

CHAPTER 527 (SB 77)

AN ACT relating to the professional preparation of school personnel.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act, unless the context requires otherwise:

- (1) *"Center" means the Center for Middle School Academic Achievement;*
- (2) *"Fund" means the Teachers' Professional Growth Fund;*
- (3) *"Middle school" means grades five (5) through eight (8), regardless of school or district configuration; and*
- (4) *"Reliable, replicable research" means objective, valid, scientific studies that:*
 - (a) *Include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;*
 - (b) *Rely on measurements that meet established standards of reliability and validity;*
 - (c) *Test competing theories, where multiple theories exist; and (d) Are subjected to peer review before results are published.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *The Teachers' Professional Growth Fund is hereby created to provide teachers with high quality professional development in content knowledge in the core disciplines of mathematics, science, language arts, and social studies as well as teaching methodologies to impart the content to students. During the years 2000 to 2004, priority for funding shall be given to middle school teachers, and based upon available funds, and in subsequent years, funding shall be made available to teachers in all grade levels in the subject areas listed in this subsection. During the years 2000 to 2002, funds shall be directed to improving the content knowledge of mathematics by middle school teachers, and in subsequent years, the Department of Education, under provisions of this section, shall determine the priority for content emphasis.*
- (2) *The fund may provide moneys to teachers for:*
 - (a) *Tuition reimbursement for successful completion of college or university level courses approved for this purpose by the Education Professional Standards Board; (b) Stipends for participation in and successful completion of:*
 1. *College or university courses approved for this purpose by the Education Professional Standards Board;*
 2. *Teacher institutes developed for core content instructors by the Department of Education in compliance with Section 10 of this Act; and*
 3. *Other professional development programs approved by Kentucky Department of Education; and*

- (c) *Reimbursement for other approved professional development activities throughout the school year, including reimbursement for:*
1. *Travel to and from professional development workshops; and*
 2. *Travel to and from other schools for the observation of, and consultation with, peer mentors.*
- (3) *The Education Professional Standards Board shall determine the college and university courses for which teachers may receive reimbursement from the fund.*
- (4) *The Department of Education shall:*
- (a) *Administer the fund;*
 - (b) *Determine the professional development programs for which teachers may receive reimbursement from the fund;*
 - (c) *Determine the level of stipend or reimbursement, subject to the availability of appropriated funds, for particular courses and programs, under subsections 2(a) to 2(c) of this section; and*
 - (d) *Provide an accounting of fund expenditures to the Center for Middle School Academic Achievement, upon request of the center, for use in preparing the center's annual report.*
- (5) *The professional development programs approved by the Department of Education for which teachers may receive support from the fund shall:*
- (a) *Focus on improving the content knowledge of core discipline teachers;*
 - (b) *Provide instruction on teaching methods, to effectively impart core discipline content knowledge to all students;*
 - (c) *Include intensive training institutes and workshops during the summer;*
 - (d) *Provide programs for the ongoing support of teacher participants throughout the year, which may include:*
 1. *A peer coaching or mentoring, and assessment program; and*
 2. *Planned activities, including:*
 - a. *Follow-up workshops; and*
 - b. *Support networks of teachers of the core disciplines using technologies including, but not limited to, telephone, video, and on-line computer networks; and*
 - (e) *Provide teacher participants with professional development credit toward renewal of certification under the provisions of KRS 161.095, relating to continuing education for teachers.*
- (6) *The Kentucky Board of Education shall specify through promulgation of administrative regulations:*
- (a) *The application and approval process for receipt of funds;*
 - (b) *The requirements and process for the disbursement of funds; and*
 - (c) *The number of each kind of approved course for which applicants may receive funds.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *The Center for Middle School Academic Achievement is created to improve the content knowledge and instructional practice of middle school teachers through the coordination of professional development programs for middle school teachers, the provision of technical assistance to schools and teachers, and the collection and dissemination of information and research regarding effective models of teaching the core disciplines to middle school students.*
- (2) *The center shall:*
 - (a) *Foster collaboration between the center, the Department of Education, the Education Professional Standards Board, postsecondary institutions of education, postsecondary departments or colleges of arts and sciences, and other entities to develop content-based teacher preparation programs and ongoing professional development programs for middle school teachers, aligned with the Department of Education's core content for assessment;*
 - (b) *Assist school districts in assessing and addressing their needs and deficiencies in middle school curriculum and instruction;*
 - (c) *Assist middle school teachers in establishing and maintaining networks of communication to share information regarding middle school instructional practice, curriculum development, and other areas of common interest, building upon existing networks;*
 - (d) *Develop and maintain a clearinghouse for information about:*
 1. *Educational models addressing content knowledge and skills of middle school students, based on reliable, replicable research;*
 2. *Core content achievement levels of Kentucky students in relation to students in other states and other countries; and*
 3. *The relationship between student achievement levels and curriculum content, curriculum structure and alignment with content, teacher training, and teaching methods;*
 - (e) *Develop and implement a research structure, in collaboration with the Department of Education, to evaluate the effectiveness of different middle school instructional models; and*
 - (f) *Submit an annual report to the Governor and the Legislative Research Commission by September 1 of each year. The report shall include information outlining the center's activities, information provided by the Kentucky Department of Education regarding the use of money from the Teachers' Professional Growth Fund, and other information regarding efforts to improve the quality of middle school instruction in Kentucky.*
- (3) *With the advice of the Commissioner of Education and the Education Professional Standards Board, the Council on Postsecondary Education shall develop a process to solicit, review, and approve a proposal for locating the Center for Middle School Academic Achievement at a public or private college or university. The council shall choose a college*

