

1 AN ACT relating to teacher shortages.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO  
4 READ AS FOLLOWS:

5 ARTICLE 1

6 Purpose

7 *It is the purpose of this compact to facilitate the mobility of teachers across the member*  
8 *states, with the goal of supporting teachers through a new pathway to licensure.*  
9 *Through this compact, the member states seek to establish a collective regulatory*  
10 *framework that expedites and enhances the ability of teachers to move across state*  
11 *lines.*

12 *This compact is intended to achieve the following objectives:*

13 *A. Create a streamlined pathway to licensure mobility for teachers;*

14 *B. Support the relocation of eligible military spouses;*

15 *C. Facilitate and enhance the exchange of teacher licensure, investigative, and*  
16 *disciplinary information between the member states;*

17 *D. Enhance the power of state and district level education officials to hire qualified,*  
18 *competent teachers by removing barriers to the employment of out-of-state*  
19 *teachers;*

20 *E. Support the retention of teachers in the profession by removing barriers to re-*  
21 *licensure in a new state; and*

22 *F. Maintain state sovereignty in the regulation of the teaching profession.*

23 *The member states hereby ratify the same intentions by subscribing hereto.*

24 ARTICLE II

25 Definitions

26 *As used in this compact, and except as otherwise provided, the following definitions*  
27 *shall govern the terms herein:*

- 1 A. "Active military member" means any person with full-time duty status in the  
2 uniformed service of the United States, including members of the National Guard  
3 and Reserve;
- 4 B. "Adverse action" means any limitation or restriction imposed by a member state's  
5 licensing authority on the licensee's ability to work as a teacher, such as  
6 revocation, suspension, reprimand, or probation;
- 7 C. "Bylaws" means those bylaws established by the commission;
- 8 D. "Career and technical education license" means a current, valid authorization  
9 issued by a member state's licensing authority allowing an individual to serve as a  
10 teacher in preschool through twelfth grade public educational settings in a  
11 specific career and technical education area;
- 12 E. "Charter member states" means a member state that has enacted legislation to  
13 adopt this compact where such legislation predates the initial meeting of the  
14 commission after the effective date of the compact;
- 15 F. "Commission" means the interstate administrative body whose membership  
16 consists of delegates of all states that have enacted this compact and which is  
17 known as the Interstate Teacher Mobility Compact Commission;
- 18 G. "Commissioner" means the delegate of a member state;
- 19 H. "Eligible license" means a license to engage in the teaching profession, which  
20 requires at least a bachelor's degree and the completion of a state-approved  
21 program for teacher licensure;
- 22 I. "Eligible military spouse" means the spouse of an active military member who is  
23 relocating as a result of a military mission, military career progression  
24 requirement, or a terminal move due to separation, retirement, or death of the  
25 member;
- 26 J. "Executive committee" means a group of commissioners elected or appointed to  
27 act on behalf of, and within the powers granted to them by, the commission as

1 provided for herein;

2 K. "Licensing authority" means an official, agency, board, or other entity of a state  
3 that is responsible for the licensing and regulation of teachers authorized to teach  
4 in preschool through twelfth grade public educational settings;

5 L. "Member state" means any state that has adopted this compact, including all  
6 agencies and officials of such a state;

7 M. "Receiving state" means any state that a teacher has applied for licensure under  
8 this compact;

9 N. "Rule" means any regulation promulgated by the commission under this  
10 compact, which shall have the force of law in each member state;

11 O. "State" means a state, territory, or possession of the United States and the  
12 District of Columbia;

13 P. "State practice laws" means a member state's law, rules, and regulations that  
14 govern the teaching profession, define the scope of such profession, and create  
15 the methods and grounds for imposing discipline;

16 Q. "State specific requirements" means a requirement for licensure covered in  
17 coursework or examination that includes content of unique interest to the state;

18 R. "Teacher" means an individual who currently holds an authorization from a  
19 member state that forms the basis for employment in the preschool through  
20 twelfth grade public schools of the state to provide instruction in a specific subject  
21 area, grade level, or student population; and

22 S. "Unencumbered license" means a current, valid eligible license that is not a  
23 restricted, probationary, provisional, substitute, or temporary credential.

### 24 ARTICLE III

#### 25 Licensure Under the Compact

26 A. Licensure under this compact pertains only to the initial grant of a license by the  
27 receiving state. Nothing herein applies to any subsequent or ongoing compliance

1 requirements that a receiving state might require for teachers.

2 B. Each member state shall, in accordance with the rules of the commission, define,  
3 compile, and update as necessary, a list of eligible licenses and career and  
4 technical education licenses that the member state is willing to consider for  
5 equivalency under this compact and provide the list to the commission. The list  
6 shall include those licenses that a receiving state is willing to grant to teachers  
7 from other member states, pending a determination of equivalency by the  
8 receiving state's licensing authority.

9 C. Upon the receipt of an application for licensure by a teacher holding an  
10 unencumbered license, the receiving state shall determine which of the receiving  
11 state's eligible licenses the teacher is qualified to hold and shall grant such a  
12 license or licenses to the applicant. Such a determination shall be made in the  
13 sole discretion of the receiving state's licensing authority and may include a  
14 determination that the applicant is not eligible for any of the receiving state's  
15 eligible licenses. For all teachers who hold an unencumbered license, the  
16 receiving state shall grant one (1) or more unencumbered licenses that, in the  
17 receiving state's sole discretion, are equivalent to the license or licenses held by  
18 the teacher in any other member state.

19 D. For active military members and eligible military spouses who hold a license that  
20 is not unencumbered, the receiving state shall grant an equivalent license or  
21 licenses that, in the receiving state's sole discretion, is equivalent to the license or  
22 licenses held by the active military member or eligible military spouse, except  
23 where the receiving state does not have an equivalent license.

24 E. For a teacher holding an unencumbered career and technical education license,  
25 the receiving state shall grant an unencumbered license equivalent to the career  
26 and technical education license held by the applying teacher and issued by  
27 another member state, as determined by the receiving state in its sole discretion,

1 except when a career and technical education teacher does not hold a bachelor's  
2 degree and the receiving state requires a bachelor's degree for licenses to teach  
3 career and technical education. A receiving state may require career and  
4 technical education teachers to meet state industry-recognized requirements, if  
5 required by law in the receiving state.

6 ARTICLE IV

7 Licensure Not Under the Compact

8 A. Except as provided in Article III above, nothing in this compact shall be  
9 construed to limit or inhibit the power of a member state to regulate licensure or  
10 endorsements overseen by the member state's licensing authority.

11 B. When a teacher is required to renew a license received pursuant to this compact,  
12 the state granting such a license may require the teacher to complete state  
13 specific requirements as a condition of licensure renewal or advancement in that  
14 state.

15 C. For the purposes of determining compensation, a receiving state may require  
16 additional information from teachers receiving a license under the provisions of  
17 this compact.

18 D. Nothing in this compact shall be construed to limit the power of a member state to  
19 control and maintain ownership of its information pertaining to teachers, or limit  
20 the application of a member state's laws or regulations governing the ownership,  
21 use, or dissemination of information pertaining to teachers.

22 E. Nothing in this compact shall be construed to invalidate or alter any existing  
23 agreement or other cooperative arrangement which a member state may already  
24 be a party to or limit the ability of a member state to participate in any future  
25 agreement or other cooperative arrangement to:

26 1. Award teaching licenses or other benefits based on additional professional  
27 credentials, including but not limited to National Board Certification;

1 2. Participate in the exchange of names of teachers whose licenses have been  
2 subject to an adverse action by a member state; or

3 3. Participate in any agreement or cooperative arrangement with a non-  
4 member state.

#### 5 ARTICLE V

##### 6 Teacher Qualifications and Requirements for Licensure Under the Compact

7 A. Except as provided for active military members or eligible military spouses in  
8 Article III. D. of this compact, a teacher may only be eligible to receive a license  
9 under this compact when that teacher holds an unencumbered license in a  
10 member state.

11 B. A teacher eligible to receive a license under this compact, unless otherwise  
12 provided for herein, shall:

13 1. Upon their application to receive a license under this compact, undergo a  
14 criminal background check in the receiving state in accordance with the  
15 laws and regulations of the receiving state; and

16 2. Provide the receiving state with information in addition to the information  
17 required for licensure for the purposes of determining compensation, if  
18 applicable.

#### 19 ARTICLE VI

##### 20 Discipline/Adverse Actions

21 A. Nothing in this compact shall be deemed or construed to limit the authority of a  
22 member state to investigate or impose disciplinary measures on teachers  
23 according to the state practice laws thereof.

24 B. Member states shall be authorized to receive and shall provide files and  
25 information regarding the investigation and discipline, if any, of teachers in other  
26 member states upon request. Any member state receiving such information or  
27 files shall protect and maintain the security and confidentiality thereof, in at least

1 the same manner that it maintains its own investigatory or disciplinary files and  
2 information. Prior to disclosing any disciplinary or investigatory information  
3 received from another member state, the disclosing state shall communicate its  
4 intention and purpose for such disclosure to the member state that originally  
5 provided that information.

