

1 AN ACT relating to the Education Professional Standards Board.

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

3 ➔Section 1. KRS 161.048 is amended to read as follows:

4 (1) The General Assembly hereby finds that:

5 (a) 1. There are persons who have distinguished themselves through a variety
6 of work and educational experiences that could enrich teaching in
7 Kentucky schools;

8 2. There are distinguished scholars who wish to become teachers in
9 Kentucky's public schools, but who did not pursue a teacher preparation
10 program;

11 3. There are persons who should be recruited to teach in Kentucky's public
12 schools as they have academic majors, strong verbal skills as shown by a
13 verbal ability test, and deep knowledge of content, characteristics that
14 empirical research identifies as important attributes of quality teachers;

15 4. There are persons who need to be recruited to teach in Kentucky schools
16 to meet the diverse cultural and educational needs of students; and

17 5. There should be alternative procedures to the traditional teacher
18 preparation programs that qualify persons as teachers;

19 (b) There are hereby established alternative certification program options as
20 described in subsections (2) to (9) of this section;

21 (c) It is the intent of the General Assembly that the Educational Professional
22 Standards Board inform scholars, persons with exceptional work experience,
23 and persons with diverse backgrounds who have potential as teachers of these
24 options and assist local boards of education in implementing these options and
25 recruitment of individuals who can enhance the education system in
26 Kentucky;

27 (d) The Education Professional Standards Board may reject the application of any

1 candidate who is judged as not meeting academic requirements comparable to
2 those for students enrolled in Kentucky teacher preparation programs; and

3 (e) The Education Professional Standards Board shall promulgate administrative
4 regulations establishing standards and procedures for the alternative
5 certification options described in this section.

6 (2) Option 1: Certification of a person with exceptional work experience. An individual
7 who has exceptional work experience and has been offered employment in a local
8 school district shall receive a one (1) year provisional certificate with approval by
9 the Education Professional Standards Board of a joint application by the individual
10 and the employing school district under the following conditions:

11 (a) The application contains documentation of all education and work experience;

12 (b) The candidate has documented exceptional work experience in the area in
13 which certification is being sought; and

14 (c) The candidate possesses:

15 1. A bachelor's degree or a graduate degree;

16 2. A minimum cumulative grade point average of two and seventy-five
17 hundredths (2.75) on a four (4) point scale or a minimum grade point
18 average of three (3.0) on a four (4) point scale on the last thirty (30)
19 hours of credit completed, including undergraduate and graduate
20 coursework from a nationally or regionally accredited postsecondary
21 institution; and

22 3. An academic major or a passing score on the academic content
23 assessment in the area in which certification is being sought by the
24 applicant as designated by the Education Professional Standards Board.

25 The candidate shall participate in the teacher internship program under KRS
26 161.030. After successful completion of the internship program, the candidate shall
27 receive a professional certificate and shall be subject to certificate renewal

1 requirements the same as other teachers with a professional certificate.

2 (3) Option 2: Certification through a local school district training program. A local
3 school district or group of school districts may seek approval for a training program.
4 The state-approved local school district training program is an alternative to the
5 college teacher preparation program as a means of acquiring teacher certification for
6 a teacher at any grade level. The training program may be offered for all teaching
7 certificates approved by the Education Professional Standards Board, including
8 interdisciplinary early childhood education, except for specific certificates for
9 teachers of exceptional children. To participate in a state-approved local school
10 district alternative training program, the candidate shall possess:

11 (a) A bachelor's degree or a graduate degree;

12 (b) A minimum cumulative grade point average of two and seventy-five
13 hundredths (2.75) on a four (4) point scale or a minimum grade point average
14 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
15 completed, including undergraduate and graduate coursework from a
16 nationally or regionally accredited postsecondary institution;

17 (c) A passing score on the academic content assessment in the area in which
18 certification is being sought by the applicant as designated by the Education
19 Professional Standards Board. To be eligible to take an academic content
20 assessment, the applicant shall have completed a thirty (30) hour major in the
21 academic content area or five (5) years of experience in the academic content
22 area as approved by the Education Professional Standards Board; and

23 (d) An offer of employment in a school district which has a training program
24 approved by the Education Professional Standards Board.

25 Upon meeting the participation requirements as established in this subsection, the
26 candidate shall be issued a one (1) year provisional certificate by the Education
27 Professional Standards Board. The candidate shall participate in the teacher

1 internship program under KRS 161.030. After successful completion of the
2 internship program, the candidate shall receive a professional certificate and shall
3 be subject to certificate renewal requirements the same as other teachers with a
4 professional certificate.