or university that has demonstrated the coordination of course delivery between the faculties of the college of education and arts and sciences departments within the college or university. The council shall approve the location for the center no later than November 15, 2000.

SECTION 4. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Board of Education shall establish statewide standards for evaluation and support for improving the performance of all certified school personnel.*
- (2) *The performance criteria on which teachers and administrators shall be evaluated shall include, but not be limited to:*
 - (a) *Performance of professional responsibilities related to his or her assignment , including attendance and punctuality and evaluating results;*
 - (b) *Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;*
 - (c) *Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;*
 - (d) *Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;*
 - (e) *Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;*
 - (f) *Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative regulations;*
 - (g) *Demonstration of the effective use of resources, including technology;*
 - (h) *Demonstration of professional growth;*
 - (i) *Adherence to the professional code of ethics; and*
 - (j) *Attainment of the teacher standards or the administrator standards as established by the Education Professional Standards Board that are not referenced in paragraphs (a) to (i) of this subsection.*
- (3) *The certified employee evaluation programs shall contain the following provisions:*
 - (a) *Each certified school employee, including the superintendent, shall be evaluated by a system developed by the local school district and approved by the Kentucky Department of Education.*
 - (b) *The local evaluation system shall include formative evaluation and summative evaluation.*
 1. *"Formative evaluation" means a continuous cycle of collecting evaluation information and interacting and providing feedback with suggestions regarding the certified employee's professional growth and performance; and*
 2. *"Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data, that:*

- a. *Occur at the end of an evaluation cycle; and*
 - b. *Include a conference between the evaluator and the evaluated certified employee, and a written evaluation report.*
- (c) *The Kentucky Board of Education shall adopt administrative regulations, incorporating written guidelines for a local school district to follow in developing, implementing, and revising the evaluation system and shall require the following:*
1. *All evaluations of certified employees below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;*
 2. *The immediate supervisor of the certified school employee shall be designated as the primary evaluator. At the request of a teacher observations by other teachers trained in the teacher's content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;*
 3. *All monitoring or observation of performance of a certified school employee shall be conducted openly and with full knowledge of the employee;*
 4. *Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school employees and in the use of the school district evaluation system;*
 5. *The evaluation system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes to be used when corrective actions are necessary in relation to the performance of one's assignment; and*
 6. *The training requirement for evaluators contained in subparagraph 4. of this paragraph shall not apply to district board of education members.*
- (4) *A local district may request from the Kentucky Department of Education a waiver from the guidelines and administrative regulations promulgated by the Kentucky Board of Education as required in subsection (3)(c) of this section in order to implement an alternative evaluation plan for employees on continuing contracts. The department shall grant a waiver if the alternative plan provides for a three (3) phase certified employee evaluation plan that includes:*
- (a) *Phase One: Evaluation for Professional Growth.*
 1. *Evaluation is based on a wide array of relevant sources and directed toward general and specific recommendations for improvement; and*
 2. *Evaluation does not include documentation that might adversely affect employment status.*
 - (b) *Phase Two: Transition.*
 1. *Evaluation is for the purpose of intensive scrutiny of job performance;*
 2. *Evaluation includes documentation that may lead to adverse employment decisions;*

3. *Assistance and support for improvement shall be provided by the school district; and*
 4. *Placement of an individual in the transition phase shall not be subject to appeal, but the employee shall be notified of the decision in writing.*
- (c) *Phase Three: Evaluation for Deficiency.*
1. *Notwithstanding KRS 161.760, written notice of potential termination, reduction of direct classroom responsibility, or other adverse actions and conditions for job retention are given the employee;*
 2. *A clear time frame for proposed actions is provided the employee; and*
 3. *The summative evaluation is subject to appeal.*

An alternative plan for the evaluation of certified personnel shall be proposed to the Kentucky Department of Education if the local district evaluation committee is in support of the plan. Training necessary to implement the alternative plan shall be provided to the principals, supervisory personnel, and the employees to be evaluated. The local district shall provide support to implement the plan. The department shall provide technical assistance to districts wishing to develop alternative evaluation plans.