## 6 ARTICLE VII

### 7 Establishment of the Interstate Teacher Mobility Compact Commission

8 A. The interstate compact member states hereby create and establish a joint public  
9 agency known as the Interstate Teacher Mobility Compact Commission. The  
10 commission is a joint interstate governmental agency composed of states that  
11 have enacted the Interstate Teacher Mobility Compact. Nothing in this interstate  
12 compact shall be construed to be a waiver of sovereign immunity.

13 B. The membership, voting, and meetings provisions are as follows:

14 1. Each member state shall have and be limited to one (1) delegate to the  
15 commission, who shall be given the title of commissioner.

16 2. The commissioner shall be the primary administrative officer of the state  
17 licensing authority or their designee.

18 3. Any commissioner may be removed or suspended from office as provided by  
19 the law of the state from which the commissioner is appointed.

20 4. The member state shall fill any vacancy occurring in the commission within  
21 ninety (90) days.

22 5. Each commissioner shall be entitled to one (1) vote about the promulgation  
23 of rules and creation of bylaws and shall otherwise have an opportunity to  
24 participate in the business and affairs of the commission. A commissioner  
25 shall vote in person or by such other means as provided in the bylaws. The  
26 bylaws may provide for commissioners' participation in meetings by  
27 telephone or other means of communication.

1 6. The commission shall meet at least once during each calendar year.

2 Additional meetings shall be held as set forth in the bylaws.

3 C. The commission shall have the following powers and duties:

4 1. Establish a code of ethics for the commission;

5 2. Establish the fiscal year of the commission;

6 3. Establish bylaws for the commission;

7 4. Maintain financial records in accordance with the bylaws of the  
8 commission;

9 5. Meet and take such actions as are consistent with the provisions of this  
10 interstate compact, the bylaws, and the rules of the commission;

11 6. Promulgate uniform rules to implement and administer this interstate  
12 compact. The rules shall have the force and effect of law and shall be  
13 binding in all member states. In the event the commission exercises its  
14 rulemaking authority in a manner that is beyond the scope of the purposes  
15 of the compact, or the powers granted hereunder, then such an action by the  
16 commission shall be invalid and have no force and effect of law;

17 7. Bring and prosecute legal proceedings or actions in the name of the  
18 commission, provided that the standing of any member state licensing  
19 authority to sue or be sued under applicable law shall not be affected;

20 8. Purchase and maintain insurance and bonds;

21 9. Borrow, accept, or contract for services of personnel, including but not  
22 limited to employees of a member state or an associated nongovernmental  
23 organization that is open to membership by all states;

24 10. Hire employees, elect or appoint officers, fix compensation, define duties,  
25 grant such individuals appropriate authority to carry out the purposes of the  
26 compact, and establish the commission's personnel policies and programs  
27 relating to conflicts of interest, qualifications of personnel, and other



1 related personnel matters;

2 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,  
3 hold, improve, or use any property, whether real, personal, or mixed,  
4 provided that at all times the commission shall avoid any appearance of  
5 impropriety;

6 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
7 dispose of any property, whether real, personal, or mixed;

8 13. Establish a budget and make expenditures;

9 14. Borrow money;

10 15. Appoint committees including standing committees composed of members  
11 and such other interested persons as may be designated in this interstate  
12 compact, rules, or bylaws;

13 16. Provide and receive information from, and cooperate with, law enforcement  
14 agencies;

15 17. Establish and elect an executive committee;

16 18. Establish and develop a charter for an executive information governance  
17 committee to advise on facilitating exchange of information, use of  
18 information, data privacy, and technical support needs, and provide reports  
19 as needed;

20 19. Perform such other functions as may be necessary or appropriate to achieve  
21 the purposes of this interstate compact consistent with the state regulation  
22 of teacher licensure; and

23 20. Determine whether a state's adopted language is materially different from  
24 the model compact language such that the state would not qualify for  
25 participation in the compact.

26 D. The Executive Committee of the Interstate Teacher Mobility Compact  
27 Commission;

- 1        1. Shall have the power to act on behalf of the commission according to the  
2        terms of this interstate compact and the bylaws of the commission;
- 3        2. Shall be composed of eight (8) voting members as follows:
- 4        a. The commission chair, vice chair, and treasurer; and  
5        b. Five (5) members who are elected by the commission from the current  
6        membership composed of four (4) voting members representing  
7        geographic regions and one (1) at-large voting member in accordance  
8        with commission bylaws;
- 9        3. May have its members added or removed by the commission as provided in  
10       commission bylaws;
- 11       4. Shall meet at least once annually; and
- 12       5. Shall have the following duties and responsibilities:
- 13       a. Make recommendations to the entire commission regarding changes  
14       to the rules or bylaws, changes to the compact legislation, fees paid by  
15       interstate compact member states such as annual dues, and any  
16       compact fee charged by the member states on behalf of the  
17       commission;
- 18       b. Ensure commission administration services are appropriately  
19       provided, contractual or otherwise;
- 20       c. Prepare and recommend the budget;
- 21       d. Maintain financial records on behalf of the commission;
- 22       e. Monitor compliance of member states and provide reports to the  
23       commission; and
- 24       f. Perform other duties as provided in the rules or bylaws.
- 25       E. Meetings of the Commission:
- 26       1. All meetings shall be open to the public, and public notice of meetings shall  
27       be given in accordance with commission bylaws.

- 1        2. The commission, the executive committee, or other committees of the  
2        commission may convene in a closed, nonpublic meeting if the commission,  
3        executive committee, or other committees of the commission must discuss:  
4        a. Noncompliance of a member state with its obligations under the  
5        compact;  
6        b. The employment, compensation, discipline, or other matters, practices,  
7        or procedures related to specific employees or other matters related to  
8        the commission's internal personnel practices and procedures;  
9        c. Current, threatened, or reasonably anticipated litigation;  
10       d. Negotiation of contracts for the purchase, lease, or sale of goods,  
11       services, or real estate;  
12       e. Accusing any person of a crime or formally censuring any person;  
13       f. Disclosure of trade secrets or commercial or financial information  
14       that is privileged or confidential;  
15       g. Disclosure of information of a personal nature where disclosure  
16       would constitute a clearly unwarranted invasion of personal privacy;  
17       h. Disclosure of investigative records compiled for law enforcement  
18       purposes;  
19       i. Disclosure of information related to any investigative reports prepared  
20       by or on behalf of or for use of the commission or other committee  
21       charged with responsibility of investigation or determination of  
22       compliance issues pursuant to the compact;  
23       j. Matters specifically exempted from disclosure by federal or member  
24       state statute; and  
25       k. Other matters as set forth by commission bylaws and rules.  
26       3. If a meeting, or portion of a meeting, is closed pursuant to this section, the  
27       commission's legal counsel or designee shall certify that the meeting may be

1 closed and shall reference each relevant exempting provision.

2 4. The commission shall keep minutes of meetings of the executive committee,  
3 commission, and other committees of the commission and shall provide a  
4 full and accurate summary of actions taken, and the reasons therefor,  
5 including a description of the views expressed. All documents considered in  
6 connection with an action shall be identified in such minutes. All minutes  
7 and documents of a closed meeting shall remain under seal, subject to  
8 release by a majority vote of the commission or order of a court of  
9 competent jurisdiction.

10 F. Financing of the Commission:

11 1. The commission shall pay, or provide for the payment of, the reasonable  
12 expenses of its establishment, organization, and ongoing activities.

13 2. The commission may accept all appropriate donations and grants of money,  
14 equipment, supplies, materials, and services, and receive, utilize, and  
15 dispose of the same, provided that at all times the commission shall avoid  
16 any appearance of impropriety or conflict of interest.

17 3. The commission may levy on and collect an annual assessment from each  
18 member state or impose fees on other parties to cover the cost of the  
19 operations and activities of the commission, in accordance with the  
20 commission rules.

21 4. The commission shall not incur obligations of any kind prior to securing  
22 the funds adequate to meet the same; nor shall the commission pledge the  
23 credit of any of the member states, except by and with the authority of the  
24 member state.

25 5. The commission shall keep accurate accounts of all receipts and  
26 disbursements. The receipts and disbursements of the commission shall be  
27 subject to accounting procedures established under commission bylaws. All

1           receipts and disbursements of commission funds shall be reviewed annually  
2           in accordance with commission bylaws, and a report of the review shall be  
3           included in and become part of the annual report of the commission.

