

1 AN ACT relating to postsecondary education.

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

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

4 (1) The Education Professional Standards Board is recognized to be a public body
5 corporate and politic and an agency and instrumentality of the Commonwealth, in
6 the performance of essential governmental functions. The Education Professional
7 Standards Board has the authority and responsibility to:

8 (a) Establish standards and requirements for obtaining and maintaining a teaching
9 certificate;

10 (b) Set standards for, approve, and evaluate college, university, and school district
11 programs for the preparation of teachers and other professional school
12 personnel. **College or university programs may be approved by the board for**
13 **a college or university with regional institutional level accreditation or**
14 **national institutional level accreditation that is recognized by the United**
15 **States Department of Education and is eligible to receive federal funding**
16 **under 20 U.S.C. secs. 1061 to 1063.** Program standards shall reflect national
17 standards and shall address, at a minimum, the following:

18 1. The alignment of programs with the state's core content for assessment
19 as defined in KRS 158.6457;

20 2. Research-based classroom practices, including effective classroom
21 management techniques;

22 3. Emphasis on subject matter competency of teacher education students;

23 4. Methodologies to meet diverse educational needs of all students;

24 5. The consistency and quality of classroom and field experiences,
25 including early practicums and student teaching experiences;

26 6. The amount of college-wide or university-wide involvement and support
27 during the preparation as well as the induction of new teachers;

- 1 7. The diversity of faculty;
- 2 8. The effectiveness of partnerships with local school districts; and
- 3 9. The performance of graduates on various measures as determined by the
- 4 board;
- 5 (c) Conduct an annual review of diversity in teacher preparation programs;
- 6 (d) Provide assistance to universities and colleges in addressing diversity, which
- 7 may include researching successful strategies and disseminating the
- 8 information, encouraging the development of nontraditional avenues of
- 9 recruitment and providing incentives, waiving administrative regulations
- 10 when needed, and other assistance as deemed necessary;
- 11 (e) Discontinue approval of programs that do not meet standards or whose
- 12 graduates do not perform according to criteria set by the board;
- 13 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 14 probationary or supervisory conditions upon; issue a written reprimand or
- 15 admonishment; or any combination of actions regarding any certificate;
- 16 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
- 17 misconduct by an employee certified by the Education Professional Standards
- 18 Board. The guidelines shall include investigation, inquiry, and hearing
- 19 procedures which ensure the process does not revictimize the alleged victim
- 20 or cause harm if an employee is falsely accused;
- 21 (h) Receive, along with investigators hired by the Education Professional
- 22 Standards Board, training on the dynamics of sexual misconduct of
- 23 professionals, including the nature of this abuse of authority, characteristics of
- 24 the offender, the impact on the victim, the possibility and the impact of false
- 25 accusations, investigative procedures in sex offense cases, and effective
- 26 intervention with victims and offenders;
- 27 (i) Recommend to the Kentucky Board of Education the essential data elements

- 1 relating to teacher preparation and certification, teacher supply and demand,
2 teacher attrition, teacher diversity, and employment trends to be included in a
3 state comprehensive data and information system and periodically report data
4 to the Interim Joint Committee on Education;
- 5 (j) Submit reports to the Governor and the Legislative Research Commission and
6 inform the public on the status of teaching in Kentucky;
- 7 (k) Devise a credentialing system that provides alternative routes to gaining
8 certification and greater flexibility in staffing local schools while maintaining
9 standards for teacher competence;
- 10 (l) Develop a professional code of ethics;
- 11 (m) Set the qualifications and salary for the positions of executive director and
12 deputy executive director to the board, notwithstanding the provisions of KRS
13 64.640;
- 14 (n) Recruit, select, employ and evaluate the executive director to the board;
- 15 (o) Approve employment procedures for the employment of policy level staff,
16 subject to the provisions of KRS 12.050;
- 17 (p) Approve the biennial budget request;
- 18 (q) Charge reasonable fees for the issuance, reissuance, and renewal of certificates
19 that are established by administrative regulation. The proceeds shall be used to
20 meet a portion of the costs of the issuance, reissuance, and renewal of
21 certificates, and the costs associated with disciplinary action against a
22 certificate holder under KRS 161.120;
- 23 (r) Waive a requirement that may be established in an administrative regulation
24 promulgated by the board. A request for a waiver shall be submitted to the
25 board, in writing, by an applicant for certification, a postsecondary institution,
26 or a superintendent of a local school district, with appropriate justification for
27 the waiver. The board may approve the request if the person or institution

