

AN ACT relating to educational professional standards.

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

➔Section 1. KRS 7.410 is amended to read as follows:

- (1) It is the intent of the General Assembly to provide an efficient system of common schools which shall be operated without waste, duplication, mismanagement, and political influence. The system of schools shall have the goal of providing all students with at least the seven (7) capacities referred to in KRS 158.645.
- (2)
 - (a) An Office of Education Accountability is hereby created and shall be under the direction of the Legislative Research Commission and shall be advised and monitored by the Education Assessment and Accountability Review Subcommittee.
 - (b) The Office of Education Accountability shall be administered by a deputy director appointed by the Legislative Research Commission upon recommendation of the director of the Legislative Research Commission. The deputy director shall have the qualifications set by the Commission. The salary of the deputy director shall be set by the Commission. The Commission shall have exclusive jurisdiction over the employment of personnel necessary to carry out the provisions of this section. The deputy director shall be subject to the direction of and report to the director of the Legislative Research Commission.
 - (c) The Office of Education Accountability shall have the following duties and responsibilities:
 1. Monitor the elementary and secondary public education system, including actions taken and reports issued by the Kentucky Board of Education, ~~[the Education Professional Standards Board,]~~ the commissioner of education, the Department of Education, and local school districts. Upon and under the direction of the Education

Assessment and Accountability Review Subcommittee, the monitoring of the elementary and secondary public education system shall also include periodic reviews of local district and school-based decision making policies relating to the recruitment, interviewing, selection, evaluation, termination, or promotion of personnel. The office shall report any district or school when evidence demonstrates a pattern of exclusionary personnel practices relating to race or sex to the Kentucky Department of Education, which shall then independently investigate facts raised in or associated with the report. The results of the investigation conducted by the department shall be forwarded to the Kentucky Board of Education which shall conduct an investigative hearing on the matter.

2. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, review the elementary and secondary public education finance system. The review shall include an analysis of the level of equity achieved by the funding system and whether adequate funds are available to all school districts and an analysis of the weights of various education program components developed by the Department of Education. The review may also include recommendations for the base per pupil funding for the Support Education Excellence in Kentucky Program and a statewide salary schedule, and studies of other finance issues identified by the Education Assessment and Accountability Review Subcommittee.
3. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, verify the accuracy of reports of school, district, and state performance by conducting, requesting, or upon approval of the Legislative Research Commission, contracting for

periodic program and fiscal audits. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability shall monitor and verify the accuracy of reports of the Department of Education and the Kentucky Board of Education, including but not limited to the annual fiscal conditions of grants, categorical programs, and other educational initiatives set forth by the General Assembly.

4. Investigate allegations of wrongdoing of any person or agency, including but not limited to waste, duplication, mismanagement, political influence, and illegal activity at the state, regional, or school district level; make appropriate referrals to other agencies with jurisdiction over those allegations; and make recommendations for legislative action to the Education Assessment and Accountability Review Subcommittee. Upon acceptance by the subcommittee, recommendations for legislative action shall be forwarded to the Legislative Research Commission. The Office of Education Accountability shall submit to the subcommittee, for each of its regular meetings, a report that summarizes investigative activity initiated pursuant to this subparagraph. The subcommittee may consider each report as it determines and in its discretion. Each report, and the consideration thereof by the subcommittee, shall be exempt from the open records and open meetings requirements contained in KRS Chapter 61.
5. Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, conduct studies, analyze, verify, and validate the state assessment program through other external indicators of academic progress including but not limited to American College Test scores, Scholastic Assessment Test scores, National

Assessment of Educational Progress scores, Preliminary Scholastic Assessment Test scores, Advanced Placement Program participation, standardized test scores, college remediation rates, retention and attendance rates, dropout rates, and additional available data on the efficiency of the system of schools and whether progress is being made toward attaining the goal of providing students with the seven (7) capacities as required by KRS 158.645.

6. Make periodic reports to the Education Assessment and Accountability Review Subcommittee as directed by the subcommittee. Upon acceptance by the subcommittee, the reports shall be forwarded to the Legislative Research Commission.
 7. Make periodic reports to the Legislative Research Commission as may be directed by the Commission.
 8. Prepare an annual report, which shall consist of a summary of the status and results of the current year annual research agenda provided in paragraph (d) of this subsection, a summary of completed investigative activity conducted pursuant to subparagraph 4. of this paragraph, and other items of significance as determined by the Education Assessment and Accountability Review Subcommittee. The annual report shall be submitted to the Education Assessment and Accountability Review Subcommittee. Upon acceptance by the subcommittee, the annual report shall be submitted to the Governor, the Legislative Research Commission, and the Kentucky Board of Education.
- (d) On or before December 1 of each calendar year, the Education Assessment and Accountability Review Subcommittee shall adopt the annual research agenda for the Office of Education Accountability. The annual research agenda may include studies, research, and investigations considered to be

significant by the Education Assessment and Accountability Review Subcommittee. Staff of the Office of Education Accountability shall prepare a suggested list of study and research topics related to elementary and secondary public education for consideration by the Education Assessment and Accountability Review Subcommittee in the development of the annual research agenda. An adopted annual research agenda shall be amended to include any studies mandated by the next succeeding General Assembly for completion by the Office of Education Accountability.

- (e) The Office of Education Accountability shall have access to all public records and information on oath as provided in KRS 7.110. The office shall also have access to otherwise confidential records, meetings, and hearings regarding local school district personnel matters. However, the office shall not disclose any information contained in or derived from the records, meetings, and hearings that would enable the discovery of the specific identification of any individual who is the focus or subject of the personnel matter.
- (f) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and Administration Cabinet and the Governor's Office for Policy and Management shall provide to the Office of Education Accountability access to all information and records, other than preliminary work papers, relating to allotment of funds, whether by usual allotment or by other means, to the Department of Education, local school districts, and to other recipients of funds for educational purposes.
- (g) Any state agency receiving a complaint or information which, if accurate, may identify a violation of the Kentucky Education Reform Act of 1990, 1990 Ky. Acts ch. 476, shall notify the office of the complaint or information.
- (h) The Office of Education Accountability may contract for services as approved by the Legislative Research Commission pursuant to KRS 7.090(8).

- (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992 Regular Session of the General Assembly to the contrary notwithstanding, the testimony of investigators, work products, and records of the Office of Education Accountability relating to duties and responsibilities under subsection (2) of this section shall be privileged and confidential during the course of an ongoing investigation or until authorized, released, or otherwise made public by the Office of Education Accountability and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power.

→Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.
 - (a) Secretary of State.

- (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
 - (7) Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Management and Administrative Services.
 - (m) Department for Public Advocacy.
 - (2) Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.

1. Governor's Scholars Program.
- (b) Office of Legal and Legislative Services.
 1. Client Assistance Program.
- (c) Office of Communication.
- (d) Office of Budget and Administration.
 1. Division of Human Resources.
 2. Division of Administrative Services.
- (e) Office of Technology Services.
- (f) Office of Educational Programs.
- (g) Office for Education and Workforce Statistics.
- (h) Board of the Kentucky Center for Education and Workforce Statistics.
- (i) Board of Directors for the Center for School Safety.
- (j) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 - 3. Education Professional Standards Board.**
- (k) Department for Libraries and Archives.
- (l) Department of Workforce Investment.
 1. Office for the Blind.
 2. Office of Vocational Rehabilitation.
 3. Office of Employment and Training.
 - a. Division of Grant Management and Support.
 - b. Division of Workforce and Employment Services.
 - c. Division of Unemployment Insurance.
- (m) Foundation for Workforce Development.
- (n) Kentucky Office for the Blind State Rehabilitation Council.
- (o) Kentucky Workforce Investment Board.

- (p) Statewide Council for Vocational Rehabilitation.
 - (q) Statewide Independent Living Council.
 - (r) Unemployment Insurance Commission.
 - (s) ~~Education Professional Standards Board.~~
 - 1. ~~Division of Educator Preparation.~~
 - 2. ~~Division of Certification.~~
 - 3. ~~Division of Professional Learning and Assessment.~~
 - 4. ~~Division of Legal Services.~~
 - ~~(t)~~ Kentucky Commission on the Deaf and Hard of Hearing.
 - ~~(t)~~~~(u)~~ Kentucky Educational Television.
 - ~~(u)~~~~(v)~~ Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
- (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of General Counsel.
 - 3. Office of Administrative Hearings.
 - 4. Mine Safety Review Commission.
 - 5. Kentucky State Nature Preserves Commission.
 - 6. Kentucky Environmental Quality Commission.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.

7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Technical and Administrative Support.
 3. Division of Mine Permits.
 4. Division of Mine Reclamation and Enforcement.
 5. Division of Abandoned Mine Lands.
 6. Division of Oil and Gas.
 7. Division of Mine Safety.
 8. Division of Forestry.
 9. Division of Conservation.
 10. Office of the Reclamation Guaranty Fund.
 11. Kentucky Mining Board.
- (d) Department for Energy Development and Independence.
1. Division of Efficiency and Conservation.
 2. Division of Renewable Energy.
 3. Division of Biofuels.
 4. Division of Energy Generation Transmission and Distribution.
 5. Division of Carbon Management.
 6. Division of Fossil Energy Development.
- (4) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.

- d. Housing, Buildings and Construction Legal Division.
- e. Financial Institutions Legal Division.
- (b) Crime Victims Compensation Board.
- (c) Board of Claims.
- (d) Kentucky Board of Tax Appeals.
- (e) Kentucky Boxing and Wrestling Authority.
- (f) Kentucky Horse Racing Commission.
 - 1. Division of Licensing.
 - 2. Division of Incentives and Development.
 - 3. Division of Veterinary Services.
 - 4. Division of Security and Enforcement.
- (g) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (h) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (i) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (j) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.

- (k) Department of Insurance.
 - 1. Property and Casualty Division.
 - 2. Health and Life Division.
 - 3. Division of Financial Standards and Examination.
 - 4. Division of Agent Licensing.
 - 5. Division of Insurance Fraud Investigation.
 - 6. Consumer Protection Division.
 - 7. Division of Kentucky Access.
- (l) Office of Occupations and Professions.
- (5) Labor Cabinet.
 - (a) Office of the Secretary.
 - 1. Division of Management Services.
 - 2. Office of General Counsel.
 - (b) Office of General Administration and Program Support for Shared Services.
 - 1. Division of Human Resource Management.
 - 2. Division of Fiscal Management.
 - 3. Division of Budgets.
 - 4. Division of Information Services.
 - (c) Office of Inspector General for Shared Services.
 - (d) Department of Workplace Standards.
 - 1. Division of Employment Standards, Apprenticeship, and Mediation.
 - 2. Division of Occupational Safety and Health Compliance.
 - 3. Division of Occupational Safety and Health Education and Training.
 - 4. Division of Workers' Compensation Funds.