4    G. Qualified Immunity, Defense, and Indemnification:

5           1. The members, officers, executive director, employees, and representatives of  
6           the commission shall be immune from suit and liability, either personally or  
7           in their official capacity, for any claim for damage to or loss of property or  
8           personal injury or other civil liability caused by or arising out of any actual  
9           or alleged act, error, or omission that occurred, or that the person against  
10          whom the claim is made had a reasonable basis for believing occurred,  
11          within the scope of commission employment, duties, or responsibilities;  
12          provided that nothing in this paragraph shall be construed to protect any  
13          such person from suit or liability for any damage, loss, injury, or liability  
14          caused by the intentional, willful, or wanton misconduct of that person.

15          2. The commission shall defend any member, officer, executive director,  
16          employee, or representative of the commission in any civil action seeking to  
17          impose liability arising out of any actual or alleged act, error, or omission  
18          that occurred within the scope of commission employment, duties, or  
19          responsibilities, or that the person against whom the claim is made had a  
20          reasonable basis for believing occurred within the scope of commission  
21          employment, duties, or responsibilities; provided that nothing herein shall  
22          be construed to prohibit that person from retaining his or her own counsel;  
23          and provided further, that the actual or alleged act, error, or omission did  
24          not result from that person's intentional or willful or wanton misconduct.

25          3. The commission shall indemnify and hold harmless any member, officer,  
26          executive director, employee, or representative of the commission for the  
27          amount of any settlement or judgment obtained against that person arising



1 comment, provided that the usual rulemaking procedures shall be retroactively  
2 applied to the rule as soon as reasonably possible, and in no event later than  
3 ninety (90) days after the effective date of the rule. For the purposes of this  
4 provision, an emergency rule is one that must be adopted immediately in order to:  
5 1. Meet an imminent threat to public health, safety, or welfare;  
6 2. Prevent a loss of commission or member state funds;  
7 3. Meet a deadline for the promulgation of an administrative rule that is  
8 established by federal law or rule; or  
9 4. Protect public health and safety.

#### 10 ARTICLE IX

##### 11 Facilitating Information Exchange

- 12 A. The commission shall provide for facilitating the exchange of information to  
13 administer and implement the provisions of this compact in accordance with the  
14 rules of the commission, consistent with generally accepted data protection  
15 principles.
- 16 B. Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the  
17 power of a member state to control and maintain ownership of its licensee  
18 information or alter, limit, or inhibit the laws or regulations governing licensee  
19 information in the member state.

#### 20 ARTICLE X

##### 21 Oversight, Dispute Resolution, and Enforcement

- 22 A. Oversight:
- 23 1. The executive and judicial branches of state government in each member  
24 state shall enforce this compact and take all actions necessary and  
25 appropriate to effectuate the compact's purposes and intent. The provisions  
26 of this compact shall have standing as statutory law.
- 27 2. Venue is proper and judicial proceedings by or against the commission shall

1 be brought solely and exclusively in a court of competent jurisdiction where  
2 the principal office of the commission is located. The commission may  
3 waive venue and jurisdictional defenses to the extent it adopts or consents to  
4 participate in alternative dispute resolution proceedings. Nothing herein  
5 shall affect or limit the selection or propriety of venue in any action against  
6 a licensee for professional malpractice, misconduct, or any such similar  
7 matter.

8 3. All courts and all administrative agencies shall take judicial notice of the  
9 compact, the rules of the commission, and any information provided to a  
10 member state pursuant thereto in any judicial or quasi-judicial proceeding  
11 in a member state pertaining to the subject matter of this compact or which  
12 may affect the powers, responsibilities, or actions of the commission.

13 4. The commission shall be entitled to receive service of process in any  
14 proceeding regarding the enforcement or interpretation of the compact and  
15 shall have standing to intervene in such a proceeding for all purposes.  
16 Failure to provide the commission service of process shall render a  
17 judgment or order void as to the commission, this compact, or promulgated  
18 rules.

19 **B. Default, Technical Assistance, and Termination:**

20 1. If the commission determines that a member state has defaulted in the  
21 performance of its obligations or responsibilities under this compact or the  
22 promulgated rules, the commission shall provide:

23 a. Written notice to the defaulting state and other member states of the  
24 nature of the default, the proposed means of curing the default, or any  
25 other action to be taken by the commission; and

26 b. Remedial training and specific technical assistance regarding the  
27 default.



1        2. If a state in default fails to cure the default, the defaulting state may be  
2        terminated from the compact upon an affirmative vote of a majority of the  
3        commissioners of the member states, and all rights, privileges, and benefits  
4        conferred on that state by this compact may be terminated on the effective  
5        date of termination. A cure of the default does not relieve the offending  
6        state of obligations or liabilities incurred during the period of default.

7        3. Termination of membership in the compact shall be imposed only after all  
8        other means of securing compliance have been exhausted. Notice of intent  
9        to suspend or terminate shall be given by the commission to the governor,  
10       the majority and minority leaders of the defaulting state's legislature, the  
11       state licensing authority, and each of the member states.

12       4. A state that has been terminated is responsible for all assessments,  
13       obligations, and liabilities incurred through the effective date of  
14       termination, including obligations that extend beyond the effective date of  
15       termination.

16       5. The commission shall not bear any costs related to a state that is found to be  
17       in default or that has been terminated from the compact, unless agreed  
18       upon in writing between the commission and the defaulting state.

19       6. The defaulting state may appeal the action of the commission by petitioning  
20       the United States District Court for the District of Columbia or the federal  
21       district where the commission has its principal offices. The prevailing party  
22       shall be awarded all costs of such litigation, including reasonable attorney's  
23       fees.

24       C. Dispute Resolution:

25       1. Upon request by a member state, the commission shall attempt to resolve  
26       disputes related to the compact that arise among member states and between  
27       member and nonmember states.



1 states shall be subject to the process set forth in Article VII. C. 20 to  
2 determine if their enactments are materially different from the model  
3 compact statute and whether they qualify for participation in the compact.

4 B. If any member state is later found to be in default, or is terminated or withdraws  
5 from the compact, the commission shall remain in existence and the compact  
6 shall remain in effect even if the number of member states should be less than ten  
7 (10).

8 C. Any state that joins the compact after the commission's initial adoption of the  
9 rules and bylaws shall be subject to the rules and bylaws as they exist on the date  
10 on which the compact becomes law in that state. Any rule that has been  
11 previously adopted by the commission shall have the full force and effect of law  
12 on the day the compact becomes law in that state, as the rules and bylaws may be  
13 amended as provided in this compact.

14 D. Any member state may withdraw from this compact by enacting a statute  
15 repealing the same.

16 1. A member state's withdrawal shall not take effect until six (6) months after  
17 enactment of the repealing statute.

18 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
19 state's licensing authority to comply with the investigative and adverse  
20 action reporting requirements of this compact prior to the effective date of  
21 withdrawal.

22 E. This compact may be amended by the member states. No amendment to this  
23 compact shall become effective and binding upon any member state until it is  
24 enacted into the laws of all member states.

## 25 ARTICLE XII

### 26 Construction and Severability

27 This compact shall be liberally construed to effectuate the purposes thereof. The

1 provisions of this compact shall be severable and if any phrase, clause, sentence, or  
 2 provision of this compact is declared to be contrary to the constitution of any member  
 3 state, a state seeking membership in the compact, or of the United States or the  
 4 applicability thereof to any other government, agency, person, or circumstance is held  
 5 invalid, the validity of the remainder of this compact and the applicability thereof to  
 6 any government, agency, person, or circumstance shall not be affected thereby. If this  
 7 compact shall be held contrary to the constitution of any member state, the compact  
 8 shall remain in full force and effect as to the remaining member states and in full force  
 9 and effect as to the member state affected as to all severable matters.

### 10 ARTICLE XIII

#### 11 Consistent Effect and Conflict with Other State Laws

12 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a  
 13 member state that is not inconsistent with the compact.

14 B. Any laws, statutes, regulations, or other legal requirements in a member state in  
 15 conflict with the compact are superseded to the extent of the conflict.

16 C. All permissible agreements between the commission and the member states are  
 17 binding in accordance with their terms.

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
 19 READ AS FOLLOWS:

20 (1) When a school district employee voluntarily leaves the district, the local board of  
 21 education shall ensure that each employee completes an exit survey in  
 22 accordance with a policy approved by the board.

23 (2) (a) The Kentucky Department of Education shall develop a system for school  
 24 districts to report exit survey information without providing personally  
 25 identifiable information for use in evaluating factors impacting teacher  
 26 retainment.

27 (b) Information submitted by an employee and reported to the department shall

1           include but not be limited to the position vacated, the employee's years of  
2           service in the position and in the district, if the employee is taking a similar  
3           position in another district, and the reason or reasons provided for leaving  
4           the district.

5           ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
6 READ AS FOLLOWS:

7           (1) For purposes of this section, "Kentucky Educator Placement Service System" or  
8           "system" means the online statewide job posting system operated by the Kentucky  
9           Department of Education for vacancies at local school districts and public  
10           charter schools.