- 1 seeking the waiver has demonstrated extraordinary circumstances justifying
2 the waiver. Any waiver granted under this subsection shall be subject to
3 revocation if the person or institution falsifies information or subsequently
4 fails to meet the intent of the waiver;
- 5 (s) Promote the development of one (1) or more innovative, nontraditional or
6 alternative administrator or teacher preparation programs through public or
7 private colleges or universities, private contractors, the Department of
8 Education, or the Kentucky Commonwealth Virtual University and waive
9 administrative regulations if needed in order to implement the program;
- 10 (t) Grant approval, if appropriate, of a university's request for an alternative
11 program that enrolls an administrator candidate in a postbaccalaureate
12 administrator preparation program concurrently with employment as an
13 assistant principal, principal, assistant superintendent, or superintendent in a
14 local school district. An administrator candidate in the alternative program
15 shall be granted a temporary provisional certificate and shall be a candidate in
16 the Kentucky Principal Internship Program, notwithstanding provisions of
17 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
18 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
19 valid for a maximum of two (2) years, and shall be contingent upon the
20 candidate's continued enrollment in the preparation program and compliance
21 with all requirements established by the board. A professional certificate shall
22 be issued upon the candidate's successful completion of the program,
23 internship requirements, and assessments as required by the board;
- 24 (u) Employ consultants as needed;
- 25 (v) Enter into contracts. Disbursements to professional educators who receive less
26 than one thousand dollars (\$1,000) in compensation per fiscal year from the
27 board for serving on an assessment validation panel or as a test scorer or

1 proctor shall not be subject to KRS 45A.690 to 45A.725;

2 (w) Sponsor studies, conduct research, conduct conferences, and publish
3 information as appropriate; and

4 (x) Issue orders as necessary in any administrative action before the board.

5 (2) (a) The board shall be composed of seventeen (17) members. The commissioner
6 of education and the president of the Council on Postsecondary Education, or
7 their designees, shall serve as ex officio voting members. The Governor shall
8 make the following fifteen (15) appointments:

9 1. Nine (9) members who shall be teachers representative of elementary,
10 middle or junior high, secondary, special education, and secondary
11 vocational classrooms;

12 2. Two (2) members who shall be school administrators, one (1) of whom
13 shall be a school principal;

14 3. One (1) member representative of local boards of education; and

15 4. Three (3) members representative of postsecondary institutions, two (2)
16 of whom shall be deans of colleges of education at public universities
17 and one (1) of whom shall be the chief academic officer of an
18 independent not-for-profit college or university.

19 (b) The members appointed by the Governor after June 21, 2001, shall be
20 confirmed by the Senate and the House of Representatives under KRS 11.160.
21 If the General Assembly is not in session at the time of the appointment,
22 persons appointed shall serve prior to confirmation, but the Governor shall
23 seek the consent of the General Assembly at the next regular session or at an
24 intervening extraordinary session if the matter is included in the call of the
25 General Assembly.

26 (c) A vacancy on the board shall be filled in the same manner as the original
27 appointment within sixty (60) days after it occurs. A member shall continue to

1 serve until his successor is named. Any member who, through change of
2 employment status or residence, or for other reasons, no longer meets the
3 criteria for the position to which he was appointed shall no longer be eligible
4 to serve in that position.

5 (d) Members of the board shall serve without compensation but shall be permitted
6 to attend board meetings and perform other board business without loss of
7 income or other benefits.

8 (e) A state agency or any political subdivision of the state, including a school
9 district, required to hire a substitute for a member of the board who is absent
10 from the member's place of employment while performing board business
11 shall be reimbursed by the board for the actual amount of any costs incurred.

12 (f) A chairman shall be elected by and from the membership. A member shall be
13 eligible to serve no more than three (3) one (1) year terms in succession as
14 chairman. The executive director shall keep records of proceedings. Regular
15 meetings shall be held at least semiannually on call of the chairman.

16 (g) To carry out the functions relating to its duties and responsibilities, the board
17 is empowered to receive donations and grants of funds; to appoint consultants
18 as needed; and to sponsor studies, conduct conferences, and publish
19 information.

