

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, unless the context requires otherwise:

6 (a) "Bigotry" means any of the following concepts:

7 1. The belief that an individual or group, by virtue of their race, sex, or  
8 religion;

9 a. Bears responsibility or accountability for actions committed by  
10 other individuals of the same race, sex, or religion; or

11 b. Should feel personal guilt, anguish, shame, or embarrassment  
12 on account of their race, sex, or religion;

13 2. The belief that an individual or group should be discriminated against  
14 or otherwise receive adverse treatment solely, or partly, because of  
15 their race, sex, or religion;

16 3. The belief that an individual or group should not, or cannot, attempt  
17 to treat others of a different race, sex, or religion without respect to  
18 race, sex, or religion;

19 4. Race or sex essentialism, meaning:

20 a. Assigning values, moral and ethical codes, privileges, status, or  
21 beliefs to an individual or group of persons based on their race  
22 or sex, including the assumption that an individual or group's  
23 race or sex makes them fundamentally or inherently dominant,  
24 privileged, oppressed, oppressive, or victimized;

25 b. The belief that an individual or group's moral character or  
26 moral worth is determined, in whole or part, by their race or sex;  
27 or

1            c. The belief that meritocracy or merit-based systems, or related  
2            character traits such as a hard work ethic, self-reliance,  
3            objectivity, rational or linear thinking, planning for the future,  
4            or delayed gratification:

5            i. Are racist, sexist, or oppressive;

6            ii. Were created by members of a particular race or sex to  
7            protect their political, financial, or social status or to  
8            oppress members of another race or sex; or

9            iii. Are traits that generally differentiate Americans on the  
10           basis of race or sex;

11        (b) "Critical social justice" means the ideological worldview that:

12           1. Sees people primarily in terms of their immutable characteristics or  
13           social group membership; and

14           2. Cynically analyzes and seeks to disrupt the relationship between those  
15           immutable characteristics or social groups and societal power and  
16           privilege; and

17           3. Cynically analyzes and seeks to disrupt the ways those immutable  
18           characteristics or social groups intersect in a matrix of domination,  
19           oppression, and marginalization that promotes the interests of the  
20           dominant while excluding or harming everyone else;

21        (c) "Revisionist history" means one (1) or more of the following concepts:

22           1. Slavery, racism, sexism, and white supremacy are practices and  
23           principles that are fundamental to America rather than deviations  
24           from the American promise of life, liberty, and the pursuit of  
25           happiness, as expressed in the Declaration of Independence and  
26           enshrined in the Constitution of the Commonwealth of Kentucky and  
27           the Constitution of the United States;

1           2. The advent of slavery in the territory that is now the United States  
2           constituted the true founding of the United States; and

3           3. The United States or the Commonwealth of Kentucky is  
4           fundamentally or inherently racist or sexist, including the theory that  
5           racism is not merely the product of individual prejudice but is  
6           embedded in American society for the purpose of upholding white  
7           supremacy; and

8           (d) "Student" means an individual attending a public school.

9           (2) (a) Notwithstanding KRS 158.210 to 158.260 and Section 2 of this Act,  
10           consistent with the Constitutions of the United States of America and the  
11           Commonwealth of Kentucky, a superintendent or board of a public charter  
12           school shall ensure that no public school or public charter school offers any  
13           classroom instruction or discussion, formal or informal, or distributes any  
14           printed or digital materials, including but not limited to textbooks and  
15           instructional materials, that:

16           1. Disparage the fundamental American value of equality; or

17           2. Advocate, inculcate, or promote bigotry, revisionist history, or critical  
18           social justice.

19           (b) Nothing in this section shall be interpreted to:

20           1. Prohibit discussing, as part of a larger course of academic instruction,  
21           the historical existence of bigotry or the historical existence of  
22           revisionist views of history, or how those views have influenced  
23           historical figures or American history, provided that the teaching does  
24           not:

25           a. Disparage the fundamental American value of equality;

26           b. Advocate, inculcate, or promote bigotry, revisionist history, or  
27           critical social justice; or

- 1                    c. *Compel any individual to affirm, adopt, adhere to, profess, or*  
2                    *promote concepts in violation of federal and state anti-*  
3                    *discrimination laws; or*  
4                    2 *Regulate the conduct or speech of students.*
- 5 (3) (a) *A teacher who chooses to discuss a current event or topic shall explore the*  
6                    *event or topic from diverse and contending perspectives without conveying*  
7                    *personal opinions about the event or topic.*
- 8                    (b) *No state agency, local board of education, school district, or school shall*  
9                    *require the following of any student for the student to receive course credit*  
10                    *or successfully to complete a course assignment:*
- 11                    1. *Personally associate with any organization engaged in lobbying efforts*  
12                    *relating to federal, state, or local legislation;*
- 13                    2. *Personally engage in lobbying for or against legislation at the local,*  
14                    *state, or federal level;*
- 15                    3. *Personally participate or associate with the activities of any*  
16                    *organization engaged in social or public policy advocacy; or*
- 17                    4. *Personally participate or associate with any partisan activity relating*  
18                    *to social or public policy advocacy.*
- 19                    (c) *Private funding shall not be accepted by any state agency or school district*  
20                    *for history or social studies curriculum development, curricular materials,*  
21                    *teacher training, or professional development that:*
- 22                    1. *Disparages the fundamental American value of equality; or*  
23                    2. *Advocates, inculcates, or promotes bigotry, revisionist history, or*  
24                    *critical social justice.*
- 25                    (d) *Nothing in this subsection shall be construed to prohibit individuals from*  
26                    *observing or participating in lawful government processes or volunteering*  
27                    *support for the lawful operations of federal, state, or local government*

1           agencies and organizations, including agencies and organizations of a  
2           legislative branch, judicial branch, or executive branch of a government  
3           entity.

4   (4) No state agency, local board of education, school district, or public school shall  
5   use public funds to contract with, hire, or otherwise engage speakers,  
6   consultants, trainers, and other persons to communicate with students, school  
7   administrators, teachers, or other personnel for the purpose of:

8   (a) Professing or promoting bigotry, revisionist history, or critical social justice  
9   or the rejection of the fundamental American value of equality; or

10   (b) Compelling or encouraging the audience to reject the fundamental  
11   American value of equality or to affirm, adopt, adhere to, profess, or  
12   promote bigotry, revisionist history, or critical social justice.