11           (2) The Kentucky Department of Education shall ensure that the Kentucky Educator  
12           Placement Service System:

13           (a) Is accessible through the department's website;

14           (b) Includes a mechanism for local school districts and public charter schools  
15           to electronically submit job openings for posting on the system as provided  
16           in subsection (4) of this section;

17           (c) Allows the public to review job postings;

18           (d) Allows potential applicants to electronically submit applications and  
19           relevant application materials; and

20           (e) Permits schools districts and public charter schools to access, review, and  
21           download applications and application materials.

22           (3) Each job posting for a vacancy at a school district or public charter school shall  
23           include the school district's or public charter school's policy against  
24           discrimination in employment.

25           (4) School districts and public charter schools shall electronically submit all job  
26           postings to the system. All postings must include an opening and closing date for  
27           each position posted.

1 (5) The Kentucky Department of Education shall operate and maintain the system to  
2 ensure that job postings are current, including tracking each unique position  
3 posted, monitoring for repeated position postings, and removing outdated  
4 postings, and to collect accurate data about employment in public schools.

5 (6) Nothing in this section shall:

6 (a) Prohibit a school district or public charter school from advertising job  
7 openings and recruiting employees independently from the system;

8 (b) Prohibit a school district or public charter school from using another  
9 method of advertising job openings or another applicant tracking system in  
10 addition to the system;

11 (c) Require all job applications for posted vacancies to be submitted digitally or  
12 only be submitted through the system; or

13 (d) Provide the Kentucky Department of Education with any regulatory  
14 authority in the hiring process or hiring decisions of any school district or  
15 public charter school.

16 (7) The Kentucky Department of Education shall prepare a report detailing data  
17 from the system and its implication for the status of employment in public schools  
18 including, but not limited to, the number and type of unique and duplicated job  
19 postings, how often postings are viewed by the public, and positions that are  
20 remaining vacant by type, certification requirement, and location. The report  
21 shall be submitted to the Interim Joint Committee on Education by October 1,  
22 2023, and annually thereafter.

23 ➔Section 4. KRS 164.769 is amended to read as follows:

24 (1) It is the intent of the General Assembly to establish a teacher scholarship program  
25 to assist highly qualified individuals to become certified Kentucky teachers and  
26 render teaching service in Kentucky schools.

27 (2) For purposes of this section, the terms listed below shall have the following

1 meanings:

- 2 (a) "Critical shortage area" means an understaffing of teachers in particular  
3 subject matters at the secondary level, in grade levels, or in geographic  
4 locations at the elementary and secondary level, as determined by the  
5 commissioner of education in consultation with the authority. The  
6 commissioner and the authority may use any source considered reliable,  
7 including but not limited to local education agencies, to identify the critical  
8 shortage areas;
- 9 (b) "Dual credit" has the same meaning as in KRS 158.007;
- 10 (c) "Eligible program of study" means an undergraduate or graduate program of  
11 study which is preparatory to teacher certification;
- 12 (d) "Expected family contribution" means the amount that a student and his  
13 family are expected to contribute toward the cost of the student's education  
14 determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to  
15 1087 vv;
- 16 (e) "Participating institution" means an institution of higher education located in  
17 Kentucky which offers an eligible program of study and has in force an  
18 agreement with the authority providing for administration of this program;
- 19 (f) "Qualified teaching service" means teaching the major portion of each school  
20 day for at least seventy (70) days each semester in a public school of the  
21 Commonwealth or a private school certified pursuant to KRS 156.160(3),  
22 except that an individual having a disability defined by Title II of the  
23 Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and  
24 extended illness, whose disability or illness, certified by a licensed physician,  
25 prevents that individual from teaching a major portion of each school day,  
26 shall be deemed to perform qualified teaching service by teaching the  
27 maximum time permitted by the attending physician;

- 1 (g) "Semester" means a period of about eighteen (18) weeks, which usually  
2 makes up one-half (1/2) of a school year or one-half (1/2) of a participating  
3 institution's academic year; and
- 4 (h) "Summer term" means an academic period consisting of one (1) or more  
5 sessions of instruction between a spring and a fall semester.
- 6 (3) The authority may, to the extent of appropriations and other funds available to it  
7 pursuant to subsection (9) of this section, award teacher scholarships to persons  
8 eligible under subsection (4) of this section, who initially demonstrate financial  
9 need in accordance with standards and criteria established by the authority or  
10 received teacher scholarships pursuant to this section prior to July 1, 1996. Each  
11 teacher scholarship shall be evidenced by a promissory note that requires repayment  
12 or cancellation pursuant to subsection (6) of this section.
- 13 (4) Kentucky residents who are United States citizens and enrolled or accepted for  
14 enrollment in an eligible program of study at a participating institution shall be  
15 eligible to apply for and be awarded teacher scholarships. Teacher scholarships  
16 shall first be awarded to highly qualified eligible students who meet standards and  
17 requirements established by the Education Professional Standards Board pursuant  
18 to KRS 161.028 for admission to a teacher education program at a participating  
19 institution in pursuit of initial teacher certification. If funds are not depleted after  
20 awarding teacher scholarships to students who meet the preceding criteria, then  
21 awards shall be made to any otherwise eligible students.
- 22 (5) The authority shall establish, by administrative regulation, the maximum amount of  
23 scholarship to be awarded for each semester and summer term under this section,  
24 ~~and shall prorate the amount awarded to any student enrolled less than full time in~~  
25 ~~accordance with subsection (6)(a) of this section. The aggregate amount of~~  
26 ~~scholarships awarded to an individual shall not exceed twelve thousand five~~  
27 ~~hundred dollars (\$12,500) for undergraduate students and seven thousand five~~



1        ~~hundred dollars (\$7,500) for postbaccalaureate students, except that the aggregate~~  
2        ~~amount of scholarships awarded to an individual who received teacher scholarships~~  
3        ~~pursuant to this section prior to July 1, 1996, including any amount received~~  
4        ~~pursuant to KRS 156.611, 156.613, 164.768, or 164.770, shall not exceed twenty~~  
5        ~~thousand dollars (\$20,000)].~~ The amount of each scholarship to be awarded shall  
6        not exceed the applicant's total cost of education minus other financial assistance  
7        received or expected to be received by the applicant during the academic period.

8        (6) (a) The authority shall disburse teacher scholarships to eligible students who  
9        agree to render qualified teaching service as certified teachers, and are  
10        unconditionally admitted and enrolled in an eligible program of study.

11        (b) A teacher scholarship shall not be awarded or a promissory note cancellation  
12        shall not be granted to any person who is in default on any obligation to the  
13        authority under any program administered by the authority pursuant to KRS  
14        164.740 to 164.785 until financial obligations to the authority are satisfied,  
15        except that ineligibility for this reason may be waived by the authority for  
16        cause.

17        (c) Recipients shall render one (1) semester of qualified teaching service for each  
18        semester or summer term of scholarship received, except that recipients who  
19        teach in a critical shortage area designated by the authority or teach dual  
20        credit coursework in a certified Kentucky high school shall render one (1)  
21        semester of qualified teaching service as repayment for two (2) semesters or  
22        summer terms of scholarships received. Upon completion of each semester of  
23        qualified teacher service, the authority shall cancel the appropriate number of  
24        promissory notes.

25        (d) If the recipient of a teacher scholarship fails to complete an eligible program  
26        of study at a participating institution or fails to render qualified teaching  
27        service in any semester following certification or recertification, unless the

- 1 failure is temporarily waived for cause by the authority, the recipient shall  
2 immediately become liable to the authority for repayment of the sum of all  
3 outstanding promissory notes and accrued interest. Persons liable for  
4 repayment of scholarships under this paragraph shall be liable for interest  
5 accruing from the dates on which the teacher scholarships were disbursed.
- 6 (e) Recipients who have outstanding loans or scholarships under KRS 156.611,  
7 156.613, 164.768, or 164.770 respectively, and who render qualified teaching  
8 service, shall have their notes canceled in accordance with subsection (6)(c) of  
9 this section.
- 10 (f) The authority shall establish, by administrative regulation, the terms and  
11 conditions for the award, cancellation, and repayment of teacher scholarships  
12 including, but not limited to, the selection criteria, eligibility for renewal  
13 awards, amount of scholarship payments, deferments, the rate of repayment,  
14 and the interest rate thereon.
- 15 (g) Notwithstanding any other statute to the contrary, the maximum interest rate  
16 applicable to repayment of a promissory note under this section shall be eight  
17 percent (8%)~~twelve percent (12%)~~ per annum, except that if a judgment is  
18 rendered to recover payment, the judgment shall bear interest at the rate of  
19 five percent (5%) greater than the rate actually charged on the promissory  
20 note.
- 21 (7) A repayment obligation imposed by this section shall not be voidable by reason of  
22 the age of the recipient at the time of receiving the teacher scholarship.
- 23 (8) Failure to meet repayment obligations imposed by this section shall be cause for the  
24 revocation of a person's teaching certificate, subject to the procedures set forth in  
25 KRS 161.120.
- 26 (9) All moneys repaid to the authority under this section shall be added to the  
27 appropriations made for purposes of this section, and the funds and unobligated

1 appropriations shall not lapse.

