

## CHAPTER 375

## (HB 161)

AN ACT relating to speech-language pathology.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

- (1) *The Education Professional Standards Board shall have the authority and responsibility to certify as a teacher of exceptional children/communication disorders, an individual who has:*
  - (a) *Completed an approved program of preparation that corresponds to the certificate;*
  - (b) *Achieved a passing score on an appropriate assessment as determined by the Education Professional Standards Board;*
  - (c) *Fulfilled other requirements for teacher certification as determined by the Education Professional Standards Board, in accordance with KRS Chapter 161 and administrative regulations promulgated thereunder; and*
  - (d) *Completed the requirements set forth in subsection (2) of this section.*
- (2) *The Education Professional Standards Board shall issue two (2) levels of certification for teachers of exceptional children/communication disorders:*
  - (a) *Baccalaureate level certification shall be issued to a person who has:*
    1. *Completed an approved program of preparation leading to a bachelor's degree in speech-language pathology;*
    2. *Been granted licensure as a speech-language pathology assistant from the Kentucky Board of Speech-Language Pathology and Audiology, under KRS Chapter 334A; and*
    3. *Completed the other requirements set forth in subsection (1) of this section; and*
  - (b) *Master's level certification shall be issued to a person who has:*
    1. *Completed an approved program of preparation leading to a master's degree in speech-language pathology; and*
    2. *Completed the other requirements specified in subsection (1) of this section.*
- (3) *A person holding licensure through the Kentucky Board of Speech-Language Pathology and Audiology as a speech-language pathology assistant, but not certified as a teacher of exceptional children/communication disorders, may:*
  - (a) *Continue to work in the public schools as a classified employee under the provisions of KRS Chapter 334A and administrative regulations promulgated by the Kentucky Board of Speech-Language Pathology and Audiology; or*
  - (b) *Pursue certification as a baccalaureate level teacher of exceptional children/communication disorders while working as a speech-language pathology assistant.*

- (4) *Candidates for certification as a teacher of exceptional children/communication disorders shall participate in the teacher internship program under KRS 161.030.*
- (5) *A bachelor's level teacher of exceptional children/communication disorders shall work under requirements for speech-language pathology assistants set forth in KRS Chapter 334A.*
- (6) *The Education Professional Standards Board shall develop a policy through the promulgation of administrative regulations by June 30, 2001, to permit a speechlanguage pathology assistant with two (2) years or more of successful professional experience pursuing certification as a baccalaureate level teacher of exceptional children to:*
  - (a) *Substitute prior professional experience for student teaching requirements; and*
  - (b) *Substitute prior professional experience for beginning teacher internship requirements.*
- (7) *A teacher of exceptional children/communication disorders shall receive salary and benefits, including membership in the Teachers' Retirement System, commensurate with their education, certification, and experience as prescribed by law. Years of experience as a speech-language pathology assistant shall be included in the calculation of all benefits, including membership in the Teachers' Retirement System, for individuals with baccalaureate level certification as a teacher of exceptional children/communication disorders.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

*A public postsecondary education institution with a degree program in speech-language pathology and a teacher education program, under the direction of the Council on Postsecondary Education, and in consultation with the Education Professional Standards Board and the Kentucky Board of Speech-Language Pathology and Audiology, shall:*

- (1) *Align the programs of studies for speech-language pathology and teacher education to permit a student to successfully prepare for licensure as a speech-language pathology assistant and certification as a bachelor's level teacher of exceptional children/communication disorders;*
- (2) *Increase the number of qualified students accepted into programs leading to licensure as a speech-language pathologist or speech-language pathology assistant and certification as a teacher of exceptional children/communication disorders, subject to:*
  - (a) *Requirements for program certification by national certifying bodies, including, but not limited to, student to faculty ratios;*
  - (b) *The strategic plans of the Council on Postsecondary Education and the postsecondary education institution; and*
  - (c) *The budgetary considerations of the postsecondary education institution.*
- (3) *Provide expanded opportunities for speech-language pathology assistants working in public schools to pursue licensure as a speech-language pathologist and certification as a teacher of exceptional children/communication disorders, which may include:*
  - (a) *Expanded opportunities for admission to on-campus programs;*

