

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 common 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 instruments
13 of the board shall include a request for voluntary information about the applicant's
14 ethnic background. This information shall be available to help local school districts
15 locate minority candidates. A person who holds a certificate prior to this
16 requirement may request that ethnic information be added to his or her file. Nothing
17 in this section shall preclude the right of an individual in a nonpublic school from
18 seeking voluntary certification by the Education Professional Standards Board.
- 19 (2) Certificates shall be issued upon written application and in accordance with statutes
20 and regulations in effect at the time of application to persons who have completed,
21 at colleges, universities, or local school district programs approved by the
22 Education Professional Standards Board for the preparation of teachers and other
23 school personnel, the curricula prescribed by the administrative regulations of the
24 Education Professional Standards Board.
- 25 (3) (a) Certification of all new teachers and teachers seeking additional certification
26 shall require the successful completion of appropriate assessments prior to
27 certification. The assessments shall be selected by the Education Professional

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

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

25 (c) If an out-of-state teacher with less than two (2) years' experience comes to
26 Kentucky after the deadline for taking the assessments, a temporary certificate
27 may be issued for a period up to six (6) months provided the local board

1 cannot fill the vacant position with a certified teacher. The teacher shall take
2 the assessments if they are administered during the period of the temporary
3 certificate. The certificate shall be extended for the remainder of the year if
4 the teacher successfully completes the assessments. If the teacher fails the
5 assessments, the temporary certificate shall be valid only for the current
6 semester.

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

19 (5) Except as provided in subsection (3)(b) of this section, all new teachers and out-of-
20 state teachers with less than two (2) years of successful teaching experience who
21 are seeking initial certification in Kentucky shall serve a one (1) year internship.
22 The teacher shall be a full-time employee or shall have an annual contract and serve
23 on at least a half-time basis and shall have supervision, assistance, and assessment
24 during the one (1) year internship. The internship may be served in a public school
25 or a nonpublic school which meets the state performance standards as established in
26 KRS 156.160 or which has been accredited by a regional or national accrediting
27 association. Successful completion shall be determined by a majority vote of the

1 beginning teacher committee. The internship period shall be counted as experience
2 for the purpose of continuing contract status, retirement eligibility, and benefits for
3 single salary experience increments. Upon successful completion of the beginning
4 teacher program, the one (1) year initial teaching certificate shall be extended for
5 the remainder of the usual duration period established for that particular certificate
6 by Education Professional Standards Board administrative regulations.

7 (6) The beginning teacher committee shall be composed of three (3) persons who have
8 successfully completed special training in the supervision and assessment of the
9 performance of beginning teachers as provided in subsection (8) of this section,
10 except as provided in paragraph (g) of this subsection. The committee shall consist
11 of a resource teacher, the school principal of the school where the internship is
12 served, and a teacher educator appointed by a state-approved teacher training
13 institution.

14 (a) If more than two (2) teacher interns are employed in the same school, the
15 principal's responsibility may be shared with an assistant principal who holds
16 certification as a principal.

17 (b) In unusual situations, the Education Professional Standards Board may permit
18 the assistant principal to serve in lieu of the principal on a beginning teacher
19 committee.

20 (c) If the teacher training institution is unable to provide a member, the district
21 superintendent shall appoint an instructional supervisor from the school
22 district.

23 (d) If the intern is teaching in a regionally or nationally accredited nonpublic
24 school without a principal, the person filling the principal member position
25 may have other appropriate qualifications as required by administrative
26 regulations promulgated by the Education Professional Standards Board.

27 (e) If the teacher training institution is unable to provide a member to serve on the

1 beginning teacher committee in a nonpublic school, the chief officer of the
2 school shall appoint an instructional supervisor or a teacher with like
3 qualifications and responsibilities to serve on the beginning teacher committee
4 in lieu of the teacher educator.

5 (f) The resource teacher shall be appointed by the Education Professional
6 Standards Board with recommendations from the local school district from a
7 pool of qualified resource teachers, and, any statutes to the contrary
8 notwithstanding and to the extent of available appropriations, shall be entitled
9 to be paid a reasonable stipend by the Education Professional Standards Board
10 for work done outside normal working hours. In the case of a resource teacher
11 in a nonpublic school, payment shall be made directly to the resource teacher
12 by the Education Professional Standards Board. Priority shall be given to
13 resource teachers in the following order, except as provided in paragraph (g)
14 of this subsection:

- 15 1. Teachers with the same certification in the same school;
- 16 2. Teachers with the same certification in the same district;
- 17 3. Teachers in the same school;
- 18 4. Teachers in the same district; and
- 19 5. Teachers in an adjacent school district.

20 (g) 1. The resource teacher for an individual pursuing initial certification as a
21 baccalaureate level teacher of exceptional children/communication
22 disorders shall be a master's level teacher of exceptional
23 children/communication disorders, if one is available.

- 24 2. If a master's level teacher of exceptional children/communication
25 disorders is not available, the Education Professional Standards Board
26 may allow a licensed speech-language pathologist to serve on the
27 beginning teacher committee in lieu of a resource teacher.

