordance with KRS Chapter 281A
3 with an "S" endorsement to:

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

18 ~~(8)~~~~(7)~~ (a) If a certified or classified position remains unfilled after July 31 or if a
19 vacancy occurs during a school term, a superintendent may employ an
20 individual, who will have supervisory or disciplinary authority over minors,
21 on probationary status pending receipt of the criminal history background
22 check and a clear CA/N check, provided by the individual. Application for the
23 criminal record and a request for a clear CA/N check of a probationary
24 employee shall be made no later than the date probationary employment
25 begins.

- 26 (b) Employment shall be contingent on the receipt of the criminal history
27 background check documenting that the probationary employee has no record

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

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

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

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

26 (b) Each application form, provided by the employer to an applicant for a
27 certified or classified position, shall conspicuously state the following: "FOR

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

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

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

24 **(b) Notwithstanding Section 11 of this Act, all records and references relating**
25 **to an allegation of abusive conduct by a school district employee with a**
26 **student or minor shall be included and remain in an employee's personnel**
27 **file until completion of an investigation. If, after completion of an**

1 **investigation, the allegation is determined to be false or unsubstantiated, all**
2 **records and references relating to the allegation shall be removed from the**
3 **employee's personnel file.**

4 **(12)**~~(10)~~ Notwithstanding any provision of the Kentucky Revised Statutes to the
5 contrary, **any certified or classified employee of the school district shall notify the**
6 **superintendent within seven (7) calendar days of being**~~when an employee of the~~
7 ~~school district is~~ charged with any offense which is classified as a felony.~~;~~ The
8 superintendent may transfer the employee to a second position until such time as
9 the employee is found not guilty, the charges are dismissed, the employee is
10 terminated, or the superintendent determines that further personnel action is not
11 required. The employee shall continue to be paid at the same rate of pay he or she
12 received prior to the transfer. If an employee is charged with an offense outside of
13 the Commonwealth, this provision may also be applied if the charge would have
14 been treated as a felony if committed within the Commonwealth. Transfers shall be
15 made to prevent disruption of the educational process and district operations and in
16 the interest of students and staff and shall not be construed as evidence of
17 misconduct.

18 **(13)**~~(11)~~ Notwithstanding any law to the contrary, each certified and classified
19 employee of the school district shall notify the superintendent if he or she has been
20 found by the Cabinet for Health and Family Services to have abused or neglected a
21 child, and if he or she has waived the right to appeal a substantiated finding of child
22 abuse or neglect or if the substantiated incident was upheld upon appeal. Any
23 failure to report this finding shall result in the certified or classified employee being
24 subject to dismissal or termination.

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

27 **(15)**~~(12)~~ The form for requesting a CA/N check shall be made available on the Cabinet

1 for Health and Family Services website.

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

4 ➔Section 8. KRS 156.160 is amended to read as follows:

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

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

15 The administrative regulations shall provide that:

- 16 1. If a school offers American sign language, the course shall be accepted
17 as meeting the foreign language requirements in common schools
18 notwithstanding other provisions of law;
- 19 2. If a school offers the Reserve Officers Training Corps program, the
20 course shall be accepted as meeting the physical education requirement
21 for high school graduation notwithstanding other provisions of law;
- 22 3. Every public middle and high school's curriculum shall include
23 instruction on the Holocaust and other cases of genocide, as defined by
24 the United Nations Convention on the Prevention and Punishment of the
25 Crime of Genocide, that a court of competent jurisdiction, whether a
26 court in the United States or the International Court of Justice, has
27 determined to have been committed by applying rigorous standards of

1 due process; and

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

6 (b) Courses of study or educational experiences available to students in all middle
7 and high schools to fulfill the prerequisites for courses in advanced science
8 and mathematics as defined in KRS 158.845;

