

1 AN ACT relating to education.

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

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

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

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

26 (3) (a) Certification of all new teachers and teachers seeking additional certification
27 shall require the successful completion of appropriate assessments prior to

1 certification. The assessments shall be selected by the Education Professional
2 Standards Board and shall measure knowledge in the specific teaching field of
3 the applicant, including content of the field and teaching of that content. The
4 Education Professional Standards Board shall determine the minimum
5 acceptable level of achievement on each assessment. The assessments shall
6 measure those concepts, ideas, and facts which are being taught in teacher
7 education programs in Kentucky. Upon successful completion of the
8 assessments and the approved teacher preparation program, a professional
9 certificate valid for five (5) years shall be issued.

10 (b) If an applicant for teacher certification has completed the approved teacher
11 preparation program and has taken but failed to successfully complete the
12 appropriate assessments selected by the Education Professional Standards
13 Board, a conditional certificate may be issued for a period not to exceed one
14 (1) year. The employing school district, in collaboration with the teacher
15 education institution, shall provide technical assistance and mentoring support
16 to the conditionally certified teacher. The teacher shall retake the assessments
17 during the validity period of the conditional certificate. The conditional
18 certificate shall not be reissued. Upon successful completion of the required
19 assessments, a professional certificate valid for five (5) years shall be issued.
20 The Education Professional Standards Board shall promulgate administrative
21 regulations to establish the standards and procedures for issuance of a
22 conditional certificate.

23 (c) If an out-of-state teacher with less than two (2) years' experience comes to
24 Kentucky after the deadline for taking the assessments, a temporary certificate
25 may be issued for a period up to six (6) months. The teacher shall take the
26 assessments during the period of the temporary certificate. If the teacher fails
27 the assessments, the temporary certificate shall be valid only for the current

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

15 (5) If an applicant establishes eligibility for a five (5) year professional certificate under
16 ~~the provisions of~~ subsection (3)(a) of this section, the applicant shall also be
17 eligible for the issuance of a certificate for substitute teaching as provided by the
18 administrative regulations of the Education Professional Standards Board.

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

21 1. Retired or will retire not more than one (1) year prior to the expiration
22 date of the certificate;

23 2. Met the requirements to receive an emeritus certificate as set forth in
24 administrative regulation promulgated by the Education Professional
25 Standards Board; and

26 3. Completed the required application unless the provisions of KRS
27 161.120 apply.

1 (b) The Education Professional Standards Board shall issue a one (1) time five (5)
2 year exception certificate to an individual:
3 1. Whose certificate has expired;
4 2. Whose rank upon expiration was Rank I or Rank II;
5 3. Who has met the requirements to receive an exception certificate as set
6 forth in administrative regulation promulgated by the Education
7 Professional Standards Board;
8 4. Who completed three (3) years of classroom instruction prior to the
9 certificate's expiration; and
10 5. Who has completed the required application unless the provisions of
11 KRS 161.120 apply.

12 (7) The Education Professional Standards Board shall approve the curricula of any
13 college or university, or of any department thereof, for the training of teachers, and
14 any nontraditional or alternative teacher preparation program offered in a public or
15 private postsecondary education institution, private contractor, or state agency, and
16 shall also approve the curricula of any local district alternative certification
17 program, when the curricula comply with the administrative regulations of the
18 Education Professional Standards Board for the issuance of certificates and when
19 the institution has met the terms and conditions provided in KRS 161.010 to
20 161.120. Any student who has completed any of these curricula, as approved by the
21 Education Professional Standards Board, and who has completed the prescribed
22 requirements for the issuance of certificates shall be granted a certificate
23 corresponding to the curricula completed.

24 (8) The issuance of any certificate, except emergency certificates issued pursuant to
25 KRS 161.100, by the Education Professional Standards Board shall not be
26 dependent upon an offer of employment. The certification process, except for
27 emergency certificates, is independent of any job prospects and certification shall

1 be awarded on the basis of completing a teacher preparation program or an
2 alternative certification pathway and passing required assessments.

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

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

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

18 (4) "Department" means the Department for Community Based Services;~~and~~

19 (5) "Family child-care home":

20 (a) Means a private home that is the primary residence of an individual who
21 provides full or part-time care day or night for six (6) or fewer children who
22 are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or
23 children in legal custody of the provider; and

24 (b) Does not include a learning pod.

25 (6) "Learning pod" means a private arrangement among a group of parents to group
26 not more than twelve (12) children, regardless of time or place, or whether
27 payment is made for any services, to provide education support to their children

1 *in kindergarten through grade twelve (12) who are enrolled in a public or private*
2 *school and conduct instructional activities remotely.*

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

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

5 (1) Public school districts or programs sponsored by the school district;
6 (2) Private schools;
7 (3) Child-care centers, child-caring and child-placing agencies; family child-care
8 homes; and foster care, relative caregiver services or adoptive homes otherwise
9 governed by KRS Chapter 199; ~~or~~

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

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