- (5) *The Kentucky Board of Education shall establish an appeals procedure for certified school employees who believe that the local school district failed to properly implement the approved evaluation system. The appeals procedure shall not involve requests from individual certified school employees for review of the judgmental conclusions of their personnel evaluations.*
- (6) *The local board of education shall establish an evaluation appeals panel for certified personnel that shall consist of two (2) members elected by the certified employees of the district and one (1) member appointed by the board of education who is a certified employee of the board. Certified employees who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation. In districts that have adopted an alternative evaluation plan under subsection (4) of this section, the appeal shall only apply to the summative evaluation of Phase Three.*
- (7) *Local school districts with an enrollment of sixty-five thousand (65,000) or more students shall have an evaluation system but shall be exempt from procedures or processes described in this section as long as the plan meets the standards established by the Kentucky Board of Education for local school district evaluation systems. The local plan shall include an appeals process for employees who believe they were not fairly evaluated.*
- (8) *Between July 15, 2000, and June 30, 2001, each school district shall review its local evaluation system to assure that the system is working effectively and to make changes to improve its system.*
- (9) *Beginning with the 2001-2002 school year and subsequent years, the Kentucky Department of Education shall annually provide for on-site visits by trained personnel to a minimum of fifteen (15) school districts to review and insure appropriate implementation of the evaluation system by the local school district. The department shall provide technical assistance to local districts to eliminate deficiencies and to improve the effectiveness of their evaluation systems. The department may implement the requirement in this subsection in*

conjunction with other requirements, including but not limited to the scholastic audit process required by KRS 158.6455.

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

- (1) *By January 1, 2001, the Kentucky Department of Education, with help from representatives of the Education Professional Standards Board, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Association of Independent Kentucky Colleges and Universities, public and private notfor-profit postsecondary institutions, and local educational agencies, shall develop a plan, including timelines for implementation, for a multidimensional recruitment and information program, to encourage persons to enter the teaching profession and to seek employment in Kentucky.*
- (2) *The program shall not supplant or diminish current efforts required in KRS 161.165.*
- (3) *The components of the program shall include:*
 - (a) *Early recruitment programs to inform middle and high school students about the potential of teaching as a career;*
 - (b) *Programs to encourage paraprofessionals in schools, as well as other nontraditional students, to pursue additional education to become teachers;*
 - (c) *Programs to enlist highly skilled career employees in specific content areas to pursue teaching as a second career;*
 - (d) *Options for recruiting persons with liberal arts and sciences majors and current students with nondeclared majors into nontraditional and accelerated teacher preparation programs;*
 - (e) *Marketing strategies for informing the public of the importance of high quality teaching to student achievement, the value of teachers to society as a whole, the benefits and rewards of teaching, and the options for entering teacher preparation, including scholarship information; and*
 - (f) *Expanding the Kentucky Department of Education's electronic bulletin board for certified vacancies in local school districts to include an option for potential teachers to voluntarily post their availability for education positions within the state.*
- (4) *No later than March 15, 2001, the Department of Education shall present a status report of the recruitment and information program to the Interim Joint Committee on Education; and no later than October 15, 2001, the Department of Education shall present to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue a summary report with recommendations.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

- (1) *By January 15, 2001, the Education Professional Standards Board shall define "out-of-field" teaching and inform all local school districts of the definition. The board shall review its policies relating to emergency certificates as it develops a definition and consider if these policies contribute to the problem of out-of-field teaching.*

- (2) *By October 15, 2001, the Education Professional Standards Board shall identify every teacher assigned classes out-of-field in the 2001-2002 school year and shall inform the Kentucky Department of Education.*
- (3) *The Kentucky Department of Education shall provide to each school district a summary of the teachers identified as teaching out-of-field and give the district opportunity to correct the situation during the year. No teacher shall be reduced in salary due to being involuntarily moved out-of-field or being hired into a position out of his or her field. Emergency certification shall not be a valid reason for reducing any certified teacher's salary.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

- (1) *The Education Professional Standards Board shall rank teachers as follows:*

Rank I. Those holding regular certificates and who have a master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education and who have earned thirty (30) semester hours of approved graduate work or equivalent continuing education; and those teachers who have met the requirements for Rank II and hold current certification of the National Board for Professional Teaching Standards.

Rank II. Those holding regular certificates and who have a master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education.

Rank III. Those holding regular certificates and who have an approved four (4) year college degree or the equivalent.

Rank IV. Those holding emergency certificates and who have ninety-six (96) to one hundred twenty-eight (128) semester hours of approved college training or the equivalent.

Rank V. Those holding emergency certificates and who have sixty-four (64) to ninetyfive (95) semester hours of approved college training or the equivalent.