13   (5) A complaint alleging a violation of subsection (2) or (3) of this section shall be  
14   filed with the Office of Education Accountability.

15   (a) A complaint filed pursuant to this paragraph shall not be valid unless:

16       1. The complaint is filed by:

17           a. Any parent or guardian of a student enrolled in the school where  
18           the alleged violation occurred;

19           b. A student who is enrolled at the school where the alleged  
20           violation occurred who has reached the age of majority or is a  
21           lawfully emancipated minor; or

22           c. A classified or certified employee of the school where the alleged  
23           violation occurred; and

24       2. The complaint is in writing and includes:

25           a. The name and contact information of the complainant;

26           b. The name of the school and school district where the alleged  
27           violation occurred; and

1                    c. A detailed description of the facts underlying an alleged  
 2                    violation, including the date of the alleged violation and the  
 3                    name of any individual associated with the violation.

4                    (b) The Office of Education Accountability shall promptly send a letter or  
 5                    notice and a copy of each valid complaint to:

6                    1. The principal of the school where the alleged violation occurred for an  
 7                    investigation and determination in accordance with subsection (6) of  
 8                    this section if the complaint arises from an alleged act or omission of  
 9                    any school employee other than the principal;

10                    2. The superintendent of the school district where the alleged violation  
 11                    occurred for an investigation and determination in accordance with  
 12                    subsection (7) of this section if the complaint arises from an alleged  
 13                    act or omission of the principal; or

14                    3. The board of education of the district where the alleged violation  
 15                    occurred for an investigation and determination in accordance with  
 16                    subsection (8) of this section if the complaint arises from an alleged  
 17                    act or omission of a superintendent or local board of education.

18                    (c) The Office of Education Accountability shall have no role in the  
 19                    investigation or determination of any complaint. Any documents received  
 20                    and maintained under this statute are protected from disclosure under  
 21                    Section 3 of this Act.

22                    (6) If a complaint arises from an alleged act or omission of a school employee other  
 23                    than a principal or superintendent:

24                    (a) Upon receiving the letter of notice and complaint, the principal or the  
 25                    principal's designee shall:

26                    1. Promptly review the complaint, take reasonable steps to investigate the  
 27                    allegations contained in the complaint, and take reasonable steps to

- 1                   confer with the complainant; and
- 2                   2. Within ten (10) school days, unless an extended schedule is mutually  
3                   agreed upon by the complainant and the principal, issue a principal's  
4                   determination that:
- 5                   a. Provides a summary of the steps taken by the principal to  
6                   investigate the complaint;
- 7                   b. States the principal's determination of whether a violation of  
8                   subsection (2) or (3) of this section has occurred and the factual  
9                   basis to support that determination;
- 10                  c. If the principal determines that a violation of subsection (2) or  
11                  (3) of this section has occurred, states the remedial steps that  
12                  have been or will be taken to address the violation; and
- 13                  d. Shall be immediately sent to the complainant, the  
14                  superintendent, and Office of Educational Accountability.
- 15                  (b) If a complainant believes a principal's determination issued in accordance  
16                  with paragraph (a) of this subsection does not adequately resolve the  
17                  complaint, or if a timely principal's determination is not issued, the  
18                  complainant may submit a written request to reconsider the principal's  
19                  determination or to make a determination if none has been issued to the  
20                  superintendent. A request to the superintendent made pursuant to this  
21                  paragraph shall be handled in accordance with subsection (7) of this  
22                  section.
- 23                  (7) If a complaint arises from an alleged act or omission of a school principal or a  
24                  complainant submits a written request in accordance with subsection (6)(b) of  
25                  this section:
- 26                  (a) Upon receiving the letter of notice and complaint or written request in  
27                  accordance with subsection (6)(b) of this section, the superintendent or

1 superintendent's designee shall:

2 1. Promptly review the complaint, take reasonable steps to investigate the  
3 allegations contained in the complaint, and take reasonable steps to  
4 confer with the complainant;

5 2. If applicable, promptly review the principal's determination; and

6 3. Within twenty (20) school days of the date of the complainant's written  
7 request, unless an extended schedule is mutually agreed upon by the  
8 complainant and the superintendent, issue a superintendent's  
9 determination that:

10 a. Provides a summary of the steps taken by the superintendent to  
11 investigate the complaint and, if applicable, the principal's  
12 determination;

13 b. States the superintendent's determination of whether a violation  
14 of subsection (2) or (3) of this section has occurred and the  
15 factual basis to support that determination;

16 c. If the superintendent determines that a violation of subsection  
17 (2) or (3) of this section has occurred, states the remedial steps  
18 that have been or will be taken to address the violation; and

19 d. Shall be immediately sent to the complainant, the local board of  
20 education, and Office of Educational Accountability.

21 (b) If a complainant believes a superintendent's determination issued in  
22 accordance with paragraph (a) of this subsection does not adequately  
23 resolve the complaint, or if a timely superintendent's determination is not  
24 issued, the complainant may submit a final written request to reconsider the  
25 superintendent's determination or to make a determination if none is issued  
26 to the local board of education, which shall be handled in accordance with  
27 subsection (8) of this section.

1 (8) If a complaint arises from an alleged act or omission of a superintendent or local  
2 board of education or a complainant submits a written request in accordance  
3 with subsection (7)(b) of this section, the local board of education shall:

4 (a) Promptly review the complaint, take reasonable steps to investigate the  
5 allegations contained in the complaint, and take reasonable steps to confer  
6 with the complainant;

7 (b) If applicable, promptly review the principal and superintendent's  
8 determinations; and

9 (c) Within thirty (30) calendar days of the date of the complainant's written  
10 request, unless an extended schedule is mutually agreed upon by the  
11 complainant and the local board of education, issue a final district  
12 determination that:

13 1. Provides a summary of the steps taken by the board to investigate the  
14 complaint and, if applicable, the principal and superintendent's  
15 determinations;

16 2. States the board's determination of whether a violation of subsection  
17 (2) or (3) of this section has occurred and the factual basis to support  
18 that determination; and

19 3. If the board determines that a violation of subsection (2) or (3) of this  
20 section has occurred, states the remedial steps that have been or will  
21 be taken to address the violation;

22 4. Shall be immediately sent to the complainant and Office of  
23 Educational Accountability; and

24 5. Shall be final and appealable in accordance with subsection (10) of  
25 this section.

