

1           AN ACT relating to educators.

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) **I.** Set standards for, approve, and evaluate college, university, and school  
11       district programs for the preparation of teachers and other professional  
12       school personnel. **The standards set for college or university programs**  
13       **for the preparation of teachers and other professional school**  
14       **personnel shall:**

15       **a. Require a student to have achieved a minimum composite or**  
16       **component score on a college admission examination;**

17       **b. In lieu of meeting the requirements of subdivision a. of this**  
18       **subparagraph, require an applicant for an undergraduate initial**  
19       **certification program to complete and submit:**

20       **i. At the time of initial application, verification that the**  
21       **candidate has completed a formative basic skills assessment**  
22       **selected by the Education Professional Standards Board**  
23       **and required by the college or university; and**

24       **ii. After an applicant has been admitted but prior to the first**  
25       **day of attendance, the results of the formative basic skills**  
26       **assessment taken in accordance with subpart i. of this**  
27       **subdivision, which shall be used by the college or university**

solely as a formative diagnostic assessment to determine areas where a candidate may require academic support, remediation, or supplemental instruction; and

c. *Require program policy, for a candidate that is required to complete a formative basic skills assessment selected by the Education Professional Standards Board pursuant to subdivision*

*i. Ensures that a candidate completes assessment prior to initial application:*

*ii. Ensures that a candidate for an undergraduate initial certification program submits the results of the assessment prior to the first day of attendance; and*

*iii. Provides academic supports for a candidate aligned with the candidate's performance on the formative basic skills assessment.*

Nothing in this subparagraph shall be interpreted to prohibit the board or an education preparation program provider from considering assessment results, in combination with other relevant indicators, to determine candidate readiness for in-program milestones after a candidate has enrolled.

2. College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards and shall address, at a minimum, the following:

**a.11.1** The alignment of programs with the state's core content for

assessment as defined in KRS 158.6457;

***b.*** [2.] Research-based classroom practices, including effective classroom management techniques;

**c. [3.]** Emphasis on subject matter competency of teacher education students;

**d. [4.]** Methodologies to meet diverse educational needs of all students;

e. [5.] The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;

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

### **g. [7.] The diversity of faculty;**

**h. [8.]** The effectiveness of partnerships with local school districts; and

*i.[9.]* The performance of graduates on various measures as determined by the board;

16 (c) Conduct an annual review of diversity in teacher preparation programs;

17 (d) Provide assistance to universities and colleges in addressing diversity, which  
18 may include researching successful strategies and disseminating the  
19 information, encouraging the development of nontraditional avenues of  
20 recruitment and providing incentives, waiving administrative regulations  
21 when needed, and other assistance as deemed necessary;

22 (e) Discontinue approval of programs that do not meet standards or whose  
23 graduates do not perform according to criteria set by the board;

24 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose  
25 probationary or supervisory conditions upon; issue a written reprimand or  
26 admonishment; or any combination of actions regarding any certificate;

27 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual

1 misconduct by an employee certified by the Education Professional Standards  
2 Board. The guidelines shall include investigation, inquiry, and hearing  
3 procedures which ensure the process does not revictimize the alleged victim  
4 or cause harm if an employee is falsely accused;

- 5 (h) Receive, along with investigators hired by the Education Professional  
6 Standards Board, training on the dynamics of sexual misconduct of  
7 professionals, including the nature of this abuse of authority, characteristics of  
8 the offender, the impact on the victim, the possibility and the impact of false  
9 accusations, investigative procedures in sex offense cases, and effective  
10 intervention with victims and offenders;
  - 11 (i) Recommend to the Kentucky Board of Education the essential data elements  
12 relating to teacher preparation and certification, teacher supply and demand,  
13 teacher attrition, teacher diversity, and employment trends to be included in a  
14 state comprehensive data and information system and periodically report data  
15 to the appropriate Interim Joint Committee on Education;
  - 16 (j) Submit reports to the Governor and the Legislative Research Commission and  
17 inform the public on the status of teaching in Kentucky;
  - 18 (k) Devise a credentialing system that provides alternative routes to gaining  
19 certification and greater flexibility in staffing local schools while maintaining  
20 standards for teacher competence;
  - 21 (l) Develop a professional code of ethics;
  - 22 (m) Charge reasonable fees for the issuance, reissuance, and renewal of  
23 certificates that are established by administrative regulation. The proceeds  
24 shall be used to meet a portion of the costs of the issuance, reissuance, and  
25 renewal of certificates, and the costs associated with disciplinary action  
26 against a certificate holder under KRS 161.120;
  - 27 (n) Waive a requirement that may be established in an administrative regulation