- (2) *In determining ranks, the Education Professional Standards Board shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit or equivalent continuing education. The board, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.*
- (3) *For purposes of the state salary schedule only as referenced in Section 13 of this Act, rank shall be determined on September 15 of each year.*
- (4) *Nothing in this section shall allow the Education Professional Standards Board by regulation to reclassify downward any teachers in Ranks II or I.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

No postsecondary education institution shall receive funds from the Council on Postsecondary Education from any trust fund for the purposes of teacher education or model programs of

teaching and learning unless the Education Professional Standards Board has certified to the council that the institution has met the following conditions:

- (1) The college or university has developed viable partnerships with local school districts and schools;*
- (2) There is evidence of ongoing dialogue and collaboration among liberal arts and sciences faculty and administrators with faculty and administrators in the department, school, or college of education;*
- (3) The college or university has demonstrated a commitment to participate in teacher academies;*
- (4) The college or university has an active recruitment plan for attracting and retaining minority faculty as well as students, and particularly in the department, school, or college of education;*
- (5) The college or university has initiated the development of incentives or rewards for faculty across the institution to participate in service activities to local schools;*
- (6) The department, school, or college of education has developed at least one (1) accelerated alternative plan for teacher education or nontraditional program of teacher preparation, or commits to developing an accelerated alternative or nontraditional program;*
- (7) The department, school, or college of education provides consistent and quality classroom and field experiences, including early practicums and student teaching experience for all students;*
- (8) The department, school, or college of education has as an element of its curriculum, substantial course work and classroom and field experiences directly addressing teacher training in classroom management;*
- (9) There are no major accreditation deficiencies; and*
- (10) The institution has demonstrated at least one (1) or more innovations in teacher education.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) In recognition of valuable service to the preparation of teachers and the need for all teachers to have continual professional growth, a supervising teacher or a resource teacher for teacher interns may, with prior approval of the course-offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution and pay no tuition. The postsecondary institution shall waive the tuition up to a maximum of six (6) credit hours.*
- (2) The teachers covered in this section may exercise the tuition-free course option, only if there is available space within a given course offering. A postsecondary institution shall not be required to establish a course to meet teacher requests.*
- (3) The tuition-free courses may be used to partially satisfy requirements for an advanced degree.*
- (4) Each public postsecondary education institution shall establish the procedures for implementing the provisions of this section, effective August 1, 2000.*

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

- (1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.
- (2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include *assisting with needs assessments, analyzing school data*, planning and evaluation assistance, *organizing district-wide programs requested by school councils or groups of teachers*, or *other* coordination activities.
 - (a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.
 - (b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.
- (3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs may include, but not be limited to, focus on the following areas:
 - (a) Curriculum content and methods of instruction for each content area;
 - (b) School-based decision making;
 - (c) Performance-based student assessment;
 - (d) Nongraded primary programs;
 - (e) Research-based instructional practices;
 - (f) Instructional uses of technology;
 - (g) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures; (h) Instruction of phonics; and (i) Educational leadership.

- (4) The department shall utilize its regional service centers, in addition to collaboration with postsecondary education institutions, education cooperative and consortia, and professional education organizations, to provide local district personnel with access to high quality programming. The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.
- (5) The department shall assist districts *and school councils* with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.
- (a) Professional development strategies may include, but are not limited to, participation in *subject matter academies*, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.
- (b) In planning the use of the four (4) days for professional development under KRS 158.070, *school councils and districts shall give* priority ~~shall be given~~ to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. *The district may use* up to one (1) day ~~may be used~~ to provide *district-wide training and* training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.
- (c) State funds allocated for professional development *shall* ~~may~~ be used to support professional development initiatives that are consistent with local *school improvement and professional development* plans *and teachers' individual growth plans*. *The funds may be used*~~,~~ throughout the year for all staff, including classified and certified staff and parents on school councils or committees. *A portion of the funds allocated to each school council under Section 14 of this Act may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.*
- (6) The Department of Education shall *establish an electronic consumer bulletin board that posts information regarding* ~~contract with an outside agency to complete an analysis of the current status of the statewide~~ professional development *providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.* ~~The analysis shall include a comparison of models of professional development used in high performing and awardwinning schools. The analysis shall include specific recommendations regarding:~~
- (a) ~~The effective advancement of a supply and demand system for vendors and consumers of professional development; and~~

- (b) ~~The development and dissemination through the Internet and other appropriate means of consumer information concerning specific professional development opportunities.~~

~~A written report shall be provided to the Department of Education by October 30, 1998. The Department of Education shall publicly report its actions within six (6) months of the release of the recommendations and subsequently issue annual reports on the status of the statewide professional development program.]~~