- (e) Department of Workers' Claims.
 - 1. Office of General Counsel for Workers' Claims.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Information and Research.
 - 6. Division of Ombudsman and Workers' Compensation Specialist Services.
 - 7. Workers' Compensation Board.
 - 8. Workers' Compensation Advisory Council.
 - 9. Workers' Compensation Nominating Commission.
- (f) Workers' Compensation Funding Commission.
- (g) Kentucky Labor-Management Advisory Council.
- (h) Occupational Safety and Health Standards Board.
- (i) Prevailing Wage Review Board.
- (j) Apprenticeship and Training Council.
- (k) State Labor Relations Board.
- (l) Employers' Mutual Insurance Authority.
- (m) Kentucky Occupational Safety and Health Review Commission.
- (6) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.

- (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business Development.
 - a. Office of Entrepreneurship.
 - i. Commission on Small Business Advocacy.
 - b. Office of Research and Public Affairs.
 - c. Bluegrass State Skills Corporation.
 - 3. Office of Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Division of Finance and Personnel.
 - c. Division of Network Administration.
 - d. Compliance Division.

e. Incentive Assistance Division.

- (8) Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 - (b) Office of Health Policy.
 - (c) Office of Legal Services.
 - (d) Office of Inspector General.
 - (e) Office of Communications and Administrative Review.
 - (f) Office of the Ombudsman.
 - (g) Office of Policy and Budget.
 - (h) Office of Human Resource Management.
 - (i) Office of Administrative and Technology Services.
 - (j) Department for Public Health.
 - (k) Department for Medicaid Services.
 - (l) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (m) Department for Aging and Independent Living.
 - (n) Department for Community Based Services.
 - (o) Department for Income Support.
 - (p) Department for Family Resource Centers and Volunteer Services.
 - (q) Kentucky Commission on Community Volunteerism and Service.
 - (r) Kentucky Commission for Children with Special Health Care Needs.
 - (s) Governor's Office of Electronic Health Information.
- (9) Finance and Administration Cabinet:
- (a) Office of General Counsel.
 - (b) Office of the Controller.
 - (c) Office of Administrative Services.
 - (d) Office of Public Information.

- (e) Office of Policy and Audit.
 - (f) Department for Facilities and Support Services.
 - (g) Department of Revenue.
 - (h) Commonwealth Office of Technology.
 - (i) State Property and Buildings Commission.
 - (j) Office of Equal Employment Opportunity and Contract Compliance.
 - (k) Kentucky Employees Retirement Systems.
 - (l) Commonwealth Credit Union.
 - (m) State Investment Commission.
 - (n) Kentucky Housing Corporation.
 - (o) Kentucky Local Correctional Facilities Construction Authority.
 - (p) Kentucky Turnpike Authority.
 - (q) Historic Properties Advisory Commission.
 - (r) Kentucky Tobacco Settlement Trust Corporation.
 - (s) Kentucky Higher Education Assistance Authority.
 - (t) Kentucky River Authority.
 - (u) Kentucky Teachers' Retirement System Board of Trustees.
 - (v) Executive Branch Ethics Commission.
- (10) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Travel and Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.

4. Division of Facilities Management.
 5. Division of Facilities Maintenance.
 6. Division of Customer Services.
 7. Division of Recreation.
 8. Division of Golf Courses.
 9. Division of Food Services.
 10. Division of Rangers.
 11. Division of Resort Parks.
 12. Division of Recreational Parks and Historic Sites.
- (c) Department of Fish and Wildlife Resources.
1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Public Affairs.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.

6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Research and Administration.
 3. Office of Governmental Relations and Tourism Development.
 4. Office of the Sports Authority.
 5. Kentucky Sports Authority.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Creative Services.
- (k) Office of Capital Plaza Operations.
- (l) Office of Arts and Cultural Heritage.
- (m) Kentucky African-American Heritage Commission.
- (n) Kentucky Foundation for the Arts.
- (o) Kentucky Humanities Council.
- (p) Kentucky Heritage Council.
- (q) Kentucky Arts Council.
- (r) Kentucky Historical Society.

1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (s) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (t) Kentucky Artisans Center at Berea.
- (u) Northern Kentucky Convention Center.
- (v) Eastern Kentucky Exposition Center.
- (11) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity and Equality.
 - (j) Center of Strategic Innovation.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.

- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.

➔Section 3. KRS 12.295 is amended to read as follows:

The following organizational units and administrative bodies shall be governed by their respective substantive chapters as set out below:

- (1) Board of Directors for the Center for School Safety under KRS Chapter 158;
- (2) Council on Postsecondary Education under KRS Chapter 164;
- (3) Department of Education under KRS Chapters 156, 157, 158, 161, 163, and 167;
- ~~(4) Education Professional Standards Board under KRS Chapter 161;~~
- ~~(5)~~ Kentucky Board of Education under KRS Chapters 156 and 157;
- ~~(5)~~~~(6)~~ Kentucky Commission on Deaf and Hard of Hearing under KRS Chapter 163;
- and
- ~~(6)~~~~(7)~~ Kentucky Educational Television under KRS Chapter 168.

➔Section 4. KRS 18A.115 is amended to read as follows:

- (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:
 - (a) The General Assembly and employees of the General Assembly, including the employees of the Legislative Research Commission;
 - (b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;
 - (c) Members of boards and commissions;
 - (d) Officers and employees on the staff of the Governor, the Lieutenant Governor, the Office of the Secretary of the Governor's Cabinet, and the Office of Program Administration;
 - (e) Cabinet secretaries, commissioners, office heads, and the administrative heads

of all boards and commissions, including the executive director of Kentucky Educational Television~~[and the executive director and deputy executive director of the Education Professional Standards Board]~~;

- (f) Employees of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employees for employment, dismissal, and setting of compensation, up to the maximum established for the executive director and his principal assistants;
- (g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;
- (h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the secretary approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the secretary. Effective August 1, 2010:
 - 1. All positions approved under this paragraph prior to August 1, 2010, shall be abolished effective December 31, 2010, unless reapproved under subparagraph 2. of this paragraph; and
 - 2. A position approved under this paragraph on or after August 1, 2010, shall be approved for a period of five (5) years, after which time the position shall be abolished unless reapproved under this subparagraph

for an additional five (5) year period;

- (i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;
- (j) Physicians employed as such;
- (k) One (1) private secretary for each person exempted under subsection (1)(e), (g), and (h) of this section;
- (l) The judicial department, referees, receivers, jurors, and notaries public;
- (m) Officers and members of the staffs of state universities and colleges and student employees of such institutions; officers and employees of the Teachers' Retirement System; and officers, teachers, and employees of local boards of education;
- (n) Patients or inmates employed in state institutions;
- (o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45A.690 to 45A.725;
- (p) Interim employees;
- (q) Officers and members of the state militia;
- (r) Department of Kentucky State Police troopers;
- (s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program

- approved by the commissioner;
- (t) Superintendents of state mental institutions, including heads of centers for individuals with an intellectual disability, and penal and correctional institutions as referred to in KRS 196.180(2);
 - (u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;
 - (v) County and Commonwealth's attorneys and their respective appointees;
 - (w) Chief district engineers and the state highway engineer;
 - (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
 - (y) Employees of the Kentucky Peace Corps;
 - (z) Employees of the Council on Postsecondary Education;
 - (aa) Executive director of the Commonwealth Office of Technology;
 - (ab) Employees of the Kentucky Commission on Community Volunteerism and Service;
 - (ac) Persons employed in certified teaching positions at the Kentucky School for the Blind and the Kentucky School for the Deaf; and
 - (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.
- (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.
- (4) Career employees within the classified service promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified

pursuant to KRS 18A.130 and 18A.135.

- (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing officers from filling unclassified positions in the manner in which positions in the classified service are filled except as otherwise provided in KRS 18A.005 to 18A.200.
- (6) The positions of employees who are transferred, effective July 1, 1998, from the Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees that are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS Chapter 151B or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted towards years of experience for calculating benefits and compensation.
- (7) On August 15, 2000, all certified and equivalent personnel, all unclassified personnel, and all certified and equivalent and unclassified vacant positions in the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems under KRS Chapter 151B and KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No certified or equivalent employee in the

Department for Adult Education and Literacy shall suffer any penalty in the transfer.

- (8) On August 15, 2000, secretaries and assistants attached to policymaking positions in the Department for Technical Education and the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. No employee shall suffer any penalty in the transfer.

➔Section 5. KRS 151B.020 is amended to read as follows:

- (1) The Education and Workforce Development Cabinet is hereby created, which shall constitute a cabinet of the state government within the meaning of KRS Chapter 12. The cabinet shall consist of a secretary and those administrative bodies and employees as provided by law.
- (2) The cabinet, subject to the provisions of KRS Chapter 12, shall be composed of the major organizational units listed below, units listed in KRS 12.020, and other departments, divisions, and sections as are from time to time deemed necessary for the proper and efficient operation of the cabinet:
- (a) The Department of Workforce Investment, which is hereby created and established within the Education and Workforce Development Cabinet. The department shall be directed and managed by a commissioner who shall be appointed by the Governor under the provisions of KRS 12.040, and who shall report to the secretary of the Education and Workforce Development Cabinet. The department shall be composed of the following offices:
1. The Office of Vocational Rehabilitation, which is created by KRS 151B.185;

2. The Office for the Blind established by KRS 163.470; and
 3. The Office of Employment and Training, which is created by KRS 151B.280.
- (b) The Unemployment Insurance Commission established by KRS 341.110.
- (3) The executive officer of the cabinet shall be the secretary of the Education and Workforce Development Cabinet. The secretary shall be appointed by the Governor pursuant to KRS 12.255 and shall serve at the pleasure of the Governor. The secretary shall have general supervision and direction over all activities and functions of the cabinet and its employees and shall be responsible for carrying out the programs and policies of the cabinet. The secretary shall be the chief executive officer of the cabinet and shall have authority to enter into contracts, subject to the approval of the secretary of the Finance and Administration Cabinet, when the contracts are deemed necessary to implement and carry out the programs of the cabinet. The secretary shall have the authority to require coordination and nonduplication of services provided under the Federal Workforce Investment Act of 1998, 20 U.S.C. secs. 9201 et seq. The secretary shall have the authority to mandate fiscal responsibility dispute resolution procedures among state organizational units for services provided under the Federal Workforce Investment Act of 1998, 20 U.S.C. secs. 9201 et seq.
- (4) The secretary of the Education and Workforce Development Cabinet and the secretary's designated representatives, in the discharge of the duties of the secretary, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda, and other records considered necessary and relevant as evidence at hearings held in connection with the administration of the cabinet.
- (5) The secretary of the Education and Workforce Development Cabinet may delegate

any duties of the secretary's office to employees of the cabinet as he or she deems necessary and appropriate, unless otherwise prohibited by statute.