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

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

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

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

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

- 1 (f) Taking and keeping a school census, and the forms, blanks, and software to be
2 used in taking and keeping the census and in compiling the required reports.
3 The board shall create a statewide student identification numbering system
4 based on students' Social Security numbers. The system shall provide a
5 student identification number similar to, but distinct from, the Social Security
6 number, for each student who does not have a Social Security number or
7 whose parents or guardians choose not to disclose the Social Security number
8 for the student;
- 9 (g) Sanitary and protective construction of public school buildings, toilets,
10 physical equipment of school grounds, school buildings, and classrooms. With
11 respect to physical standards of sanitary and protective construction for school
12 buildings, the Kentucky Board of Education shall adopt the Uniform State
13 Building Code;
- 14 (h) Medical inspection, physical and health education and recreation, and other
15 regulations necessary or advisable for the protection of the physical welfare
16 and safety of the public school children. The administrative regulations shall
17 set requirements for student health standards to be met by all students in
18 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
19 in KRS 158.6451. The administrative regulations shall permit a student who
20 received a physical examination no more than six (6) months prior to his or
21 her initial admission to Head Start to substitute that physical examination for
22 the physical examination required by the Kentucky Board of Education of all
23 students upon initial admission to the public schools, if the physical
24 examination given in the Head Start program meets all the requirements of the
25 physical examinations prescribed by the Kentucky Board of Education;
- 26 (i) A vision examination by an optometrist or ophthalmologist that shall be
27 required by the Kentucky Board of Education. The administrative regulations

1 shall require evidence that a vision examination that meets the criteria
2 prescribed by the Kentucky Board of Education has been performed. This
3 evidence shall be submitted to the school no later than January 1 of the first
4 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
5 public school, public preschool, or Head Start program;

6 (j) 1. ~~Beginning with the 2010-2011 school year,~~ A dental screening or
7 examination by a dentist, dental hygienist, physician, registered nurse,
8 advanced practice registered nurse, or physician assistant that shall be
9 required by the Kentucky Board of Education. The administrative
10 regulations shall require evidence that a dental screening or examination
11 that meets the criteria prescribed by the Kentucky Board of Education
12 has been performed. This evidence shall be submitted to the school no
13 later than January 1 of the first year that a five (5) or six (6) year-old
14 child is enrolled in a public school.

15 2. A child shall be referred to a licensed dentist if a dental screening or
16 examination performed by anyone other than a licensed dentist identifies
17 the possibility of dental disease;

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

19 (l) The fixing of holidays on which schools may be closed and special days to be
20 observed, and the pay of teachers during absence because of sickness or
21 quarantine or when the schools are closed because of quarantine;

22 (m) The preparation of budgets and salary schedules for the several school
23 districts under the management and control of the Kentucky Board of
24 Education;

25 (n) A uniform series of forms and blanks, educational and financial, including
26 forms of contracts, for use in the several school districts;

27 (o) The disposal of real and personal property owned by local boards of

1 education; and

2 (p) The development and implementation of procedures, for all students who are
3 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
4 the following:

- 5 1. Awarding and accepting of credit, including partial credit, for all
6 coursework satisfactorily completed by a student while enrolled at
7 another school;
- 8 2. Allowing a student who was previously enrolled in a course required for
9 graduation the opportunity, to the extent practicable, to complete the
10 course, at no cost to the student, before the beginning of the next school
11 year;
- 12 3. Awarding a diploma, at the student's request, by a district from which
13 the student transferred, if the student transfers schools at any time after
14 the completion of the student's second year of high school and the
15 student is ineligible to graduate from the district to which the student
16 transfers, but meets the graduation requirements of the district from
17 which the student transferred; and
- 18 4. Exempting the student from all coursework and other requirements
19 imposed by the local board of education that are in addition to the
20 minimum requirements for high school graduation established by the
21 Kentucky Board of Education pursuant to paragraph (d) of this
22 subsection in the district to which the student transfers, if the student
23 transfers schools at any time after the completion of the student's second
24 year of high school and the student is ineligible to graduate both from
25 the district to which the student transfers and the district from which the
26 student transferred.

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

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

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

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

19 ~~(3)~~~~(2)~~ (a) **When a certified nonpublic** ~~If a~~ school requires a criminal background
 20 check or requires a clear CA/N check **under this section** ~~for a new hire~~, the
 21 school shall conspicuously include the following disclosure statement on each
 22 application or renewal form provided by the employer to an applicant for a
 23 certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO
 24 REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A
 25 LETTER, **PROVIDED BY THE INDIVIDUAL**, FROM THE CABINET
 26 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
 27 **HAS NO ADMINISTRATIVE FINDINGS OF** ~~IS CLEAR TO HIRE~~

1 ~~BASED ON NO FINDINGS OF SUBSTANTIATED~~ CHILD ABUSE OR
 2 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
 3 ABUSE AND NEGLECT RECORDS **MAINTAINED BY THE CABINET**
 4 **FOR HEALTH AND FAMILY SERVICES**~~[AS A CONDITION OF~~
 5 ~~EMPLOYMENT FOR THIS TYPE OF POSITION]."~~