- (7) ~~[During the 1998-1999 and 1999-2000 school years,]~~The Department of Education shall **provide training**~~[conduct an intensive statewide professional development program]~~ to address the characteristics and instructional needs of exceptional students and students at risk of school failure. The professional development shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with exceptional students and students at risk of school failure. The professional development for instructional personnel shall be designed to provide and enhance skills of personnel to:
- (a) Improve the academic achievement of exceptional students and students at risk of school failure;
 - (b) Significantly reduce the dropout rate of all students; and
 - (c) Prepare all students for a successful transition to adult life.
- (8) ***By July 1, 2001, the department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.*** Section 11. KRS 156.101 is amended to read as follows:
- (1) The purpose of this section is to encourage and require the maintenance and development of effective instructional leadership in the public schools of the Commonwealth and to recognize that principals with the assistance of assistant principals, supervisors of instruction, guidance counselors, and directors of special education have the primary responsibility for instructional leadership in the schools to which they are assigned.
 - (2) For the purpose of this section, "instructional leader" shall be defined as an employee of the public schools of the Commonwealth ***employed***~~[holding a valid certificate]~~ as a principal, assistant principal, supervisor of instruction, guidance counselor,~~[or]~~ director of special education, ***or other administrative positions deemed by the Education Professional Standards Board to require an administrative certificate.***
 - (3) In order to carry out the purpose of this section, the Kentucky Board of Education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.
 - (4) The instructional leader improvement program shall contain the following provisions:
 - (a) Each instructional leader employed by the public schools of the Commonwealth shall participate in a continuing intensive training program designed especially for instructional leaders;

- (b) Every two (2) years each instructional leader shall complete an intensive training program approved by the Kentucky Board of Education to include no *fewer* ~~[less]~~ than forty-two (42) participant hours of instruction;
 - (c) The Kentucky Board of Education shall prescribe specific criteria for the training program. *The Kentucky Department of Education* ~~[and]~~ may contract for *specific* ~~[the]~~ training with qualified agencies or institutions *or approve programs offered by training providers, including local district training programs, except that the department shall insure the requirements of paragraph (d) of this subsection are met;* ~~[and]~~
 - (d) Completion of the required *forty-two (42)* participant hours shall be reported to the *department* ~~[State Department of Education]~~ and to the *Education Professional Standards Board by the* local school district. If an instructional leader fails to complete the required hours of training, *the instructional leader* ~~[he]~~ shall be placed on probation for one (1) year and, if the training is not completed during the probationary period, *the instructional leader's* ~~[his]~~ certificate shall be revoked *by the Education Professional Standards Board.*
- (5) *The Kentucky Department of Education shall ensure that training options in human resource management and conflict resolution techniques are available to education leaders throughout the state.* ~~[As a means of improving the educational productivity of Kentucky's public schools, of providing a method by which the citizens of the Commonwealth can be assured of measures of accountability of the performance of certified school employees, and of providing encouragement and incentives for certified school employees to improve their performance, the Kentucky Board of Education shall establish a statewide program for improving the performance of all certified school personnel, including instructional leaders.]~~
- (6) ~~The certified employee evaluation programs shall contain the following provisions:~~
- (a) ~~Each certified school employee, including the superintendent, shall be evaluated by a system developed by the local school district and approved by the Kentucky Board of Education;~~
 - (b) ~~The local school district shall review the evaluation plan to insure compliance with this section. Upon adoption, revisions to the evaluation plan shall be submitted for approval by the Kentucky Board of Education; and~~
 - (c) ~~The Kentucky Board of Education shall notify local school districts of their responsibilities under this subsection, develop written guidelines for local school districts to follow in developing and implementing an evaluation system and shall require the following:~~
 - 1. ~~All evaluations of certified employees below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;~~
 - 2. ~~The immediate supervisor of the certified school employee shall be designated as the primary evaluator;~~
 - 3. ~~All monitoring or observation of performance of a certified school employee shall be conducted openly and with full knowledge of the employee;~~
 - 4. ~~Evaluation shall include a conference between the evaluator and the person evaluated;~~

