

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) ***1.*** 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. Not require achieving a minimum composite or component score***
16 ***on any assessment, including but not limited to a summative***
17 ***assessment, as a:***

18 ***i. Condition of admission to a program;***

19 ***ii. Barrier to enrollment, continuation, or progression within***
20 ***a program; or***

21 ***iii. Requirement for clinical placement, student-teaching, or***
22 ***other field-based experience;***

23 ***b. Require an applicant for an undergraduate initial certification***
24 ***program to complete and submit:***

25 ***i. At the time of initial application, verification that the***
26 ***candidate has completed a formative basic skills assessment***
27 ***selected by the Education Professional Standards Board***

1 and required by the college or university; and

2 ii. After an applicant has been admitted but prior to the first
3 day of attendance, the results of the formative basic skills
4 assessment taken in accordance with subpart i. of this
5 subdivision, which shall be used by the college or university
6 solely as a formative diagnostic assessment to determine
7 areas where a candidate may require academic support,
8 remediation, or supplemental instruction; and

9 c. Require program policy, for a candidate that is required to
10 complete a formative basic skills assessment selected by the
11 Education Professional Standards Board pursuant to subdivision
12 b. of this subparagraph, that:

13 i. Ensures that a candidate completes assessment prior to
14 initial application;

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

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

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

26 2. College or university programs may be approved by the board for a
27 college or university with regional institutional level accreditation or

1 national institutional level accreditation that is recognized by the United
2 States Department of Education and is eligible to receive federal funding
3 under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect
4 national standards and shall address, at a minimum, the following:

5 a.~~[1.]~~ The alignment of programs with the state's core content for
6 assessment as defined in KRS 158.6457;

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

9 c.~~[3.]~~ Emphasis on subject matter competency of teacher education
10 students;

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

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

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

17 g.~~[7.]~~ The diversity of faculty;

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

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

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

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

27 (e) Discontinue approval of programs that do not meet standards or whose

- 1 graduates do not perform according to criteria set by the board;
- 2 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 3 probationary or supervisory conditions upon; issue a written reprimand or
- 4 admonishment; or any combination of actions regarding any certificate;
- 5 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
- 6 misconduct by an employee certified by the Education Professional Standards
- 7 Board. The guidelines shall include investigation, inquiry, and hearing
- 8 procedures which ensure the process does not revictimize the alleged victim
- 9 or cause harm if an employee is falsely accused;
- 10 (h) Receive, along with investigators hired by the Education Professional
- 11 Standards Board, training on the dynamics of sexual misconduct of
- 12 professionals, including the nature of this abuse of authority, characteristics of
- 13 the offender, the impact on the victim, the possibility and the impact of false
- 14 accusations, investigative procedures in sex offense cases, and effective
- 15 intervention with victims and offenders;
- 16 (i) Recommend to the Kentucky Board of Education the essential data elements
- 17 relating to teacher preparation and certification, teacher supply and demand,
- 18 teacher attrition, teacher diversity, and employment trends to be included in a
- 19 state comprehensive data and information system and periodically report data
- 20 to the appropriate Interim Joint Committee on Education;
- 21 (j) Submit reports to the Governor and the Legislative Research Commission and
- 22 inform the public on the status of teaching in Kentucky;
- 23 (k) Devise a credentialing system that provides alternative routes to gaining
- 24 certification and greater flexibility in staffing local schools while maintaining
- 25 standards for teacher competence;
- 26 (l) Develop a professional code of ethics;
- 27 (m) Charge reasonable fees for the issuance, reissuance, and renewal of

1 certificates that are established by administrative regulation. The proceeds
2 shall be used to meet a portion of the costs of the issuance, reissuance, and
3 renewal of certificates, and the costs associated with disciplinary action
4 against a certificate holder under KRS 161.120;

5 (n) Waive a requirement that may be established in an administrative regulation
6 promulgated by the board. A request for a waiver shall be submitted to the
7 board, in writing, by an applicant for certification, a postsecondary institution,
8 or a superintendent of a local school district, with appropriate justification for
9 the waiver. The board may approve the request if the person or institution
10 seeking the waiver has demonstrated extraordinary circumstances justifying
11 the waiver. Any waiver granted under this subsection shall be subject to
12 revocation if the person or institution falsifies information or subsequently
13 fails to meet the intent of the waiver;

14 (o) Promote the development of one (1) or more innovative, nontraditional or
15 alternative administrator or teacher preparation programs through public or
16 private colleges or universities, private contractors, the Department of
17 Education, or the Kentucky Commonwealth Virtual University and waive
18 administrative regulations if needed in order to implement the program;

19 (p) Grant approval, if appropriate, of a university's request for an alternative
20 program that enrolls an administrator candidate in a postbaccalaureate
21 administrator preparation program concurrently with employment as an
22 assistant principal, principal, assistant superintendent, or superintendent in a
23 local school district. An administrator candidate in the alternative program
24 shall be granted a temporary provisional certificate and shall be a candidate in
25 the Kentucky Principal Internship Program, notwithstanding provisions of
26 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
27 provisions of KRS 156.111, as appropriate. The temporary certificate shall be