- (b) *The development and expansion of distance learning opportunities in collaboration with the Kentucky Commonwealth Virtual University; and***
- (c) *Admissions requirements that take into account successful professional experience as a speech-language pathology assistant in lieu of other admissions requirements.***

Section 3. KRS 161.030 is amended to read as follows:

- (1) Notwithstanding the age of the pupil, the certification of all teachers and other school personnel, in public schools only, is vested in the Education Professional Standards Board. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools, except as provided for by law. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the administrative regulations of the Education Professional Standards Board. After July 15, 1994, all certificate applications and other data collection instruments of the board shall include a request for voluntary information about the applicant's ethnic background. This information shall be available to help local school districts locate minority candidates. A person who holds a certificate prior to this requirement may request that ethnic information be added to his file. Nothing in this section shall preclude the right of an individual in a nonpublic school from seeking voluntary certification by the Education Professional Standards Board.
- (2) Certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of application to persons who have completed, at colleges, universities, or local school district programs approved by the Education Professional Standards Board for the preparation of teachers and other school personnel, the curricula prescribed by the administrative regulations of the Education Professional Standards Board.
- (3) Certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification. The assessments shall be selected by the Education Professional Standards Board and shall measure knowledge in the specific teaching field of the applicant, including content of the field and teaching of that content. The Education Professional Standards Board shall determine the minimum acceptable level of achievement on each assessment. The assessments shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the assessments and the approved teacher preparation program, a certificate valid for one (1) year shall be issued. If an out-of-state teacher with less than two (2) years experience comes to Kentucky after the deadline for taking the assessments, a temporary certificate may be issued for a period up to six (6) months provided the local board cannot fill the vacant position with a certified teacher. The teacher shall take the assessments if they are administered during the period of the temporary certificate. The certificate shall be extended for the remainder of the year if the teacher successfully completes the assessments. If the teacher fails the assessments, the temporary certificate shall be valid only for the current semester.
- (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the assessments shall be established by the Education Professional Standards Board. Provisions shall be made for persons having less than minimum levels of performance on any assessment to repeat that assessment, and candidates shall be informed

of their strengths and weaknesses in the specific performance areas. The Department of Education shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than two (2) years of teaching experience who are seeking initial certification in Kentucky.

- (5) All new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. The teacher shall be a full-time employee or shall have an annual contract and serve on at least a half-time basis and shall have supervision, assistance, and assessment during the one (1) year internship. The internship may be served in a public school or a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility, and benefits for single salary experience increments. Upon successful completion of the beginning teacher program, the one (1) year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by Education Professional Standards Board administrative regulations.
- (6) The beginning teacher committee shall be composed of three (3) persons who have successfully completed special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (8) of this section, ***except as provided in paragraph (g) of this subsection***. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator appointed by a state-approved teacher training institution.
  - (a) If more than two (2) teacher interns are employed in the same school, the principal's responsibility may be shared with an assistant principal who holds certification as a principal.
  - (b) In unusual situations, the Education Professional Standards Board may permit the assistant principal to serve in lieu of the principal on a beginning teacher committee.
  - (c) If the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district.
  - (d) If the intern is teaching in a regionally or nationally accredited nonpublic school without a principal, the person filling the principal member position may have other appropriate qualifications as required by administrative regulations promulgated by the Education Professional Standards Board.
  - (e) If the teacher training institution is unable to provide a member to serve on the beginning teacher committee in a nonpublic school, the chief officer of the school shall appoint an instructional supervisor or a teacher with like qualifications and responsibilities to serve on the beginning teacher committee in lieu of the teacher educator.
  - (f) The resource teacher shall be appointed by the Department of Education from a pool of qualified resource teachers, and, any statutes to the contrary notwithstanding and to the extent of available appropriations, shall be entitled to be paid a reasonable stipend by the Department of Education for work done outside normal working hours. In the

case of a resource teacher in a nonpublic school, payment shall be made directly to the resource teacher by the Department of Education. Priority shall be given to resource teachers in the following order, ***except as provided in paragraph (g) of this subsection:***