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

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

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

25 ~~(4)~~~~(3)~~ (a) A **certified** nonpublic school **shall**~~[voluntarily implementing the~~
 26 ~~provisions of this chapter may choose]~~ not~~[to]~~ employ any person who is a
 27 violent offender as defined by KRS 17.165(2), has been convicted of a sex

1 crime which is classified as a felony as defined by KRS 17.165(1), or has
2 committed a violent crime as defined in KRS 17.165(3) or persons with a
3 substantiated finding of child abuse or neglect in records maintained by the
4 Cabinet for Health and Family Services. A ***certified*** nonpublic school may
5 employ, at its discretion, persons convicted of sex crimes classified as a
6 misdemeanor.

7 (b) If a school term has begun and a certified position remains unfilled or if a
8 vacancy occurs during a school term, a ***certified*** nonpublic school
9 ~~[implementing this chapter]~~ may employ an individual who will have
10 supervisory or disciplinary authority over minors on probationary status
11 pending receipt of a criminal history background check or the receipt of a
12 clear CA/N check, provided by the individual.

13 (c) Employment, ***including probationary employment***, at a ***certified*** nonpublic
14 school ***shall*** ~~[implementing this chapter may]~~ be contingent on the receipt of a
15 criminal history background check documenting ***that the employee has no*** ~~[a]~~
16 record as a violent offender, of a sex crime, or of a violent crime as defined in
17 KRS 17.165 ***and*** ~~[or]~~ the receipt of a clear CA/N check, provided by the
18 individual. ~~[~~

19 ~~(d) Nonpublic schools implementing this chapter may terminate probationary~~
20 ~~employment under this section upon receipt of a criminal history background~~
21 ~~check documenting a record as a violent offender, of a sex crime, or of a~~
22 ~~violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.]~~

23 ~~(5)~~ ~~[(4)]~~ The form for requesting a ~~[clear]~~ CA/N check shall be made available on the
24 Cabinet for Health and Family Services website.

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

1 ➔Section 10. KRS 156.095 is amended to read as follows:

- 2 (1) (a) The Kentucky Department of Education shall establish, direct, and maintain a
3 statewide program of professional development to improve instruction in the public
4 schools.
- 5 (b) By August 1, 2025, the department shall create a four (4) year recurring
6 professional development training schedule that includes all professional
7 development for certified personnel required by subsection (2) of this section
8 and federal law.
- 9 (c) Each local school district shall implement the professional development
10 training schedule created by the department.
- 11 (2) All certified school district employees and public charter school employees shall
12 complete at least one (1) hour of each of the following trainings within twelve (12)
13 months of initial hire and at least once every four (4) years thereafter:
- 14 (a) How to respond to an active shooter situation training prepared by the
15 Department of Criminal Justice Training in collaboration with the department,
16 the Kentucky Law Enforcement Council, and the Center for School Safety;
- 17 (b) Child abuse and neglect prevention, recognition, and reporting training from
18 the list of trainings approved by the department in accordance with subsection
19 (7) of this section;
- 20 (c) 1. High-quality, evidence-based suicide prevention training, including risk
21 factors, warning signs, protective factors, response procedures, referral,
22 postvention, and the recognition of signs and symptoms of possible mental
23 illness.
- 24 2. As used in this paragraph, "postvention" means a series of planned
25 supports and interventions with persons affected by a suicide for the
26 purpose of facilitating the grieving or adjustment process, stabilizing the
27 environment, reducing the risk of negative behaviors, and limiting the

- 1 risk of further suicides through contagion; and
- 2 (d) Self-study review of seizure disorder materials.
- 3 (3) (a) Each local school district superintendent shall appoint a certified school
4 employee to fulfill the role and responsibilities of a professional development
5 coordinator who shall disseminate professional development information to
6 schools and personnel. Upon request by a school council or any employees of
7 the district, the coordinator shall provide technical assistance to the council or
8 the personnel that may include assisting with needs assessments, analyzing
9 school data, planning and evaluation assistance, organizing districtwide
10 programs requested by school councils or groups of teachers, or other
11 coordination activities.
- 12 (b) The manner of appointment, qualifications, and other duties of the
13 professional development coordinator shall be established by the local board
14 of education.
- 15 (c) The local district professional development coordinator may participate in the
16 Kentucky Department of Education annual training program for local school
17 district professional development coordinators. The training program may
18 include but is not~~be~~ limited to the demonstration of various approaches to
19 needs assessment and planning; strategies for implementing long-term,
20 school-based professional development; strategies for strengthening teachers'
21 roles in the planning, development, and evaluation of professional
22 development; and demonstrations of model professional development
23 programs. The training shall include information about teacher learning
24 opportunities relating to the core content standards. The department shall
25 regularly collect and distribute this information.
- 26 (4) The department shall provide or facilitate optional, professional development
27 programs for certified personnel throughout the Commonwealth that are based on

