

1 AN ACT relating to the Education Professional Standards Board.

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

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

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

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

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

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

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

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

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

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

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

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

- 1 relating to teacher preparation and certification, teacher supply and demand,  
2 teacher attrition, teacher diversity, and employment trends to be included in a  
3 state comprehensive data and information system and periodically report data  
4 to the appropriate Interim Joint Committee on Education;
- 5 (j) Submit reports to the Governor and the Legislative Research Commission and  
6 inform the public on the status of teaching in Kentucky;
- 7 (k) Devise a credentialing system that provides alternative routes to gaining  
8 certification and greater flexibility in staffing local schools while maintaining  
9 standards for teacher competence;
- 10 (l) Develop a professional code of ethics;
- 11 (m) Charge reasonable fees for the issuance, reissuance, and renewal of  
12 certificates that are established by administrative regulation. The proceeds  
13 shall be used to meet a portion of the costs of the issuance, reissuance, and  
14 renewal of certificates, and the costs associated with disciplinary action  
15 against a certificate holder under KRS 161.120;
- 16 (n) Waive a requirement that may be established in an administrative regulation  
17 promulgated by the board. A request for a waiver shall be submitted to the  
18 board, in writing, by an applicant for certification, a postsecondary institution,  
19 or a superintendent of a local school district, with appropriate justification for  
20 the waiver. The board may approve the request if the person or institution  
21 seeking the waiver has demonstrated extraordinary circumstances justifying  
22 the waiver. Any waiver granted under this subsection shall be subject to  
23 revocation if the person or institution falsifies information or subsequently  
24 fails to meet the intent of the waiver;
- 25 (o) Promote the development of one (1) or more innovative, nontraditional or  
26 alternative administrator or teacher preparation programs through public or  
27 private colleges or universities, private contractors, the Department of

- 1 Education, or the Kentucky Commonwealth Virtual University and waive  
2 administrative regulations if needed in order to implement the program;
- 3 (p) Grant approval, if appropriate, of a university's request for an alternative  
4 program that enrolls an administrator candidate in a postbaccalaureate  
5 administrator preparation program concurrently with employment as an  
6 assistant principal, principal, assistant superintendent, or superintendent in a  
7 local school district. An administrator candidate in the alternative program  
8 shall be granted a temporary provisional certificate and shall be a candidate in  
9 the Kentucky Principal Internship Program, notwithstanding provisions of  
10 KRS 161.030, or the Superintendent's Assessment process, notwithstanding  
11 provisions of KRS 156.111, as appropriate. The temporary certificate shall be  
12 valid for a maximum of two (2) years, and shall be contingent upon the  
13 candidate's continued enrollment in the preparation program and compliance  
14 with all requirements established by the board. A professional certificate shall  
15 be issued upon the candidate's successful completion of the program,  
16 internship requirements, and assessments as required by the board;
- 17 (q) Employ consultants as needed;
- 18 (r) Enter into contracts. Disbursements to professional educators who receive less  
19 than one thousand dollars (\$1,000) in compensation per fiscal year from the  
20 board for serving on an assessment validation panel or as a test scorer or  
21 proctor shall not be subject to KRS 45A.690 to 45A.725;
- 22 (s) Sponsor studies, conduct research, conduct conferences, and publish  
23 information as appropriate; and
- 24 (t) Issue orders as necessary in any administrative action before the board.
- 25 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the  
26 Education and Labor Cabinet and the president of the Council on  
27 Postsecondary Education, or their designees, shall serve as ex officio voting

1 members. The Governor shall make the following fifteen (15) appointments:

- 2 1. Nine (9) members who shall be teachers representative of elementary,  
3 middle or junior high, secondary, special education, and secondary  
4 vocational classrooms;
- 5 2. Two (2) members who shall be school administrators, one (1) of whom  
6 shall be a school principal;
- 7 3. One (1) member representative of local boards of education; and
- 8 4. Three (3) members representative of postsecondary institutions, two (2)  
9 of whom shall be deans of colleges of education at public universities  
10 and one (1) of whom shall be the chief academic officer or head of an  
11 educator preparation program of an independent not-for-profit college  
12 or university.

13 (b) The members appointed by the Governor shall be confirmed by the Senate  
14 under KRS 11.160. If the General Assembly is not in session at the time of the  
15 appointment, persons appointed shall serve prior to confirmation, but the  
16 Governor shall seek the consent of the Senate at the next regular session or at  
17 an intervening extraordinary session if the matter is included in the call of the  
18 General Assembly.

19 (c) Each appointed member shall serve a three (3) year term. A vacancy on the  
20 board shall be filled in the same manner as the original appointment within  
21 sixty (60) days after it occurs. A member shall continue to serve until his or  
22 her successor is named. Any member who, through change of employment  
23 status or residence, or for other reasons, no longer meets the criteria for the  
24 position to which he or she was appointed shall no longer be eligible to serve  
25 in that position.

26 (d) Members of the board shall serve without compensation but shall be permitted  
27 to attend board meetings and perform other board business without loss of

1 income or other benefits.

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

6 (f) A chairman shall be elected by and from the membership. A member shall be  
7 eligible to serve no more than three (3) one (1) year terms in succession as  
8 chairman. Regular meetings shall be held at least semiannually on call of the  
9 chairman.

10 (g) The commissioner of education shall serve as executive secretary to the board  
11 and may designate staff to facilitate his or her duties.

12 (h) To carry out the functions relating to its duties and responsibilities, the board  
13 is empowered to receive donations and grants of funds; to appoint consultants  
14 as needed; and to sponsor studies, conduct conferences, and publish  
15 information.