- (6) The secretary of the Education and Workforce Development Cabinet shall promulgate, administer, and enforce administrative regulations that are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds, and that are necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs except for programs and federal funds within the authority of the Department of Education ~~and~~ the Kentucky Board of Education, ~~and the Education Professional Standards Board~~.

➔Section 6. KRS 151B.132 is amended to read as follows:

- (1) The Office for Education and Workforce Statistics is hereby established and attached to the Education and Workforce Development Cabinet, Office of the Secretary.
- (2) The office's purpose is to collect accurate education data and workforce data in the Kentucky Longitudinal Data System in order to link the data and generate timely reports about student performance through employment to be used to guide decision makers in improving the Commonwealth of Kentucky's education system and training programs.
- (3) The office shall be headed by an executive director appointed by the Governor pursuant to KRS 12.050. The executive director shall be appointed from nominations made to the Governor by the board. The office may employ additional staff necessary to carry out the office's duties consistent with available funding and state personnel laws.
- (4) The public agencies providing education data and workforce data to the Kentucky Longitudinal Data System shall be:
 - (a) The Council on Postsecondary Education;
 - (b) The Department of Education;

- (c) The Early Childhood Advisory Council;
 - (d) ~~The Education Professional Standards Board;~~
 - (e) ~~The Kentucky Higher Education Assistance Authority;~~
 - (e)(f) The Kentucky Commission on Proprietary Education; and
 - (f)(g) Other agencies of the Education and Workforce Development Cabinet.
- (5) The Kentucky Longitudinal Data System, upon approval of the board, may include education data and workforce data from any additional public agency.
- (6) Any private institution of higher education, private school, or parochial school, upon approval of the board, may provide education data and workforce data to the Kentucky Longitudinal Data System.
- (7) Any education data or workforce data provided to the Kentucky Longitudinal Data System shall be certified to be accurate by the providing agency, institution, or school. Ownership of data provided shall be retained by the providing entity.
- (8) The office may receive funding for its operation of the Kentucky Longitudinal Data System from the following sources:
- (a) State appropriations;
 - (b) Federal grants;
 - (c) User fees; and
 - (d) Any other grants or contributions from public agencies or other entities.

➔Section 7. KRS 151B.134 is amended to read as follows:

- (1) The Board of the Kentucky Center for Education and Workforce Statistics is hereby established and attached to the Education and Workforce Development Cabinet, Office of the Secretary.
- (2) The board shall be composed of:
- (a) The commissioner of the Department of Education or designee;
 - (b) ~~The executive director of the Education Professional Standards Board or~~
designee;

- ~~(e)~~ The president of the Council on Postsecondary Education or designee;
- ~~(c)~~~~(d)~~ The secretary of the Education and Workforce Development Cabinet or designee; and
- ~~(d)~~~~(e)~~ The executive director of the Kentucky Higher Education Assistance Authority.
- (3) The duties and functions of the board shall be to:
- (a) Develop a detailed data access and use policy for requests that shall include but not be limited to the following:
1. Direct access to data in the Kentucky Longitudinal Data System shall be restricted to authorized staff of the office;
 2. Data or information that may result in any individual or employer being identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the office; and
 3. The office may not release data or information if disclosure is prohibited under relevant federal or state privacy laws;
- (b) Establish the research agenda of the office;
- (c) Make nominations to the Governor for the appointment of an executive director;
- (d) Oversee compliance by the office with the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state privacy laws;
- (e) Ensure that reports generated by the Office for Education and Workforce Statistics are distributed to appropriate personnel within the agencies represented by the board members; and
- (f) Provide general oversight of the office.
- (4) The secretary of the Education and Workforce Development Cabinet shall serve as chair of the board.

(5) The board shall meet at least semiannually and at other times upon the call of the chair. The meetings shall be subject to the open meetings requirements of KRS 61.800 to 61.850 and 61.991.

(6) The board may form committees, work groups, or advisory councils to accomplish its purposes.

➔Section 8. KRS 156.010 is amended to read as follows:

(1) The commissioner of education shall be the chief executive of the Department of Education. The commissioner shall be responsible for administering, structuring, and organizing the department and its services including, but not limited to, the following:

- (a) Technical assistance with curriculum design, school administration and finance, computer and technology services, media services, community education, secondary vocational education, education for exceptional children, and professional development;
- (b) Compensatory education;
- (c) Research and planning, which shall include, but not be limited to, a statewide research and development effort to identify or develop the best educational practices to be used in the public schools of the Commonwealth. Appropriations for this purpose may be used within the department or for contracting with other individuals, agencies, universities, laboratories, or organizations;
- (d) Kentucky School for the Blind and the Kentucky School for the Deaf;
- (e) Performance and outcome assessments;
- (f) Monitoring the management of school districts, including administration and finance, implementation of state laws and regulations, and student performance; and
- (g) Implementing state laws and the policies promulgated thereunder by the

Kentucky Board of Education~~[and the Education Professional Standards Board]~~.

- (2) The commissioner of education may delegate to his assistants any authority to act for him in the supervision, inspection, and administration of the schools to the extent he has supervisory and administrative control.
- (3) All employees of the Department of Education shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.
- (4) The State Department of Education, in the operation and management of its schools and the programs at these schools, shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the State Department of Education.
- (5) The Department of Education shall be the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary education.

➔Section 9. KRS 156.101 is amended to read as follows:

- (1) The purpose of this section is to encourage and require the maintenance and development of effective instructional leadership in the public schools of the Commonwealth and to recognize that principals, with the assistance of assistant principals, supervisors of instruction, guidance counselors, and directors of special education, have the primary responsibility for instructional leadership in the schools to which they are assigned.
- (2) For the purpose of this section, "instructional leader" shall be defined as an employee of the public schools of the Commonwealth employed as a principal, assistant principal, supervisor of instruction, guidance counselor, director of special

education, or other administrative position deemed by the Kentucky Board of Education~~[Professional Standards Board]~~ to require an administrative certificate.

- (3) In order to carry out the purpose of this section, the Kentucky Board of Education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.
- (4) The instructional leader improvement program shall contain the following provisions:
 - (a) Each instructional leader employed by the public schools of the Commonwealth shall participate in a continuing intensive training program designed especially for instructional leaders;
 - (b)
 1. Effective until June 30, 2006, every two (2) years each instructional leader shall complete an intensive training program approved by the Kentucky Board of Education to include no fewer than forty-two (42) participant hours of instruction;
 2. Effective July 1, 2006, each instructional leader shall annually complete an intensive training program approved by the Kentucky Board of Education to include no fewer than twenty-one (21) participant hours of instruction;
 - (c) The Kentucky Board of Education shall prescribe specific criteria for the training program, which shall include a provision to allow an instructional leader to annually receive three (3) participant hours credit for duties performed as part of a beginning teacher committee pursuant to KRS 161.030(6). A maximum of six (6) participant hours credit shall be awarded annually for serving on multiple beginning teacher committees. The Kentucky Department of Education may contract for specific training with qualified agencies or institutions or approve programs offered by training providers,

including local district training programs, except that the department shall ensure the requirements of paragraph (d) of this subsection are met; and

- (d) Annually, each local district superintendent shall report to the Kentucky Department of Education any instructional leader who fails to complete the training requirements of paragraph (b) of this subsection and shall place the leader on probation for one (1) year. The Department of Education shall verify completion of the required training. If the required training for the prior year and the current year is not completed during the probationary period, the Department of Education shall ~~forward the information to the Education Professional Standards Board, which shall~~ revoke the instructional leader's certificate.
- (5) The Kentucky Department of Education shall ensure that training options in human resource management and conflict resolution techniques are available to education leaders throughout the state.
- (6) This section shall be known as the "Effective Instructional Leadership Act."
- ➔Section 10. KRS 156.106 is amended to read as follows:
- (1) For purposes of this section and KRS 161.605, "critical shortage area" means a lack of certified teachers in particular subject areas, in grade levels, or in geographic locations at the elementary and secondary level, as determined annually by the commissioner of education. The commissioner may use any source considered reliable including, but not limited to, data provided by ~~the Education Professional Standards Board and~~ local education agencies to identify the critical shortage areas.
- (2) The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to be used to appoint retired teachers and administrators to positions in critical shortage areas under this section and KRS 161.605. The administrative regulations shall assure that:
- (a) A retired teacher or administrator shall not be hired until the superintendent

assures that he or she has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis; and

- (b) A retired teacher or administrator shall be paid, at a minimum, a salary at Rank II with ten (10) years of experience based on a single salary schedule adopted by the district.

The commissioner of education shall report members reemployed under this section to the Kentucky Teachers' Retirement System.

- (3) The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to be used to appoint retired teachers and administrators to positions in critical shortage areas under this section and KRS 161.605. The administrative regulations shall assure that a retired teacher or administrator shall not be hired until the superintendent assures the commissioner of education that the superintendent has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis. The commissioner of education shall report members reemployed under this section to the Kentucky Teachers' Retirement System.
- (4) If a local school district needs a person to fill a critical shortage position after reaching its quota established under KRS 161.605, the commissioner of education with the approval of the executive director of the Kentucky Teachers' Retirement System may allow the district to exceed its quota if the statewide quota has not been met.

➔Section 11. KRS 156.553 is amended to read as follows:

- (1) The teachers' professional growth fund is hereby created to provide teachers with high quality professional development in content knowledge in mathematics, reading, science, language arts, social studies, arts and humanities, practical living, vocational studies, and foreign languages; classroom-based screening, diagnostic, assessment, and intervention strategies; and teaching methodologies, including

professional development that may lead to additional certification endorsements or renewal of certification. Based on available funds, student achievement data, and teacher data, the Kentucky Board of Education shall annually determine the priority for content emphasis based on the greatest needs.

