

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 165A.370 is amended to read as follows:

- 4 (1) No proprietary school located or doing business in this state shall be issued a  
5 license under these provisions until the commission has determined that the  
6 proprietary school is maintained, operated, or, in the event of a new proprietary  
7 school, that the school, after a physical inspection of the premises, can be  
8 reasonably maintained and operated, in substantial compliance with the following  
9 minimum standards:
- 10 (a) That the instructional quality and content of each course or program of  
11 instruction or study shall be adequate to provide reasonable education and  
12 training to each enrolled student, and that the quality and content shall be  
13 consistent with the public interest;
- 14 (b) That the proprietary school has adequate space, equipment, instructional  
15 materials, and instructor personnel to provide the authorized training and  
16 preparation of the quality specified in paragraph (a) of this subsection;
- 17 (c) That the educational and experience qualifications of directors, administrators,  
18 supervisors, and instructors are satisfactory in terms of the quality of  
19 instruction specified in paragraph (a) of this subsection;
- 20 (d) That the administrators shall hold a baccalaureate degree from an accredited  
21 college or university, or demonstrate the appropriate training or experience  
22 related to the responsibilities of the position as determined by the  
23 commission;
- 24 (e) That the instructors shall hold a baccalaureate degree from an accredited  
25 college or university in the area of teaching responsibility, or demonstrate  
26 appropriate training or experience related to the responsibilities of the position  
27 as determined by the commission;

- 1 (f) That a copy of the course outline and a schedule of all tuition, fees, tuition  
2 refund schedules, program completion rates, and program placement rates of  
3 the school's graduates for the preceding twelve (12) months be furnished each  
4 student applicant prior to enrollment;
- 5 (g) That, as defined by commission regulation, a diploma, associate degree,  
6 certificate, or other appellation shall be awarded to the student upon  
7 satisfactory completion of training by the proprietary school which indicates  
8 that the course or courses of instruction or study had been satisfactorily  
9 completed;
- 10 (h) That adequate records shall be maintained on all personnel and available for  
11 inspection and shall include the following materials:
- 12 1. Current personnel forms;
  - 13 2. Teacher evaluations;
  - 14 3. Inventory of equipment and instructional material; and
  - 15 4. Faculty transcripts;
- 16 (i) That separate files shall be maintained on each student and be available for  
17 inspection, and shall include copies of the following materials:
- 18 1. Student's application for admission;
  - 19 2. Enrollment agreement;
  - 20 3. Academic record;
  - 21 4. Attendance record;
  - 22 5. Financial payment record; and
  - 23 6. Placement record;
- 24 (j) That the proprietary school shall be maintained and operated in compliance  
25 with all local, city, and county ordinances and state law, including rules and  
26 regulations adopted pursuant thereto, relative to the safety and health of all  
27 persons upon the premises;

- 1 (k) That the proprietary school is financially sound and reasonably capable of  
2 fulfilling commitments to students for training and preparation;
- 3 (l) That the school shall have available, if requested by the commission, a  
4 financial statement certified by an independent accountant, and a profit-loss  
5 statement certified by the owner as being true and current. The commission  
6 may call for any or all of the above information at any time;
- 7 (m) That the proprietary school does not utilize advertising of any type which is  
8 untrue, deceptive, or misleading and shall be able to document all advertised  
9 claims;
- 10 (n) That the chief executive officer, directors, owners, administrators,  
11 supervisors, and instructors are of good moral character as determined by the  
12 commission;
- 13 (o) That the proprietary school adheres to a tuition refund schedule as presented  
14 in published form prior to enrollment;
- 15 (p) That the school shall prominently display its current license and the address  
16 and telephone number of the commission office; and
- 17 (q) That the proprietary school adheres to the other requirements consistent with  
18 the public interest as the commission shall determine are necessary to improve  
19 the courses or programs of instruction or study offered by the school, and to  
20 prevent misrepresentation, fraud, and collusion in the offering thereof.
- 21 (2) In determining compliance with the minimum standards described in subsection (1)  
22 of this section, the commission shall require at a minimum:
- 23 (a) For a degree-granting institution, appropriate accreditation; and  
24 (b) For a non-degree granting institution, a statement of quality assurance.
- 25 (3) **A license holder or applicant may seek a single accreditation from any**  
26 **accrediting agency or entity for all the school locations it operates in the state. A**  
27 **license holder or applicant who operates schools at multiple locations shall be**

1        *allowed to provide evidence of the operations of all the locations collectively as an*  
2        *alternative to providing evidence of operations for each individual location.*

3        **(4)** The commission shall investigate, appraise, and evaluate from time to time, or upon  
4        receipt of a formal complaint, any proprietary school now located, or which may be  
5        hereafter located, in this state. The investigation, appraisal, and evaluation shall be  
6        for the purpose of determining whether the proprietary school or its programs are  
7        maintained and operated or, in the event of a new proprietary school, whether the  
8        new proprietary school can be reasonably maintained and operated, in compliance  
9        with the provisions of this section and all other applicable Kentucky statutes and  
10       administrative regulations. The investigation, appraisal, and evaluation shall include  
11       but are not limited to inspection of all records, books, and facilities at reasonable  
12       times and places without prior notice.