- ~~5. Evaluators shall be trained, tested, and certified in accordance with regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school employees and in the use of the school district evaluation system;~~
- ~~6. The evaluation system shall include a plan whereby the person evaluated is given assistance for becoming more proficient as a teacher or administrator; and~~
- ~~7. The training requirement for evaluators contained in subsection (6)(c)5. of this section shall not apply to district board of education members.~~
- (7) ~~A local district may request from the Kentucky Board of Education a waiver from the guidelines and administrative regulations promulgated by the state board as required in subsection (6) of this section in order to implement an alternative certified evaluation plan for employees on continuing contracts. The board shall grant a waiver if the alternative plan provides for a three (3) phase certified employee evaluation plan that includes:~~
- (a) ~~Phase One (1): Evaluation for Professional Growth.~~
- ~~1. Evaluation is based on a wide array of relevant sources and directed toward general and specific recommendations for improvement; and~~
- ~~2. Evaluation does not include documentation that might adversely affect employment status.~~
- (b) ~~Phase Two (2): Transition.~~
- ~~1. Evaluation is for the purpose of intensive scrutiny of job performance;~~
- ~~2. Evaluation includes documentation that may lead to adverse employment decisions;~~
- ~~3. Assistance and support for improvement shall be provided by the school district; and~~
- ~~4. Placement of an individual in the transition phase is not subject to appeal, but the employee must be notified of the decision in writing.~~
- (c) ~~Phase Three (3): Evaluation for Deficiency.~~
- ~~1. Notwithstanding KRS 161.760, written notice of potential termination, reduction of direct classroom responsibility, or other adverse actions and conditions for job retention are given the employee;~~
- ~~2. A clear time frame for proposed actions is provided the employee; and~~
- ~~3. The summative evaluation is subject to appeal.~~
- ~~An alternative plan for the evaluation of certified personnel shall be proposed to the state board if the local district evaluation committee is in support of the plan. Training necessary to implement the alternative plan shall be provided to the principals, supervisory personnel, and the employees to be evaluated. The local district shall provide support to implement the plan. The Kentucky Department of Education shall provide technical assistance to districts wishing to develop alternative evaluation plans.~~
- (8) ~~The State Department of Education shall visit school districts within the Commonwealth as needed to review and insure implementation of the evaluation system by the local school~~

~~district. The department shall establish an appeals procedure for certified school employees who feel that the local school district failed to properly implement the approved evaluation system. The appeals procedure shall not involve requests from individual certified school employees for review of the judgmental conclusions of their personal evaluations.~~

- (9) ~~The State Department of Education shall select and train evaluators from outside each local school district to conduct evaluations as needed of a sample of certified school employees within each district in order to validate the effectiveness and accuracy of the local school districts' evaluators.~~
- (10) ~~Local school districts with an enrollment of sixty five thousand (65,000) or more students shall be exempt from the requirements of this section except for subsection (11) of this section provided they meet the standards established by the Kentucky Board of Education for local school district evaluation systems.~~
- (11) ~~The local board of education shall establish an evaluation appeals panel for certified personnel which shall consist of two (2) members elected by the certified employees of the district and one (1) member appointed by the board of education who is a certified employee of the board. Certified employees who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation. In districts that have adopted an alternative evaluation plan under subsection (7) of this section, the appeal shall only apply to the summative evaluation of Phase Three (3).]~~
- (6)[(12)]—This section shall be known as the "Effective Instructional Leadership Act."

Section 12. KRS 157.390 is amended to read as follows:

- (1) ***For purposes of the state teacher salary schedule, teachers shall be placed on the schedule based on certification***[(a) — The — chief — state — school officer, — under administrative regulations of the Kentucky Board of Education, shall classify teachers in rank as follows:

~~Rank I. — Those holding regular certificates and who have a master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education and who have earned thirty (30) semester hours of approved graduate work or equivalent continuing education; those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty four (24) semester hours of additional approved graduate work; and those teachers who have met the requirements for Rank II and hold current certification of the National Board for Professional Teaching Standards.~~

~~Rank II. — Those holding regular certificates and who have a master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education.~~

~~Rank III. — Those holding regular certificates and who have an approved four (4) year college degree or the equivalent.~~

~~Rank IV. — Those holding certificates and who have ninety six (96) to one hundred twenty eight (128) semester hours of approved college training or the equivalent.~~

~~Rank V.—Those holding certificates and who have sixty four (64) to ninety five (95) semester hours of approved college training or the equivalent.~~

~~(b) In determining ranks, the chief state school officer, under administrative regulations of the Kentucky Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit or equivalent continuing education. The chief state school officer, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.~~

~~(c) Nothing in this subsection shall allow the Kentucky Board of Education by regulation to reclassify downward any teachers currently in Ranks I or II.~~

~~(2) The chief state school officer, under administrative regulations of the Kentucky Board of Education, shall classify teachers in each rank as established by the Education Professional Standards Board under Section 7 of this Act and by their years of experience for purposes of the state teacher salary schedule as follows:~~

1. Zero (0) to three (3) years;
2. Four (4) to nine (9) years;
3. Ten (10) to fourteen (14) years; 4. Fifteen (15) to nineteen (19) years; and
5. Twenty (20) or more years.