1. Teachers with the same certification in the same school;
  2. Teachers with the same certification in the same district;
  3. Teachers in the same school;
  4. Teachers in the same district; and
  5. Teachers in an adjacent school district.
- (g) ***1. The resource teacher for an individual pursuing initial certification as a baccalaureate level teacher of exceptional children/communication disorders shall be a master's level teacher of exceptional children/communication disorders, if one is available.***
- 2. If a master's level teacher of exceptional children/communication disorders is not available, the Education Professional Standards Board may allow a licensed speech-language pathologist to serve on the beginning teacher committee in lieu of a resource teacher.***
- (h) The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.
- (7) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher; twenty (20) of these hours shall be in the classroom setting; fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.
- (8) By contract with teacher education institutions in the Commonwealth, the chief state school officer shall provide special training for persons who will be serving on the beginning teacher committees. Completion of special training shall be evidenced by successfully passing the assessments as prescribed by the Education Professional Standards Board. A principal hired after July 15, 1996, shall be required to complete the beginning teacher committee training program within one (1) year after his appointment.
- (9) If an applicant establishes eligibility for a one (1) year certificate under the provisions of subsection (3) of this section, but does not become employed on the basis needed to satisfy the one (1) year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the administrative regulations of the Education Professional Standards Board. The applicant shall remain eligible for the one (1)

year certificate, as provided in subsection (3) of this section, and for the opportunity to serve the internship for a period of five (5) years after establishing eligibility. If the internship is not completed within the five (5) year period, the applicant must reestablish eligibility by repeating and passing the assessment program in effect for new teachers at that time or by completing a minimum of six (6) graduate hours toward completion of a graduate program required by administrative regulations promulgated by the Education Professional Standards Board. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility.

- (10) The Education Professional Standards Board shall approve the curricula of any standard college or university, or of any department thereof, for the training of teachers, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the administrative regulations of the Education Professional Standards Board for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the Education Professional Standards Board, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.

Section 4. KRS 334A.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Speech-Language Pathology and Audiology;
- (2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this chapter;
- (3) "Speech-language pathologist" means one who practices speech-language pathology. A speech-language pathologist may describe himself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech-language pathology," "speech-language therapy," "speech-language correction," "speech-language correctionist," "speech-language therapist," "speech clinic," "speech clinician," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatriest," "communication disorders," or any similar titles or descriptions;
- (4) "The practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation, counseling, instruction, and research related to the development and disorders of speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies for the purpose of designing and implementing programs for the amelioration of these disorders and conditions. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, instruction, and research of persons suffering or suspected of suffering from conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies shall be considered to be the practice of speech-language pathology;

- (5) "Audiologist" is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," or any similar titles or descriptions of service;
- (6) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting, or participating in identification and hearing conservation programs; and habilitative and rehabilitative programs, including hearing aid recommendations and evaluation, auditory training, or speech reading;
- (7) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speechlanguage pathology and audiology practitioners to enable them to provide improved health care to the public.
- (8) "Speech-language pathology assistant" means one who assists in the practice of speechlanguage pathology only under the supervision and direction of an appropriately qualified supervisor and only within the public school system in the Commonwealth. Any speech pathology services provided without appropriate supervision, or outside the public school system shall be deemed to be the unlicensed practice of speech pathology and shall subject the offending party to penalties established pursuant to KRS 334A.990.
- (9) "Assisting in the practice of speech pathology" means the provision of certain specific components of a speech or language service program provided by a speech-language pathology assistant under the supervision and direction of an appropriately qualified supervisor.
  - (a) If the training, supervision, documentation, and planning are appropriate, the following tasks may be delegated to a speech-language pathology assistant:
    1. Conduct speech-language and hearing screenings without interpretation following specified screening protocols developed by a speech-language pathologist and audiologist, respectively;
    2. Follow documented treatment plans or protocols as prescribed by the supervisor;
    3. Document student progress toward meeting established objectives as stated in the treatment plan;
    4. Provide direct treatment assistance to identified students under the supervision of the supervisor;
    5. Assist with clerical and other related duties as directed by the supervisor;
    6. Report to the supervisor about the treatment plan based on a student's performance;
    7. Schedule activities, prepare charts, records, graphs, or otherwise display data. This shall not include report generation;