1 the statewide needs of teachers, administrators, and other education personnel.
2 Programs may include classified staff and parents when appropriate. Programs
3 offered or facilitated by the department shall be at locations and times convenient to
4 local school personnel and shall be made accessible through the use of technology
5 when appropriate. They shall include programs that: address the goals for Kentucky
6 schools as stated in KRS 158.6451, including reducing the achievement gaps as
7 determined by an equity analysis of the disaggregated student performance data
8 from the state assessment program developed under KRS 158.6453; engage
9 educators in effective learning processes and foster collegiality and collaboration;
10 and provide support for staff to incorporate newly acquired skills into their work
11 through practicing the skills, gathering information about the results, and reflecting
12 on their efforts. Professional development programs shall be made available to
13 teachers based on their needs which shall include but not be limited to the following
14 areas:

- 15 (a) Strategies to reduce the achievement gaps among various groups of students
16 and to provide continuous progress;
- 17 (b) Curriculum content and methods of instruction for each content area,
18 including differentiated instruction;
- 19 (c) School-based decision making;
- 20 (d) Assessment literacy;
- 21 (e) Integration of performance-based student assessment into daily classroom
22 instruction;
- 23 (f) Nongraded primary programs;
- 24 (g) Research-based instructional practices;
- 25 (h) Instructional uses of technology;
- 26 (i) Curriculum design to serve the needs of students with diverse learning styles
27 and skills and of students of diverse cultures;

- 1 (j) Instruction in reading, including phonics, phonemic awareness,
2 comprehension, fluency, and vocabulary;
- 3 (k) Educational leadership; and
- 4 (l) Strategies to incorporate character education throughout the curriculum.
- 5 (5) The department shall assist school personnel in assessing the impact of professional
6 development on their instructional practices and student learning.
- 7 (6) (a) Upon the request of a school district or school council, the department shall
8 assist with the development of long-term school and district improvement
9 plans that include multiple strategies for professional development based on
10 the assessment of needs at the school level.
- 11 (b) Professional development strategies may include but are not limited to
12 participation in subject matter academies, teacher networks, training institutes,
13 workshops, seminars, and study groups; collegial planning; action research;
14 mentoring programs; appropriate university courses; and other forms of
15 professional development.
- 16 (c) In planning the use of the four (4) days for professional development under
17 KRS 158.070, school councils and districts shall give priority to programs that
18 increase teachers' understanding of curriculum content and methods of
19 instruction appropriate for each content area based on individual school plans.
20 The district may use up to one (1) day to provide district-wide training and
21 training that is mandated by state or federal law. Only those employees
22 identified in the mandate or affected by the mandate shall be required to
23 attend the training.
- 24 (d) State funds allocated for professional development shall be used to support
25 professional development initiatives that are consistent with local school
26 improvement and professional development plans and teachers' individual
27 growth plans. The funds may be used throughout the year for all staff,

1 including classified and certified staff and parents on school councils or
2 committees. A portion of the funds allocated to each school council under
3 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
4 teaching practices related to the content and subject matter that are required
5 for their specific classroom assignments.

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

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

- 12 1. Recognizing child physical, sexual, and emotional abuse and neglect;
- 13 2. Reporting suspected child abuse and neglect in Kentucky as required by
14 KRS 620.030 and the appropriate documentation;
- 15 3. Responding to the child; and
- 16 4. Understanding the response of child protective services.

17 (c) The trainings shall include a questionnaire or other basic assessment tool upon
18 completion to document basic knowledge of training components.

19 (d) Each local board of education shall adopt one (1) or more trainings from the
20 list approved by the department to be implemented by schools.