- 5 (4) Option 3: Certification of a professional from a postsecondary institution: A
6 candidate who possesses the following qualifications may receive a one (1) year
7 provisional certificate for teaching at any level:
- 8 (a) A master's degree or doctoral degree in the academic content area for which
9 certification is sought;
 - 10 (b) A minimum of five (5) years of full-time teaching experience, or its
11 equivalent, in the academic content area for which certification is sought in a
12 regionally or nationally accredited institution of higher education; and
 - 13 (c) An offer of employment in a school district which has been approved by the
14 Education Professional Standards Board.

15 The candidate shall participate in the teacher internship program under KRS
16 161.030. After successful completion of the internship program, the candidate shall
17 receive a professional certificate and shall be subject to certificate renewal
18 requirements the same as other teachers with professional certificates.

- 19 (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas
20 such as art, music, foreign language, drama, science, computer science, and other
21 specialty areas may be employed as an adjunct instructor in a part-time position by a
22 local board of education under KRS 161.046.

- 23 (6) Option 5: Certification of a veteran of the Armed Forces. The Education
24 Professional Standards Board shall issue a statement of eligibility, valid for five (5)
25 years, for teaching at the elementary, secondary, and secondary career technical
26 education levels to a veteran of the Armed Forces **with six (6) or more years of**
27 **service** who was honorably discharged, **or generally discharged under honorable**

1 **conditions**, from active duty as evidenced by Defense Department Form 214 (DD
2 214) or National Guard Bureau Form 22 or to a member of the Armed Services
3 currently serving with six (6) or more years of honorable service **in the**~~[, including]~~
4 Reserves, National Guard, or active duty, **or a combination of those services**. The
5 candidate shall possess:

- 6 (a) A bachelor's degree or graduate degree;
- 7 (b) A minimum cumulative grade point average of two and seventy-five
8 hundredths (2.75) on a four (4) point scale or a minimum grade point average
9 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
10 completed, including undergraduate and graduate coursework from a
11 nationally or regionally accredited postsecondary institution; and
- 12 (c) An academic major or a passing score on the academic content assessment in
13 the area in which certification is being sought by the applicant as designated
14 by the Education Professional Standards Board.

15 Upon an offer of employment by a school district, the eligible veteran shall receive
16 a one (1) year provisional certificate with approval by the Education Professional
17 Standards Board of a joint application by the veteran and the employing school
18 district. During this year, the veteran shall participate in the teacher internship
19 program under KRS 161.030. After successful completion of the internship
20 program, the veteran shall receive a professional certificate.

- 21 (7) Option 6: University alternative program. With approval of the Education
22 Professional Standards Board, a university may provide an alternative program that
23 enrolls students in a postbaccalaureate teacher preparation program concurrently
24 with employment as a teacher in a local school district. A student in the alternative
25 program shall be granted a one (1) year provisional certificate and shall participate
26 in the Kentucky teacher internship program, notwithstanding provisions of KRS
27 161.030. A student may not participate in the internship program until the student

1 has successfully completed the assessments required by the board. The one (1) year
2 provisional certificate may be renewed two (2) additional years, and shall be
3 contingent upon the candidate's continued enrollment in the preparation program
4 and compliance with all requirements established by the board. A professional
5 certificate shall be issued upon the teacher candidate's successful completion of the
6 program, the internship program requirements, and all academic content
7 assessments in the specific teaching field of the applicant as designated by the
8 Education Professional Standards Board.

9 (8) Option 7: Certification of a person in a field other than education to teach in
10 elementary, middle, or secondary programs. This option shall not be limited to
11 teaching in shortage areas. An individual certified under provisions of this
12 subsection shall be issued a one (1) year provisional certificate, renewable for a
13 maximum of two (2) additional years with approval of the Education Professional
14 Standards Board.