26 (9) (a) A local board of education shall adopt a policy for a complaint resolution  
27 process that meets the requirements of subsections (6), (7), and (8) of this

1 section.

2 (b) No later than July 1, 2022, the Kentucky Board of Education shall  
3 promulgate a model policy that a local school board may adopt for a  
4 complaint resolution process that meets the requirements of subsections (6),  
5 (7), and (8) of this section.

6 (c) The Department of Education shall develop, publish, and update as  
7 necessary a sample complaint response form, superintendent response form,  
8 and guidance that principals, superintendents, and local boards of  
9 education may use when determining:

10 1. The appropriate steps necessary to investigate a complaint alleging a  
11 violation of subsection (2) or (3) of this section;

12 2. Whether a violation of subsection (2) or (3) of this section occurred;  
13 and

14 3. What remedial steps are appropriate to address a violation of  
15 subsection (2) or (3) of this section are sufficient, including suggested  
16 outcomes and actions.

17 (10) (a) Notwithstanding any provision of law to the contrary, including but not  
18 limited to any claim to civil immunity, if an individual identified in  
19 subsection (5)(a)1. of this section has exhausted the applicable  
20 administrative remedies as set forth in subsections (5) to (8) of this section,  
21 but the alleged violation persists, the individual shall have a cause of action  
22 against the school district or any of its agents acting in their official  
23 capacities for injunctive relief and all damages arising from the violation,  
24 including but not limited to reasonable attorney's fees and litigation costs.

25 (b) A claim brought pursuant to this subsection may be asserted in the Circuit  
26 Court of the county in which the school district is located within one (1)  
27 year from the date the final review is issued or due to be issued by the local

1 board of education in accordance with subsection (8) of this section.

2 (c) The Circuit Court shall review the allegations contained in a valid  
3 complaint submitted in accordance with subsection (5) of this section de  
4 novo.

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

7 (e) The school district is authorized and encouraged to negotiate extra-judicial  
8 settlements of any bona fide claim brought pursuant to this subsection.

9 (f) If a claim brought pursuant to this subsection is ruled frivolous by the  
10 Circuit Court, the plaintiff shall:

11 1. Be liable for a fine in an amount no less than five thousand dollars  
12 (\$5,000) and no more than ten thousand dollars (\$10,000) paid to the  
13 benefit of the school district; and

14 2. Reimburse the school district for all court costs and reasonable  
15 attorney's fees for defending the action.

16 (11) The Attorney General may bring an action against a school district, or any of its  
17 agents acting in their official capacities, to enforce subsections (2) or (3) of this  
18 section.

19 (12) A local board of education shall notify the Office of Education Accountability of  
20 any legal action brought pursuant to subsection (10) or (11) of this section.

21 (13) (a) The superintendent of each local school district or governing board of each  
22 public charter school shall require the principal of each public school or  
23 public charter school to provide written notice to all students and parents  
24 and guardians of students within ten (10) days of the first instructional day  
25 of each school year and upon any verbal, written, or electronic complaint  
26 implicating a potential violation of subsection (2) or (3) of this section of:

27 1. The provisions of this section;

- 1            2. The right of a student or parent or guardian of a student to file a  
 2            complaint with the Office of Education Accountability in accordance  
 3            with subsection (5) of this section;
- 4            3. The specific procedures for filing a complaint with the Office of  
 5            Education Accountability, including but not limited to a link to the  
 6            form to submit the complaint; and
- 7            4. The right of a student or student's parent or guardian to pursue legal  
 8            action for injunctive relief and all damages arising from a violation of  
 9            subsection (2) or (3) of this section, including but not limited to  
 10           reasonable attorney's fees and litigation costs, in accordance with  
 11           subsection (10) of this section if the alleged violation is not resolved  
 12           upon exhaustion of the applicable administrative remedies set forth in  
 13           subsections (5) to (8) of this section.
- 14           (b) The notice required by paragraph (a) of this subsection shall be accessible  
 15           to students and parents and guardians of students through the official  
 16           school district and school Web sites.
- 17           (14) A school district or school district employee shall not subject an individual to any  
 18           retaliation, adverse employment action, warning, discipline, other adverse  
 19           consequences for filing a complaint in in accordance with subsection (5)of this  
 20           section, filing a lawsuit in accordance with subsection (10) of this section, or  
 21           supporting the complaint or lawsuit of another.

22           ➔Section 2. KRS 160.345 is amended to read as follows:

- 23           (1) For the purpose of this section:
- 24           (a) "Minority" means American Indian; Alaskan native; African-American;  
 25           Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
 26           South American origin; Pacific islander; or other ethnic group  
 27           underrepresented in the school;

- 1 (b) "School" means an elementary or secondary educational institution that is  
2 under the administrative control of a principal and is not a program or part of  
3 another school. The term "school" does not include district-operated schools  
4 that are:
- 5 1. Exclusively vocational-technical, special education, or preschool  
6 programs;
  - 7 2. Instructional programs operated in institutions or schools outside of the  
8 district; or
  - 9 3. Alternative schools designed to provide services to at-risk populations  
10 with unique needs;
- 11 (c) "Teacher" means any person for whom certification is required as a basis of  
12 employment in the public schools of the state, with the exception of principals  
13 and assistant principals; and
- 14 (d) "Parent" means:
- 15 1. A parent, stepparent, or foster parent of a student; or
  - 16 2. A person who has legal custody of a student pursuant to a court order  
17 and with whom the student resides.
- 18 (2) Each local board of education shall adopt a policy for implementing school-based  
19 decision making in the district which shall include but not be limited to a  
20 description of how the district's policies, including those developed pursuant to  
21 KRS 160.340, have been amended to allow the professional staff members of a  
22 school to be involved in the decision-making process as they work to meet  
23 educational goals established in KRS 158.645 and 158.6451. The policy may  
24 include a requirement that each school council make an annual report at a public  
25 meeting of the board describing the school's progress in meeting the educational  
26 goals set forth in KRS 158.6451 and district goals established by the board. The  
27 policy shall also address and comply with the following:

1 (a) Except as provided in paragraph (b)2. of this subsection, each participating  
2 school shall form a school council composed of two (2) parents, three (3)  
3 teachers, and the principal or administrator. The membership of the council  
4 may be increased, but it may only be increased proportionately. A parent  
5 representative on the council shall not be an employee or a relative of an  
6 employee of the school in which that parent serves, nor shall the parent  
7 representative be an employee or a relative of an employee in the district  
8 administrative offices. A parent representative shall not be a local board  
9 member or a board member's spouse. None of the members shall have a  
10 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to  
11 district employees;

12 (b) 1. The teacher representatives shall be elected for one (1) year terms by a  
13 majority of the teachers. A teacher elected to a school council shall not  
14 be involuntarily transferred during his or her term of office. The parent  
15 representatives shall be elected for one (1) year terms. The parent  
16 members shall be elected by the parents of students preregistered to  
17 attend the school during the term of office in an election conducted by  
18 the parent and teacher organization of the school or, if none exists, the  
19 largest organization of parents formed for this purpose. A school  
20 council, once elected, may adopt a policy setting different terms of  
21 office for parent and teacher members subsequently elected. The  
22 principal shall be the chair of the school council.