- 1 (h) The committee shall meet with the beginning teacher a minimum of three (3)
2 times per year for evaluation and recommendation with all committee
3 members present. In addition, each member of the committee shall observe
4 the beginning teacher in the classroom a minimum of three (3) times per year.
5 If the teacher's first year performance is judged by the committee to be less
6 than satisfactory, the teacher shall be provided with an opportunity to repeat
7 the internship one (1) time if the teacher is employed by a school district.
- 8 (7) The resource teacher shall spend a minimum of seventy (70) hours working with
9 the beginning teacher. Twenty (20) of these hours shall be in the classroom setting,
10 and fifty (50) of these hours shall be in consultation other than class time or
11 attending assessment meetings. The resource teacher shall have completed at least
12 four (4) years of successful teaching experience as attested to by his or her
13 immediate supervisor or by having achieved tenure and be able to show evidence of
14 continuing professional development by having achieved a master's degree or its
15 equivalent or the accumulation of two thousand (2,000) hours of continuing
16 professional activities.
- 17 (8) By contract with teacher education institutions in the Commonwealth, the
18 Education Professional Standards Board shall provide special training for persons
19 who will be serving on the beginning teacher committees. Completion of special
20 training shall be evidenced by successfully passing the assessments as prescribed by
21 the Education Professional Standards Board. A principal hired after July 15, 1996,
22 shall be required to complete the beginning teacher committee training program
23 within one (1) year after his or her appointment.
- 24 (9) If an applicant establishes eligibility for a one (1) year certificate under the
25 provisions of subsection (3)(a) of this section, but does not become employed on
26 the basis needed to satisfy the one (1) year internship requirement, the applicant
27 shall be eligible for the issuance of a certificate for substitute teaching as provided

1 by the administrative regulations of the Education Professional Standards Board.
2 The applicant shall remain eligible for the one (1) year certificate, as provided in
3 subsection (3)(a) of this section, and for the opportunity to serve the internship for a
4 period of five (5) years after establishing eligibility. If the internship is not
5 completed within the five (5) year period, the applicant must reestablish eligibility
6 by repeating and passing the assessment program in effect for new teachers at that
7 time or by completing a minimum of six (6) graduate hours toward completion of a
8 graduate program required by administrative regulations promulgated by the
9 Education Professional Standards Board. The option for renewal through
10 completion of graduate hours shall be available only for the first reestablishment of
11 eligibility.

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

- 14 1. Retired or will retire not more than one (1) year prior to the expiration
15 date of the certificate;
- 16 2. Met the requirements to receive an emeritus certificate as set forth in
17 administrative regulation promulgated by the Education Professional
18 Standards Board; and
- 19 3. Completed the required application unless the provisions of KRS
20 161.120 apply.

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

- 23 1. Whose certificate has expired;
- 24 2. Whose rank upon expiration was Rank I or Rank II;
- 25 3. Who has met the requirements to receive an exception certificate as set
26 forth in administrative regulation promulgated by the Education
27 Professional Standards Board;

- 1 4. Who completed three (3) years of classroom instruction prior to the
2 certificate's expiration; and
- 3 5. Who has completed the required application unless the provisions of
4 KRS 161.120 apply.

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

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

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

- 19 (1) "Cabinet" means the Cabinet for Health and Family Services;
- 20 (2) "Secretary" means secretary for health and family services;
- 21 (3) "Child-care center" means any child-care center that provides full- or part-time
22 care, day or night, to four (4) or more children in a nonresidential setting who are
23 not the children, grandchildren, nieces, nephews, or children in legal custody of the
24 operator. "Child-care center" shall not include any child-care facility operated by a
25 religious organization while religious services are being conducted,~~[or]~~ a youth
26 development agency, or a learning pod. For the purposes of this
27 subsection~~[section]~~, "youth development agency" means a program with tax-

1 exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously
 2 throughout the year as an outside-school-hours center for youth who are six (6)
 3 years of age or older, and for which there are no fee or scheduled-care arrangements
 4 with the parent or guardian of the youth served;

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

6 (5) "Family child-care home" means a private home that is the primary residence of an
 7 individual who provides full or part-time care day or night for six (6) or fewer
 8 children who are not the children, siblings, stepchildren, grandchildren, nieces,
 9 nephews, or children in legal custody of the provider. **"Family child-care home"**
 10 **shall not include a learning pod; and**

11 **(6) "Learning pod" means a private arrangement among a group of parents to group**
 12 **not more than twelve (12) children, regardless of time or place, or whether**
 13 **payment is made for any services, to provide education support to their children**
 14 **in kindergarten through grade twelve (12) who are enrolled in a public or private**
 15 **school and conducting instructional activities remotely.**

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

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

18 (1) Public school districts or programs sponsored by the school district;

19 (2) Private schools;

20 (3) Child-care centers, child-caring and child-placing agencies; family child-care
 21 homes; and foster care, relative caregiver services or adoptive homes otherwise
 22 governed by KRS Chapter 199;~~or~~

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

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