AN ACT relating to education.

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

Section 1. KRS 161.030 is amended to read as follows:

(1) Notwithstanding the age of the pupil, the certification of all teachers and other school personnel, hired by public schools only, is vested in the Education Professional Standards Board. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools, except as provided for by law. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the administrative regulations of the Education Professional Standards Board. After July 15, 1994, all certificate applications and other data collection instruments of the board shall include a request for voluntary information about the applicant's ethnic background. This information shall be available to help local school districts locate minority candidates. A person who holds a certificate prior to this requirement may request that ethnic information be added to his or her file. Nothing in this section shall preclude the right of an individual in a nonpublic school from seeking voluntary certification by the Education Professional Standards Board.

(2) Certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of application to persons who have completed, at colleges, universities, or local school district programs approved by the Education Professional Standards Board for the preparation of teachers and other school personnel, the curricula prescribed by the administrative regulations of the Education Professional Standards Board.

(3) (a) Certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification. The assessments shall be selected by the Education Professional
Standards Board and shall measure knowledge in the specific teaching field of
the applicant, including content of the field and teaching of that content. The
Education Professional Standards Board shall determine the minimum
acceptable level of achievement on each assessment. The assessments shall
measure those concepts, ideas, and facts which are being taught in teacher
education programs in Kentucky. Upon successful completion of the
assessments and the approved teacher preparation program, a certificate valid
for one (1) year shall be issued.

(b) If an applicant for teacher certification has completed the approved teacher
preparation program and has taken but failed to successfully complete the
appropriate assessments selected by the Education Professional Standards
Board, a conditional certificate may be issued for a period not to exceed one
(1) year, if the employing school district, in collaboration with the teacher
education institution, agrees to provide technical assistance and mentoring
support to the conditionally certified teacher. The teacher shall retake the
assessments during the validity period of the conditional certificate. The
conditional certificate shall not be reissued. Upon successful completion of
the required assessments, a certificate valid for one (1) year shall be issued
and the teacher shall be eligible to participate in the internship program as
provided in subsection (5) of this section. The teacher shall not be eligible to
participate in the internship program while teaching on the conditional
certificate. The Education Professional Standards Board shall promulgate
administrative regulations to establish the standards and procedures for
issuance of the conditional certificate.

(c) If an out-of-state teacher with less than two (2) years' experience comes to
Kentucky after the deadline for taking the assessments, a temporary certificate
may be issued for a period up to six (6) months provided the local board
cannot fill the vacant position with a certified teacher. The teacher shall take
the assessments if they are administered during the period of the temporary
certificate. The certificate shall be extended for the remainder of the year if the
teacher successfully completes the assessments. If the teacher fails the
assessments, the temporary certificate shall be valid only for the current
semester.

(4) A reasonable fee to be paid by the teacher and directly related to the actual cost of
the administration of the assessments shall be established by the Education
Professional Standards Board. Provisions shall be made for persons having less than
minimum levels of performance on any assessment to repeat that assessment, and
candidates shall be informed of their strengths and weaknesses in the specific
performance areas. The Education Professional Standards Board shall provide for
confidentiality of the individual assessment scores. Scores shall be available only to
the candidate and to the education officials who are responsible for determining
whether established certification standards have been met. Scores shall be used only
in the assessment for certification of new teachers and of out-of-state teachers with
less than two (2) years of teaching experience who are seeking initial certification in
Kentucky.

(5) Except as provided in subsection (3)(b) of this section, all new teachers and out-of-
state teachers with less than two (2) years of successful teaching experience who are
seeking initial certification in Kentucky shall serve a one (1) year internship. The
teacher shall be a full-time employee or shall have an annual contract and serve on
at least a half-time basis and shall have supervision, assistance, and assessment
during the one (1) year internship. The internship may be served in a public school
or a nonpublic school which meets the state performance standards as established in
KRS 156.160 or which has been accredited by a regional or national accrediting
association. Successful completion shall be determined by a majority vote of the
beginning teacher committee. The internship period shall be counted as experience
for the purpose of continuing contract status, retirement eligibility, and benefits for
single salary experience increments. Upon successful completion of the beginning
teacher program, the one (1) year initial teaching certificate shall be extended for
the remainder of the usual duration period established for that particular certificate
by Education Professional Standards Board administrative regulations.

(6) The beginning teacher committee shall be composed of three (3) persons who have
successfully completed special training in the supervision and assessment of the
performance of beginning teachers as provided in subsection (8) of this section,
except as provided in paragraph (g) of this subsection. The committee shall consist
of a resource teacher, the school principal of the school where the internship is
served, and a teacher educator appointed by a state-approved teacher training
institution.

(a) If more than two (2) teacher interns are employed in the same school, the
principal's responsibility may be shared with an assistant principal who holds
certification as a principal.

(b) In unusual situations, the Education Professional Standards Board may permit
the assistant principal to serve in lieu of the principal on a beginning teacher
committee.

(c) If the teacher training institution is unable to provide a member, the district
superintendent shall appoint an instructional supervisor from the school
district.

(d) If the intern is teaching in a regionally or nationally accredited nonpublic
school without a principal, the person filling the principal member position
may have other appropriate qualifications as required by administrative
regulations promulgated by the Education Professional Standards Board.