8. Perform simple checks and maintenance of equipment;
  9. Participate with the supervisor in research projects, inservice training, and public relations programs;
  10. Assist in the development and maintenance of an appropriate schedule for service delivery;
  11. Assist in implementing collaborative activities with other professionals; ~~and~~
  12. Assist in administering tests for diagnostic evaluations and progress monitoring; *and*
  13. *Participate in parent conferences, case conferences, or any interdisciplinary team in consultation with, or in the presence of, the supervisor.*
- (b) The following activities shall be outside the scope of practice of the speech-language pathology assistant:
1. Performing any activity which violates the code of ethics promulgated by the board by administrative regulation;
  2. Interpreting test results, or performing diagnostic evaluations without supervision;
  3. ~~Participating in parent conferences, case conferences, or any interdisciplinary team without consultation with, or in the presence of, the supervisor;~~
  4. ~~Conducting client or family counseling without the recommendation, guidance, and approval of the supervisor;~~
  4. ~~5.~~ Writing, developing, or modifying a student's individualized treatment plan in any way without the recommendation, guidance, and approval of the supervisor;
  5. ~~6.~~ Treating students without following the individualized treatment plan prepared by the supervisor or without access to supervision;
  6. ~~7.~~ Signing any due process document without the co-signature of the supervisor;
  7. ~~8.~~ Selecting or discharging students;
  8. ~~9.~~ Disclosing clinical or confidential information, either orally or in writing, to anyone not designated by the supervisor;
  9. ~~10.~~ Making referrals for additional services; and
  10. ~~11.~~ Representing themselves as something other than a speech-language pathology assistant.
- (10) "Supervisor" means a person who holds a Kentucky license as a speech-language pathologist or who holds Education Professional Standards Board "*master's level*" certification as a teacher of exceptional children in the areas of speech and communication disorders as established by administrative regulation. Section 5. KRS 334A.035 is amended to read as follows:
- (1) A person who has a master's degree in the area of speech-language pathology or audiology or substantive equivalent course work as defined by the board's administrative regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication, the experience being obtained with a training institution or in



one (1) of its cooperating programs, shall apply for an interim license during the time that person is completing postgraduate professional experience deemed necessary by the board. This postgraduate professional experience shall be completed under the supervision of a speech-language pathologist who holds a Kentucky license, if the applicant is seeking interim licensure in speech-language pathology, or under an audiologist who holds a Kentucky license, if the applicant is seeking interim licensure in audiology. A person with interim licensure shall make every effort to take and pass an examination approved by the board. Upon completion of postgraduate professional experience deemed necessary by the board, the speech-language pathologist or audiologist shall make immediate application to the board for permanent licensure, if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

- (2) A person who has a baccalaureate degree in the area of speech-language pathology as defined by administrative regulation and who does not hold a valid and current *master's degree level* credential as a speech-hearing specialist issued by the *Education Professional Standards Board*~~[Department of Education]~~, shall apply for an interim license as a speechlanguage pathology assistant during the time that person is completing their professional experience as established by the board by administrative regulation. This professional experience shall be completed under the supervision of an appropriately qualified supervisor. Upon completion of the professional experience, the speech-language pathology assistant shall make immediate application to the board for permanent licensure, if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.
- (3) In order to regulate the quality of professional service to children in the public schools of the Commonwealth, any speech-language pathologist employed by the public schools shall apply for and maintain appropriate licensure until the time the Kentucky Education Professional Standards Board promulgates an administrative regulation requiring speechlanguage pathologists to meet the requirements of KRS 334A.050(2)(a) and (b).