21 (8) **(a) By May 1, 2027, the Kentucky Department of Education, in collaboration**
22 **with the Education Professional Standards Board, shall develop a training**
23 **for school district employees, to be available via multiple delivery options,**
24 **related to appropriate relationships and communication with students,**
25 **inappropriate relationships and communication with students, sexual**
26 **grooming, and sexual misconduct. Each local school district shall require**
27 **all current employees to complete the training by June 30, 2027.**

1 *(b) Beginning with the 2027-2028 school year, every local school district shall*
2 *require all new employees to undergo the training described in paragraph*
3 *(a) of this subsection within ninety (90) days of the employee's initial hiring.*
4 *Any new employee who has completed the training within the prior five (5)*
5 *years with a previous employer shall be exempt from the requirement under*
6 *this paragraph.*

7 *(c) The requirements of this subsection shall apply to public charter schools as*
8 *a health and safety requirement under KRS 160.1592(1).*

9 (9) The department shall establish an electronic consumer bulletin board that posts
10 information regarding professional development providers and programs as a
11 service to school district central office personnel, school councils, teachers, and
12 administrators. Participation on the electronic consumer bulletin board shall be
13 voluntary for professional development providers or vendors, but shall include all
14 programs sponsored by the department. Participants shall provide the following
15 information: program title; name of provider or vendor; qualifications of the
16 presenters or instructors; objectives of the program; program length; services
17 provided, including follow-up support; costs for participation and costs of
18 materials; names of previous users of the program, addresses, and telephone
19 numbers; and arrangements required. Posting information on the bulletin board by
20 the department shall not be viewed as an endorsement of the quality of any specific
21 provider or program.

22 ~~(10)~~(9) The department shall provide voluntary training to address the characteristics
23 and instructional needs of students at risk of school failure and most likely to drop
24 out of school. The training shall be developed to meet the specific needs of all
25 certified and classified personnel depending on their relationship with these
26 students. The training for instructional personnel shall be designed to provide and
27 enhance skills of personnel to:

- 1 (a) Identify at-risk students early in elementary schools as well as at-risk and
- 2 potential dropouts in the middle and high schools;
- 3 (b) Plan specific instructional strategies to teach at-risk students;
- 4 (c) Improve the academic achievement of students at risk of school failure by
- 5 providing individualized and extra instructional support to increase
- 6 expectations for targeted students;
- 7 (d) Involve parents as partners in ways to help their children and to improve their
- 8 children's academic progress; and
- 9 (e) Significantly reduce the dropout rate of all students.

10 ~~(11)~~~~(10)~~ The department shall establish teacher academies to the extent funding is
11 available in cooperation with postsecondary education institutions for elementary,
12 middle school, and high school faculty in core disciplines, utilizing facilities and
13 faculty from universities and colleges, local school districts, and other appropriate
14 agencies throughout the state. Priority for participation shall be given to those
15 teachers who are teaching core discipline courses for which they do not have a
16 major or minor or the equivalent. Participation of teachers shall be voluntary.

17 ~~(12)~~~~(11)~~ The department shall annually provide to the oversight council established in
18 KRS 15A.063, the information received from local schools pursuant to KRS
19 158.449.

20 ➔Section 11. KRS 161.151 is amended to read as follows:

- 21 (1) **Except as provided in Section 7 of this Act,** all records and references relating to an
22 allegation of a criminal offense committed by a school employee that did not lead to
23 formal charges and all records relating to a criminal proceeding in which a school
24 employee was found not guilty or the charges were dismissed shall be removed
25 from the school employee's personnel file by the superintendent or the
26 superintendent's designee in the local school district.
- 27 (2) The provisions of subsection (1) of this section shall not preclude a school district

1 from separately investigating, taking action upon, and creating and maintaining
2 records on the same or a similar fact situation upon which the allegations of a
3 criminal offense was based.