~~(2)(3) (a) The rank and experience of the teacher shall be determined on September 15 of each year.~~

~~(b) The amount to be included in each school year in the base funding level of a district for teachers' salaries shall be based on the categories of experience in subsection (2) of this section.~~

~~(3)(4) The amount to be included in the base funding level for capital outlay shall be determined by multiplying the average daily attendance by the amounts set forth in the biennial budget.~~

~~(4)(5) The amount to be included in the public school fund of each district for transportation shall be determined in accordance with the provisions of KRS 157.370.~~

~~(5)(6) The total amount of money distributable to each district from the public school fund shall include the base funding per pupil in average daily attendance, an amount for at risk students, an amount for the types and numbers of students with disabilities, an amount for students served in home and hospital settings, and be the sum of the allotments in subsections (3), (4), and (5) of this section, less the amount of local tax revenues generated for school purposes, up to a maximum equivalent local rate of thirty cents (\$0.30) as defined by KRS 157.615(6).~~

~~(6)(7) A classroom teacher or administrator may be provided additional compensation for serving as a classroom mentor, teaching partner, or professional development leader in core discipline areas including reading, and other subject areas as appropriate to other education professionals in a state approved program or state approved activities. The Kentucky Department of Education shall administer the funds appropriated for these purposes. The Kentucky Board of Education shall promulgate administrative regulations~~

to define the guidelines for programs and activities that qualify for funds including the application and approval process, the individual participant requirements, the amount of compensation, the timelines, and reporting requirements. The board shall solicit recommendations from the Education Professional Standards Board and staff of the Kentucky Department of Education in developing its administrative regulations~~[create a Kentucky professional compensation plan. The plan shall be designed to compensate all teachers at adequate and competitive salary levels throughout their teaching careers. The plan shall establish progressive salary levels with advancement opportunities based upon the professional skills of the teacher and include education, rank, years of teaching service, related duties, specialized training, nonteaching experience, length of work year, performance, and any other professionally recognized factors which the board considers relevant. The plan shall be developed during the 1992-94 biennium. Development work shall be conducted by Department of Education staff with support from recognized compensation experts, and staff from the Legislative Research Commission, the Office of Education Accountability, and the Governor's Office of Policy and Management. Upon approval by the Kentucky Board of Education, the new plan and its fiscal impact shall be submitted to the General Assembly].~~

Section 13. KRS 158.070 is amended to read as follows:

- (1) The minimum school term shall be one hundred eighty-five (185) days, including no less than the equivalent of one hundred seventy-five (175) six (6) hour instructional days. A board of education may extend its term beyond the minimum term.
- (2) Any local board of education operating its schools on a year-round school program basis shall conform with administrative regulations promulgated and adopted by the Kentucky Board of Education upon the recommendation of the *commissioner of education*~~[chief state school officer]~~, which regulations must be in conformity with the following criteria:
 - (a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30;
 - (b) A pupil's required attendance in school shall be for at least the minimum instructional term; and
 - (c) No teacher shall be required to teach more than the minimum term during the school year.
- (3)
 - (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of pupils pursuant to the requirements of KRS 156.095. *At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.*
 - (b) A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred and eighty-five (185) days that a teacher shall be employed.

1. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan or consolidated plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
 2. *No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement or consolidated plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.*
- (c) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
- (d) Each local board may use two (2) days for planning activities without the presence of pupils.
- (e) Each local board may use the number of days deemed necessary for:
1. National or state disaster or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 2. Local disaster which would endanger the health or safety of children; and
 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the **commissioner of education**~~{chief state school officer}~~.
- (4) The Kentucky Board of Education, upon recommendation of the **commissioner of education**~~{chief state school officer}~~, shall adopt administrative regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(e)2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for professional development and planning activities for the professional staff.
- (5) In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the **commissioner of education**~~{chief state school officer}~~ may designate alternate dates. The **commissioner of education**~~{chief state school officer}~~ shall designate one (1) additional day during the school year when schools shall be closed to permit professional school employees to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term. School

shall be closed on the day of a regular election, and that day may be used for professional development activities, professional meetings, or parent-teacher conferences.

- (6) Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.
- (7) Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the school day.
- (8) Notwithstanding any other statute, each school term shall include no less than the equivalent of the minimum number of instructional days required by this section.

Section 14. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
 - (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school.
 - (b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal or head teacher and is not a program or part of another school. The term "school" does not include district-operated schools that are:
 1. Exclusively vocational-technical, special education, or preschool programs;
 2. Instructional programs operated in institutions or schools outside of the district; or
 3. Alternative schools designed to provide services to at-risk populations with unique needs.
 - (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals, assistant principals, and head teachers.
 - (d) "Parent" means:
 1. A parent, stepparent, or foster parent of a student; or
 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
- (2) By January 1, 1991, each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a

description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

- (a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. The teacher representatives shall be Kentucky residents. The parent representatives on the council shall not be employees of the district or employees' relatives, nor shall they be a local board member or his spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees.
- (b)
 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. ***A teacher elected to a school council shall not be involuntarily transferred during his or her term of office.*** The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected, but the terms shall not exceed two (2) years nor be consecutive. The principal or head teacher shall be the chair of the school council.
 2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
 - a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and
 - b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty.
- (c)
 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal or head teacher shall be the primary administrator and the instructional leader of the school, and with the assistance

of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.
- (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.
- (e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply.
- (f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals.
- (g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council.
- (h) From a list of applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among those persons recommended by the local superintendent. ***When a vacancy in the school principalship occurs, the school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training.*** Personnel decisions made at the school level under the authority of this subsection shall be binding on the superintendent who completes the hiring process. The superintendent shall provide additional applicants upon request when qualified applicants are available.
- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
 1. Determination of curriculum, including needs assessment and curriculum development;
 2. Assignment of all instructional and noninstructional staff time;
 3. Assignment of students to classes and programs within the school;