2 (10) The authority may execute appropriate contracts and promissory notes for  
3 administering this section.

4 (11) Notwithstanding any other statute to the contrary, if available funds are insufficient  
5 for all requested scholarships for eligible applicants during any fiscal year, the  
6 authority shall give priority consideration to eligible applicants who previously  
7 received teacher scholarships and, until June 30, 2018, to loan forgiveness for  
8 teachers who have outstanding loan balance eligibility for Best in Class loans issued  
9 prior to June 30, 2008. If funds are insufficient to make all requested renewal  
10 scholarships to eligible applicants, the authority shall reduce all scholarship awards  
11 to the extent necessary to provide scholarships to all qualified renewal applicants.  
12 If, after awarding all eligible renewal applicants, funds are not depleted, initial  
13 applications shall be ranked according to regulatory selection criteria, which may  
14 include expected family contribution and application date, and awards shall be  
15 made to highly qualified applicants until funds are depleted.

16 **(12) The authority shall submit a report on the number of teacher scholarships**  
17 **provided in each fiscal year, the program of study in which recipients are**  
18 **enrolled, recipient retention rates, total number of applications, and scholarship**  
19 **recruitment strategies to the Interim Joint Committee on Education by December**  
20 **1 of each year.**

21 ➔Section 5. KRS 161.048 is amended to read as follows:

22 (1) The General Assembly hereby finds that:

- 23 (a) 1. There are persons who have distinguished themselves through a variety  
24 of work and educational experiences that could enrich teaching in  
25 Kentucky schools;
- 26 2. There are distinguished scholars who wish to become teachers in  
27 Kentucky's public schools, but who did not pursue a teacher preparation

1 program;

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

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

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

10 (b) There are hereby established alternative certification program options as  
11 described in subsections (2) to (10) of this section;

12 (c) It is the intent of the General Assembly that the Education Professional  
13 Standards Board inform scholars, persons with exceptional work experience,  
14 and persons with diverse backgrounds who have potential as teachers of these  
15 options and assist local boards of education in implementing these options and  
16 recruitment of individuals who can enhance the education system in  
17 Kentucky;

18 (d) The Education Professional Standards Board may reject the application of any  
19 candidate who is judged as not meeting academic requirements comparable to  
20 those for students enrolled in Kentucky teacher preparation programs; and

21 (e) The Education Professional Standards Board shall promulgate administrative  
22 regulations establishing standards and procedures for the alternative  
23 certification options described in this section. **If the certification option**  
24 **requires employment prior to certification, the procedures shall establish a**  
25 **process for candidates to obtain an eligible for hire letter from the**  
26 **Education Professional Standards Board.**

27 (2) Option 1: Certification of a person with exceptional work experience. An individual

1 who has exceptional work experience and has been offered employment in a local  
2 school district shall receive a one (1) year provisional certificate with approval by  
3 the Education Professional Standards Board of a joint application by the individual  
4 and the employing school district under the following conditions:

- 5 (a) The application contains documentation of all education and work experience;
- 6 (b) The candidate has documented exceptional work experience in the area in  
7 which certification is being sought; and
- 8 (c) The candidate possesses:
  - 9 1. A bachelor's degree or a graduate degree;
  - 10 2. A minimum cumulative grade point average of two and seventy-five  
11 hundredths (2.75) on a four (4) point scale or a minimum grade point  
12 average of three (3.0) on a four (4) point scale on the last thirty (30)  
13 hours of credit completed, including undergraduate and graduate  
14 coursework from a nationally or regionally accredited postsecondary  
15 institution; and
  - 16 3. An academic major or a passing score on the academic content  
17 assessment in the area in which certification is being sought by the  
18 applicant as designated by the Education Professional Standards Board.

19 The candidate shall participate in the teacher internship program under KRS  
20 161.030. After successful completion of the internship program, the candidate shall  
21 receive a professional certificate and shall be subject to certificate renewal  
22 requirements the same as other teachers with a professional certificate.

- 23 (3) Option 2: Certification through a local school district training program. A local  
24 school district or group of school districts may seek approval for a training  
25 program. The state-approved local school district training program is an alternative  
26 to the college teacher preparation program as a means of acquiring teacher  
27 certification for a teacher at any grade level. The training program may be offered

1 for all teaching certificates approved by the Education Professional Standards  
2 Board, including interdisciplinary early childhood education, except for specific  
3 certificates for teachers of exceptional children. To participate in a state-approved  
4 local school district alternative training program, the candidate shall possess:

- 5 (a) A bachelor's degree or a graduate degree;
- 6 (b) A minimum cumulative grade point average of two and seventy-five  
7 hundredths (2.75) on a four (4) point scale or a minimum grade point average  
8 of three (3) on a four (4) point scale on the last thirty (30) hours of credit  
9 completed, including undergraduate and graduate coursework from a  
10 nationally or regionally accredited postsecondary institution;
- 11 (c) A passing score on the academic content assessment in the area in which  
12 certification is being sought by the applicant as designated by the Education  
13 Professional Standards Board. To be eligible to take an academic content  
14 assessment, the applicant shall have completed a thirty (30) hour major in the  
15 academic content area or five (5) years of experience in the academic content  
16 area as approved by the Education Professional Standards Board; and
- 17 (d) An offer of employment in a school district which has a training program  
18 approved by the Education Professional Standards Board.

19 Upon meeting the participation requirements as established in this subsection, the  
20 candidate shall be issued a one (1) year provisional certificate by the Education  
21 Professional Standards Board. The candidate shall participate in the teacher  
22 internship program under KRS 161.030. After successful completion of the  
23 internship program, the candidate shall receive a professional certificate and shall  
24 be subject to certificate renewal requirements the same as other teachers with a  
25 professional certificate.

- 26 (4) Option 3: Certification of a professional from a postsecondary institution: A  
27 candidate who possesses the following qualifications may receive a one (1) year

1 provisional certificate for teaching at any level:

- 2 (a) A master's degree or doctoral degree in the academic content area for which  
3 certification is sought;
- 4 (b) A minimum of five (5) years of full-time teaching experience, or its  
5 equivalent, in the academic content area for which certification is sought in a  
6 regionally or nationally accredited institution of higher education; and
- 7 (c) An offer of employment in a school district which has been approved by the  
8 Education Professional Standards Board.

9 The candidate shall participate in the teacher internship program under KRS  
10 161.030. After successful completion of the internship program, the candidate shall  
11 receive a professional certificate and shall be subject to certificate renewal  
12 requirements the same as other teachers with professional certificates.

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

17 (6) Option 5: Certification of a veteran of the Armed Forces. The Education  
18 Professional Standards Board shall issue a statement of eligibility, valid for five (5)  
19 years, for teaching at the elementary, secondary, and secondary career technical  
20 education levels to a veteran of the Armed Forces who was honorably discharged  
21 from active duty as evidenced by Defense Department Form 214 (DD 214) or  
22 National Guard Bureau Form 22 or to a member of the Armed Services currently  
23 serving with six (6) or more years of honorable service, including Reserves,  
24 National Guard, or active duty. The candidate shall possess:

- 25 (a) A bachelor's degree or graduate degree;
- 26 (b) A minimum cumulative grade point average of two and seventy-five  
27 hundredths (2.75) on a four (4) point scale or a minimum grade point average

1 of three (3) on a four (4) point scale on the last thirty (30) hours of credit  
2 completed, including undergraduate and graduate coursework from a  
3 nationally or regionally accredited postsecondary institution; and

4 (c) An academic major or a passing score on the academic content assessment in  
5 the area in which certification is being sought by the applicant as designated  
6 by the Education Professional Standards Board.

7 Upon an offer of employment by a school district, the eligible veteran shall receive  
8 a one (1) year provisional certificate with approval by the Education Professional  
9 Standards Board of a joint application by the veteran and the employing school  
10 district. During this year, the veteran shall participate in the teacher internship  
11 program under KRS 161.030. After successful completion of the internship  
12 program, the veteran shall receive a professional certificate.

13 (7) Option 6: University alternative program. With approval of the Education  
14 Professional Standards Board, a university may provide an alternative program that  
15 enrolls students in a postbaccalaureate teacher preparation program concurrently  
16 with employment as a teacher in a local school district. A student in the alternative  
17 program shall be granted a one (1) year provisional certificate and shall participate  
18 in the Kentucky teacher internship program, notwithstanding provisions of KRS  
19 161.030. A student may not participate in the internship program until the student  
20 has successfully completed the assessments required by the board. The one (1) year  
21 provisional certificate may be renewed two (2) additional years, and shall be  
22 contingent upon the candidate's continued enrollment in the preparation program  
23 and compliance with all requirements established by the board. A professional  
24 certificate shall be issued upon the teacher candidate's successful completion of the  
25 program, the internship program requirements, and all academic content  
26 assessments in the specific teaching field of the applicant as designated by the  
27 Education Professional Standards Board.