- (2) (a) The fund may provide moneys to teachers for:
1. Tuition reimbursement for successful completion of college or university level courses, including on-line courses and seminars, approved for this purpose by the Department of Education~~[- Professional Standards Board]~~;
 2. Stipends for participation in and successful completion of:
 - a. College or university courses, including on-line courses and seminars, approved for this purpose by the Department of Education~~[- Professional Standards Board]~~;
 - b. Teacher institutes developed for core content instructors by the Department of Education in compliance with KRS 156.095; and
 - c. Other professional development programs approved by the Kentucky Department of Education, including professional development for teachers participating in grants awarded by the Middle School Mathematics and Science Scholars Program established under KRS 158.848;
 3. Reimbursement for the purchase of materials required for professional development programs; and
 4. Reimbursement for other approved professional development activities throughout the school year, including reimbursement for:
 - a. Travel to and from professional development workshops; and
 - b. Travel to and from other schools for the observation of, and consultation with, peer mentors; or

- (b) The fund may be used to provide grants to local school districts to support staff participation in specific, statewide initiatives for the professional development of teachers and administrators in specific content areas as established by the Kentucky Department of Education and the Kentucky Board of Education under the provisions of subsections (4), (5), and (6) of this section and referenced in KRS 158.842.
 - (c) The fund may be used to provide grants to colleges and universities to plan and develop statewide professional development institutes and other professional development services.
 - (d) The fund may be used to provide grants to local school districts, to colleges and universities, or other entities to assist the Kentucky Department of Education in evaluating costs and the effectiveness of activities and initiatives established under this section.
- (3) The Department of Education [~~Professional Standards Board~~] shall determine the college and university courses, including on-line courses and seminars, for which teachers may receive reimbursement from the fund.
- (4) The Department of Education shall:
- (a) Administer the fund. In order to process reimbursements to teachers promptly, the reimbursements shall not be subject to KRS 45A.690 to 45A.725;
 - (b) Determine the professional development programs for which teachers may receive reimbursement, or districts or colleges and universities may receive grants, from the fund;
 - (c) Determine the level of stipend or reimbursement, subject to the availability of appropriated funds, for particular courses and programs, under subsection (2) of this section; and
 - (d) Provide an accounting of fund expenditures and results of the use of the funds for each biennium to the Interim Joint Committee on Education by November

1 of each odd-numbered year.

- (5) The professional development programs approved by the Department of Education for which teachers may receive support from the fund shall:
- (a) Focus on improving the content knowledge of teachers;
 - (b) Provide training in the use of research-based and developmentally appropriate classroom-based screening, diagnostic, assessment, and intervention strategies;
 - (c) Provide instruction on teaching methods to effectively impart content knowledge to all students;
 - (d) Include intensive training institutes and workshops during the summer;
 - (e) Provide programs for the ongoing support of teacher participants throughout the year, which may include:
 - 1. A peer coaching or mentoring, and assessment program; and
 - 2. Planned activities, including:
 - a. Follow-up workshops; and
 - b. Support networks of teachers of the core disciplines using technologies, including but not limited to telephone, video, and on-line computer networks;
 - (f) Provide teacher participants with professional development credit toward renewal of certification under the provisions of KRS 161.095, relating to continuing education for teachers; and
 - (g) Provide teacher participants with the opportunity to obtain certificate endorsements or extensions in critical shortage areas, with priority given to mathematics and science through 2016, and in core content areas to their existing certifications through the ~~[TC-HQ]~~ process, established by the *Kentucky Board of Education, or its legal predecessor,* ~~[Education Professional Standards Board]~~ to meet the requirements of the No Child Left

Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.

- (6) The Kentucky Board of Education shall specify through promulgation of administrative regulations:
 - (a) The application and approval process for receipt of funds;
 - (b) The requirements and process for the disbursal of funds; and
 - (c) The number of each kind of approved course for which applicants may receive funds.
- (7) Notwithstanding any other provisions to the contrary, a local school board may advance the funds necessary for its teachers to participate in a college course or professional development seminar or activity approved by the Kentucky Department of Education ~~and the Education Professional Standards Board~~ under provisions of this section and receive reimbursement from the department at the conclusion of the activity or course by the teacher. If funds are advanced for the benefit of a teacher under this subsection, but the teacher does not fulfill his or her obligation, the teacher shall reimburse the school district for the funds expended by the district on the teacher's behalf.
- (8) Notwithstanding the provisions of KRS 45.229, unexpended funds in the teachers' professional growth fund in the 2000-2001 fiscal year or in any subsequent fiscal year shall not lapse but shall carry forward to the next fiscal year and shall be used for the purposes established in subsections (1) and (2) of this section.
- (9) Notwithstanding any provisions of this section to the contrary, beginning June 1, 2006, through the 2009-2010 school year, priority for the use of funds from the teachers' professional growth fund shall be used to train and support teams of teachers from all school levels to be trained as reading coaches and mentors or as mathematics coaches and mentors in statewide institutes referenced in KRS 158.840 and 158.842, and for selected teachers to be highly trained in providing diagnostic assessment and intervention services for students in the primary program struggling

with mathematics.

- (a) The design of the statewide mathematics institutes to train mathematics coaches and mentors shall be developed by the Committee for Mathematics Achievement established in KRS 158.842. The committee shall provide recommendations to the Kentucky Department of Education and the Kentucky Board of Education in the preparation of administrative regulations that may be promulgated by the board to implement the provisions of this subsection relating to mathematics.
 - (b) The design of the professional development program to provide highly trained mathematics intervention teachers in the primary program shall be developed by the Center for Mathematics in collaboration with public and private institutions of postsecondary education.
 - (c) The development of the statewide program to train reading coaches and mentors shall be coordinated by the Kentucky Department of Education with recommendations from the Collaborative Center for Literacy Development, established in KRS 164.0207, and the reading steering committee established in KRS 158.794. The design of the program shall reflect a consensus of the agencies involved in the development of the program. The training program for reading coaches and mentors shall complement other statewide reading initiatives, funded with state and federal funds, and shall give priority to teachers in grades four (4) through twelve (12). The program shall be implemented no later than June 1, 2006. The board shall promulgate administrative regulations required to implement the provisions of this subsection relating to reading.
- (10) Notwithstanding any provision of this section to the contrary, beginning June 1, 2010, through the 2015-2016 school year, priority for the use of funds from the teachers' professional growth fund shall be for the purpose of increasing the number

of certified teachers with extensions or endorsements in mathematics and science as described in subsection (5)(g) of this section.

➔Section 12. KRS 156.555 is amended to read as follows:

- (1) The Center for Middle School Academic Achievement is created to improve the content knowledge and instructional practice of middle school teachers through the coordination of professional development programs for middle school teachers, the provision of technical assistance to schools and teachers, and the collection and dissemination of information and research regarding effective models of teaching the core disciplines to middle school students.
- (2) The center shall:
 - (a) Foster collaboration between the center, the Department of Education,~~[the Education Professional Standards Board,]~~ postsecondary institutions of education, postsecondary departments or colleges of arts and sciences, and other entities to develop content-based teacher preparation programs and ongoing professional development programs for middle school teachers, aligned with the Department of Education's core content for assessment;
 - (b) Assist school districts in assessing and addressing their needs and deficiencies in middle school curriculum and instruction;
 - (c) Assist grant recipients of the Middle School Mathematics and Science Scholars Program established under KRS 158.848 with professional development for participating teachers;
 - (d) Assist middle school teachers in establishing and maintaining networks of communication to share information regarding middle school instructional practice, curriculum development, and other areas of common interest, building upon existing networks;
 - (e) Develop and maintain a clearinghouse for information about:
 1. Educational models addressing content knowledge and skills of middle

- school students, based on reliable, replicable research;
2. Core content achievement levels of Kentucky students in relation to students in other states and other countries; and
 3. The relationship between student achievement levels and curriculum content, curriculum structure and alignment with content, teacher training, and teaching methods;
- (f) Develop and implement a research structure, in collaboration with the Department of Education, to evaluate the effectiveness of different middle school instructional models; and
- (g) Submit an annual report to the Governor and the Legislative Research Commission by September 1 of each year. The report shall include information outlining the center's activities, information provided by the Kentucky Department of Education regarding the use of money from the Teachers' Professional Growth Fund, and other information regarding efforts to improve the quality of middle school instruction in Kentucky.
- (3) With the advice of the commissioner of education ~~and the Education Professional Standards Board~~, the Council on Postsecondary Education shall develop a process to solicit, review, and approve a proposal for locating the Center for Middle School Academic Achievement at a public or private college or university. The council shall choose a college or university that has demonstrated the coordination of course delivery between the faculties of the college of education and arts and sciences departments within the college or university. The council shall approve the location for the center no later than November 15, 2000.

➔Section 13. KRS 156.557 is amended to read as follows:

- (1) As used in this section:
- (a) "Formative evaluation" means a continuous cycle of collecting evaluation information and providing feedback with suggestions regarding the certified

- employee's professional growth and performance;
- (b) "Local formative growth measures" means measures that are rigorous and comparable across schools in a local district;
 - (c) "Student growth" means the change in student achievement for an individual student between two (2) or more points in time including achievement on state assessments required per KRS 158.6453; and
 - (d) "Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data that:
 - 1. Occur at the end of an evaluation cycle; and
 - 2. Include a conference between the evaluator and the evaluated certified employee and a written evaluation report.
- (2) Prior to the beginning of the 2014-2015 school year, the Kentucky Department of Education, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a framework for a statewide personnel evaluation system. The Kentucky Board of Education shall promulgate administrative regulations to establish a statewide professional growth and effectiveness system for the purposes of supporting and improving the performance of all certified school personnel. The system shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or a highly effective administrator in a school or district. The Kentucky Board of Education shall include parent surveys as a source of data once a valid and reliable survey tool becomes available for this purpose.
- (3) The professional growth and effectiveness system shall:
- (a) Use multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative

- growth measures that are rigorous and comparable across schools in a local district;
- (b) Include both formative and summative evaluation components;
 - (c) Measure professional effectiveness;
 - (d) Support professional growth;
 - (e) Have at least three (3) performance levels;
 - (f) Be used to inform personnel decisions;
 - (g) Be considerate of the time requirements of evaluators at the local level and shall not require that all certified school personnel have a formal summative evaluation each year; and
 - (h) Rate teachers or administrators by multiple measures instead of a single measure.
- (4) The performance criteria by which teachers and administrators shall be evaluated shall include but not be limited to:
- (a) Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
 - (b) Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
 - (c) Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;
 - (d) Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;
 - (e) Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;
 - (f) Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative

regulations;

- (g) Demonstration of the effective use of resources, including technology;
- (h) Demonstration of professional growth;
- (i) Adherence to the professional code of ethics; and
- (j) Attainment of the teacher standards or the administrator standards as established by the Kentucky Board of Education~~Professional Standards Board~~ that are not referenced in paragraphs (a) to (i) of this subsection.