15 (a) The candidate shall possess:

- 16 1. A bachelor's degree with a declared academic major in the area in which
17 certification is sought or a graduate degree in a field related to the area
18 in which certification is sought;
- 19 2. A minimum cumulative grade point average of two and seventy-five
20 hundredths (2.75) on a four (4) point scale or a minimum grade point
21 average of three (3) on a four (4) point scale on the last thirty (30) hours
22 of credit completed, including undergraduate and graduate coursework
23 from a nationally or regionally accredited postsecondary institution;
- 24 3. A passing score on the GRE or equivalent as designated by the
25 Education Professional Standards Board. A candidate who has a
26 terminal degree shall be exempt from the requirements of this
27 subparagraph; and

- 1 4. A passing score on the academic content assessment in the area in which
2 certification is being sought as designated by the Education Professional
3 Standards Board.
- 4 (b) Prior to receiving the one (1) year provisional certificate or during the first
5 year of the certificate, the teacher shall complete the following:
- 6 1. For elementary teaching, the individual shall successfully complete the
7 equivalent of a two hundred forty (240) hour institute, based on six (6)
8 hour days for eight (8) weeks. The providers and the content of the
9 institute shall be approved by the Education Professional Standards
10 Board. The content shall include research-based teaching strategies in
11 reading and math, research on child and adolescent growth, knowledge
12 of individual differences, including teaching exceptional children, and
13 methods of classroom management.
- 14 2. For middle and secondary teaching, the individual shall successfully
15 complete the equivalent of a one hundred eighty (180) hour institute,
16 based on six (6) hour days for six (6) weeks. The providers and the
17 content of the institute shall be approved by the Education Professional
18 Standards Board and shall include research-based teaching strategies,
19 research on child and adolescent growth, knowledge of individual
20 differences, including teaching exceptional children, and methods of
21 classroom management.
- 22 (c) The candidate shall participate in the teacher internship program under KRS
23 161.030. After successful completion of the internship program, the candidate
24 shall receive a professional certificate and shall be subject to certificate
25 renewal requirements the same as other teachers with a professional
26 certificate.
- 27 (9) Option 8: Certification of a Teach for America participant to teach in elementary,

1 middle, or high schools. Nothing in this subsection shall conflict with the
2 participation criteria of the Teach for America program. An individual certified
3 under this subsection shall be issued a one (1) year provisional certificate.

4 (a) The candidate shall possess:

- 5 1. An offer of employment from a local school district;
- 6 2. A bachelor's degree;
- 7 3. A successful completion of the summer training institute and ongoing
8 professional development required by Teach for America, including
9 instruction in goal-oriented, standards-based instruction, diagnosing and
10 assessing students, lesson planning and instructional delivery, classroom
11 management, maximizing learning for diverse students, and teaching
12 methodologies; and
- 13 4. A passing score on the academic content assessment in the area in which
14 certification is being sought as designated by the Education Professional
15 Standards Board.

16 (b) The provisional certificate granted under paragraph (a) of this subsection may
17 be renewed two (2) times with a recommendation of the superintendent and
18 approval of the Education Professional Standards Board.

19 (c) A Teach for America participant who is approved for a second renewal of his
20 or her provisional certificate under paragraph (b) of this subsection may
21 participate in the teacher internship program under KRS 161.030.

22 (d) A Teach for America participant shall be issued a professional certificate upon
23 the participant's successful completion of the internship program and
24 assessments relating to teaching of subject matter required by the Education
25 Professional Standards Board under KRS 161.030.

26 (e) Notwithstanding any statute or administrative regulation to the contrary, a
27 teacher certified under this subsection shall have ten (10) years from the date

1 that the teacher successfully completed the internship program to complete a
2 master's degree or fifth year program, or the equivalent as specified by the
3 Education Professional Standards Board in administrative regulation.

4 (10) A public school teacher certified under subsections (2) to (9) of this section shall be
5 placed on the local district salary schedule for the rank corresponding to the degree
6 held by the teacher.

7 (11) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the
8 following qualifications may receive certification for teaching programs for
9 exceptional students:

10 (a) An out-of-state license to teach exceptional students;

11 (b) A bachelor's or master's degree in the certification area or closely related area
12 for which certification is sought; and

13 (c) Successful completion of the teacher internship program requirement required
14 under KRS 161.030.

15 ➔Section 2. KRS 161.155 is amended to read as follows:

16 (1) As used in this section:

17 (a) "Teacher" shall mean any person for whom certification is required as a basis
18 of employment in the common schools of the state;

19 (b) "Employee" shall mean any person, other than a teacher, employed in the
20 public schools, whether on a full or part-time basis;

21 (c) "Immediate family" shall mean the teacher's or employee's spouse, children
22 including stepchildren and foster children, grandchildren, daughters-in-law
23 and sons-in law, brothers and sisters, parents and spouse's parents, and
24 grandparents and spouse's grandparents, without reference to the location or
25 residence of said relative, and any other blood relative who resides in the
26 teacher's or employee's home;

27 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by

1 teachers or employees for use by teachers or employees who have exhausted
2 all sick leave and other available paid leave days; and

3 (e) "Assault" shall mean an act that intentionally causes injury so significant that
4 the victim is determined to be, by certification of a physician or surgeon duly
5 qualified under KRS Chapter 342, incapable of performing the duties of his or
6 her job.