(e) If the teacher training institution is unable to provide a member to serve on the
beginning teacher committee in a nonpublic school, the chief officer of the
school shall appoint an instructional supervisor or a teacher with like
qualifications and responsibilities to serve on the beginning teacher committee
in lieu of the teacher educator.

(f) The resource teacher shall be appointed by the Education Professional
Standards Board with recommendations from the local school district from a
pool of qualified resource teachers, and, any statutes to the contrary
notwithstanding and to the extent of available appropriations, shall be entitled
to be paid a reasonable stipend by the Education Professional Standards Board
for work done outside normal working hours. In the case of a resource teacher
in a nonpublic school, payment shall be made directly to the resource teacher
by the Education Professional Standards Board. Priority shall be given to
resource teachers in the following order, except as provided in paragraph (g)
of this subsection:

1. Teachers with the same certification in the same school;
2. Teachers with the same certification in the same district;
3. Teachers in the same school;
4. Teachers in the same district; and
5. Teachers in an adjacent school district.

(g) 1. The resource teacher for an individual pursuing initial certification as a
baccalaureate level teacher of exceptional children/communication
disorders shall be a master's level teacher of exceptional
children/communication disorders, if one is available.
2. If a master's level teacher of exceptional children/communication
disorders is not available, the Education Professional Standards Board
may allow a licensed speech-language pathologist to serve on the
beginning teacher committee in lieu of a resource teacher.
(h) The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

(7) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher. Twenty (20) of these hours shall be in the classroom setting, and fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.

(8) By contract with teacher education institutions in the Commonwealth, the Education Professional Standards Board shall provide special training for persons who will be serving on the beginning teacher committees. Completion of special training shall be evidenced by successfully passing the assessments as prescribed by the Education Professional Standards Board. A principal hired after July 15, 1996, shall be required to complete the beginning teacher committee training program within one (1) year after his or her appointment.

(9) If an applicant establishes eligibility for a one (1) year certificate under the provisions of subsection (3)(a) of this section, but does not become employed on the basis needed to satisfy the one (1) year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the
administrative regulations of the Education Professional Standards Board. The applicant shall remain eligible for the one (1) year certificate, as provided in subsection (3)(a) of this section, and for the opportunity to serve the internship for a period of five (5) years after establishing eligibility. If the internship is not completed within the five (5) year period, the applicant must reestablish eligibility by repeating and passing the assessment program in effect for new teachers at that time or by completing a minimum of six (6) graduate hours toward completion of a graduate program required by administrative regulations promulgated by the Education Professional Standards Board. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility.

(10) (a) The Education Professional Standards Board shall issue a ten (10) year emeritus certificate to an applicant who has:

1. Retired or will retire not more than one (1) year prior to the expiration date of the certificate;
2. Met the requirements to receive an emeritus certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board; and
3. Completed the required application unless the provisions of KRS 161.120 apply.

(b) The Education Professional Standards Board shall issue a one (1) time five (5) year exception certificate to an individual:

1. Whose certificate has expired;
2. Whose rank upon expiration was Rank I or Rank II;
3. Who has met the requirements to receive an exception certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board;
4. Who completed three (3) years of classroom instruction prior to the certificate's expiration; and

5. Who has completed the required application unless the provisions of KRS 161.120 apply.

(11) The Education Professional Standards Board shall approve the curricula of any college or university, or of any department thereof, for the training of teachers, and any nontraditional or alternative teacher preparation program offered in a public or private postsecondary education institution, private contractor, or state agency, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the administrative regulations of the Education Professional Standards Board for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the Education Professional Standards Board, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.

Section 2. KRS 199.894 is amended to read as follows:

As used in KRS 199.892 to 199.896, unless the context otherwise requires:

(1) "Cabinet" means the Cabinet for Health and Family Services;

(2) "Secretary" means secretary for health and family services;

(3) "Child-care center" means any child-care center that provides full- or part-time care, day or night, to four (4) or more children in a nonresidential setting who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator. "Child-care center" shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency, or a learning pod. For the purposes of this subsection, "youth development agency" means a program with tax-
exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served;

(4) "Department" means the Department for Community Based Services;[and]

(5) "Family child-care home" means a private home that is the primary residence of an individual who provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider. "Family child-care home" shall not include a learning pod; and

(6) "Learning pod" means a private arrangement among a group of parents to group not more than twelve (12) children, regardless of time or place, or whether payment is made for any services, to provide education support to their children in kindergarten through grade twelve (12) who are enrolled in a public or private school and conducting instructional activities remotely.

Section 3. KRS 194A.381 is amended to read as follows:

KRS 194A.380 to 194A.383 shall not apply to:

(1) Public school districts or programs sponsored by the school district;

(2) Private schools;

(3) Child-care centers, child-caring and child-placing agencies; family child-care homes; and foster care, relative caregiver services or adoptive homes otherwise governed by KRS Chapter 199;[or]

(4) Babysitting or child-care arrangements made by a child's parent or guardian and occurring within a private home; or

(5) Learning pods as defined in Section 2 of this Act.