

CHAPTER 33**(SB 77)**

AN ACT relating to education.

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 *appropriate* 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) 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;
 - (n) 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;
 - (o) 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;
 - (p) 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;
 - (q) Employ consultants as needed;
 - (r) 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;
 - (s) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; 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 secretary of the Education and Labor Cabinet 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 ***or head of an educator preparation program*** of an independent not-for-profit college or university.
- (b) The members appointed by the Governor shall be confirmed by the Senate 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 Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (c) Each appointed member shall serve a three (3) year term. 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 or her 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 or she 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. Regular meetings shall be held at least semiannually on call of the chairman.
- (g) The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties.
- (h) 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 164.295 is amended to read as follows:

- (1) The six (6) state comprehensive universities:
 - (a) Shall provide, upon approval of the Council on Postsecondary Education, associate and baccalaureate programs of instruction;
 - (b) Shall provide, upon approval of the Council on Postsecondary Education, graduate programs of instruction~~[at the master's degree level]~~ in education, business, and the arts and sciences, specialist degrees, and programs beyond the master's-degree level to meet the requirements for teachers, school leaders, and other certified personnel; and
 - (c) Shall provide research and service programs directly related to the needs of their primary geographical areas.
- (2) A comprehensive university may provide, ***upon approval of the Council on Postsecondary Education***:
 - (a) Programs of a community college nature in their own community comparable to those listed for the Kentucky Community and Technical College System, as provided in KRS 164.580; ***and***
 - (b) ~~[Upon approval of the Council on Postsecondary Education, an advanced practice doctoral program in nursing in compliance with KRS 314.111 and 314.131; and~~
 - (c) ~~Upon approval of the Council on Postsecondary Education, one (1) or more additional Advanced practice~~ Doctoral programs, ***including but not limited to Doctor of Philosophy degree programs, advanced practice doctoral degree programs, and doctoral degree programs for professional practice and licensure.***
- (3) ***In order to be eligible to submit a proposal for a new doctoral program to the Council on Postsecondary Education, a comprehensive university shall maintain:***
 - (a) ***A first to second year retention rate in at least two (2) of the last three (3) years:***

1. *In the seventy-fifth percentile of all comprehensive universities nationally; or*
 2. *In the eightieth percentile of all comprehensive universities within states that are members of the Southern Regional Education Board;*
- (b) *A six (6) year graduate rate for bachelor's degrees in at least two (2) of the last three (3) years:*
1. *In the seventy-fifth percentile of all comprehensive universities nationally; or*
 2. *In the eightieth percentile of all comprehensive universities within states that are members of the Southern Regional Education Board; and*
- (c) *Sufficient unrestricted cash reserves and short-term investments to cover the institution's total operating and nonoperating expenses for three (3) months as calculated from the prior fiscal year's audited financial statement*~~[The Council on Postsecondary Education, in consultation with the Advisory Conference of Presidents pursuant to KRS 164.021, shall develop criteria and conditions upon which an advanced practice doctoral degree program may be approved. The criteria shall include but not be limited to a determination of the academic and workforce needs for a program, consideration of whether the program can be effectively delivered through a collaborative effort with an existing program at another public university within the Commonwealth, and the capacity of a university to effectively offer the program. A university requesting approval of an advanced practice doctoral program shall be required to provide assurance that funding for the program will not impair funding of any existing program at any other public university].~~
- (4) (a) *If a comprehensive university is seeking to offer a new doctoral program which may require additional general fund appropriations for capital or operating expenses beyond the university's regular appropriations, the university shall submit a proposal to the Council on Postsecondary Education for review and evaluation. The council's review shall include but not be limited to:*
1. *The proposed program's alignment with the mission and goals of the comprehensive university;*
 2. *The statewide or regional need the proposed program seeks to fill and how the comprehensive university, through the offering of this program, would fill this need;*
 3. *Student demand for the proposed program;*
 4. *Employer demand for the proposed program, including any potential industry partners;*
 5. *Utilization of current institutional resources to deliver the proposed program and how the program would complement existing program offerings and not shift resources away from those existing programs;*
 6. *A five (5) year budgetary analysis of the proposed program, including program costs, funding sources projected to support the program, and the amount of general fund appropriations needed for capital or operating expenses;*
 7. *The proposed program curriculum;*
 8. *Any specialized accreditation or licensure requirements for the proposed program and analysis of how those would be met;*
 9. *Admission and graduation requirements for the proposed program; and*
 10. *Administrative oversight to ensure the quality of the proposed program*~~[The council shall promulgate administrative regulations setting forth the agreed-on criteria and conditions identified under subsection (3) of this section].~~
- (b) *Any specialized resources needed by the council to evaluate a comprehensive university's proposal for a new doctoral program submitted in accordance with paragraph (a) of this subsection shall be funded by the comprehensive university.*
- (c) *A proposal submitted in accordance with paragraph (a) of this subsection shall be submitted no later than January 1 of an odd-numbered year for consideration in the council's budget request for the next biennial budget in accordance with KRS 164.020(10) and 164.7915.*