7 (2) Each district board of education shall allow to each teacher and full-time employee
8 in its common school system not less than ten (10) days of sick leave during each
9 school year, without deduction of salary. Sick leave shall be granted to a teacher or
10 employee if he or she presents a personal affidavit or a certificate of a physician
11 stating that the teacher or employee was ill, that the teacher or employee was absent
12 for the purpose of attending to a member of his or her immediate family who was
13 ill, or for the purpose of mourning a member of his or her immediate family. The
14 ten (10) days of sick leave granted in this subsection may be taken by a teacher or
15 employee on any ten (10) days of the school year and shall be granted in addition to
16 accumulated sick leave days that have been credited to the teacher or employee
17 under the provisions of subsection (4) of this section.

18 (3) A school district shall coordinate among the income and benefits from workers'
19 compensation, temporary disability retirement, and district payroll and benefits so
20 that there is no loss of income or benefits to a teacher or employee for work time
21 lost because of an assault while performing the teacher's or employee's assigned
22 duties for a period of up to one (1) year after the assault. In the event a teacher or
23 employee suffers an assault while performing his or her assigned duties that results
24 in injuries that qualify the teacher or employee for workers' compensation benefits,
25 the district shall provide leave to the teacher or employee for up to one (1) year after
26 the assault with no loss of income or benefits under the following conditions:

27 (a) The district shall pay the salary of the teacher or employee between the time

1 of the assault and the time the teacher's or employee's workers' compensation
2 income benefits take effect, or the time the teacher or employee is certified to
3 return to work by a physician or surgeon duly qualified under KRS Chapter
4 342, whichever is sooner;

5 (b) The district shall pay, for up to one (1) year from the time of the assault, the
6 difference between the salary of the teacher or employee and any workers'
7 compensation income benefits received by the teacher or employee resulting
8 from the assault. Payments by the district shall include payments for
9 intermittent work time missed as a result of the assault during the one (1) year
10 period. If the teacher's or employee's workers' compensation income benefits
11 cease during the one (1) year period after the assault, the district shall also
12 cease to make payments under this paragraph;

13 (c) The Commonwealth, through the Kentucky Department of Education, shall
14 make the employer's health insurance contribution during the period that the
15 district makes payments under paragraphs (a) and (b) of this subsection;

16 (d) The Commonwealth, through the Kentucky Department of Education, shall
17 make the employer's contribution to the retirement system in which the
18 teacher or employee is a member during the period that the district makes
19 payments under paragraphs (a) and (b) of this subsection; and

20 (e) Payments to a teacher or employee under paragraphs (a) and (b) of this
21 subsection shall be coordinated with workers' compensation benefits under
22 KRS Chapter 342, disability retirement benefits for teachers under KRS
23 161.661 to 161.663, and disability retirement benefits for employees under
24 KRS 61.600 to 61.621 and 78.545 so that the teacher or employee receives
25 income equivalent to his or her full contracted salary, but in no event shall the
26 combined payments exceed one hundred percent (100%) of the teacher's or
27 employee's full contracted salary.

- 1 (4) Days of sick leave not taken by an employee or a teacher during any school year
2 shall accumulate without limitation and be credited to that employee or teacher.
3 Accumulated sick leave may be taken in any school year. Any district board of
4 education may, in its discretion, allow employees or teachers in its common school
5 system sick leave in excess of the number of days prescribed in this section and may
6 allow school district employees and teachers to use up to three (3) days' sick leave
7 per school year for emergency leave pursuant to KRS 161.152(3). Any accumulated
8 sick leave days credited to an employee or a teacher shall remain so credited in the
9 event he or she transfers his or her place of employment from one (1) school district
10 to another within the state, ~~or~~ to the Kentucky Department of Education, or to the
11 Education Professional Standards Board or transfers from the Department of
12 Education to a school district.
- 13 (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to
14 the opening day of the school year, an affidavit or a certificate of a physician is
15 presented to the district board of education, stating that the teacher or employee is
16 unable to commence his or her duties on the opening day of the school year, but will
17 be able to assume his or her duties within a period of time that the board determines
18 to be reasonable.
- 19 (6) Any school teacher or employee may repurchase previously used sick leave days
20 with the concurrence of the local school board by paying to the district an amount
21 equal to the total of all costs associated with the used sick leave.
- 22 (7) A district board of education may adopt a plan for a sick leave bank. The plan may
23 include limitations upon the number of days a teacher or employee may annually
24 contribute to the bank and limitations upon the number of days a teacher or
25 employee may annually draw from the bank. Only those teachers or employees who
26 contribute to the bank may draw upon the bank. Days contributed will be deducted
27 from the days available to the contributing teacher or employee. The sick leave bank