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

21 (1) The State of Kentucky shall grant an amount as provided in KRS 164.780 and this
22 section to any applicant who meets the following qualifications:

23 (a) Is a Kentucky resident as defined by the Kentucky Council on Postsecondary
24 Education; and

25 (b) 1. Has been accepted by or is enrolled as a full-time student in a program
26 of study leading to a postsecondary degree at a Kentucky independent
27 college or university which is accredited by a regional accrediting

1 association recognized by the United States Department of Education
2 and whose institutional programs are not composed solely of sectarian
3 instruction;

4 2. Has been accepted by or is enrolled as a full-time student in a program
5 of study leading to a postsecondary degree at an out-of-state
6 postsecondary education institution licensed by the Council on
7 Postsecondary Education to operate in Kentucky which is accredited by
8 a regional accrediting association recognized by the United States
9 Department of Education and whose institutional programs are not
10 composed solely of sectarian instruction; or

11 3. Has been accepted or is enrolled as a student in a comprehensive
12 transition and postsecondary program at an institution described in
13 subparagraph 1. of this paragraph. For purposes of this section, a student
14 enrolled in a comprehensive transition and postsecondary program shall
15 be considered a part-time student, and the grant amount shall be adjusted
16 accordingly by the Kentucky Higher Education Assistance Authority.

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

21 (c) Has not previously attended college or university more than the maximum
22 number of academic terms established by the authority in administrative
23 regulations.

24 (2) The amount of the tuition grant to be paid to a student each semester, or appropriate
25 academic term, shall be determined by the Kentucky Higher Education Assistance
26 Authority.

27 (3) The maximum amount shall not exceed fifty percent (50%) of the average state

1 appropriation per full-time equivalent student enrolled in all public institutions of
 2 higher education. Such tuition grants are to be calculated annually by the Kentucky
 3 Higher Education Assistance Authority.

4 (4) The need of each applicant shall be determined by acceptable need analysis such as
 5 use of the free application for federal student aid in conjunction with Part E of the
 6 federal act, 20 U.S.C. secs. 1087kk through 1087vv, and such other analyses as the
 7 authority may determine, subject to the approval by the United States Secretary of
 8 Education.

9 (5) An adjustment shall be made in the tuition grant of any student awarded a
 10 scholarship from any other source provided the combination of grants and awards
 11 exceeds the calculated need of the student.

12 (6) Accepted or enrolled students qualifying under the provisions of subsection (1)(b)
 13 of this section prior to the 2011-2012 academic year shall be under those provisions
 14 and continue under those provisions until June 30, 2014.

15 (7) Beginning with the 2011-2012 academic year, and each year thereafter:

16 (a) *A student may enroll and receive a Kentucky tuition grant at* any Kentucky
 17 independent college or university whose institutional programs are not
 18 composed solely of sectarian instruction *and is*~~[shall be]~~ accredited by:

19 *1. The Southern Association of Colleges and Schools; or*

20 *2. a. A national accreditation agency that is recognized by the United*
 21 *States Department of Education; and*

22 *b. Is a college or university eligible to receive federal funding under*
 23 *20 U.S.C. secs. 1061 to 1063*~~[to remain an eligible institution in~~
 24 ~~which a student may enroll and receive a Kentucky tuition grant];~~

25 (b) Programs or campuses of any out-of-state postsecondary education institution
 26 that is licensed by the Council on Postsecondary Education to operate in
 27 Kentucky and whose institutional programs are not composed solely of

1 sectarian instruction shall be accredited by the Southern Association of
2 Colleges and Schools in order to qualify as an eligible institution in which a
3 student may enroll and receive a Kentucky tuition grant, except as provided in
4 paragraph (c) of this subsection; and

5 (c) Programs or campuses of any out-of-state postsecondary education institution
6 that is licensed by the Council on Postsecondary Education to operate in
7 Kentucky and whose institutional programs are not composed solely of
8 sectarian instruction, but in which accreditation by the Southern Association
9 of Colleges and Schools is not an option, shall be reviewed and approved by
10 the Council on Postsecondary Education based on accreditation criteria that
11 mirrors Southern Association of Colleges and Schools accreditation criteria in
12 order to qualify as an eligible institution in which a student may enroll and
13 receive a Kentucky tuition grant. All costs associated with the institutional
14 reviews shall be the responsibility of the institution seeking approval by the
15 council. The Council on Postsecondary Education shall promulgate
16 administrative regulations in accordance with KRS Chapter 13A to carry out
17 the provisions of this paragraph.