1 promulgated by the board. A request for a waiver shall be submitted to the  
2 board, in writing, by an applicant for certification, a postsecondary institution,  
3 or a superintendent of a local school district, with appropriate justification for  
4 the waiver. The board may approve the request if the person or institution  
5 seeking the waiver has demonstrated extraordinary circumstances justifying  
6 the waiver. Any waiver granted under this subsection shall be subject to  
7 revocation if the person or institution falsifies information or subsequently  
8 fails to meet the intent of the waiver;

- (q) Employ consultants as needed;
  - (r) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
  - (s) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
  - (t) Issue orders as necessary in any administrative action before the board.

(2) (a) The board shall be composed of seventeen (17) members. The secretary of the Education and Labor Cabinet and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:

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

(b) The members appointed by the Governor shall be confirmed by the Senate under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at

1                   an intervening extraordinary session if the matter is included in the call of the  
2                   General Assembly.

- 3 (c) Each appointed member shall serve a three (3) year term. A vacancy on the
  - 4 board shall be filled in the same manner as the original appointment within
  - 5 sixty (60) days after it occurs. A member shall continue to serve until his or
  - 6 her successor is named. Any member who, through change of employment
  - 7 status or residence, or for other reasons, no longer meets the criteria for the
  - 8 position to which he or she was appointed shall no longer be eligible to serve
  - 9 in that position.
  - 10 (d) Members of the board shall serve without compensation but shall be permitted
  - 11 to attend board meetings and perform other board business without loss of
  - 12 income or other benefits.
  - 13 (e) A state agency or any political subdivision of the state, including a school
  - 14 district, required to hire a substitute for a member of the board who is absent
  - 15 from the member's place of employment while performing board business
  - 16 shall be reimbursed by the board for the actual amount of any costs incurred.
  - 17 (f) A chairman shall be elected by and from the membership. A member shall be
  - 18 eligible to serve no more than three (3) one (1) year terms in succession as
  - 19 chairman. Regular meetings shall be held at least semiannually on call of the
  - 20 chairman.
  - 21 (g) The commissioner of education shall serve as executive secretary to the board
  - 22 and may designate staff to facilitate his or her duties.
  - 23 (h) To carry out the functions relating to its duties and responsibilities, the board
  - 24 is empowered to receive donations and grants of funds; to appoint consultants
  - 25 as needed; and to sponsor studies, conduct conferences, and publish
  - 26 information.

27 ➔ Section 2. KRS 161.030 is amended to read as follows:

- 1       (1) Notwithstanding the age of the pupil, the certification of all teachers and other  
2       school personnel, in public schools only, is vested in the Education Professional  
3       Standards Board. When so certified, teachers and other school personnel shall not  
4       be required to have licensure, certification, or other forms of approval from any  
5       other state agency for the performance of their respective assignments within the  
6       system of public schools, except as provided for by law. All certificates authorized  
7       under KRS 161.010 to 161.126 shall be issued in accordance with the  
8       administrative regulations of the Education Professional Standards Board. After  
9       July 15, 1994, all certificate applications and other data collection instruments of  
10      the board shall include a request for voluntary information about the applicant's  
11      ethnic background. This information shall be available to help local school districts  
12      locate minority candidates. A person who holds a certificate prior to this  
13      requirement may request that ethnic information be added to his or her file. Nothing  
14      in this section shall preclude the right of an individual in a nonpublic school from  
15      seeking voluntary certification by the Education Professional Standards Board.
- 16      (2) Certificates shall be issued upon written application and in accordance with statutes  
17      and regulations in effect at the time of application to persons who have completed,  
18      at colleges, universities, or local school district programs approved by the  
19      Education Professional Standards Board for the preparation of teachers and other  
20      school personnel, the curricula prescribed by the administrative regulations of the  
21      Education Professional Standards Board.
- 22      (3) (a) 1. Certification of all new teachers and teachers seeking additional  
23      certification shall require the successful completion of appropriate  
24      assessments prior to certification. The assessments shall be selected by  
25      the Education Professional Standards Board and shall measure  
26      knowledge in the specific teaching field of the applicant, including  
27      content of the field and teaching of that content. The Education

1 Professional Standards Board shall determine the minimum acceptable  
2 level of achievement on each assessment. The assessments shall  
3 measure those concepts, ideas, and facts which are being taught in  
4 teacher education programs in Kentucky. Upon successful completion of  
5 the assessments and the approved teacher preparation program, a  
6 professional certificate valid for five (5) years shall be issued.