(5) The following provisions shall apply to the statewide professional growth and effectiveness system:

- (a) Certified school personnel, below the level of superintendent, shall be evaluated by using the system developed by the Kentucky Department of Education;
- (b) The evaluation system shall include formative evaluation and summative evaluation components; and
- (c) The Kentucky Board of Education shall adopt administrative regulations incorporating written guidelines for a local school district to follow in implementing the professional growth and effectiveness system and shall require the following:
 - 1. All evaluations of certified school personnel below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;
 - 2. The immediate supervisor of the certified school personnel member shall be designated as the primary evaluator. At the request of a teacher, observations by other teachers trained in the teacher's content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;

3. All monitoring or observation of performance of a certified school personnel member shall be conducted openly and with full knowledge of the personnel member;
 4. Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school personnel. Evaluators shall receive support and resources necessary to ensure consistent and reliable ratings;
 5. The professional growth and effectiveness system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes to be used when corrective actions are necessary in relation to the performance of one's assignment; and
 6. The training requirement for evaluators contained in subparagraph 4. of this paragraph shall not apply to district board of education members.
- (6) (a) Each superintendent shall be evaluated according to a policy and procedures developed by the local board of education and approved by the department.
- (b) The summative evaluation of the superintendent shall be in writing, discussed and adopted in an open meeting of the board and reflected in the minutes, and made available to the public upon request.
- (c) Any preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation shall be conducted in closed session.
- (7) Local districts may submit a written request to use an alternative effectiveness and evaluation system to the Kentucky Board of Education. The Kentucky Board of Education shall consider and approve a local district's use of an alternative effectiveness and evaluation system instead of the statewide system only if the

Kentucky Board of Education determines the alternative system:

- (a) Is as rigorous, reliable, valid, and educationally sound as the statewide professional growth and effectiveness system;
 - (b) Uses multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;
 - (c) Includes both formative and summative evaluation components;
 - (d) Measures professional effectiveness;
 - (e) Supports professional growth;
 - (f) Has at least three (3) performance levels;
 - (g) Is used to inform personnel decisions;
 - (h) Is considerate of the time requirements of evaluators at the local level and does not require that all certified school personnel have a formal summative evaluation each year; and
 - (i) Rates teachers and administrators by multiple measures instead of a single measure.
- (8) The Kentucky Board of Education shall establish an appeals procedure for certified school personnel who believe that the local school district failed to properly implement the evaluation system. The appeals procedure shall not involve requests from individual certified school personnel members for review of the judgmental conclusions of their personnel evaluations.
- (9) The local board of education shall establish an evaluation appeals panel for certified school personnel that shall consist of two (2) members elected by the certified employees of the local district and one (1) member appointed by the board of education who is a certified employee of the local board of education. Certified

school personnel who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation.

- (10) The Kentucky Department of Education shall annually provide for on-site visits by trained personnel to a minimum of fifteen (15) school districts to review and ensure appropriate implementation of the evaluation system by the local school district. The department shall provide technical assistance to local districts to eliminate deficiencies and to improve the effectiveness of the evaluation system. The department may implement the requirement in this subsection in conjunction with other requirements, including, but not limited to, the scholastic audit process required by KRS 158.6455.
- (11) The disclosure, pursuant to KRS Chapter 61, of any data or information, including student growth data, that local school districts or the Department of Education collect on individual classroom teachers under the requirements of KRS 156.557 is prohibited.

➔Section 14. KRS 156.802 is amended to read as follows:

- (1) The Office of Career and Technical Education is hereby created within the Department of Education. The office shall consist of those administrative bodies and employees provided by or appointed by the commissioner of education pursuant to KRS 156.010.
- (2) The commissioner of education may appoint an assistant, pursuant to KRS 156.010, and delegate authority to the assistant regarding the Office of Career and Technical Education.
- (3) The Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. When appropriate, the Department of Education shall provide education training programs through contracts with private business and industries. These programs may be on a

shared cost basis or on a total cost recovery basis.

- (4) The commissioner of education shall have the authority to enter into agreements or contracts with other government or education agencies, including local school districts, in order to carry out services under the office's jurisdiction.
- (5) (a) Secondary area vocational education and technology centers shall be operated in compliance with program standards established by the Kentucky Board of Education. Principals, counselors, and teaching staff shall meet the qualifications and certification standards for all secondary vocational personnel as established by the Kentucky Board of Education~~Professional Standards Board~~~~Educational Professional Standards Board~~.
- (b) The Kentucky Board of Education shall be the eligible agency solely designated for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for vocational-technical or technology education. The Kentucky Board of Education shall involve representatives from all eligible recipient categories in the development of the required plans.
- (c) In accordance with 20 U.S.C. sec. 2302(12), the Kentucky Board of Education is hereby designated to be the "eligible agency" that is the sole state agency responsible for the administration of vocational and technical education and the supervision of the administration of vocational and technical education.
- (6) (a) Except for the duties that the Kentucky Board of Education must retain pursuant to 20 U.S.C. sec. 2341, the Kentucky Board of Education shall be authorized to delegate all of the other duties and responsibilities of the eligible agency to the Office of Career and Technical Education within the Department of Education, including but not limited to the administration, operation, and supervision of the Perkins program and the authority to receive, hold, and disburse funds awarded under the state plan.

- (b) The Kentucky Board of Education shall delegate to the Kentucky Workforce Investment Board the state leadership activities referred to in 20 U.S.C. sec. 2344 to be conducted in accordance with the required and permissible uses of funds specified in the Carl D. Perkins Career and Technical Education Act of 2006 and subsequent amendments thereto. The maximum amount of funds allowed by 20 U.S.C. sec. 2322(a)(2) shall be reserved and made available for state leadership activities.
- (7) The commissioner of education shall be permitted to enter into memorandums of agreement with individuals on a year-to-year basis to fill positions in hard-to-find teaching specialties. The agreements and compensation for hard-to-find teaching specialties shall be approved by the commissioner of education and shall not be subject to the provisions of KRS Chapter 45A. All agreements shall be filed with the secretary of the Finance and Administration Cabinet.
- (8) The commissioner of education shall, from time to time, prepare or cause to be prepared any bulletins, programs, outlines of courses, placards, and courses of study deemed useful in the promotion of the interests of technical and vocational education.

➔Section 15. KRS 157.250 is amended to read as follows:

No person shall be employed to teach or serve as special education coordinator, director, supervisor, or other special education administrator in any special education program authorized by KRS 157.200 to 157.290 unless he holds certification as required by the Kentucky Board of Education [~~Professional Standards Board~~]. However, any teacher or administrator serving on July 14, 1992, in the affected position who has had satisfactory evaluations of his performance in that position during his time of service shall be excluded from the requirement of this section.

➔Section 16. KRS 157.390 is amended to read as follows:

- (1) For purposes of the state teacher salary schedule, teachers shall be placed on the

schedule based on certification rank as established by the Kentucky Board of Education~~[Professional Standards Board]~~ under KRS 161.1211 and by their years of experience as follows:

1. Zero (0) to three (3) years;
 2. Four (4) to nine (9) years;
 3. Ten (10) to fourteen (14) years;
 4. Fifteen (15) to nineteen (19) years; and
 5. Twenty (20) or more years.
- (2) The rank and experience of the teacher shall be determined on September 15 of each year.
 - (3) The amount to be included in the base funding level for capital outlay shall be determined by multiplying the average daily attendance by the amounts set forth in the biennial budget.
 - (4) The amount to be included in the public school fund of each district for transportation shall be determined in accordance with the provisions of KRS 157.370.
 - (5) The total amount of money distributable to each district from the public school fund shall include the base funding per pupil in average daily attendance, an amount for at-risk students, an amount for the types and numbers of students with disabilities, an amount for students served in home and hospital settings, and the allotments in subsections (3) and (4) of this section, less the amount of local tax revenues generated for school purposes, up to a maximum equivalent local rate of thirty cents (\$0.30) as defined by KRS 157.615(6).
 - (6) A classroom teacher or administrator may be provided additional compensation, funds for instructional and program materials, and other related costs for serving as a classroom mentor, teaching partner, or professional development leader in core discipline areas including reading, and other subject areas as appropriate to other

education professionals in a state approved program or state approved activities. The Kentucky Department of Education shall administer the funds appropriated for these purposes. The Kentucky Board of Education shall promulgate administrative regulations to define the guidelines for programs and activities that qualify for funds including the application and approval process, the individual participant requirements, the amount of compensation, the timelines, and reporting requirements. The board shall solicit recommendations from the ~~Education Professional Standards Board and~~ staff of the Kentucky Department of Education in developing its administrative regulations.

➔Section 17. KRS 157.397 is amended to read as follows:

Notwithstanding any other statute to the contrary:

- (1) (a) If funds are appropriated by the General Assembly for this purpose, a local board of education shall provide an annual salary supplement to all speech-language pathologists or audiologists:
1. Who are employed by the local board of education to provide or coordinate speech-language pathology or audiology services for students; and
 2. Who hold:
 - a. i. A certificate of clinical competence issued by the American Speech-Language Hearing Association; or
 - ii. Board certification from the American Board of Audiology; and
 - b. i. A valid Kentucky credential approved and issued by the Kentucky Board of Education ~~Professional Standards Board~~ under KRS Chapter 161; or
 - ii. A license approved and issued by the Kentucky Board of Speech-Language Pathology and Audiology under KRS

Chapter 334A.

- (b) The salary supplement shall be in the same amount as the salary supplement provided to a public school teacher who has attained certification from the National Board for Professional Teaching Standards as provided in KRS 157.395. If the amount appropriated by the General Assembly is less than the amount necessary to meet the requirements of this paragraph, the salary supplement received by each qualified speech-language pathologist or audiologist shall be reduced proportionately by the Department of Education so that all eligible individuals receive the same amount as a supplement.
- (c) The supplement shall remain available to a speech-language pathologist or audiologist so long as funds are appropriated for this purpose by the General Assembly, and the speech-language pathologist or audiologist continues to meet the requirements established by this subsection. The supplement shall cease if the speech-language pathologist or audiologist is employed in another capacity by the local board where the provision of speech-language pathology or audiology services is incidental to his or her other duties.
- (d) The Department of Education shall:
1. Determine how many speech-language pathologists and audiologists qualify for the supplement each year;
 2. Determine the amount of the supplement available each year for each qualified speech-language pathologist and audiologist based on appropriated funds available;
 3. Notify each local board of education of the supplement amount available to each qualifying speech-language pathologist and audiologist employed by the local board of education; and
 4. Develop a process for payment to local boards of education of supplement amounts due;

- (2) If funds are not appropriated by the General Assembly to support the salary supplement established by subsection (1) of this section, a local board of education may provide an annual salary supplement under the conditions established by subsection (1) of this section using the resources available to the local board of education; and
- (3) The supplement authorized by this section shall be considered in the calculation for contribution to the Kentucky Teachers' Retirement System.