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

7 (a) The candidate shall possess:

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

23 (b) Prior to receiving the one (1) year provisional certificate or during the first  
24 year of the certificate, the teacher shall complete the following:

- 25 1. For elementary teaching, the individual shall successfully complete the  
26 equivalent of a two hundred forty (240) hour institute, based on six (6)  
27 hour days for eight (8) weeks. The providers and the content of the

- 1 institute shall be approved by the Education Professional Standards  
2 Board. The content shall include research-based teaching strategies in  
3 reading and math, research on child and adolescent growth, knowledge  
4 of individual differences, including teaching exceptional children, and  
5 methods of classroom management.
- 6 2. For middle and secondary teaching, the individual shall successfully  
7 complete the equivalent of a one hundred eighty (180) hour institute,  
8 based on six (6) hour days for six (6) weeks. The providers and the  
9 content of the institute shall be approved by the Education Professional  
10 Standards Board and shall include research-based teaching strategies,  
11 research on child and adolescent growth, knowledge of individual  
12 differences, including teaching exceptional children, and methods of  
13 classroom management.
- 14 (c) The candidate shall participate in the teacher internship program under KRS  
15 161.030. After successful completion of the internship program, the candidate  
16 shall receive a professional certificate and shall be subject to certificate  
17 renewal requirements the same as other teachers with a professional  
18 certificate.
- 19 (9) Option 8: Certification of a Teach for America participant to teach in elementary,  
20 middle, or high schools. Nothing in this subsection shall conflict with the  
21 participation criteria of the Teach for America program. An individual certified  
22 under this subsection shall be issued a one (1) year provisional certificate.
- 23 (a) The candidate shall possess:
- 24 1. An offer of employment from a local school district;
  - 25 2. A bachelor's degree;
  - 26 3. A successful completion of the summer training institute and ongoing  
27 professional development required by Teach for America, including

- 1 instruction in goal-oriented, standards-based instruction, diagnosing and  
2 assessing students, lesson planning and instructional delivery, classroom  
3 management, maximizing learning for diverse students, and teaching  
4 methodologies; and
- 5 4. A passing score on the academic content assessment in the area in which  
6 certification is being sought as designated by the Education Professional  
7 Standards Board.
- 8 (b) The provisional certificate granted under paragraph (a) of this subsection may  
9 be renewed two (2) times with a recommendation of the superintendent and  
10 approval of the Education Professional Standards Board.
- 11 (c) A Teach for America participant who is approved for a second renewal of his  
12 or her provisional certificate under paragraph (b) of this subsection may  
13 participate in the teacher internship program under KRS 161.030.
- 14 (d) A Teach for America participant shall be issued a professional certificate  
15 upon the participant's successful completion of the internship program and  
16 assessments relating to teaching of subject matter required by the Education  
17 Professional Standards Board under KRS 161.030.
- 18 (e) Notwithstanding any statute or administrative regulation to the contrary, a  
19 teacher certified under this subsection shall have ten (10) years from the date  
20 that the teacher successfully completed the internship program to complete a  
21 master's degree or fifth year program, or the equivalent as specified by the  
22 Education Professional Standards Board in administrative regulation.
- 23 (10) Option 9: Expedited certification of a person to teach at any grade level through a  
24 cooperative program. With approval of the Education Professional Standards  
25 Board, a college or university may partner with a school district to develop an  
26 expedited certification program that results in a bachelor's degree and initial  
27 certification within three (3) school years.

- 1           (a) The program shall:
- 2               1. Include a residency or paraprofessional component which employs the
- 3                     person within the participating district for the duration of the program to
- 4                     gain work experience to supplement the expedited program and reduced
- 5                     coursework;
- 6               2. Utilize experienced teachers employed by the district to provide
- 7                     coaching and to mentor the candidates; and
- 8               3. Be designed to meet the needs of the participating district and may
- 9                     include an emphasis in developing a teacher pipeline for the district's
- 10                    students, improving the numbers of underrepresented populations
- 11                    among the district's workforce, or focusing on increasing the number of
- 12                    teachers with certification areas that are in high demand.
- 13           (b) A school district entering into a cooperative partnership shall ensure the
- 14                    availability of funding for each candidate employed within the district in the
- 15                    residency or paraprofessional program for the duration of the candidate's
- 16                    participation in the program. However, nothing in this subsection shall be
- 17                    interpreted as requiring the district to continue employing the candidate
- 18                    during the program or after the candidate has received initial certification.
- 19           (c) A person who has begun a traditional path or another option for certification
- 20                    shall be eligible to transfer into this option if the person meets the program's
- 21                    requirements.
- 22           (d) If a school district participating in a cooperative partnership determines to end
- 23                    the partnership, the district shall no longer accept new candidates to the
- 24                    program but shall continue the partnership until the district's employed
- 25                    candidates for Option 9 certification complete the program or are no longer
- 26                    employed by the district.
- 27           (11) A public school teacher certified under subsections (2) to (10) of this section shall

1 be placed on the local district salary schedule for the rank corresponding to the  
2 degree held by the teacher.

3 (12) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses  
4 the following qualifications may receive certification for teaching programs for  
5 exceptional students:

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

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

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

11 ➔Section 6. KRS 160.380 is amended to read as follows:

12 (1) As used in this section:

13 (a) "Administrative finding of child abuse or neglect" means a substantiated  
14 finding of child abuse or neglect issued by the Cabinet for Health and Family  
15 Services that is:

16 1. Not appealed through an administrative hearing conducted in  
17 accordance with KRS Chapter 13B;

18 2. Upheld at an administrative hearing conducted in accordance with KRS  
19 Chapter 13B and not appealed to a Circuit Court; or

20 3. Upheld by a Circuit Court in an appeal of the results of an  
21 administrative hearing conducted in accordance with KRS Chapter 13B;

22 (b) "Alternative education program" means a program that exists to meet the  
23 needs of students that cannot be addressed in a traditional classroom setting  
24 but through the assignment of students to alternative classrooms, centers, or  
25 campuses that are designed to remediate academic performance, improve  
26 behavior, or provide an enhanced learning experience. Alternative education  
27 programs do not include career or technical centers or departments;

- 1 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family  
2 Services indicating that there are no administrative findings of child abuse or  
3 neglect relating to a specific individual;
- 4 (d) "Relative" means father, mother, brother, sister, husband, wife, son and  
5 daughter; and
- 6 (e) "Vacancy" means any certified position opening created by the resignation,  
7 dismissal, nonrenewal of contract, transfer, or death of a certified staff  
8 member of a local school district, or a new position created in a local school  
9 district for which certification is required. However, if an employer-employee  
10 bargained contract contains procedures for filling certified position openings  
11 created by the resignation, dismissal, nonrenewal of contract, transfer, or  
12 death of a certified staff member, or creation of a new position for which  
13 certification is required, a vacancy shall not exist, unless certified positions  
14 remain open after compliance with those procedures.
- 15 (2) Except as provided in KRS 160.346, the school district personnel actions identified  
16 in this section shall be carried out as follows:
- 17 (a) All appointments, promotions, and transfers of principals, supervisors,  
18 teachers, and other public school employees shall be made only by the  
19 superintendent of schools, who shall notify the board of the action taken. All  
20 employees of the local district shall have the qualifications prescribed by law  
21 and by the administrative regulations of the Kentucky Board of Education and  
22 of the employing board. Supervisors, principals, teachers, and other  
23 employees may be appointed by the superintendent for any school year at any  
24 time after February 1 preceding the beginning of the school year. No  
25 superintendent of schools shall appoint or transfer himself or herself to  
26 another position within the school district;
- 27 (b) When a vacancy occurs in a local school district, the superintendent shall

1           submit the job posting to the statewide job posting system described in  
2           Section 3 of this Act fifteen (15) days before the position shall be  
3           filled~~[notify the chief state school officer fifteen (15) days before the position~~  
4           ~~shall be filled. The chief state school officer shall keep a registry of local~~  
5           ~~district vacancies which shall be made available to the public].~~ The local  
6           school district shall post position openings in the local board office for public  
7           viewing;

8           (c) When a vacancy needs to be filled in less than fifteen (15) days' time to  
9           prevent disruption of necessary instructional or support services of the school  
10          district, the superintendent may seek a waiver from the chief state school  
11          officer. If the waiver is approved, the appointment shall not be made until the  
12          person recommended for the position has been approved by the chief state  
13          school officer. The chief state school officer shall respond to a district's  
14          request for waiver or for approval of an appointment within two (2) working  
15          days; and

16          (d) When a vacancy occurs in a local district, the superintendent shall conduct a  
17          search to locate minority teachers to be considered for the position. The  
18          superintendent shall, pursuant to administrative regulations of the Kentucky  
19          Board of Education, report annually the district's recruitment process and the  
20          activities used to increase the percentage of minority teachers in the district.