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
 5. Determination of use of school space during the school day;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision; and
 9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal.
- (3) The policy adopted by the local board to implement school-based decision making shall also address the following:
- (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
 - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
 - (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
 - (d) Professional development plans developed pursuant to KRS 156.095;
 - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
 - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
 - (g) Requirements for waiver of district policies;
 - (h) Requirements for record keeping by the school council; and
 - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. ~~By June 30, 1991, each local board shall submit to the chief state school officer the name of at least one (1) school which shall implement school-based decision making the following school year. The board shall select a school in which two-thirds (2/3) of the faculty vote to implement school-based decision making. If no~~

~~school in the district votes to implement school-based decision making, the local board shall designate one (1) school of its choice.}~~ All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school performing above its threshold level requirement as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, ***no later than thirty (30) days after the beginning of the service year for which they are elected to serve.*** ~~and~~ School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making ***no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve.*** School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education, and school council members shall complete the required training no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the ***commissioner of education*** ~~chief state school officer~~ and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.
- (8) The Kentucky Board of Education, upon recommendation of the ***commissioner of education*** ~~chief state school officer~~, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development ***in compliance with requirements specified in Section 10 of this Act.*** ~~with the district's coordinator and other~~ School councils ~~of~~ small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.
- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

Section 15. KRS 161.028 is amended to read as follows:

- (1) The Education Professional Standards Board has the authority and responsibility to:
- (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
- (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. ***Program standards shall reflect national standards and shall address, at a minimum, the following:***
1. ***The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;***
 2. ***Research-based classroom practices, including effective classroom management techniques;***
 3. ***Emphasis on subject matter competency of teacher education students;***
 4. ***Methodologies to meet diverse educational needs of all students;***
 5. ***The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;***
 6. ***The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;***
 7. ***The diversity of faculty;***
 8. ***The effectiveness of partnerships with local school districts; and***
 9. ***The performance of graduates on various measures as determined by the board.***
- (c) ***Conduct an annual review of diversity in teacher preparation programs;***

- (d) ***Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;***
- (e) ***Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;***
- (f)~~(e)~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
- (g)~~(d)~~ Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
- (h)~~(e)~~ Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- (i)~~(f)~~ ***Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and report the recommendations to the Interim Joint Committee on Education;***
- (j) ~~[(Maintain data and)Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky concerning employment trends, including the number of minority certified employees, and the quality of professional preparation programs];~~
- (k)~~(g)~~ ***Devise a credentialing***~~[(Reduce and streamline the credential)]~~ system ***that provides alternative routes to gaining certification and***~~[(to allow)]~~ greater flexibility in staffing local schools while maintaining standards for teacher competence;
- (l)~~(h)~~ —Develop a professional code of ethics;
- (m)~~(i)~~ —***Recruit***, select, and evaluate the executive ***director***~~[(secretary)]~~ to the board;
- (n)~~(j)~~ Approve the biennial budget request~~[(and advise the commissioner of education on budgetary matters)];~~
- (o)~~(k)~~ Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with revoking certificates;~~[(and)]~~
- (p)~~(l)~~ Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in

writing by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted

under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;

- (q) *Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;*
 - (r) *Grant approval if appropriate of a university's request for an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Teacher Internship Program, notwithstanding provisions of KRS 161.030. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship requirements, and all assessments required by the board;*
 - (s) *Grant approval if appropriate of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board; and*
 - (t) *Issue orders as necessary in any administrative action before the board.*
- (2) (a) The board shall be composed of seventeen (17) members. The chief state school officer and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:
1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
 2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;

3. One (1) member representative of local boards of education; and
 4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
- (b) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.
 - (c) Members of the board shall serve without compensation, but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
 - (d) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from his employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
 - (e) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive secretary shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman. The Department of Education shall provide staff and support for the board.
 - (f) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.
- (3) The Education Professional Standards Board shall be the successor to the State Board for Elementary and Secondary Education for purposes of performing the duties authorized in KRS 161.027, 161.028, 161.030, 161.042, 161.044, 161.046, 161.048, 161.049, 161.100, 161.115, 161.120, 161.124, and 161.126. Rules, administrative regulations, and procedures relating to these duties shall not lapse and shall continue in effect until repealed or amended by the Education Professional Standards Board.

Approved April 26, 2000