23 2. School councils in schools having eight percent (8%) or more minority  
24 students enrolled, as determined by the enrollment on the preceding  
25 October 1, shall have at least one (1) minority member. If the council  
26 formed under paragraph (a) of this subsection does not have a minority  
27 member, the principal, in a timely manner, shall be responsible for

- 1 carrying out the following:
- 2 a. Organizing a special election to elect an additional member. The
- 3 principal shall call for nominations and shall notify the parents of
- 4 the students of the date, time, and location of the election to elect a
- 5 minority parent to the council by ballot; and
- 6 b. Allowing the teachers in the building to select one (1) minority
- 7 teacher to serve as a teacher member on the council. If there are no
- 8 minority teachers who are members of the faculty, an additional
- 9 teacher member shall be elected by a majority of all teachers. Term
- 10 limitations shall not apply for a minority teacher member who is
- 11 the only minority on faculty;
- 12 (c) 1. The school council shall have the responsibility to set school policy
- 13 consistent with district board policy which shall provide an environment
- 14 to enhance the students' achievement and help the school meet the goals
- 15 established by KRS 158.645 and 158.6451. The principal shall be the
- 16 primary administrator and the instructional leader of the school, and
- 17 with the assistance of the total school staff shall administer the policies
- 18 established by the school council and the local board.
- 19 2. If a school council establishes committees, it shall adopt a policy to
- 20 facilitate the participation of interested persons, including, but not
- 21 limited to, classified employees and parents. The policy shall include the
- 22 number of committees, their jurisdiction, composition, and the process
- 23 for membership selection;
- 24 (d) The school council and each of its committees shall determine the frequency
- 25 of and agenda for their meetings. Matters relating to formation of school
- 26 councils that are not provided for by this section shall be addressed by local
- 27 board policy;

- 1 (e) The meetings of the school council shall be open to the public and all  
2 interested persons may attend. However, the exceptions to open meetings  
3 provided in KRS 61.810 shall apply;
- 4 (f) After receiving notification of the funds available for the school from the local  
5 board, the school council shall determine, within the parameters of the total  
6 available funds, the number of persons to be employed in each job  
7 classification at the school. The council may make personnel decisions on  
8 vacancies occurring after the school council is formed but shall not have the  
9 authority to recommend transfers or dismissals;
- 10 (g) The local superintendent~~[school council]~~ shall determine which curriculum,  
11 textbooks, instructional materials, and student support services shall be  
12 provided in the school after consulting with the school principal and the  
13 school council and after a reasonable review and response period for  
14 stakeholders in accordance with local board of education policy. The  
15 superintendent shall not select curriculum, textbooks, instructional  
16 materials, or student support services that violate subsection (2) or (3) of  
17 Section 1 of this Act. Subject to available resources, the local board shall  
18 allocate an appropriation to each school that is adequate to meet the school's  
19 needs related to instructional materials and school-based student support  
20 services, as determined by the school principal after consultation with the  
21 school council. The school council shall consult with the school media  
22 librarian on the maintenance of the school library media center, including the  
23 purchase of instructional materials, information technology, and equipment;
- 24 (h) Personnel decisions at the school level shall be as follows:
- 25 1. From a list of qualified applicants submitted by the local superintendent,  
26 the principal at the participating school shall select personnel to fill  
27 vacancies, after consultation with the school council, consistent with

1 paragraph (i)11. of this subsection. The superintendent shall provide  
2 additional applicants to the principal upon request when qualified  
3 applicants are available. The superintendent may forward to the school  
4 council the names of qualified applicants who have pending certification  
5 from the Education Professional Standards Board based on recent  
6 completion of preparation requirements, out-of-state preparation, or  
7 alternative routes to certification pursuant to KRS 161.028 and 161.048.  
8 Requests for transfer shall conform to any employer-employee bargained  
9 contract which is in effect;

- 10 2. a. i. If the vacancy to be filled is the position of principal, the  
11 outgoing principal shall not serve on the council during the  
12 principal selection process. The superintendent or the  
13 superintendent's designee shall serve as the chair of the  
14 council for the purpose of the hiring process and shall have  
15 voting rights during the selection process.
- 16 ii. Except as provided in subdivision b. of this subparagraph,  
17 the council shall have access to the applications of all  
18 persons certified for the position. The principal shall be  
19 elected on a majority vote of the membership of the council.  
20 The school council shall receive training in recruitment and  
21 interviewing techniques prior to carrying out the process of  
22 selecting a principal. The council shall select the trainer to  
23 deliver the training;
- 24 b. An alternative principal selection process may be used by the  
25 school council as follows:
- 26 i. Prior to a meeting called to select a principal, all school  
27 council members shall receive informational materials

- 1 regarding Kentucky open records and open meetings laws  
2 and sign a nondisclosure agreement forbidding the sharing of  
3 information shared and discussions held in the closed  
4 session;
- 5 ii. The superintendent shall convene the school council and  
6 move into closed session as provided in KRS 61.810(1)(f) to  
7 confidentially recommend a candidate;
- 8 iii. The council shall have the option to interview the  
9 recommended candidate while in closed session; and
- 10 iv. After any discussion, at the conclusion of the closed session,  
11 the council shall decide, in a public meeting by majority vote  
12 of the membership of the council, whether to accept or reject  
13 the recommended principal candidate;
- 14 c. If the recommended candidate is selected, and the recommended  
15 candidate accepts the offer, the name of the candidate shall be  
16 made public during the next meeting in open session;
- 17 d. i. If the recommended candidate is not accepted by the school  
18 council under subdivision b. of this subparagraph, then the  
19 process set forth in subdivision a. of this subparagraph shall  
20 apply.
- 21 ii. The confidentially recommended candidate's name and the  
22 discussions of the closed session shall remain confidential  
23 under KRS 61.810(1)(f), and any documents used or  
24 generated during the closed meeting shall not be subject to an  
25 open records request as provided in KRS 61.878(1)(i) and (j).
- 26 iii. A recommended candidate who believes a violation of this  
27 subdivision has occurred may file a written complaint with

1 the Kentucky Board of Education.