4 ➔Section 12. KRS 158.4431 is amended to read as follows:

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

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

16 (3) Prior to hiring a guardian, the local board of education shall require the applicant to
17 provide certification from the Center for School Safety that he or she meets all of
18 the following minimum requirements:

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

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

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

22 (d) Has completed and passed background checks as required pursuant to

23 subsection (7)(a) of Section 7 of this Act~~[KRS 160.380(6)(a)]~~, and has not

24 been convicted of any felony, any misdemeanor under KRS 510.120, 510.130,

25 510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or

26 solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual

27 misconduct under KRS Chapter 510, or have had any offense listed in this

- 1 paragraph expunged;
- 2 (e) Has passed a medical examination completed by a licensed physician,
3 physician assistant, or advanced practice registered nurse to determine if he or
4 she can perform the duties of a guardian;
- 5 (f) Has passed a drug screening test administered or approved by the Kentucky
6 Law Enforcement Council. A person shall be deemed to have passed a drug
7 screening test if the results of the test are negative for the use of an illegal
8 controlled substance or prescription drug abuse;
- 9 (g) Has passed the following examinations administered by the Kentucky Law
10 Enforcement Council:
- 11 1. A background investigation to determine the person's suitability for the
12 position of guardian;
- 13 2. A psychological suitability screening to determine the person's
14 suitability to perform guardian duties; and
- 15 3. A polygraph examination to determine the person's suitability to
16 perform guardian duties;
- 17 (h) Has passed the following courses provided by the Department of Criminal
18 Justice Training:
- 19 1. Active Shooter Response;
- 20 2. Enhanced Handgun Performance; and
- 21 3. Patrol Rifle;
- 22 (i) Has passed the marksmanship qualification requirement for a retired peace
23 officer as specified in KRS 237.140;
- 24 (j) Has been honorably discharged from the Armed Forces of the United States
25 within the five (5) years immediately preceding an initial contract to be a
26 guardian as evidenced by a Department of Defense form DD 214, or is a
27 retired Kentucky state trooper, retired special or sworn law enforcement

- 1 officer, or former federal law enforcement officer. Each agency that employed
2 a retired Kentucky state trooper, retired special law enforcement officer, or
3 sworn law enforcement officer shall provide to the retired individual proof of
4 prior employment in a prompt and efficient manner, without charge to the
5 individual; and
- 6 (k) Has met any other requirements imposed by the local board of education,
7 which may include but are not limited to a preemployment written
8 examination.
- 9 (4) Each guardian shall be required to complete annual firearm proficiency testing and
10 shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).
- 11 (5) Each guardian shall be required to complete the course requirements for School
12 Resource Officer Training I (SRO I) as set forth in KRS 158.4414(8).
- 13 (6) The employing local board of education may require the completion of any
14 additional courses and training as determined to be necessary by the board.
- 15 (7) Any cost associated with subsections (3) to (6) of this section shall be the
16 responsibility of the guardian unless otherwise agreed to by the employing local
17 board of education. The Kentucky Law Enforcement Council shall not charge more
18 to guardians for tests, assessments, or training completed than what is customarily
19 charged to any other type of applicant tested, assessed, or trained by the council.
- 20 (8) A local board of education employing a guardian shall collaborate with the local
21 police department, local sheriff, area post of the Department of Kentucky State
22 Police, and the state school security marshal in order to adopt school district policy
23 regarding:
- 24 (a) The job description of the guardian, including but not limited to the scope of
25 duties, responsibilities, and direct supervisor of the guardian;
- 26 (b) The uniform to be worn by guardians that would best suit the needs of the
27 schools while also allowing outside agencies to easily identify guardians;

- 1 (c) The procedures, processes, and chain of command to be used during an
2 emergency in which law enforcement agencies are called to the school; and
- 3 (d) The type of firearm and ammunition to be used by the guardian, if any.
- 4 (9) A local board of education shall be immune from civil or criminal liability in all
5 claims arising out of any action of a guardian.
- 6 (10) Guardians shall possess all the immunities and defenses now available or hereafter
7 made available under state law to sheriffs, constables granted peace officer powers,
8 and police officers in any suit brought against them in consequence of acts done in
9 the course of their employment.
- 10 (11) Nothing in this section requires a local board of education to hire or provide
11 guardians. Participation by a local board of education in the use of a guardian is
12 voluntary and subject to the availability of local school district funds. Any local
13 board of education that opts to participate shall do so at its own expense.
- 14 ➔Section 13. KRS 156.492 is amended to read as follows:
- 15 (1) The Kentucky Department of Education may enter into an agreement with any
16 building and construction trade organization to develop a training program for
17 school counselors providing services to students in the Commonwealth. The
18 purpose of the training program shall be to promote building and construction
19 trades and training facilities available to students by making school counselors
20 aware of what is available to students participating in the building and construction
21 trade. The training program shall include information relating to:
- 22 (a) The pay and benefits available to people who work in the building and
23 construction trades; and
- 24 (b) Job opportunities, pre-apprenticeships, apprenticeships, and pathways within
25 the building and construction trade industry.
- 26 (2) The participating trade organization shall ensure ample opportunities for school
27 counselors that serve grades seven (7) through twelve (12) to complete the training

1 created under subsection (1) of this section annually and shall bear all costs
2 associated with the training. The participating trade organization may choose to
3 offer professional development opportunities to teachers who serve students in
4 grades seven (7) through twelve (12), if resources are available for this purpose.