7 **2. Beginning July 1, 2027, the assessments required for applicants in**  
8 **each certification selected by the Education Professional Standards**  
9 **Board shall be limited to:**

10 **a. The academic content area or areas in which an applicant is**  
11 **seeking certification; and**

12 **b. Pedagogy or professional knowledge necessary for effective**  
13 **instruction.**

14 **The assessments selected shall be narrowly tailored to ensure**  
15 **academic achievement and competency in the relevant content area**  
16 **and instructional practice.**

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

- 1                   regulations to establish the standards and procedures for issuance of a  
2                   conditional certificate.
- 3                   (c) If an out-of-state teacher with less than two (2) years' experience comes to  
4                   Kentucky after the deadline for taking the assessments, a temporary certificate  
5                   may be issued for a period up to six (6) months. The teacher shall take the  
6                   assessments during the period of the temporary certificate. If the teacher fails  
7                   the assessments, the temporary certificate shall be valid only for the current  
8                   semester. If the teacher passes the assessments, a professional certificate valid  
9                   for five (5) years shall be issued.
- 10                  (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of  
11                  the administration of the assessments shall be established by the Education  
12                  Professional Standards Board. Provisions shall be made for persons having less than  
13                  minimum levels of performance on any assessment to repeat that assessment, and  
14                  candidates shall be informed of their strengths and weaknesses in the specific  
15                  performance areas. The Education Professional Standards Board shall provide for  
16                  confidentiality of the individual assessment scores. Scores shall be available only to  
17                  the candidate and to the education officials who are responsible for determining  
18                  whether established certification standards have been met. Scores shall be used only  
19                  in the assessment for certification of new teachers and of out-of-state teachers with  
20                  less than two (2) years of teaching experience who are seeking initial certification  
21                  in Kentucky.
- 22                  (5) If an applicant establishes eligibility for a five (5) year professional certificate under  
23                  the provisions of subsection (3)(a) of this section, the applicant shall also be eligible  
24                  for the issuance of a certificate for substitute teaching as provided by the  
25                  administrative regulations of the Education Professional Standards Board.
- 26                  (6) (a) The Education Professional Standards Board shall issue a ten (10) year  
27                  emeritus certificate to an applicant who has:

1. Retired or will retire not more than one (1) year prior to the expiration  
2 date of the certificate;
  3. Met the requirements to receive an emeritus certificate as set forth in  
4 administrative regulation promulgated by the Education Professional  
5 Standards Board; and
  6. Completed the required application unless the provisions of KRS  
7 161.120 apply.

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

  - 10 1. Whose certificate has expired;
  - 11 2. Whose rank upon expiration was Rank I or Rank II;
  - 12 3. Who has met the requirements to receive an exception certificate as set  
13 forth in administrative regulation promulgated by the Education  
14 Professional Standards Board;
  - 15 4. Who completed three (3) years of classroom instruction prior to the  
16 certificate's expiration; and
  - 17 5. Who has completed the required application unless the provisions of  
18 KRS 161.120 apply.

19 (7) The Education Professional Standards Board shall approve the curricula of any  
20 college or university, or of any department thereof, for the training of teachers, and  
21 any nontraditional or alternative teacher preparation program offered in a public or  
22 private postsecondary education institution, private contractor, or state agency, and  
23 shall also approve the curricula of any local district alternative certification  
24 program, when the curricula comply with the administrative regulations of the  
25 Education Professional Standards Board for the issuance of certificates and when  
26 the institution has met the terms and conditions provided in KRS 161.010 to  
27 161.120. Any student who has completed any of these curricula, as approved by the

- 1        Education Professional Standards Board, and who has completed the prescribed  
2        requirements for the issuance of certificates shall be granted a certificate  
3        corresponding to the curricula completed.
- 4        (8) The issuance of any certificate, except emergency certificates issued pursuant to  
5        KRS 161.100, by the Education Professional Standards Board shall not be  
6        dependent upon an offer of employment. The certification process, except for  
7        emergency certificates, is independent of any job prospects and certification shall  
8        be awarded on the basis of completing a teacher preparation program or an  
9        alternative certification pathway and passing required assessments.