2 iv. A school council member who is found to have disclosed  
3 confidential information regarding the proceeding of the  
4 closed session shall be subject to removal from the school  
5 council by the Kentucky Board of Education under  
6 subsection (9)(e) of this section;

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

10 4. Personnel decisions made at the school level under the authority of  
11 subparagraphs 1. and 2. of this paragraph shall be binding on the  
12 superintendent who completes the hiring process;

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

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

21 7. ~~Beginning June 27, 2019,~~ Notwithstanding the requirement that a  
22 principal be elected on a majority vote of the council in subparagraph 2.  
23 of this paragraph, if the school council is in a county school district in a  
24 county with a consolidated local government adopted under KRS  
25 Chapter 67C, then the selection of a principal shall be subject to  
26 approval by the superintendent. If the superintendent does not approve  
27 the principal selected by the council, then the superintendent may select

1                   the principal;

2           (i)   The school council shall adopt a policy to be implemented by the principal in  
3           the following additional areas:

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

1 council are not available for consultation; ~~and~~

2 (j) **Beginning with the 2022-2023 school year, each public school shall:**

3 **1. Include and maintain on the homepage of its Web site a link that**  
 4 **provides a detailed list of primary instructional materials used in all**  
 5 **courses available at the school, including but not limited to the title,**  
 6 **author, creator, and publisher of any book, periodical, treatise, article,**  
 7 **recording, software, Web site, or paper;**

8 **2. Review primary instructional materials of each course and update the**  
 9 **on-line list of primary instructional materials:**

10 **a. On a semiannual basis or more frequently as determined**  
 11 **necessary by the local school district or school administration;**  
 12 **and**

13 **b. Before a new course may be made available to student; and**

14 **3. a. Make all instructional materials, including primary,**  
 15 **supplementary, and ancillary materials used or proposed for use**  
 16 **by students available for on-site review during school hours**  
 17 **upon request of:**

18 **i. Any parent or guardian of a student who is or will be**  
 19 **enrolled in the school; and**

20 **ii. A student who has reached the age of majority or is a**  
 21 **lawfully emancipated minor and who is enrolled at the**  
 22 **school.**

23 **b. A request for review of instructional materials made in**  
 24 **accordance with this paragraph shall be accommodated by the**  
 25 **school at least twenty-four (24) hours prior to the use of the**  
 26 **instructional materials; and**

27 (k) Each school council shall annually review data as shown on state and local

1 student assessments required under KRS 158.6453. The data shall include but  
2 not be limited to information on performance levels of all students tested, and  
3 information on the performance of students disaggregated by race, gender,  
4 disability, and participation in the federal free and reduced price lunch  
5 program. After completing the review of data, each school council, with the  
6 involvement of parents, faculty, and staff, shall develop and adopt a plan to  
7 ensure that each student makes progress toward meeting the goals set forth in  
8 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan  
9 to the superintendent and local board of education for review as described in  
10 KRS 160.340. The Kentucky Department of Education shall provide each  
11 school council the data needed to complete the review required by this  
12 paragraph no later than October 1 of each year. If a school does not have a  
13 council, the review shall be completed by the principal with the involvement  
14 of parents, faculty, and staff.

- 15 (3) The policies adopted by the local board to implement school-based decision making  
16 shall also address the following:
- 17 (a) School budget and administration, including: discretionary funds; activity and  
18 other school funds; funds for maintenance, supplies, and equipment; and  
19 procedures for authorizing reimbursement for training and other expenses;
  - 20 (b) Assessment of individual student progress, including testing and reporting of  
21 student progress to students, parents, the school district, the community, and  
22 the state;
  - 23 (c) School improvement plans, including the form and function of strategic  
24 planning and its relationship to district planning, as well as the school safety  
25 plan and requests for funding from the Center for School Safety under KRS  
26 158.446;
  - 27 (d) Professional development plans developed pursuant to KRS 156.095;

- 1 (e) Parent, citizen, and community participation including the relationship of the  
2 council with other groups;
- 3 (f) Cooperation and collaboration within the district, with other districts, and with  
4 other public and private agencies;
- 5 (g) Requirements for waiver of district policies;
- 6 (h) Requirements for record keeping by the school council; and
- 7 (i) A process for appealing a decision made by a school council.
- 8 (4) In addition to the authority granted to the school council in this section, the local  
9 board may grant to the school council any other authority permitted by law. The  
10 board shall make available liability insurance coverage for the protection of all  
11 members of the school council from liability arising in the course of pursuing their  
12 duties as members of the council.
- 13 (5) All schools shall implement school-based decision making in accordance with this  
14 section and with the policy adopted by the local board pursuant to this section.  
15 Upon favorable vote of a majority of the faculty at the school and a majority of at  
16 least twenty-five (25) voting parents of students enrolled in the school, a school  
17 meeting its goal as determined by the Department of Education pursuant to KRS  
18 158.6455 may apply to the Kentucky Board of Education for exemption from the  
19 requirement to implement school-based decision making, and the state board shall  
20 grant the exemption. The voting by the parents on the matter of exemption from  
21 implementing school-based decision making shall be in an election conducted by  
22 the parent and teacher organization of the school or, if none exists, the largest  
23 organization of parents formed for this purpose. Notwithstanding the provisions of  
24 this section, a local school district shall not be required to implement school-based  
25 decision making if the local school district contains only one (1) school.
- 26 (6) The Department of Education shall provide professional development activities to  
27 assist schools in implementing school-based decision making. School council

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

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

26 (8) The Kentucky Board of Education, upon recommendation of the commissioner of  
27 education, shall adopt by administrative regulation a formula by which school

1 district funds shall be allocated to each school council. Included in the school  
2 council formula shall be an allocation for professional development that is at least  
3 sixty-five percent (65%) of the district's per pupil state allocation for professional  
4 development for each student in average daily attendance in the school. The school  
5 council shall plan professional development in compliance with requirements  
6 specified in KRS 156.095, except as provided in KRS 158.649. School councils of  
7 small schools shall be encouraged to work with other school councils to maximize  
8 professional development opportunities.