- 1 valid for a maximum of two (2) years, and shall be contingent upon the
2 candidate's continued enrollment in the preparation program and compliance
3 with all requirements established by the board. A professional certificate shall
4 be issued upon the candidate's successful completion of the program,
5 internship requirements, and assessments as required by the board;
- 6 (q) Employ consultants as needed;
- 7 (r) Enter into contracts. Disbursements to professional educators who receive less
8 than one thousand dollars (\$1,000) in compensation per fiscal year from the
9 board for serving on an assessment validation panel or as a test scorer or
10 proctor shall not be subject to KRS 45A.690 to 45A.725;
- 11 (s) Sponsor studies, conduct research, conduct conferences, and publish
12 information as appropriate; and
- 13 (t) Issue orders as necessary in any administrative action before the board.
- 14 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the
15 Education and Labor Cabinet and the president of the Council on
16 Postsecondary Education, or their designees, shall serve as ex officio voting
17 members. The Governor shall make the following fifteen (15) appointments:
- 18 1. Nine (9) members who shall be teachers representative of elementary,
19 middle or junior high, secondary, special education, and secondary
20 vocational classrooms;
- 21 2. Two (2) members who shall be school administrators, one (1) of whom
22 shall be a school principal;
- 23 3. One (1) member representative of local boards of education; and
- 24 4. Three (3) members representative of postsecondary institutions, two (2)
25 of whom shall be deans of colleges of education at public universities
26 and one (1) of whom shall be the chief academic officer or head of an
27 educator preparation program of an independent not-for-profit college or

1 university.

2 (b) The members appointed by the Governor shall be confirmed by the Senate
3 under KRS 11.160. If the General Assembly is not in session at the time of the
4 appointment, persons appointed shall serve prior to confirmation, but the
5 Governor shall seek the consent of the Senate at the next regular session or at
6 an intervening extraordinary session if the matter is included in the call of the
7 General Assembly.

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

15 (d) Members of the board shall serve without compensation but shall be permitted
16 to attend board meetings and perform other board business without loss of
17 income or other benefits.

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

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

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

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

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

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

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

27 (3) (a) 1. Certification of all new teachers and teachers seeking additional

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

12 **2. Beginning July 1, 2027, the academic content assessments required**
13 **for applicants in each certification selected by the Education**
14 **Professional Standards Board shall be limited to the academic content**
15 **area or areas in which an applicant is seeking certification. The**
16 **academic content assessments selected shall be narrowly tailored to**
17 **ensure academic achievement and competency of an applicant in the**
18 **academic content area the applicant is seeking certification.**

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

1 assessments, a professional certificate valid for five (5) years shall be issued.
2 The Education Professional Standards Board shall promulgate administrative
3 regulations to establish the standards and procedures for issuance of a
4 conditional certificate.

5 (c) If an out-of-state teacher with less than two (2) years' experience comes to
6 Kentucky after the deadline for taking the assessments, a temporary certificate
7 may be issued for a period up to six (6) months. The teacher shall take the
8 assessments during the period of the temporary certificate. If the teacher fails
9 the assessments, the temporary certificate shall be valid only for the current
10 semester. If the teacher passes the assessments, a professional certificate valid
11 for five (5) years shall be issued.

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

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

- 1 (6) (a) The Education Professional Standards Board shall issue a ten (10) year
2 emeritus certificate to an applicant who has:
- 3 1. Retired or will retire not more than one (1) year prior to the expiration
4 date of the certificate;
 - 5 2. Met the requirements to receive an emeritus certificate as set forth in
6 administrative regulation promulgated by the Education Professional
7 Standards Board; and
 - 8 3. Completed the required application unless the provisions of KRS
9 161.120 apply.
- 10 (b) The Education Professional Standards Board shall issue a one (1) time five (5)
11 year exception certificate to an individual:
- 12 1. Whose certificate has expired;
 - 13 2. Whose rank upon expiration was Rank I or Rank II;
 - 14 3. Who has met the requirements to receive an exception certificate as set
15 forth in administrative regulation promulgated by the Education
16 Professional Standards Board;
 - 17 4. Who completed three (3) years of classroom instruction prior to the
18 certificate's expiration; and
 - 19 5. Who has completed the required application unless the provisions of
20 KRS 161.120 apply.
- 21 (7) The Education Professional Standards Board shall approve the curricula of any
22 college or university, or of any department thereof, for the training of teachers, and
23 any nontraditional or alternative teacher preparation program offered in a public or
24 private postsecondary education institution, private contractor, or state agency, and
25 shall also approve the curricula of any local district alternative certification
26 program, when the curricula comply with the administrative regulations of the
27 Education Professional Standards Board for the issuance of certificates and when

1 the institution has met the terms and conditions provided in KRS 161.010 to
2 161.120. Any student who has completed any of these curricula, as approved by the
3 Education Professional Standards Board, and who has completed the prescribed
4 requirements for the issuance of certificates shall be granted a certificate
5 corresponding to the curricula completed.

6 (8) The issuance of any certificate, except emergency certificates issued pursuant to
7 KRS 161.100, by the Education Professional Standards Board shall not be
8 dependent upon an offer of employment. The certification process, except for
9 emergency certificates, is independent of any job prospects and certification shall
10 be awarded on the basis of completing a teacher preparation program or an
11 alternative certification pathway and passing required assessments.