13       ~~**(5)**~~ If the commission determines upon investigation, appraisal, and evaluation  
14       that a proprietary school located within this state is maintained and operated, or, in  
15       the event of a new proprietary school, that the school can be reasonably maintained  
16       and operated, in compliance with the minimum standards prescribed by this section,  
17       the commission shall issue a license to the proprietary school.

18       ~~**(6)**~~ If the commission determines that any school is not maintained and operated,  
19       or cannot be reasonably maintained and operated, in compliance with the minimum  
20       standards prescribed by this section and the minimum requirements determined by  
21       the commission, or is in violation of Kentucky statutes or administrative  
22       regulations, the commission, after notice and an opportunity for a hearing to be  
23       conducted in accordance with KRS Chapter 13B, may deny the issuance of a  
24       license or may establish conditions in conformity with these provisions which shall  
25       be met by the school prior to issuance of a license. The commission may issue a  
26       conditional license for up to a nine (9) month period of time.

27       ➔Section 2. KRS 161.048 is amended to read as follows:

- 1 (1) The General Assembly hereby finds that:
- 2 (a) 1. There are persons who have distinguished themselves through a variety
- 3 of work and educational experiences that could enrich teaching in
- 4 Kentucky schools;
- 5 2. There are distinguished scholars who wish to become teachers in
- 6 Kentucky's public schools, but who did not pursue a teacher preparation
- 7 program;
- 8 3. There are persons who should be recruited to teach in Kentucky's public
- 9 schools as they have academic majors, strong verbal skills as shown by
- 10 a verbal ability test, and deep knowledge of content, characteristics that
- 11 empirical research identifies as important attributes of quality teachers;
- 12 4. There are persons who need to be recruited to teach in Kentucky schools
- 13 to meet the diverse cultural and educational needs of students; and
- 14 5. There should be alternative procedures to the traditional teacher
- 15 preparation programs that qualify persons as teachers;
- 16 (b) There are hereby established alternative certification program options as
- 17 described in subsections (2) to (10) of this section;
- 18 (c) It is the intent of the General Assembly that the Education Professional
- 19 Standards Board inform scholars, persons with exceptional work experience,
- 20 and persons with diverse backgrounds who have potential as teachers of these
- 21 options and assist local boards of education in implementing these options and
- 22 recruitment of individuals who can enhance the education system in
- 23 Kentucky;
- 24 (d) The Education Professional Standards Board may reject the application of any
- 25 candidate who is judged as not meeting academic requirements comparable to
- 26 those for students enrolled in Kentucky teacher preparation programs; and
- 27 (e) The Education Professional Standards Board shall promulgate administrative

1 regulations establishing standards and procedures for the alternative  
2 certification options described in this section. If the certification option  
3 requires employment prior to certification, the procedures shall establish a  
4 process for candidates to obtain an eligible for hire letter from the Education  
5 Professional Standards Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23 (6) Option 5: Certification of a veteran of the Armed Forces. The Education  
24 Professional Standards Board shall issue a statement of eligibility, valid for five (5)  
25 years, for teaching at the elementary, secondary, and secondary career technical  
26 education levels to a veteran of the Armed Forces who was honorably discharged  
27 from active duty as evidenced by Defense Department Form 214 (DD 214) or

1 National Guard Bureau Form 22 or to a member of the Armed Services currently  
2 serving with six (6) or more years of honorable service, including Reserves,  
3 National Guard, or active duty. The candidate shall possess:

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

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

19 (7) Option 6: University alternative program. With approval of the Education  
20 Professional Standards Board, a university may provide an alternative program that  
21 enrolls students in a postbaccalaureate teacher preparation program concurrently  
22 with employment as a teacher in a local school district. A student in the alternative  
23 program shall be granted a one (1) year provisional certificate and shall participate  
24 in the Kentucky teacher internship program, notwithstanding provisions of KRS  
25 161.030. A student may not participate in the internship program until the student  
26 has successfully completed the assessments required by the board. The one (1) year  
27 provisional certificate may be renewed four (4) additional years, and shall be

1 contingent upon the candidate's continued enrollment in the preparation program  
2 and compliance with all requirements established by the board. A professional  
3 certificate shall be issued upon the teacher candidate's successful completion of the  
4 program, the internship program requirements, and all academic content  
5 assessments in the specific teaching field of the applicant as designated by the  
6 Education Professional Standards Board.