Section 6. KRS 334A.060 is amended to read as follows:

- ~~(1) The board may waive the examination and educational requirements for those applicants for licensure as a speech language pathology assistant who hold a valid and current credential as a speech and hearing specialist issued by the Education Professional Standards Board or graduate with a baccalaureate degree in the area of speech language pathology as defined by the board prior to December 31, 1994. The authority of the board to grant licensure under these circumstances shall end on March 1, 1995.~~
- ~~(2)~~ The board may waive the examination and grant a license to applicants who present proof of current licensure in a state which has standards that are at least equivalent to those of this state.
- ~~(2)~~~~(3)~~ The board may waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

Section 7. KRS 334A.033 is amended to read as follows:

- (1) The board may issue a license to practice as a speech-language pathology assistant under the following conditions:

- (a) The practice shall be limited to the public schools and shall be under the supervision of an appropriately qualified supervisor;
  - (b) The requirements for supervision shall be set forth in administrative regulations promulgated by the board *and shall include requirements that:*
    - 1. *A person holding an interim license as a speech-language pathology assistant shall receive no less than three (3) hours per week of documented direct supervision and three (3) hours per week of indirect supervision from an appropriate supervisor as determined by the board;*
    - 2. *A person holding a license as a speech-language pathology assistant with less than three (3) years of full-time experience shall receive no less than two (2) hours per week of documented direct supervision and two (2) hours per week of indirect supervision from an appropriate supervisor as determined by the board;*
    - 3. *A person holding a license as a speech-language pathology assistant with three (3) or more years of full-time experience shall receive no less than one (1) hour per week of documented direct supervision and one (1) hour per week of indirect supervision, unless, in the professional judgment of the supervisor, the ability of the speech-language pathology assistant requires a higher level of supervision in order to avoid compromising the quality of services provided to students; and*
    - 4. *Supervision shall be adjusted proportionally for less than full-time employment;*
  - (c) An individual shall not supervise or be listed as the supervisor for more than two (2) speech-language pathology assistants; and
  - (d) The supervisor shall delegate to the assistant the appropriate tasks pursuant to KRS 334A.020 and the supervisor and assistant shall work together to provide the appropriate services to all assigned pupils *taking into account the severity and complexity of the needs of individual students and the respective workloads of the supervisor and assistant*. The maximum number of pupils served by each speechlanguage pathology assistant shall not exceed the direct service caseload of the speechlanguage pathologist as established in KRS 334A.190.
- (2) To be eligible for licensure by the board as a speech-language pathology assistant, the applicant shall meet the following requirements:
- (a) A baccalaureate degree in the area of speech-language pathology as defined by administrative regulation;
  - (b) Completion of postgraduate professional experience deemed appropriate by the board by administrative regulation; and
  - (c) List on the application the name of the appropriately qualified supervisor who has agreed to provide supervision as set forth by the board by administrative regulation.

Section 8. KRS 334A.190 is amended to read as follows:

~~(1) The caseload limitations for speech-language pathologists in the public schools shall **not exceed sixty-five (65) pupils.** [be as follows:~~

~~(1) The individual direct service caseload of a speech language pathologist in the public schools shall not exceed the following:~~

- ~~(a) — Seventy five (75) pupils for the school year 1997-1998;~~
  - ~~(b) — Seventy (70) pupils for the school year 1998-1999;~~
  - ~~(c) — Sixty five (65) pupils for the school year 1999-2000 and thereafter;}~~
- (2) The total caseload of speech-language pathologists who supervise assistants may be increased by no more than one-half (1/2) of the amount set forth in subsection (1) of this section for each speech-language pathology assistant working under their supervision.

**Approved April 7, 2000**