9 (9) (a) No board member, superintendent of schools, district employee, or member of  
10 a school council shall intentionally engage in a pattern of practice which is  
11 detrimental to the successful implementation of or circumvents the intent of  
12 school-based decision making to allow the professional staff members of a  
13 school and parents to be involved in the decision making process in working  
14 toward meeting the educational goals established in KRS 158.645 and  
15 158.6451 or to make decisions in areas of policy assigned to a school council  
16 pursuant to paragraph (i) of subsection (2) of this section.

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

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

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

1 neglect of duty.

2 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the  
3 state board determines a violation of the confidentiality requirements set forth  
4 in subsection (2)(h)2. of this section by a school council member has  
5 occurred, the state board shall remove the member from the school council,  
6 and the member shall be permanently prohibited from serving on any school  
7 council in the district.

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

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

1 policy.

2 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall  
3 not violate provisions of any employer-employee bargained contract existing  
4 between the district and its employees.

5 ➔Section 3. KRS 7.410 is amended to read as follows:

6 (1) It is the intent of the General Assembly to provide an efficient system of common  
7 schools which shall be operated without waste, duplication, mismanagement, and  
8 political influence. The system of schools shall have the goal of providing all  
9 students with at least the seven (7) capacities referred to in KRS 158.645.

10 (2) (a) An Office of Education Accountability is hereby created and shall be under  
11 the direction of the Legislative Research Commission and shall be advised  
12 and monitored by the Education Assessment and Accountability Review  
13 Subcommittee.

14 (b) The Office of Education Accountability shall be administered by a deputy  
15 director appointed by the Legislative Research Commission upon  
16 recommendation of the director of the Legislative Research Commission. The  
17 deputy director shall have the qualifications set by the Commission. The  
18 salary of the deputy director shall be set by the Commission. The Commission  
19 shall have exclusive jurisdiction over the employment of personnel necessary  
20 to carry out the provisions of this section. The deputy director shall be subject  
21 to the direction of and report to the director of the Legislative Research  
22 Commission.

23 (c) The Office of Education Accountability shall have the following duties and  
24 responsibilities:

25 1. Monitor the elementary and secondary public education system,  
26 including actions taken and reports issued by the Kentucky Board of  
27 Education, the Education Professional Standards Board, the

1 commissioner of education, the Department of Education, and local  
2 school districts. Upon and under the direction of the Education  
3 Assessment and Accountability Review Subcommittee, the monitoring  
4 of the elementary and secondary public education system shall also  
5 include periodic reviews of local district and school-based decision  
6 making policies relating to the recruitment, interviewing, selection,  
7 evaluation, termination, or promotion of personnel. The office shall  
8 report any district or school when evidence demonstrates a pattern of  
9 exclusionary personnel practices relating to race or sex to the Kentucky  
10 Department of Education, which shall then independently investigate  
11 facts raised in or associated with the report. The results of the  
12 investigation conducted by the department shall be forwarded to the  
13 Kentucky Board of Education which shall conduct an investigative  
14 hearing on the matter;[-]

15 2. Upon and under the direction of the Education Assessment and  
16 Accountability Review Subcommittee, review the elementary and  
17 secondary public education finance system. The review shall include an  
18 analysis of the level of equity achieved by the funding system and  
19 whether adequate funds are available to all school districts and an  
20 analysis of the weights of various education program components  
21 developed by the Department of Education. The review may also include  
22 recommendations for the base per pupil funding for the Support  
23 Education Excellence in Kentucky Program and a statewide salary  
24 schedule, and studies of other finance issues identified by the Education  
25 Assessment and Accountability Review Subcommittee;[-]

26 3. Upon and under the direction of the Education Assessment and  
27 Accountability Review Subcommittee, verify the accuracy of reports of

1 school, district, and state performance by conducting, requesting, or  
2 upon approval of the Legislative Research Commission, contracting for  
3 periodic program and fiscal audits. Upon and under the direction of the  
4 Education Assessment and Accountability Review Subcommittee, the  
5 Office of Education Accountability shall monitor and verify the accuracy  
6 of reports of the Department of Education and the Kentucky Board of  
7 Education, including but not limited to the annual fiscal conditions of  
8 grants, categorical programs, and other educational initiatives set forth  
9 by the General Assembly;[1]

10 4. **Except as provided in Section 1 of this Act,** investigate allegations of  
11 wrongdoing of any person or agency, including but not limited to waste,  
12 duplication, mismanagement, political influence, and illegal activity at  
13 the state, regional, or school district level; make appropriate referrals to  
14 other agencies with jurisdiction over those allegations; and make  
15 recommendations for legislative action to the Education Assessment and  
16 Accountability Review Subcommittee. Upon acceptance by the  
17 subcommittee, recommendations for legislative action shall be  
18 forwarded to the Legislative Research Commission. The Office of  
19 Education Accountability shall submit to the subcommittee, for each of  
20 its regular meetings, a report that summarizes investigative activity  
21 initiated pursuant to this subparagraph. The subcommittee may consider  
22 each report as it determines and in its discretion. Each report, and the  
23 consideration thereof by the subcommittee, shall be exempt from the  
24 open records and open meetings requirements contained in KRS Chapter  
25 61;[1]

26 5. Upon and under the direction of the Education Assessment and  
27 Accountability Review Subcommittee, conduct studies, analyze, verify,

1 and validate the state assessment program through other external  
2 indicators of academic progress including but not limited to American  
3 College Test scores, Scholastic Assessment Test scores, National  
4 Assessment of Educational Progress scores, Preliminary Scholastic  
5 Assessment Test scores, Advanced Placement Program participation,  
6 standardized test scores, college remediation rates, retention and  
7 attendance rates, dropout rates, and additional available data on the  
8 efficiency of the system of schools and whether progress is being made  
9 toward attaining the goal of providing students with the seven (7)  
10 capacities as required by KRS 158.645;[ ]

11 6. Make periodic reports to the Education Assessment and Accountability  
12 Review Subcommittee as directed by the subcommittee. Upon  
13 acceptance by the subcommittee, the reports shall be forwarded to the  
14 Legislative Research Commission;[ ]