21       (3) Restrictions on employment of relatives shall be as follows:

22           (a) No relative of a superintendent of schools shall be an employee of the school  
23           district. However, this shall not apply to a relative who is a classified or  
24           certified employee of the school district for at least thirty-six (36) months  
25           prior to the superintendent assuming office and who is qualified for the  
26           position the employee holds. A superintendent's spouse who has previously  
27           been employed in a school system may be an employee of the school district.

1 A superintendent's spouse who is employed under this provision shall not hold  
2 a position in which the spouse supervises certified or classified employees. A  
3 superintendent's spouse may supervise teacher aides and student teachers.  
4 However, the superintendent shall not promote a relative who continues  
5 employment under an exception of this subsection;

6 (b) No superintendent shall employ a relative of a school board member of the  
7 district;

8 (c) No principal's relative shall be employed in the principal's school; and

9 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of  
10 this subsection may be employed as a substitute for a certified or classified  
11 employee if the relative is not:

12 1. A regular full-time or part-time employee of the district;

13 2. Accruing continuing contract status or any other right to continuous  
14 employment;

15 3. Receiving fringe benefits other than those provided other substitutes or

16 4. Receiving preference in employment or assignment over other  
17 substitutes.

18 (4) No superintendent shall assign a certified or classified staff person to an alternative  
19 education program as part of any disciplinary action taken pursuant to KRS 161.011  
20 or 161.790 as part of a corrective action plan established pursuant to the local  
21 district evaluation plan.

22 (5) No superintendent shall initially employ in any position in the district any person  
23 who is a violent offender or has been convicted of a sex crime as defined by KRS  
24 17.165 which is classified as a felony or persons with an administrative finding of  
25 child abuse or neglect in records maintained by the Cabinet for Health and Family  
26 Services. The superintendent may employ, at his discretion, except at a Kentucky  
27 Educational Collaborative for State Agency Children program, persons convicted of



1 sex crimes classified as a misdemeanor.

2 (6) Requirements for background checks shall be as follows:

3 (a) A superintendent shall require the following individuals to submit to a  
4 national and state criminal background check by the Department of Kentucky  
5 State Police and the Federal Bureau of Investigation and have a clear CA/N  
6 check, provided by the individual:

- 7 1. Each new certified or classified hire;
- 8 2. A nonfaculty coach or nonfaculty assistant as defined under KRS  
9 161.185;
- 10 3. A student teacher;
- 11 4. A school-based decision making council parent member; and
- 12 5. Any adult who is permitted access to school grounds on a regularly  
13 scheduled and continuing basis pursuant to a written agreement for the  
14 purpose of providing services directly to a student or students as part of  
15 a school-sponsored program or activity;

16 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:

- 17 a. Classified and certified individuals employed by the school district  
18 prior to June 27, 2019;
- 19 b. Certified individuals who were employed in another certified  
20 position in a Kentucky school district within six (6) months of the  
21 date of hire and who had previously submitted to a national and  
22 state criminal background check and who have a clear CA/N check  
23 for the previous employment; or
- 24 c. Student teachers who have submitted to and provide a copy of a  
25 national and state criminal background check by the Department  
26 of Kentucky State Police and the Federal Bureau of Investigation  
27 through an accredited teacher education institution in which the

1 student teacher is enrolled and who have a clear CA/N check.

2 2. The Education Professional Standards Board may promulgate  
3 administrative regulations to impose additional qualifications to meet  
4 the requirements of Public Law 92-544;

5 (c) A parent member may serve prior to the receipt of the criminal history  
6 background check and CA/N letter required by paragraph (a) of this  
7 subsection but shall be removed from the council on receipt by the school  
8 district of a report documenting a record of abuse or neglect, or a sex crime or  
9 criminal offense against a victim who is a minor as defined in KRS 17.500, or  
10 as a violent offender as defined in KRS 17.165, and no further procedures  
11 shall be required; and

12 (d) A superintendent may require a volunteer or a visitor to submit to a national  
13 and state criminal history background check by the Department of Kentucky  
14 State Police and the Federal Bureau of Investigation and have a clear CA/N  
15 check, provided by the individual.

16 (7) (a) If a certified or classified position remains unfilled after July 31 or if a  
17 vacancy occurs during a school term, a superintendent may employ an  
18 individual, who will have supervisory or disciplinary authority over minors,  
19 on probationary status pending receipt of the criminal history background  
20 check and a clear CA/N check, provided by the individual. Application for the  
21 criminal record and a request for a clear CA/N check of a probationary  
22 employee shall be made no later than the date probationary employment  
23 begins.

24 (b) Employment shall be contingent on the receipt of the criminal history  
25 background check documenting that the probationary employee has no record  
26 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt  
27 of a letter, provided by the individual, from the Cabinet for Health and Family

1 Services stating the employee is clear to hire based on no administrative  
2 findings of child abuse or neglect found through a background check of child  
3 abuse and neglect records maintained by the Cabinet for Health and Family  
4 Services.

5 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,  
6 probationary employment under this section shall terminate on receipt by the  
7 school district of a criminal history background check documenting a record  
8 of a sex crime or as a violent offender as defined in KRS 17.165 and no  
9 further procedures shall be required.

10 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified  
11 employee on the basis of a criminal record other than a record of a sex crime or as a  
12 violent offender as defined in KRS 17.165, or on the basis of a CA/N check  
13 showing an administrative finding of child abuse or neglect.

14 (9) (a) All fingerprints requested under this section shall be on an applicant  
15 fingerprint card provided by the Department of Kentucky State Police. The  
16 fingerprint cards shall be forwarded to the Federal Bureau of Investigation  
17 from the Department of Kentucky State Police after a state criminal  
18 background check is conducted. The results of the state and federal criminal  
19 background check shall be sent to the hiring superintendent. Any fee charged  
20 by the Department of Kentucky State Police, the Federal Bureau of  
21 Investigation, and the Cabinet for Health and Family Services shall be an  
22 amount no greater than the actual cost of processing the request and  
23 conducting the search.

24 (b) Each application form, provided by the employer to an applicant for a  
25 certified or classified position, shall conspicuously state the following: "FOR  
26 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL  
27 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A

1 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET  
2 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT  
3 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR  
4 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD  
5 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET  
6 FOR HEALTH AND FAMILY SERVICES."

- 7 (c) Each application form for a district position shall require the applicant to:
- 8 1. Identify the states in which he or she has maintained residency,  
9 including the dates of residency; and
  - 10 2. Provide picture identification.

11 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,  
12 when an employee of the school district is charged with any offense which is  
13 classified as a felony, the superintendent may transfer the employee to a second  
14 position until such time as the employee is found not guilty, the charges are  
15 dismissed, the employee is terminated, or the superintendent determines that further  
16 personnel action is not required. The employee shall continue to be paid at the same  
17 rate of pay he or she received prior to the transfer. If an employee is charged with  
18 an offense outside of the Commonwealth, this provision may also be applied if the  
19 charge would have been treated as a felony if committed within the  
20 Commonwealth. Transfers shall be made to prevent disruption of the educational  
21 process and district operations and in the interest of students and staff and shall not  
22 be construed as evidence of misconduct.

23 (11) Notwithstanding any law to the contrary, each certified and classified employee of  
24 the school district shall notify the superintendent if he or she has been found by the  
25 Cabinet for Health and Family Services to have abused or neglected a child, and if  
26 he or she has waived the right to appeal a substantiated finding of child abuse or  
27 neglect or if the substantiated incident was upheld upon appeal. Any failure to

1 report this finding shall result in the certified or classified employee being subject  
2 to dismissal or termination.

3 (12) The form for requesting a CA/N check shall be made available on the Cabinet for  
4 Health and Family Services Web site.

5 ➔Section 7. The Kentucky Department of Education's Office of Educator  
6 Licensure and Effectiveness shall undertake a review of the alternative pathway teacher  
7 certification options and processes and the level of participation in each to identify areas  
8 for improvement, including but not limited to duplication, inefficiencies, and unnecessary  
9 or outdated requirements that cause barriers to candidates and option providers seeking to  
10 use alternative teacher pathways to fill needed teacher shortages. The department's review  
11 shall include applicable statutes, administrative regulations, and board and internal  
12 policies. The department shall present its findings to the Interim Joint Committee on  
13 Education by October 1, 2023.

14 ➔Section 8. (1) Notwithstanding any statute or administrative regulation to  
15 the contrary, beginning July 1, 2023, a one-year interim certificate, renewable for a  
16 maximum of two years, shall be issued by the Education Professional Standards Board to  
17 a candidate who:

18 (a) Has a bachelor's degree or higher;

19 (b) Has at least four years of work experience in the area in which certification is  
20 being sought; and

21 (c) Meets all other requirements of this section.

