

**161.175 Teachers involved in illegal use of controlled substances.**

- (1) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher who has been reprimanded or otherwise disciplined by the teacher's employer because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of retaining employment, submit to random or periodic drug testing in accordance with administrative regulations promulgated by the Kentucky Board of Education for a period not to exceed twelve (12) months from the date such reprimand or disciplinary action occurred.
- (2) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher whose certificate has been suspended or revoked by the Education Professional Standards Board because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of reinstatement or reissuance of the certificate, submit to drug testing in accordance with administrative regulations promulgated by the Education Professional Standards Board.
- (3) No teacher may be subject to drug testing under this section unless and until it has been determined in an administrative or judicial proceeding that the teacher engaged in misconduct involving the illegal use of controlled substances.
- (4) For purposes of this section, the term "teacher" shall mean any person for whom certification is required as a basis for employment in the public schools of the Commonwealth.
- (5) Nothing in this section shall be interpreted or construed to limit the authority of the Education Professional Standards Board to impose or require additional conditions for the reissuance or reinstatement of a certificate.
- (6) The administrative regulations promulgated pursuant to this section shall contain provisions that ensure due process under the law.

**Effective:** July 12, 2006

**History:** Created 2006 Ky. Acts ch. 221, sec. 4, effective July 12, 2006.