- (5) *The Council on Postsecondary Education shall review each proposal submitted in accordance with subsection (4)(a) of this section and shall make a recommendation to the General Assembly on the viability of the proposed program. The recommendation:*
- (a) *Shall identify whether a general fund appropriation should be made to fund capital or operations for the proposed program amount. If the council recommends a general fund appropriation, the recommendation shall include a proposed amount for the general fund appropriation; and*
 - (b) *May provide recommendations regarding alternative options to meet any statewide or regional needs identified by the comprehensive university in its proposal*~~[The council shall review advanced practice doctorates consistent with its review schedule for all other academic programs].~~
- (6) *If the General Assembly appropriates funds for a doctoral program proposed in accordance with subsection (4)(a) of this section:*
- (a) *The comprehensive university shall submit the program approval request to the council for regular review and approval. The Council on Postsecondary Education may:*
 - 1. *Provide conditional approval of the program to permit the institution to begin the process of programmatic accreditation as required for professional practice; and*
 - 2. *Condition final approval upon obtaining full programmatic accreditation, as applicable; and*
 - (b) *The Council on Postsecondary Education shall review the doctoral program at least once every five (5) years to ensure continued efficacy, productivity, and quality and in conjunction with KRS 164.020(16).*
- (7) *A comprehensive university seeking to offer a new doctoral degree program that certifies that the new doctoral degree program will not require additional general fund appropriations for capital or operating expenses beyond the regular appropriations shall submit a proposal to the Council on Postsecondary Education for review and approval through a process developed by the council in accordance with KRS 164.020(15). In developing its process, the council shall consider the elements set forth in subsection (4)(a) of this section, as applicable.*
- ~~(8)(6)~~ A comprehensive university shall not~~[-~~
- ~~(a) Offer the terminal degrees of Doctor of Philosophy or Doctor of Musical Arts; doctor's degrees required for professional practice and licensure in medicine, veterinary medicine, chiropractic, dentistry, pharmacy, law, or optometry; or the primary degree required for professional practice and licensure in architecture. The existing school of law at Northern Kentucky University is exempted from the requirements of this paragraph; or~~
 - ~~(b) } describe itself in official publications or in marketing materials as a research university or research institution unless designated as such by a nationally recognized authority for the classification of research universities. Nothing in this subsection[paragraph] shall be construed as precluding a comprehensive university from conducting basic, applied, or translational research.~~

➔Section 3. If a comprehensive university meets the eligibility requirements of subsection (3) of Section 2 of this Act and seeks to submit a doctoral program for review or approval which was studied as part of 2024 Ky. Acts ch. 199, and included in the report submitted pursuant to 2024 Ky. Acts ch. 199, sec. 2, the comprehensive university shall use the results of that study for its proposal to the Council on Postsecondary Education for review and evaluation for consideration in the Council's 2026-2028 biennial budget recommendation notwithstanding subsection (4)(c) of Section 2 of this Act. The Council may request additional information as necessary, but shall not require specialized resources as described in subsection (4)(b) of Section 2 of this Act.

➔Section 4. Pursuant to KRS 164.020(15), the Council on Postsecondary Education shall ensure that the process to approve new doctoral degree programs at the University of Kentucky and University of Louisville, as authorized in KRS 164.125 and KRS 164.815, is consistent with the process set forth in subsections (4) to (7) of Section 2 of this Act.

Signed by Governor March 19, 2025.