5 (3) The department shall include the training program created in this section on the
6 electronic consumer bulletin board created pursuant to KRS 156.095~~[(8)]~~ if
7 requested by the training program.

8 (4) A school counselor serving students in grades seven (7) through twelve (12) may
9 complete four (4) hours of training developed under this section which shall count
10 towards the twenty-one (21) hours required annually pursuant to KRS
11 156.101(4)(b)2.

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

16 ➔Section 14. KRS 158.200 is amended to read as follows:

17 (1) The boards of education of local school districts may provide an opportunity for
18 pupils to attend moral instruction in their jurisdiction, in the manner provided in this
19 section.

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

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

27 (c) Pupil participation in moral instruction shall be voluntary and free from

1 coercion by school personnel.

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

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

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

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

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

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

18 (e) A statement acknowledging and agreeing to inform the parent or guardian of a
19 participating pupil that the school district and its employees and agents shall
20 not incur any liability as a result of any injury sustained by the pupil related to
21 participation in the moral instruction offering;

22 (f) A statement acknowledging and agreeing to indemnify and hold harmless the
23 school district and its employees and agents against any claims relating to the
24 moral instruction offering or transportation to or from the offering; and

25 (g) Proof of insurance coverage to be carried by the provider that shall include
26 adequate insurance for liability, property loss, and personal injury of students
27 related to the moral instruction offering or transportation to or from the

1 offering.

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

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

14 (c) As a condition of the agreement between the local board and a provider, the
15 local board shall require that any individual identified in the request under
16 subsection (3) of this section be barred from providing transportation or
17 participating in moral instruction offerings under this section upon receipt by
18 the school district of a report documenting a record of:

- 19 1. Child abuse or neglect;
20 2. A sex crime or criminal offense against a victim who is a minor, as
21 defined in KRS 17.500; or
22 3. A violent crime as defined in KRS 17.165;
23 by the individual. The prohibition shall continue until the local board receives
24 an updated record for that individual that does not contain a disqualifying
25 item.

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

- 1 (a) Credited with the time of attendance as if he or she had been in actual
2 attendance in school, and the time shall be included as part of the actual
3 school work required in KRS 158.060. A pupil shall not be penalized for any
4 school work missed during the specified time; and
- 5 (b) Included in calculating the average daily attendance for the Support Education
6 Excellence in Kentucky program as if the pupil was in actual attendance in
7 school.
- 8 (6) A pupil who does not participate in a moral instruction offering shall remain in
9 school during the time when the instruction is being given, and shall take noncredit
10 enrichment courses or participate in educational activities not required in the
11 regular curriculum, and that time shall be included as part of the actual school work
12 required in KRS 158.060. Students of different grade levels may be placed into
13 combined classrooms in accordance with maximum class size allotments as
14 described in KRS 157.360. These courses or activities shall be supervised by
15 certified school personnel and may include but are not limited to study hall,
16 computer instruction, music, art, library, physical education, and tutorial assistance.
- 17 (7) A school district shall not discriminate against a pupil for his or her participation or
18 nonparticipation in a moral instruction offering.
- 19 (8) (a) Each local board of education shall submit the following information
20 quarterly to the Kentucky Department of Education:
- 21 1. The name of each applicant that submitted a request to provide a moral
22 instruction offering;
 - 23 2. The date of the application;
 - 24 3. The local board's approval or denial of the application; and
 - 25 4. If the request was denied, the reason for the denial.
- 26 (b) The Kentucky Department of Education shall compile the quarterly reports
27 required by this subsection and submit a combined report to the Legislative

1 Research Commission no later than December 1 of each year for referral to
2 the appropriate Interim Joint Committee on Education.

3 ➔Section 15. Whereas students deserve every opportunity to learn and have
4 teachers and administrators who are focused on their best interests, an emergency is
5 declared to exist, and this Act takes effect upon its passage and approval by the Governor
6 or upon its otherwise becoming a law.