➔Section 18. KRS 158.102 is amended to read as follows:

- (1) The board of education for each local school district shall establish and maintain a library media center in every elementary and secondary school to promote information literacy and technology in the curriculum, and to facilitate teaching, student achievement, and lifelong learning.
- (2)
 - (a) Schools shall employ a school media librarian to organize, equip, and manage the operations of the school media library. The school media librarian shall hold the appropriate certificate of legal qualifications in accordance with KRS 161.020 and 161.030. A certified school media librarian may be employed to serve two (2) or more schools in a school district with the consent of the school councils.
 - (b) If a vacancy occurs, the school council may fill the vacancy on a temporary basis by employing:
 1. A person who is pursuing certification as a school media librarian in accordance with administrative regulations promulgated by the *Kentucky Board of Education*~~Professional Standards Board~~; or
 2. A temporary employee for a period not to exceed sixty (60) days.

➔Section 19. KRS 158.305 is amended to read as follows:

- (1) As used in this section:
 - (a) "Aphasia" means a condition characterized by either partial or total loss of the

ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;

- (b) "Dyscalculia" means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;
 - (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
 - (d) "Dyslexia" means a language processing disorder that is neurological in origin, impedes a person's ability to read, write, and spell, and is characterized by difficulties with accuracy or fluency in word recognition and by poor spelling and decoding abilities;
 - (e) "Phonemic awareness" means the ability to recognize that a spoken word consists of a sequence of individual sounds and the ability to manipulate individual sounds in speaking; and
 - (f) "Scientifically based research" has the same meaning as in 20 U.S.C. sec. 7801(37).
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity

to scientifically based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department for:

- (a) Reading and writing by August 1, 2013;
 - (b) Mathematics by August 1, 2014; and
 - (c) Behavior by August 1, 2015.
- (3) The Department of Education shall make available technical assistance and training to assist all local school districts in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior.
- (4) The technical assistance and training shall be designed to improve:
- (a) The use of specific screening processes and programs to identify student strengths and needs;
 - (b) The use of screening data for designing instructional interventions;
 - (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by scientifically based research;
 - (d) Progress monitoring of student performance; and
 - (e) Accelerated, intensive, direct instruction that addresses students' individual differences and enables them to catch up with typically performing peers.
- (5) The department shall develop and maintain a Web-based resource providing teachers access to:
- (a) Information on the use of specific screening processes and programs to identify student strengths and needs; and
 - (b) Current, scientifically based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
 1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading

- comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
 3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
 4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students.
- (6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.
- (7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.
- (8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, ~~the Education Professional Standards Board,~~ the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize scientifically based interventions in reading, writing, mathematics, and behavior.
- (9) In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

- (10) By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes:
- (a) Data on the number of school districts implementing response-to-intervention systems and scientifically based research practices in reading, writing, mathematics, and behavior;
 - (b) Information on the types of scientifically based research interventions implemented; and
 - (c) Data on the effectiveness of interventions in improving student performance in Kentucky schools.

➔Section 20. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
- (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
 - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;
 - (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
 - (d) "End-of-course examination" means the same as defined in KRS 158.860;
 - (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-

designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;

- (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
 - (g) "National norm-referenced test" means a type of test interpretation in which the performance of student scores are reported by comparing performance to how other students in a national sample performed;
 - (h) "Program audit" means a form of program review that is a systematic method of analyzing components of an instructional program, and areas for improvement that is conducted as a result of a program review that indicates a more in-depth process of analysis and assistance is needed;
 - (i) "Program review" means a systematic method of analyzing components of an instructional program, including instructional practices, aligned and enacted curriculum, student work samples, formative and summative assessments, professional development and support services, and administrative support and monitoring;
 - (j) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
 - (k) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.
- (2) (a) Within thirty (30) days of March 25, 2009, the Kentucky Department of Education in collaboration with the Council on Postsecondary Education shall plan and implement a comprehensive process for revising the academic content standards in reading, language arts including writing, mathematics,

science, social studies, arts and humanities, and practical living skills and career studies. The revision process shall include a graduated timetable to ensure that all revisions are completed to allow as much time as possible for teachers to adjust their instruction before new assessments are administered.

- (b) The revisions to the content standards shall:
 - 1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
 - 2. Result in fewer but more in-depth standards to facilitate mastery learning;
 - 3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
 - 4. Be based on evidence-based research;
 - 5. Consider international benchmarks; and
 - 6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c) The revision process, jointly organized by the commissioner of education and the president of the Council on Postsecondary Education, shall engage practicing teachers from elementary and secondary education in discussions and negotiations with content faculty and staff from postsecondary education institutions. The process shall also include business and industry professionals who are actively engaged in career fields that depend on the various content areas, and others as deemed appropriate by the commissioner and the president.
- (d) During the revision process, the department shall consider standards that have been adopted by national content advisory groups and professional education consortia.

- (e) Using a variety of strategies and technologies, the proposed revisions to the academic content standards shall be widely disseminated throughout the state to elementary, secondary, and postsecondary education faculty and administrators, parents, citizens, private professionals in the content areas, and others for comment and recommendations. The results of the revision process shall ensure that the specifications in paragraph (b) of this subsection are met.
- (f) The commissioner of education and the president of the Council on Postsecondary Education shall ensure that the revised academic standards that are recommended to the Kentucky Board of Education for approval are aligned with postsecondary education course and assessment standards for the gateway areas of reading and mathematics. The council shall also review the proposed academic standards in all other content areas and provide written recommendations as needed to ensure those areas are aligned with postsecondary education requirements.
- (g)
 - 1. The Kentucky Board of Education shall consider for approval the revisions to academic content standards for a content area as they are completed.
 - 2. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs no later than thirty (30) days after approval by the state board.
 - 3. All academic content standards revisions shall be completed and approved by the state board no later than December 15, 2010, and disseminated by the Department of Education to elementary and secondary schools, postsecondary education faculty in the respective content areas, and to all teacher preparation programs no later than January 15, 2011.
- (h) The Department of Education shall provide or facilitate statewide training

sessions for existing teachers and administrators on how to:

1. Integrate the revised content standards into classroom instruction;
 2. Better integrate performance assessment of students within their instructional practices; and
 3. Help all students use higher-order thinking and communication skills.
- (i) The **Kentucky Board of** Education~~[Professional Standards Board]~~ in cooperation with~~[the Kentucky Board of Education and]~~ the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The **Council on Postsecondary Education in cooperation with the Kentucky Department of** Education~~[Professional Standards Board]~~ shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns after March 25, 2009, will have experience planning classroom instruction based on the revised standards.
- (j) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (3) (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and to ensure school accountability.
- (b) Using the revised academic standards developed pursuant to subsection (2) of this section, the board shall revise the annual statewide assessment program

for implementation in the 2011-2012 academic year.

- (c) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (4) (a) The assessment program to be implemented in the 2011-2012 academic year shall be composed of annual student assessments and state and local program reviews and audits in selected content areas.
- (b) The state student assessments may include formative and summative tests that:
 1. Measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades;
 2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
 3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
 4. Provide comparisons with national norms for mathematics, reading, social studies, and science and, where available, comparisons to other states;
 5. Provide information to teachers that can enable them to improve instruction for current and future students;
 6. Provide longitudinal profiles for students; and

7. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (c) The state and local program reviews and audits shall provide annual feedback to each school relating to selected programs and serve as indicators of the quality of educational experiences available to students. Program reviews and audits shall provide recommendations for improving program components in order to better teach and assess students within these programs. Program reviews shall ensure school and district accountability for student achievement of the capacities set forth in KRS 158.645 and the goals set forth in KRS 158.6451.
- (5) The state student assessments to be implemented in the 2011-2012 academic year shall include the following components:
 - (a) Elementary and middle grades requirements are:
 1. A criterion-referenced test in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles;
 2. A criterion-referenced test in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles to be administered one (1) time within the elementary and middle grades, respectively;

3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and two (2) times within the middle grades;
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively; and
 5. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8) as provided in subsection (11) of this section; except the readiness examination may be moved to grade nine (9) by the Kentucky Board of Education based on compelling evidence that moving the test would be in the best interests of Kentucky students;
- (b) High school requirements are:
1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards that are not covered in the assessment under subparagraph 6. of this paragraph to be administered one (1) time within the high school grades;
 2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles and to be administered one (1) time within the high school grades;
 3. An on-demand assessment of student writing to be administered two (2) times within the high school grades;
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within

- the high school grades;
5. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10) as provided in subsection (11) of this section; and
 6. The ACT examination to assess English, reading, mathematics, and science in grade eleven (11) as provided in subsection (11) of this section;
- (c) The Kentucky Board of Education shall add any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, as determined by the United States Department of Education;
- (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items and the national norm-referenced components shall be composed of multiple choice items;
- (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and
- (f) The results of the assessment program developed under this subsection shall be used to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Beginning in the 2011-2012 academic year, each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. Testing shall be limited to no more than five (5) days. The Kentucky Board of Education shall promulgate administrative regulations

outlining the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.

- (7) Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing required under this subsection shall be included in the accountability system as required by KRS 158.6455.

(a) Arts and humanities.

1. The Kentucky Department of Education shall provide guidelines for arts and humanities programs and for integration of these within the curriculum to all schools.
2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.
3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.
4. Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.

- (b) Practical living skills and career studies.
1. The Kentucky Department of Education shall provide guidelines for practical living skills and career studies and integration of these within the curriculum to all schools and teacher preparation programs.
 2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.
 3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.
 4. Each school-based decision making council shall analyze the findings from programs reviews for its school and determine how it will address program recommendations to improve the program for students.
- (c) Writing.
1. The Kentucky Department of Education shall provide guidelines for an effective writing program and establish criteria to use in the program review and program audit process as defined in subsection (1)(h) and (i) of this section. The department shall distribute the guidelines and criteria for program reviews within the curriculum to all schools and teacher preparation programs.
 2. Each school-based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that

determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.

3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.
4. A writing portfolio shall be maintained for each student and follow each student from grade to grade and to any school in which the student may enroll.
5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:
 - a. Communication;
 - b. Grading procedures and feedback to students regarding their writing and communication skills;
 - c. The responsibility for review of the portfolios and feedback to students; and
 - d. Other policies to improve the quality of an individual student's writing and communications skills.
6. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program

audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

The Department of Education shall ensure that all schools and districts understand how the results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing are included in the accountability system under KRS 158.6455 and shall provide assistance to schools to improve the quality of the programs under this subsection.