22 (2) If certification is being sought in the area of career and technical education,  
23 the bachelor's degree requirement shall be satisfied by an additional four years of work  
24 experience in the area.

25 (3) An individual certified under this section shall:

26 (a) Be assigned a teacher mentor by the hiring school district for support in  
27 teaching pedagogy;

1 (b) Complete, within the first 90 days of employment, the suicide prevention,  
2 active shooter, and child abuse and neglect trainings required under KRS 156.095;

3 (c) Be subject to the criminal history background and CA/N checks under KRS  
4 160.380; and

5 (d) Not provide special education instruction.

6 (4) An employment agreement entered into by an individual certified under this  
7 section shall not be subject to a collective bargaining agreement.

8 (5) No more than ten percent of a school district's certified staff may be certified  
9 under this section in a school year.

10 (6) The provisions of this section and all certificates issued under this section  
11 shall expire on June 30, 2026.

12 (7) The Education Professional Standards Board shall promulgate administrative  
13 regulations in accordance with KRS Chapter 13A as may be needed to issue interim  
14 certificates under this section, including emergency regulations as appropriate, to  
15 expedite the implementation of this section.

16 ➔Section 9. KRS 161.155 is amended to read as follows:

17 (1) As used in this section:

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

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

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

- 1 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by  
2 teachers or employees for use by teachers or employees who have exhausted  
3 all sick leave and other available paid leave days; and
- 4 (e) "Assault" shall mean an act that intentionally causes injury so significant that  
5 the victim is determined to be, by certification of a physician or surgeon duly  
6 qualified under KRS Chapter 342, incapable of performing the duties of his or  
7 her job.
- 8 (2) Each district board of education shall allow to each teacher and full-time employee  
9 in its common school system not less than ten (10) days of sick leave during each  
10 school year, without deduction of salary. Sick leave shall be granted to a teacher or  
11 employee if he or she presents a personal statement~~[affidavit]~~ or a certificate of a  
12 physician stating that the teacher or employee was ill, that the teacher or employee  
13 was absent for the purpose of attending to a member of his or her immediate family  
14 who was ill, or for the purpose of mourning a member of his or her immediate  
15 family. The ten (10) days of sick leave granted in this subsection may be taken by a  
16 teacher or employee on any ten (10) days of the school year and shall be granted in  
17 addition to accumulated sick leave days that have been credited to the teacher or  
18 employee under the provisions of subsection (4) of this section.
- 19 (3) A school district shall coordinate among the income and benefits from workers'  
20 compensation, temporary disability retirement, and district payroll and benefits so  
21 that there is no loss of income or benefits to a teacher or employee for work time  
22 lost because of an assault while performing the teacher's or employee's assigned  
23 duties for a period of up to one (1) year after the assault. In the event a teacher or  
24 employee suffers an assault while performing his or her assigned duties that results  
25 in injuries that qualify the teacher or employee for workers' compensation benefits,  
26 the district shall provide leave to the teacher or employee for up to one (1) year  
27 after the assault with no loss of income or benefits under the following conditions:

- 1 (a) The district shall pay the salary of the teacher or employee between the time  
2 of the assault and the time the teacher's or employee's workers' compensation  
3 income benefits take effect, or the time the teacher or employee is certified to  
4 return to work by a physician or surgeon duly qualified under KRS Chapter  
5 342, whichever is sooner;
- 6 (b) The district shall pay, for up to one (1) year from the time of the assault, the  
7 difference between the salary of the teacher or employee and any workers'  
8 compensation income benefits received by the teacher or employee resulting  
9 from the assault. Payments by the district shall include payments for  
10 intermittent work time missed as a result of the assault during the one (1) year  
11 period. If the teacher's or employee's workers' compensation income benefits  
12 cease during the one (1) year period after the assault, the district shall also  
13 cease to make payments under this paragraph;
- 14 (c) The Commonwealth, through the Kentucky Department of Education, shall  
15 make the employer's health insurance contribution during the period that the  
16 district makes payments under paragraphs (a) and (b) of this subsection;
- 17 (d) The Commonwealth, through the Kentucky Department of Education, shall  
18 make the employer's contribution to the retirement system in which the  
19 teacher or employee is a member during the period that the district makes  
20 payments under paragraphs (a) and (b) of this subsection; and
- 21 (e) Payments to a teacher or employee under paragraphs (a) and (b) of this  
22 subsection shall be coordinated with workers' compensation benefits under  
23 KRS Chapter 342, disability retirement benefits for teachers under KRS  
24 161.661 to 161.663, and disability retirement benefits for employees under  
25 KRS 61.600 to 61.621 and 78.5522, 78.5524, 78.5526, 78.5528, and 78.5530  
26 so that the teacher or employee receives income equivalent to his or her full  
27 contracted salary, but in no event shall the combined payments exceed one



- 1           hundred percent (100%) of the teacher's or employee's full contracted salary.
- 2   (4) Days of sick leave not taken by an employee or a teacher during any school year  
3       shall accumulate without limitation and be credited to that employee or teacher.  
4       Accumulated sick leave may be taken in any school year. Any district board of  
5       education may, in its discretion, allow employees or teachers in its common school  
6       system sick leave in excess of the number of days prescribed in this section and  
7       may allow school district employees and teachers to use up to three (3) days' sick  
8       leave per school year for emergency leave pursuant to KRS 161.152(3). Any  
9       accumulated sick leave days credited to an employee or a teacher shall remain so  
10      credited in the event he or she transfers his or her place of employment from one (1)  
11      school district to another within the state or to the Kentucky Department of  
12      Education or transfers from the Department of 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, a statement~~[an affidavit]~~ or a certificate of a  
15      physician is presented to the district board of education, stating that the teacher or  
16      employee is unable to commence his or her duties on the opening day of the school  
17      year, but will be able to assume his or her duties within a period of time that the  
18      board determines 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

1 bank 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  
16          the time of death who was eligible to retire by reason of service, an employee  
17          or a teacher, or the estate of an employee or teacher, for each unused sick  
18          leave day. The rate of compensation for each unused sick leave day shall be  
19          based on a percentage of the daily salary rate calculated from the employee's  
20          or teacher's last annual salary, not to exceed thirty percent (30%).
- 21       (b) Except as provided in paragraph (c) of this subsection, payment for unused  
22          sick leave days under this subsection shall be incorporated into the annual  
23          salary of the final year of service for inclusion in the calculation of the  
24          employee's or teacher's retirement allowance only at the time of his or her  
25          initial retirement, provided that the member makes the regular retirement  
26          contribution for members on the sick leave payment. The accumulation of  
27          these days includes unused sick leave days held by the employee or teacher at

1 the time of implementation of the program.

2 (c) For a teacher or employee who becomes a nonuniversity member of the  
3 Teachers' Retirement System on or after January 1, 2022, as provided by KRS  
4 161.220, payment for unused sick leave days under this subsection shall not  
5 be incorporated into the annual compensation used to calculate the teacher's or  
6 employee's retirement allowance in the foundational benefit component as  
7 described by KRS 161.633 but may be deposited into the nonuniversity  
8 member's supplemental benefit component as provided by KRS 161.635.

9 (d) For a teacher or employee who begins employment with a local school district  
10 on or after July 1, 2008, the maximum amount of unused sick leave days a  
11 district board of education may recognize in calculating the payment of  
12 compensation to the teacher or employee under this subsection shall not  
13 exceed three hundred (300) days.

14 (11) Any statute to the contrary notwithstanding, employees and teachers who  
15 transferred from the Department of Education to a school district, from a school  
16 district to the Department of Education, or from one (1) school district to another  
17 school district after July 15, 1981, shall receive credit for any unused sick leave to  
18 which the employee or teacher was entitled on the date of transfer. This credit shall  
19 be for the purposes set forth in subsection (10) of this section.

20 (12) The death benefit provided in subsection (10) of this section may be cited as the  
21 Baughn Benefit.

22 ➔Section 10. KRS 161.154 is amended to read as follows:

23 (1) For the purpose of this section, "school employees" shall mean any person for  
24 whom certification is required as a basis of employment in the public schools.

25 (2) Each district board of education may provide up to three (3) personal leave days per  
26 school year to school employees, without loss of salary to the employee and without  
27 affecting any other type of leave granted by law, regulation, or school board policy.

- 1           Local boards of education may establish policy regarding the number of teachers  
2           who may take personal leave on any one (1) day.
- 3   (3)   Personal leave granted under this section shall not be treated as having effect on the  
4           provisions of KRS 161.152 to 161.155 and shall be supported by personal  
5           statement~~[affidavit]~~ of the school employee stating that the leave taken is personal  
6           in nature; no other reason for or verification of the leave shall be required.
- 7   (4)   Payments to school employees made by a district board of education under the  
8           provisions of this section are presumed to be for services rendered and for the  
9           benefit of the common schools and such payments do not affect the eligibility of  
10          any school district to share in the distribution of funds from the public school  
11          foundation program fund as established in KRS Chapter 157.