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

13 (a) The candidate shall possess:

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

1 Standards Board.

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

4 1. For elementary teaching, the individual shall successfully complete the  
5 equivalent of a two hundred forty (240) hour institute, based on six (6)  
6 hour days for eight (8) weeks. The providers and the content of the  
7 institute shall be approved by the Education Professional Standards  
8 Board. The content shall include research-based teaching strategies in  
9 reading and math, research on child and adolescent growth, knowledge  
10 of individual differences, including teaching exceptional children, and  
11 methods of classroom management.

12 2. For middle and secondary teaching, the individual shall successfully  
13 complete the equivalent of a one hundred eighty (180) hour institute,  
14 based on six (6) hour days for six (6) weeks. The providers and the  
15 content of the institute shall be approved by the Education Professional  
16 Standards Board and shall include research-based teaching strategies,  
17 research on child and adolescent growth, knowledge of individual  
18 differences, including teaching exceptional children, and methods of  
19 classroom management.

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

25 (9) Option 8: Certification of a Teach for America participant to teach in elementary,  
26 middle, or high schools. Nothing in this subsection shall conflict with the  
27 participation criteria of the Teach for America program. An individual certified

1 under this subsection shall be issued a one (1) year provisional certificate.

2 (a) The candidate shall possess:

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

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

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

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

24 (e) Notwithstanding any statute or administrative regulation to the contrary, a  
25 teacher certified under this subsection shall have ten (10) years from the date  
26 that the teacher successfully completed the internship program to complete a  
27 master's degree or fifth year program, or the equivalent as specified by the

1 Education Professional Standards Board in administrative regulation.

2 (10) Option 9: Expedited certification of a person to teach at any grade level through a  
3 cooperative program. With approval of the Education Professional Standards  
4 Board, a college or university may partner with a school district to develop an  
5 expedited certification program that results in a bachelor's degree and initial  
6 certification within three (3) school years.

7 (a) The program shall:

8 1. Include a residency or paraprofessional component which employs the  
9 person within the participating district for the duration of the program to  
10 gain work experience to supplement the expedited program and reduced  
11 coursework;

12 2. Utilize experienced teachers employed by the district to provide  
13 coaching and to mentor the candidates; and

14 3. Be designed to meet the needs of the participating district and may  
15 include an emphasis in developing a teacher pipeline for the district's  
16 students, improving the numbers of underrepresented populations  
17 among the district's workforce, or focusing on increasing the number of  
18 teachers with certification areas that are in high demand.

19 (b) A school district entering into a cooperative partnership shall ensure the  
20 availability of funding for each candidate employed within the district in the  
21 residency or paraprofessional program for the duration of the candidate's  
22 participation in the program. However, nothing in this subsection shall be  
23 interpreted as requiring the district to continue employing the candidate  
24 during the program or after the candidate has received initial certification.

25 (c) A person who has begun a traditional path or another option for certification  
26 shall be eligible to transfer into this option if the person meets the program's  
27 requirements.

1 (d) If a school district participating in a cooperative partnership determines to end  
2 the partnership, the district shall no longer accept new candidates to the  
3 program but shall continue the partnership until the district's employed  
4 candidates for Option 9 certification complete the program or are no longer  
5 employed by the district.

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

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

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

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

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

17 ➔Section 3. KRS 161.046 is amended to read as follows:

18 (1) For purposes of this section, "adjunct instructor" means an individual who has  
19 training or experience in a specific subject area and who has met the requirements  
20 for certification as an adjunct instructor established by the Education Professional  
21 Standards Board.

22 (2) The Education Professional Standards Board shall adopt administrative regulations  
23 governing the qualifications and utilization of adjunct instructors. These  
24 administrative regulations shall specify the minimum essential competencies which  
25 must be demonstrated by persons seeking an adjunct instructor certificate.

26 (3) Holders of an adjunct instructor certificate shall be employed on an annual contract  
27 basis and shall not be eligible for continuing service status pursuant to KRS

1           161.740 or for the retirement provisions of KRS 161.220 through 161.714, except  
2           that the return to work limitations set forth in KRS 161.605 shall apply to any  
3           retired member of the Kentucky Teachers' Retirement System who resumes  
4           employment as an adjunct instructor. The granting of successive annual contracts to  
5           the holder of an adjunct instructor certificate shall not give rise to a claim of  
6           expectation of continuing employment.

7       (4) Local school boards may contract with certificated adjunct instructors for part-time  
8           or full-time services on an hourly, daily, or other periodic basis as best meets the  
9           needs of the board. An adjunct instructor shall not fill a position that will result in  
10          the displacement of a qualified teacher with a regular certificate who is already  
11          employed in the district.

12       (5) An orientation program shall be developed and implemented for adjunct instructors  
13          by the local school board.