- (8) Local school districts may select and use commercial interim or formative assessments or develop and use their own formative assessments to provide data on how well their students are growing toward mastery of Kentucky academic core content. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
- (9) Beginning with the 2010-2011 school year, each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.
- (10) In revising the state assessment program for implementation in 2011-2012 academic year, the state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
- (11) The following provisions shall apply to the assessment requirements for middle and high schools:
 - (a) The assessment program shall include:
 1. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);

2. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);
 3. The ACT college admissions and placement examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and
 4. Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education;
- (b)
1. A student whose scores on the high school readiness examination administered in grade eight (8) or as determined by the Kentucky Board of Education under subsection (5) of this section indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and
 2. A student whose scores on the college readiness examination administered in grade ten (10) or the ACT college admissions and placement examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in accelerated courses, with an emphasis on Advanced Placement classes;
- (c) The cost of the initial ACT examination administered to students in grade eleven (11) shall be paid for by the Kentucky Department of Education. The costs of additional ACT examinations shall be the responsibility of the student;
- (d) If funds are available, the Kentucky Department of Education shall provide an ACT preparation program to all public high school juniors. The department may contract for necessary services; and
- (e) The components of the middle and high school assessment program set forth in paragraph (a) of this subsection shall be administered in lieu of a

customized or commercially available norm-referenced test under subsection (5)(a) and (b) of this section.

(12) Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

(a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education if funds are available for this purpose. The cost of additional WorkKeys assessments shall be the responsibility of the student.

(b) A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

(c) A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.

(13) Accommodations provided by ACT, Inc. to a student with a disability taking the assessments under subsection (11)(a)3. of this section shall consist of:

(a) Accommodations provided in a manner allowed by ACT, Inc. when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in paragraph (b) of this subsection; or

(b) Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under paragraph (a) of this subsection when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

(14) The assessments under subsections (11) and (12) of this section shall be known as

the "Kentucky Work and College Readiness Examination" or "Readiness Examination."

(15) Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:

(a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year until the 2011-2012 academic year. The revised academic content standards developed as required by subsection (2) of this section shall be used in the revised assessment program for implementation in the 2011-2012 academic year as required by subsection (3) of this section. Any future revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;

(b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and

(c) Minimize the time spent by teachers and students on assessment.

(16) (a) Through the fall of 2011, results from the state assessment under this section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.

(b) Beginning in the fall of 2012, the results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the first day the assessment can be administered.

(17) The Department of Education shall gather information to establish the validity of

the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.

- (18) The Department of Education and the state board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
- (19) No later than sixty (60) days after March 25, 2009, the state board shall revise the Administration Code for Kentucky's Assessment Program to include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The revisions shall include disciplinary sanctions that may be taken toward a school or individuals.
- (20) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative

regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:

- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
 1. Student academic achievement, including the results from each of the assessments administered under this section;
 2. For Advanced Placement and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations or a score of five (5) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status. This data shall be included in the report card beginning with the 2009-2010 academic year;
 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to adult life; and
 4. School learning environment, including measures of parental involvement;
- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths;
- (c) An individual report for each student who takes a high school or college

readiness examination administered under subsection (11)(a) of this section that:

1. Provides the student's test scores;
 2. Provides a judgment regarding whether or not a student has met, exceeded, or failed to meet the expectations for each standard assessed; and
 3. Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation; and
- (d) A student's scores on the ACT examination or WorkKeys assessments administered under subsections (11) and (12) of this section and the ACT examination under KRS 158.6459(5) shall be recorded on his or her official high school transcript.

- (21) The Kentucky Board of Education shall conduct periodic alignment studies that compare the norm-referenced tests required under subsection (5) of this section with the standards in the different content areas to determine how well the norm-referenced tests align and adequately measure the depth of knowledge and breadth of Kentucky's academic content standards. Based on its findings from the studies, the board may decrease the number of required criterion-referenced items required under subsection (5) of this section.

➔Section 21. KRS 158.648 is amended to read as follows:

- (1) The State Advisory Council for Gifted and Talented Education is hereby created and attached to the Kentucky Department of Education. The council's purpose is to make recommendations regarding the provisions of services for gifted and talented students in Kentucky's education system.
- (a) The council shall be composed of nineteen (19) voting members who shall be appointed by the Governor and three (3) nonvoting, ex officio members. The members shall be appointed representing various constituencies as follows:

1. Four (4) members shall be teachers within local school districts representing elementary, middle, and high school levels with at least one (1) full-time teacher of gifted and talented students and one (1) full-time teacher who teaches in a regular classroom;
 2. Four (4) members shall be parents of students in local school districts, including two (2) parents of students identified as gifted and talented and at least one (1) who serves or has served on a school council;
 3. Three (3) members shall be from postsecondary education institutions, including one (1) from an independent college or university;
 4. One (1) member shall be a superintendent of a local school district;
 5. Two (2) members shall be principals, including one (1) from an elementary or middle school and one (1) from a high school;
 6. Two (2) members shall be coordinators of gifted and talented programs and services in local school districts;
 7. One (1) member shall be a local board of education member;
 8. One (1) member shall represent the visual and performing arts; and
 9. One (1) member shall be appointed from the private business sector.
- (b) The three (3) nonvoting ex officio members shall be: the state consultant for gifted and talented education in the Kentucky Department of Education, a staff person designated for education professional standards by the commissioner of education ~~executive secretary of the Education Professional Standards Board~~, and a staff person designated by the president of the Council on Postsecondary Education. Vacancies shall be filled by the Governor as they occur in a manner consistent with the provisions for initial appointment.
- (c) Each board member shall serve a three (3) year term or until a successor is appointed, except that for initial appointments to the board, three (3) of the

members shall be appointed to serve a one (1) year term, eight (8) of the members shall be appointed to serve a two (2) year term, and eight (8) of the members shall be appointed to serve a three (3) year term. A member may be reappointed but may not serve more than two (2) consecutive terms.

- (2) The council shall advise the commissioner of education and~~[,] the Kentucky Board of Education[, and the Education Professional Standards Board]~~ concerning the development of administrative regulations and education policy regarding gifted and talented students. The commissioner of education~~[and the executive secretary for the Education Professional Standards Board]~~ shall submit proposed administrative regulations and educational policies relating to gifted and talented education and other administrative regulations that impact gifted and talented students for review by the advisory council prior to seeking approval of the appropriate board.
- (3) As the advisory council considers issues relating to gifted and talented students, it shall seek dialogue with other agencies and organizations, including the Parent Teachers Association, the Governor's Scholars Program, the Governor's School for the Arts, the Kentucky Association of School Councils, the Kentucky Association for Gifted Education, the Kentucky School Boards Association, the Kentucky Association of School Administrators, and the Kentucky Council for Exceptional Children.
- (4) The advisory council shall annually elect a chair from its membership, establish meeting operational procedures, and meet at least two (2) times annually.
- (5) The Department of Education shall provide staff and administrative support and shall administer the funds appropriated to support the expenses of the council.
- (6) The members of the advisory council shall serve without compensation but shall be reimbursed for necessary expenses in the same manner as state employees.

➔Section 22. KRS 158.791 is amended to read as follows:

- (1) The General Assembly hereby finds that reading proficiency is a gateway skill necessary for all of Kentucky students to achieve the academic goals established in KRS 158.6451. It is Kentucky's goal that all children learn to read well before exiting the primary program and that all middle and high school students have the skills necessary to read complex materials in specific core subjects and comprehend and constructively apply the information.
- (2) It is the intent of the General Assembly that:
 - (a) Every elementary school:
 1. Provide a comprehensive schoolwide reading program;
 2. Provide diagnostic reading assessments and intervention services for those students who need them to learn to read at the proficient level;
 3. Ensure quality instruction by highly trained teachers; and
 4. Provide high quality library media programs;
 - (b) Every middle and high school:
 1. Provide direct, explicit instruction to students lacking skills in how to read, learn, and analyze information in key subjects, including language, reading, English, mathematics, science, social studies, arts and humanities, practical living skills, and career studies; and
 2. Ensure that teachers have the skills to help all students develop critical strategies and skills for subject-based reading;
 - (c) The Kentucky Department of Education provide technical assistance to local school districts in the identification of professional development activities, including teaching strategies to help teachers in each subject area to:
 1. Identify and teach the skills that students need to comprehend the concepts and content of each subject area; and
 2. Use activities and materials that will help the students comprehend and constructively apply information based on the unique content of each

subject area; and

- (d) The ***Kentucky Board of*** Education~~[Professional Standards Board]~~ review and revise when deemed necessary the teacher certification and licensure requirements to ensure that all teachers, regardless of the subject area taught, are prepared to improve students' subject reading skills.

➔Section 23. KRS 158.816 is amended to read as follows:

- (1) The Department of Education, with involvement of representatives from the local school districts and teacher preparation institutions, shall complete an annual statewide analysis and report of academic achievement of technical education students who have completed or are enrolled in a sequence of a technical program of at least three (3) high school credits.
- (2) (a) The analysis shall include the previous year's results from the state assessment program described in KRS 158.6453. The data shall be disaggregated for all high school students by career cluster areas of agriculture, business and marketing, human services, health services, transportation, construction, communication, and manufacturing and by special populations. Where available, disaggregated data from other national assessments shall also be used.
- (b) In addition to assessment scores required under paragraph (a) of this subsection, the analysis shall include:
1. The number of students who took state or national assessments of skill standards and qualified for skills certificates;
 2. The number of senior concentrators as defined in the Carl D. Perkins Vocational and Technical Education Act, Pub. L. No. 105-332, who have attained a high school diploma or equivalent;
 3. The number of students who made successful transitions to work, military, or postsecondary education. A successful transition to

- postsecondary education means a student enters directly into advanced training, a certificate program, or a degree program without having to take remedial academic courses;
4. The number of students employed in nontraditional careers; and
 5. Other factors deemed appropriate by the state education agencies or required under federal law.
- (3) (a) The Department of Education shall coordinate the development of a statewide technical assistance plan to aid providers of programs in identifying areas for improvement for those schools that do not meet their school performance goal and for those schools where technical students as a group do not score equal to or better than the school average in each of the academic areas. The plan shall address methodologies for further analysis at each school including but not limited to:
1. The academic course-taking patterns of the technical students;
 2. The rigor and intensity of the technical programs and expectations for student performance in reading, math, science, and writing and other academic skills as well as in technical skill development;
 3. The level of communication and collaboration between teachers in technical programs and academic programs, planning, and opportunity for analyzing student achievement, particularly between faculty in the comprehensive high schools with the faculty in state-operated or locally operated secondary area centers and vocational departments;
 4. The faculties' understanding of Kentucky's program of studies, academic expectations, and core content for assessment;
 5. The knowledge and understanding of academic teachers and technical teachers in integrating mutually supportive curricula content;
 6. The level of curricula alignment and articulation in grades eight (8) to

