

CHAPTER 204**(SB 270)**

AN ACT relating to postsecondary education and making an appropriation therefor.

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

➔Section 1. KRS 161.028 is amended to read as follows:

- (1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. 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. *College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063.* 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) 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) 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) 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) 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 periodically report data to the Interim Joint Committee on Education;
 - (j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
 - (k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
 - (l) Develop a professional code of ethics;
 - (m) Set the qualifications and salary for the positions of executive director and deputy executive director to the board, notwithstanding the provisions of KRS 64.640;
 - (n) Recruit, select, employ and evaluate the executive director to the board;
 - (o) Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
 - (p) Approve the biennial budget request;
 - (q) 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 disciplinary action against a certificate holder under KRS 161.120;
 - (r) 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;
 - (s) 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;
 - (t) 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;
 - (u) Employ consultants as needed;
 - (v) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
 - (w) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
 - (x) Issue orders as necessary in any administrative action before the board.

- (2) (a) The board shall be composed of seventeen (17) members. The commissioner of education 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) The members appointed by the Governor after June 21, 2001, shall be confirmed by the Senate and the House of Representatives under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (c) 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.
- (d) 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.
- (e) 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 the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) 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 director shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman.
- (g) 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.

➔Section 2. KRS 164.785 is amended to read as follows:

- (1) The State of Kentucky shall grant an amount as provided in KRS 164.780 and this section to any applicant who meets the following qualifications:
- (a) Is a Kentucky resident as defined by the Kentucky Council on Postsecondary Education; and
 - (b)
 1. Has been accepted by or is enrolled as a full-time student in a program of study leading to a postsecondary degree at a Kentucky independent college or university which is accredited by a regional accrediting association recognized by the United States Department of Education and whose institutional programs are not composed solely of sectarian instruction;
 2. Has been accepted by or is enrolled as a full-time student in a program of study leading to a postsecondary degree at an out-of-state postsecondary education institution licensed by the Council on Postsecondary Education to operate in Kentucky which is accredited by a regional accrediting association recognized by the United States Department of Education and whose institutional programs are not composed solely of sectarian instruction; or
 3. Has been accepted or is enrolled as a student in a comprehensive transition and postsecondary program at an institution described in subparagraph 1. of this paragraph. For purposes of this section, a student enrolled in a comprehensive transition and postsecondary program shall be considered a part-time student, and the grant amount shall be adjusted accordingly by the Kentucky Higher Education Assistance Authority.

An otherwise eligible student having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.), certified by a licensed physician to be unable to attend the eligible program of study full-time because of the disability may also qualify under this paragraph; and

- (c) Has not previously attended college or university more than the maximum number of academic terms established by the authority in administrative regulations.
- (2) The amount of the tuition grant to be paid to a student each semester, or appropriate academic term, shall be determined by the Kentucky Higher Education Assistance Authority.
- (3) The maximum amount shall not exceed fifty percent (50%) of the average state appropriation per full-time equivalent student enrolled in all public institutions of higher education. Such tuition grants are to be calculated annually by the Kentucky Higher Education Assistance Authority.
- (4) The need of each applicant shall be determined by acceptable need analysis such as use of the free application for federal student aid in conjunction with Part E of the federal act, 20 U.S.C. secs. 1087kk through 1087vv, and such other analyses as the authority may determine, subject to the approval by the United States Secretary of Education.
- (5) An adjustment shall be made in the tuition grant of any student awarded a scholarship from any other source provided the combination of grants and awards exceeds the calculated need of the student.
- (6) Accepted or enrolled students qualifying under the provisions of subsection (1)(b) of this section prior to the 2011-2012 academic year shall be under those provisions and continue under those provisions until June 30, 2014.
- (7) Beginning with the 2011-2012 academic year, and each year thereafter:
 - (a) *A student may enroll and receive a Kentucky tuition grant at* any Kentucky independent college or university whose institutional programs are not composed solely of sectarian instruction ~~and is~~~~shall be~~ accredited by:
 - I. The Southern Association of Colleges and Schools; *or*
 - 2. *a. A national accreditation agency that is recognized by the United States Department of Education; and*
 - b. Is a college or university eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063*~~[to remain an eligible institution in which a student may enroll and receive a Kentucky tuition grant];~~
 - (b) Programs or campuses of any out-of-state postsecondary education institution that is licensed by the Council on Postsecondary Education to operate in Kentucky and whose institutional programs are not composed solely of sectarian instruction shall be accredited by the Southern Association of Colleges and Schools in order to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant, except as provided in paragraph (c) of this subsection; and
 - (c) Programs or campuses of any out-of-state postsecondary education institution that is licensed by the Council on Postsecondary Education to operate in Kentucky and whose institutional programs are not composed solely of sectarian instruction, but in which accreditation by the Southern Association of Colleges and Schools is not an option, shall be reviewed and approved by the Council on Postsecondary Education based on accreditation criteria that mirrors Southern Association of Colleges and Schools accreditation criteria in order to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant. All costs associated with the institutional reviews shall be the responsibility of the institution seeking approval by the council. The Council on Postsecondary Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this paragraph.

➔Section 3. **West Louisville Historically Black Colleges and Universities Pilot Project:** Kentucky State University shall explore and pursue opportunities to partner with any other historically black college or university in the Commonwealth to offer courses during each fall, spring, and summer academic sessions. These courses shall include, but not be limited to onsite, in-person courses delivered by Kentucky State University at or in conjunction with any other historically black college or university in the Commonwealth. The courses shall include dual credit courses for high school students, undergraduate level courses, graduate level courses, and courses for credit toward certificates and badges. The course credits shall be transferrable in and between Kentucky State University and any other historically black college or university in the Commonwealth, even if the course credits are not expressly

articulated for other colleges or universities in the Commonwealth. Any memorandum of understanding or memorandum of agreement between Kentucky State University and any other historically black college or university in the Commonwealth shall be submitted to the Council on Postsecondary Education for review. Kentucky State University and the Council on Postsecondary Education shall submit a report on the results of the pilot project, including but not limited to the number of students served, to the Interim Joint Committee on Education by September 1, 2022.

→Section 4. **West Louisville Health and Wellness Pilot Project:** The Kentucky State University shall partner with the Cabinet for Health and Family Services and any other historically black college or university (HBCU) in the Commonwealth to design and implement a pilot project to help address issues of health education, wellness, and food insecurity in African-American communities encompassing or adjacent to an HBCU in West Louisville. Kentucky State University shall make referrals for community employment services and shall coordinate with the Cabinet for Health and Family Services to assist with the delivery of public assistance, social support services, and health and nutrition services to anyone eligible for such assistance and services. The Cabinet for Health and Family Services may utilize a service delivery model as used in the Neighborhood Place or a similar model which is deemed effective to implement the pilot project. The Kentucky State University and the Cabinet for Health and Family Services shall submit a report on the results of the West Louisville Health and Wellness Pilot Project, including but not limited to the number of individuals served and the types of services provided to the Interim Joint Committee on Health, Welfare, and Family Services by September 1, 2022.

→Section 5. The pilot programs created in Sections 3 and 4 of this Act are mandated programs.

→Section 6. There is hereby appropriated General Fund moneys in the amount of \$200,000 for fiscal year 2021-2022 to Kentucky State University for the purpose of implementing the pilot programs created in Sections 3 and 4 of this Act.

Signed by Governor April 9, 2021.