15 7. Make periodic reports to the Legislative Research Commission as may  
16 be directed by the Commission;[ ]

17 8. Prepare an annual report, which shall consist of a summary of the status  
18 and results of the current year annual research agenda provided in  
19 paragraph (d) of this subsection, a summary of completed investigative  
20 activity conducted pursuant to subparagraph 4. of this paragraph, and  
21 other items of significance as determined by the Education Assessment  
22 and Accountability Review Subcommittee. The annual report shall be  
23 submitted to the Education Assessment and Accountability Review  
24 Subcommittee. Upon acceptance by the subcommittee, the annual report  
25 shall be submitted to the Governor, the Legislative Research  
26 Commission, and the Kentucky Board of Education.; **and**

27 **9. Carry out an annual survey of public school districts and public**

1 charter schools to assess curriculum transparency and compliance  
2 with Section 1 of this Act. The Office of Education Accountability  
3 shall prepare an annual report on statewide curriculum transparency  
4 and compliance with the requirements of Section 2 of this Act. The  
5 report shall include:

6 a. A summary of the results of the survey required by this  
7 subparagraph;

8 b. A summary of the nature and status of complaints received  
9 pursuant to subsection (5) of Section 1 of this Act and an  
10 appendix that includes each complaint, principal's  
11 determination, superintendent's determination, and final district  
12 determination submitted to the Office of Education  
13 Accountability, redacted by the office as necessary to preserve  
14 the privacy of students and families, as well as certified or  
15 classified employees if there has been a judicial determination  
16 that no violation of subsections (2) and (3) of Section 1 of this  
17 Act;

18 c. A summary of the nature and status of any civil actions filed in  
19 accordance with subsections (10) or (11) of Section 1 of this Act;  
20 and

21 d. Other items of significance as determined by the Education  
22 Assessment and Accountability Review Subcommittee.

23 The annual report shall be submitted to the Education Assessment  
24 and Accountability Review Subcommittee, and upon acceptance by the  
25 subcommittee, the annual report shall be submitted to the Governor,  
26 the Legislative Research Commission, and the Kentucky Board of  
27 Education.

- 1 (d) On or before December 1 of each calendar year, the Education Assessment  
2 and Accountability Review Subcommittee shall adopt the annual research  
3 agenda for the Office of Education Accountability. The annual research  
4 agenda may include studies, research, and investigations considered to be  
5 significant by the Education Assessment and Accountability Review  
6 Subcommittee. Staff of the Office of Education Accountability shall prepare a  
7 suggested list of study and research topics related to elementary and secondary  
8 public education for consideration by the Education Assessment and  
9 Accountability Review Subcommittee in the development of the annual  
10 research agenda. An adopted annual research agenda shall be amended to  
11 include any studies mandated by the next succeeding General Assembly for  
12 completion by the Office of Education Accountability.
- 13 (e) The Office of Education Accountability shall have access to all public records  
14 and information on oath as provided in KRS 7.110. The office shall also have  
15 access to otherwise confidential records, meetings, and hearings regarding  
16 local school district personnel matters. However, the office shall not disclose  
17 any information contained in or derived from the records, meetings, and  
18 hearings that would enable the discovery of the specific identification of any  
19 individual who is the focus or subject of the personnel matter.
- 20 (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and  
21 Administration Cabinet and the Governor's Office for Policy and Management  
22 shall provide to the Office of Education Accountability access to all  
23 information and records, other than preliminary work papers, relating to  
24 allotment of funds, whether by usual allotment or by other means, to the  
25 Department of Education, local school districts, and to other recipients of  
26 funds for educational purposes.
- 27 (g) Any state agency receiving a complaint or information which, if accurate, may

1 identify a violation of the Kentucky Education Reform Act of 1990, 1990 Ky.  
2 Acts ch. 476, shall notify the office of the complaint or information.

3 (h) The Office of Education Accountability may contract for services as approved  
4 by the Legislative Research Commission pursuant to KRS 7.090(8).

5 (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992  
6 Regular Session of the General Assembly to the contrary notwithstanding, the  
7 testimony of investigators, work products, and records of the Office of Education  
8 Accountability relating to duties and responsibilities under subsection (2) of this  
9 section shall be privileged and confidential during the course of an ongoing  
10 investigation or until authorized, released, or otherwise made public by the Office  
11 of Education Accountability and shall not be subject to discovery, disclosure, or  
12 production upon the order or subpoena of a court or other agency with subpoena  
13 power.

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

16 *(1) The General Assembly hereby finds that a primary purpose of the public-school*  
17 *curriculum is to prepare thoughtful, active citizens who understand the*  
18 *importance of patriotism, the basic democratic principles upon which the*  
19 *Commonwealth of Kentucky and United States were founded, and the full,*  
20 *unbiased history of the Commonwealth of Kentucky and United States.*

21 *(2) Each school district and public charter school shall ensure that, as part of the*  
22 *mandatory curriculum for graduation from high school, students are educated*  
23 *about:*

24 *(a) The fundamental moral, political, and intellectual foundations of the*  
25 *American experiment in self-government, as expressed in the founding*  
26 *documents of the Commonwealth of Kentucky and nation;*

27 *(b) The founding documents of the United States, including:*



- 1                   **b. The eugenics movement and eugenics laws;**
- 2                   **c. Jim Crow laws; and**
- 3                   **d. The segregation of the federal government under President**
- 4                               **Woodrow Wilson;**
- 5                   **9. Justice John Marshall Harlan's dissent in Plessy v. Ferguson, 163**
- 6                               **U.S. 537 (1896);**
- 7                   **10. The United States Supreme Court's opinions in Brown v. Board of**
- 8                               **Education of Topeka, 347 U.S. 483 (1954) and Brown v. Board of**
- 9                               **Education of Topeka, 349 U.S. 294 (1955);**
- 10                   **11. The August 28, 1963, "I Have a Dream" speech by the Rev. Dr.**
- 11                               **Martin Luther King, Jr.;**
- 12                   **12. The Civil Rights Act of 1964, Pub. L. No. 88-352, as amended;**
- 13                   **13. The Voting Rights Act of 1965;**
- 14                   **14. The Fair Housing Act of 1968; and**
- 15                   **15. The Equal Employment Opportunity Act of 1972;**
- 16                   **(f) Why racial supremacy and racial scapegoating, including as expressed in**
- 17                               **slavery, eugenics, Jim Crow laws, and the beliefs of the Ku Klux Klan, are**
- 18                               **both morally wrong and contrary to America's founding values and ideals;**
- 19                   **(g) The passage of women's suffrage in the Commonwealth of Kentucky and**
- 20                               **nation, including the 19th Amendment to the Constitution of the United**
- 21                               **States;**
- 22                   **(h) The Seneca Falls Convention;**
- 23                   **(i) The plight of Native Americans, including the Trail of Tears;**
- 24                   **(j) America's victory over national socialism and fascism in the Second World**
- 25                               **War;**
- 26                   **(k) America's victory over international socialism and communism in the Cold**
- 27                               **War;**

