

1 AN ACT relating to the Kentucky Educator Placement Service System.

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, **and the costs associated with**
16 **the development and maintenance of the Kentucky Educator Placement**
17 **Service System required under Section 2 of this Act;**
- 18 (n) Waive a requirement that may be established in an administrative regulation
19 promulgated by the board. A request for a waiver shall be submitted to the
20 board, in writing, by an applicant for certification, a postsecondary institution,
21 or a superintendent of a local school district, with appropriate justification for
22 the waiver. The board may approve the request if the person or institution
23 seeking the waiver has demonstrated extraordinary circumstances justifying
24 the waiver. Any waiver granted under this subsection shall be subject to
25 revocation if the person or institution falsifies information or subsequently
26 fails to meet the intent of the waiver;
- 27 (o) Promote the development of one (1) or more innovative, nontraditional or

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

1 Education and Labor Cabinet and the president of the Council on
2 Postsecondary Education, or their designees, shall serve as ex officio voting
3 members. The Governor shall make the following fifteen (15) appointments:

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

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

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

- 1 (d) Members of the board shall serve without compensation but shall be permitted
 2 to attend board meetings and perform other board business without loss of
 3 income or other benefits.
- 4 (e) A state agency or any political subdivision of the state, including a school
 5 district, required to hire a substitute for a member of the board who is absent
 6 from the member's place of employment while performing board business
 7 shall be reimbursed by the board for the actual amount of any costs incurred.
- 8 (f) A chairman shall be elected by and from the membership. A member shall be
 9 eligible to serve no more than three (3) one (1) year terms in succession as
 10 chairman. Regular meetings shall be held at least semiannually on call of the
 11 chairman.
- 12 (g) The commissioner of education shall serve as executive secretary to the board
 13 and may designate staff to facilitate his or her duties.
- 14 (h) To carry out the functions relating to its duties and responsibilities, the board
 15 is empowered to receive donations and grants of funds; to appoint consultants
 16 as needed; and to sponsor studies, conduct conferences, and publish
 17 information.

18 ➔Section 2. KRS 160.152 is amended to read as follows:

- 19 (1) As used in~~For purposes of~~ this section, "Kentucky Educator Placement Service
 20 System" or "system" means the online statewide job posting system operated by the
 21 Kentucky Department of Education for vacancies at, and applications to, local
 22 school districts and public charter schools.
- 23 (2) The Kentucky Department of Education shall ensure that the Kentucky Educator
 24 Placement Service System:
- 25 (a) Is accessible through the department's website;
- 26 (b) Includes a mechanism for local school districts and public charter schools to
 27 electronically post~~submit~~ job openings ~~for posting~~ on the system as

- 1 provided in subsection (4) of this section;
- 2 (c) Allows the public to review job postings;
- 3 (d) Allows potential applicants to **create one (1) or more universal applications**
4 **and** electronically submit applications and relevant application materials **to**
5 **multiple local school districts or public charter schools**; and
- 6 (e) Permits school districts and public charter schools to access, review, and
7 download applications and application materials.
- 8 (3) Each job posting for a vacancy at a school district or public charter school shall
9 include the school district's or public charter school's policy against discrimination
10 in employment.
- 11 (4) School districts and public charter schools shall electronically ~~post~~^{submit} all job
12 ~~openings~~^{postings} to the system. All postings must include an opening and closing
13 date for each position posted.
- 14 (5) The Kentucky Department of Education shall operate and maintain the system to
15 ensure that job postings are current, including tracking each unique position posted,
16 monitoring for repeated position postings, and removing outdated postings, and to
17 collect accurate data about employment in public schools.
- 18 (6) Nothing in this section shall:
- 19 (a) Prohibit a school district or public charter school from advertising job
20 openings and recruiting employees independently from the system;
- 21 (b) Prohibit a school district or public charter school from using another method
22 of advertising job openings or another applicant tracking system in addition to
23 the system;
- 24 (c) Require all job applications for posted vacancies to be submitted digitally or
25 only be submitted through the system; or
- 26 (d) Provide the Kentucky Department of Education with any regulatory authority
27 in the hiring process or hiring decisions of any school district or public charter

- 1 school.
- 2 (7) The Kentucky Department of Education shall prepare a report detailing data from
3 the system and its implication for the status of employment in public schools,
4 including but not limited to the number and type of unique and duplicated job
5 postings, how often postings are viewed by the public, and positions that are
6 remaining vacant by type, certification requirement, and location. The report shall
7 be submitted to the *Legislative Research Commission for referral to the* Interim
8 Joint Committee on Education by October 1, 2023, and annually thereafter.