1 shall be administered in accordance with a policy adopted by the board of
2 education.

3 (8) (a) A district board of education shall establish a sick leave donation program to
4 permit teachers or employees to voluntarily contribute sick leave to teachers
5 or employees in the same school district who are in need of an extended
6 absence from school. A teacher or employee who has accrued more than
7 fifteen (15) days' sick leave may request the board of education to transfer a
8 designated amount of sick leave to another teacher or employee who is
9 authorized to receive the sick leave donated. A teacher or employee may not
10 request an amount of sick leave be donated that reduces his or her sick leave
11 balance to less than fifteen (15) days.

12 (b) A teacher or employee may receive donations of sick leave if:

13 1. a. The teacher or employee or a member of his or her immediate
14 family suffers from a medically certified illness, injury,
15 impairment, or physical or mental condition that has caused or is
16 likely to cause the teacher or employee to be absent for at least ten
17 (10) days; or

18 b. The teacher or employee suffers from a catastrophic loss to his or
19 her personal or real property, due to either a natural disaster or fire,
20 that either has caused or will likely cause the employee to be
21 absent for at least ten (10) consecutive working days;

22 2. The teacher's or employee's need for the absence and use of leave are
23 certified by a licensed physician for leave requested under subparagraph
24 1.a. of this subsection;

25 3. The teacher or employee has exhausted his or her accumulated sick
26 leave, personal leave, and any other leave granted by the school district;
27 and

- 1 4. The teacher or employee has complied with the school district's policies
2 governing the use of sick leave.
- 3 (c) While a teacher or employee is on sick leave provided by this section, he or
4 she shall be considered a school district employee, and his or her salary,
5 wages, and other employee benefits shall not be affected.
- 6 (d) Any sick leave that remains unused, is not needed by a teacher or employee,
7 and will not be needed in the future shall be returned to the teacher or
8 employee donating the sick leave.
- 9 (e) The board of education shall adopt policies and procedures necessary to
10 implement the sick leave donation program.
- 11 (9) A teacher or employee may use up to thirty (30) days of sick leave following the
12 birth or adoption of a child or children. Additional days may be used when the need
13 is verified by a physician's statement.
- 14 (10) (a) After July 1, 1982, a district board of education may compensate, at the time
15 of retirement or upon the death of a member in active contributing status at the
16 time of death who was eligible to retire by reason of service, an employee or a
17 teacher, or the estate of an employee or teacher, for each unused sick leave
18 day. The rate of compensation for each unused sick leave day shall be based
19 on a percentage of the daily salary rate calculated from the employee's or
20 teacher's last annual salary, not to exceed thirty percent (30%). Payment for
21 unused sick leave days shall be incorporated into the annual salary of the final
22 year of service for inclusion in the calculation of the employee's or teacher's
23 retirement allowance only at the time of his or her initial retirement; provided
24 that the member makes the regular retirement contribution for members on the
25 sick leave payment. The accumulation of these days includes unused sick
26 leave days held by the employee or teacher at the time of implementation of
27 the program.

- 1 (b) For a teacher or employee who begins employment with a local school district
2 on or after July 1, 2008, the maximum amount of unused sick leave days a
3 district board of education may recognize in calculating the payment of
4 compensation to the teacher or employee under this subsection shall not
5 exceed three hundred (300) days.
- 6 (11) Any statute to the contrary notwithstanding, employees and teachers who
7 transferred from the Department of Education to a school district, from a school
8 district to the Department of Education, or from one (1) school district to another
9 school district after July 15, 1981, shall receive credit for any unused sick leave to
10 which the employee or teacher was entitled on the date of transfer. This credit shall
11 be for the purposes set forth in subsection (10) of this section.
- 12 (12) The death benefit provided in subsection (10) of this section may be cited as the
13 Baughn Benefit.