1 (l) What distinguishes America's system of self-government from totalitarian  
 2 systems, such as communism and fascism, that do not hold that individuals  
 3 are created equal and endowed with inalienable rights, or that government  
 4 authority rests on the consent of the governed. This shall include  
 5 discussions of both the historical facts of and motivations for the following  
 6 atrocities and human rights violations committed by communist and fascist  
 7 regimes:

8 1. In accordance with KRS 156.160, the Holocaust; and

9 2. At least one (1) of the following:

10 a. The Holodomor;

11 b. The Great Terror in the Soviet Union;

12 c. The Gulag Archipelago in the Soviet Union;

13 d. The Great Leap Forward;

14 e. The Chinese Cultural Revolution; or

15 f. The Cambodian Genocide; and

16 (m) The operations of America's decentralized market economic system, the  
 17 operations of centrally planned socialist economies, and how America's  
 18 market system produced and produces substantially greater living standards  
 19 than socialist systems, including a discussion of the disparate economic  
 20 trajectories of East and West Germany and North and South Korea  
 21 following the Second World War.

22 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO  
 23 READ AS FOLLOWS:

24 (1) As used in this section, unless the context requires otherwise,

25 (a) "Bigoted program content" means conduct, curricula, instruction, or other  
 26 program features or components which would require the board to  
 27 discontinue approval of a program pursuant to subsection (2) of this

1 section;

2 (b) "Bigotry" has the same meanings as in Section 1 of this Act;

3 (c) "Board" means the Education Professional Standards Board;

4 (d) "Critical social justice" has the same meaning as Section 1 of this Act;

5 (e) "Program" means any program for the preparation for teachers or other  
6 professional school personnel, including but not limited to:

7 1. College, university, and school district programs;

8 2. Any alternative program through a college or university, private  
9 contractor, the Department of Education, or the Kentucky  
10 Commonwealth Virtual University; and

11 3. Any other alternative teacher certification program;

12 (e) "Qualified plaintiff" means an individual enrolled in the teacher  
13 preparation program, a parent or guardian of a minor student enrolled in  
14 the teacher preparation program, or a parent or guardian of a minor  
15 student enrolled in kindergarten through grade twelve (12) at a public  
16 school in the Commonwealth of Kentucky; and

17 (f) "Revisionist history" has the same meaning as Section 1 of this Act.

18 (2) The board shall discontinue approval of any teacher preparation program that  
19 directly or indirectly:

20 (a) Disparages the fundamental American value of equality; or

21 (b) Advocates, inculcates, or promotes bigotry, revisionist history, or critical  
22 social justice.

23 (3) (a) The board shall promulgate administrative regulations to provide  
24 procedures for individuals to report bigoted program content to the board.

25 (b) At a minimum, the procedures shall prohibit the use, or threat of use, of any  
26 official authority or influence, in any manner whatsoever, which would  
27 tend to discourage, restrain, depress, dissuade, deter, prevent, interfere with,

- 1           coerce, or discriminate against any individual who in good faith:
- 2           1. Reports, discloses, divulges, or otherwise brings bigoted program
- 3           content to the attention of the board; or
- 4           2. Supports, aids, or substantiates another individual's report of bigoted
- 5           program content to the board.
- 6   (4) The board shall regularly audit programs and investigate all credible reports of
- 7   bigoted program content to ensure compliance with this section. If a program is
- 8   found to include bigoted program content, the board shall impose probationary
- 9   conditions upon the program for a reasonable period of up to three (3) months. If
- 10   the program has not eliminated the bigoted program content by the end of the
- 11   probationary period, the board shall immediately discontinue the approval of the
- 12   program.
- 13   (5) (a) Except as provided in subsection (6) of this section and notwithstanding any
- 14   provision of law to the contrary, including but not limited to any claim for
- 15   civil immunity, the Attorney General or a qualified plaintiff may file an
- 16   action in any court of competent jurisdiction for injunctive relief and
- 17   damages, including but not limited to reasonable attorney's fees and
- 18   litigation costs, against:
- 19   1. The board, or any agents of the board acting in their official
- 20   capacities, for failing to discontinue a program in accordance with
- 21   subsection (2) of this section; or
- 22   2. A college, university, school district, agency, or other entity that offers
- 23   a program which includes bigoted program content, or any agents
- 24   thereof acting in their official capacities.
- 25   (b) A claim brought pursuant to this subsection may be asserted within one (1)
- 26   year from the last date the bigoted program content is offered or
- 27   administered to any student.

1        (c) The remedies identified in this subsection shall be in addition to, not in lieu  
2        of, any other remedies available at law or equity.

3        (6) (a) Nothing in this section shall be interpreted to interfere with the freedom of  
4        religion of any private teacher preparation program.

5        (b) Notwithstanding subsections (2) and (4) of this section, the board shall not  
6        discontinue approval of, or impose probationary conditions upon, any  
7        program on the basis of religious instruction or religious principles  
8        promoted by the program or institution.

9        (c) Notwithstanding subsection (5) of this section, an action shall not be  
10       brought against any such program on the basis of religious instruction or  
11       religious principles promoted by the program or institution.

12       ➔Section 6. If any provision of this Act or the application thereof to any person or  
13       circumstance is held invalid, the invalidity shall not affect other provisions or  
14       applications of the Act that can be given effect without the invalid provision or  
15       application, and to this end the provisions of this Act are severable.

16       ➔Section 7. Whereas it is imperative that the racist indoctrination of  
17       Commonwealth of Kentucky students be eradicated, an emergency is declared to exist,  
18       and this Act takes effect upon its passage and approval by the Governor or upon its  
19       otherwise becoming a law.