- sixteen (16);
7. The availability of extra help for students in meeting higher standards;
 8. The availability and adequacy of school career and guidance counseling;
 9. The availability and adequacy of work-based learning;
 10. The availability and adequacy of distance learning and educational technology;
 11. The adequacy of involvement of business and industry in curricula, work-based learning, and program development; and
 12. The adequacy of teachers' preparation to prepare them for teaching both academic and technical skills to all students that are necessary for successful transition to postsecondary education, work, or the military.
- (b) 1. The department and the office, in cooperation with~~the Education Professional Standards Board,~~ teacher preparation programs, postsecondary education institutions, and other appropriate partners, shall ensure that academic core content is embedded or integrated within the performance requirements for teacher education students.
2. Beginning with the 2013-2014 school year and thereafter, the department~~Education Professional Standards Board~~ shall, as a condition of program approval, require career and technical educator preparation programs to include instructional techniques for teacher education students to embed reading, mathematics, and science knowledge and skills into all career and technical education instruction at the secondary level.
- (c) The department, in cooperation with the Kentucky Community and Technical College System, shall encourage postsecondary education and business and industry to provide professional development and training opportunities to engage technical faculty in continuous improvement activities to enhance their

instructional skills.

- (d) The department shall continue efforts with business and industry to develop occupation skill standards and assessments. All efforts shall be made with the involvement of business, industry, and labor. Skill standards and assessments, where available, shall be used as the focus of the curricula.
- (4) The department shall carry~~[consult with the Education Professional Standards Board in carrying]~~ out the requirements of this section as they relate to teacher preparation.

➔Section 24. KRS 158.818 is amended to read as follows:

- (1) If funds are appropriated for the purposes of funding evidence-based instructional models or if internal state or federal funds are available, the Kentucky Department of Education, in collaboration with the Kentucky Community and Technical College System~~[, the Education Professional Standards Board,]~~ and other appropriate educational entities, shall recommend evidence-based models for addressing the needs of at-risk students.
- (2) The evidence-based models shall include a variety of programs and curricula proven to be effective for at-risk students, and shall focus on:
- (a) Identification of students at risk for inadequate academic preparation for the next grade level or at risk for dropping out of school;
 - (b) Reduction in the number of students retained in grade nine (9) and reduction of high school failure rates;
 - (c) Improvement of student performance through grade-level standards in reading and mathematics with an emphasis on grade nine (9);
 - (d) Assistance to students and their parents or legal guardians in identifying students' career and educational goals, developing individual learning plans, and the appropriate programs of study to achieve these goals; and
 - (e) Assistance to adult students in obtaining a high school diploma or a

recognized postsecondary education credential that has value in the workplace.

- (3) The evidence-based models shall include the following components designed to facilitate more students having a successful start in high school and successfully completing grade nine (9) requirements:
 - (a) The use of flexible scheduling as appropriate to increase students' time in the study of core language arts and mathematics;
 - (b) The assignment of the most effective teachers as leaders for instructional teams in grade nine (9) to improve instructional planning, delivery of instruction, and the use of reteaching strategies;
 - (c) The assignment of mentors to teach students study skills and habits necessary to become independent learners and, when possible, the use of career guidance coaches to advise students; and
 - (d) Career courses, including career exploration, in grade nine (9) to incorporate project-based instruction that requires the application of grade nine (9) level reading, mathematics, and science skills and that uses a wide variety of technology.
- (4)
 - (a) If state or federal funds are available, all career and technical education teachers who teach high school students shall receive training in how to embed reading, mathematics, and science knowledge and skills in specific career and technical education courses.
 - (b) Training required under paragraph (a) of this subsection may be provided by local school districts or postsecondary education institutions, including community and technical colleges, and outside providers that have a record of working effectively with schools in redesigning the ninth grade.
- (5) Career and technical education teachers shall provide evidence through the courses they teach that the students' academic achievement is increased as defined by

administrative regulations promulgated by the Kentucky Board of Education and developed in collaboration with the Kentucky Community and Technical College System.

- (6) The evidence-based models shall be incorporated into career and technical education programs, career academies, and career pathway programs of study developed under KRS 157.072.

➔Section 25. KRS 158.840 is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
 - (a) All students in the primary program having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
 - (b) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal "No Child Left Behind Act of 2001," 20 U.S.C. sec. 6301 et seq., or its successor; and
 - (c) Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments be provided research-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents, and other educational entities, such as ~~the Education Professional~~

~~Standards Board,~~ P-16 councils, the Collaborative Center for Literacy Development, and the Center for Middle School Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment and accountability system, required under KRS 158.6453 to improve student achievement in mathematics and reading.
- (4) The Kentucky Department of Education shall:
 - (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;
 - (b) Work with state and national educators and subject-matter experts to identify student reading skills in each subject area that align with the state content

- standards adopted under KRS 158.6453 and identify teaching strategies in each subject area that can be used explicitly to develop the identified reading skills under this paragraph;
- (c) Encourage the development of comprehensive middle and high school adolescent reading plans to be incorporated into the curricula of each subject area to improve the reading comprehension of all students;
 - (d) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment; and
 - (e) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction.
- (5) The Council on Postsecondary Education, in cooperation with the **Kentucky Board of Education**~~Professional Standards Board~~, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources.
- (6) The **Kentucky Board of Education**~~Professional Standards Board~~ shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
- (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten

- through secondary levels will require no remediation to successfully enter a postsecondary education program;
- (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies and that teachers in all subject areas have the requisite skills for helping students at all grade levels develop critical strategies and skills for reading and comprehending subject matter;
 - (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;
 - (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;
 - (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;
 - (f) Assume active roles in the statewide initiatives referenced in KRS 156.553 and 158.842; and
 - (g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.
- (8) School councils at all school levels are encouraged to identify and allocate resources to qualified teachers to become coaches or mentors in mathematics or coaches or mentors in reading with a focus on improving student achievement in their respective schools.
- (9) Local school boards and superintendents shall provide local resources, whenever possible, to supplement or match state and federal resources to support teachers,

school administrators, and school councils in helping students achieve proficiency in reading and mathematics.

- (10) Local school superintendents shall provide leadership and resources to the principals of all schools to facilitate curriculum alignment, communications, and technical support among schools to ensure that students are academically prepared to move to the next level of schooling.

➔Section 26. KRS 158.842 is amended to read as follows:

- (1) As used in KRS 158.840 to 158.844, unless the context requires otherwise:
- (a) "Concepts" means mathematical ideas that serve as the basis for understanding mathematics;
 - (b) "Mathematics" means the curriculum of numbers and computations, geometry and measurements, probability and statistics, and algebraic ideas;
 - (c) "Mathematics coach" means a mathematics leader whose primary responsibility is to provide ongoing support for one (1) or more mathematics teachers. The role of the coach is to improve mathematics teaching practices by working with teachers in their classrooms, observing and providing feedback to them, modeling appropriate teaching practices, conducting workshops or institutes, establishing learning communities, and gathering appropriate and useful resources;
 - (d) "Mathematics diagnostic assessment" means an assessment that identifies a student at risk of failure in mathematics or a student with major deficits in numeracy and other mathematical concepts and skills;
 - (e) "Mathematics intervention program" means an intensive instructional program that is based on valid research and is provided by a highly trained teacher to specifically meet individual students needs;
 - (f) "Mathematics leader" means any educator with a specialization in mathematics who:

1. Serves in a supervisory capacity, such as mathematics department chair, school-based mathematics specialist, or district mathematics supervisor or coordinator; or
 2. Regularly conducts or facilitates teacher professional development, such as higher education faculty or other mathematics teachers;
- (g) "Mathematics mentor" means an experienced mathematics coach who typically works with beginning or novice teachers only. The responsibilities and roles of the mentor are the same as those of the coach;
- (h) "Numeracy" means the development of the basic concepts which include counting, place value, addition and subtraction strategies, multiplication and division strategies, and the concepts of time, money, and length. To be numerate is to have and be able to use appropriate mathematical knowledge, concepts, skills, intuition, and experience in relationship to every day life;
- (i) "Relationships" means connections of mathematical concepts and skills within mathematics; and
- (j) "Skills" means actions of mathematics.
- (2) The Committee for Mathematics Achievement is hereby created for the purposes of developing a multifaceted strategic plan to improve student achievement in mathematics at all levels of schooling, prekindergarten through postsecondary and adult. At a minimum the plan shall address:
- (a) Challenging curriculum that is aligned prekindergarten through postsecondary, including consensus among high school teachers and postsecondary education faculty about expectations, curriculum, and assessment;
 - (b) Attitudes and beliefs of teachers about mathematics;
 - (c) Teachers' knowledge of mathematics;
 - (d) Diagnostic assessment, intervention services, and instructional strategies;
 - (e) Shortages of teachers of mathematics, including incentives to attract strong

- candidates to mathematics teaching;
- (f) Statewide institutes that prepare cadres of mathematics leaders in local school districts, which may include highly skilled retired mathematics teachers, to serve as coaches and mentors in districts and schools;
 - (g) Cohesive continuing education options for experienced mathematics classroom teachers;
 - (h) Closing the student achievement gap among various student subpopulations;
 - (i) Curriculum expectations and assessments of students among the various school levels, prekindergarten, primary, elementary, middle, and high school;
 - (j) Content standards for adult education centers providing mathematics curricula;
 - (k) Introductory postsecondary education mathematics courses that are appropriate to the wide array of academic programs and majors;
 - (l) Research to analyze further the issues of transition from high school or GED programs to postsecondary education mathematics; and
 - (m) The early mathematics testing program under KRS 158.803.

Other factors may be included in the strategic plan as deemed appropriate by the committee to improve mathematics achievement of Kentucky students.

- (3) In carrying out its responsibility under subsection (2)(f) of this section, the committee shall:
 - (a) Design a statewide professional development program that includes summer mathematics institutes at colleges and universities, follow-up, and school-based support services, beginning no later than June 1, 2006, to prepare teams of teachers as coaches and mentors of mathematics at all school levels to improve student achievement. Teachers shall receive training in diagnostic assessment and intervention. The statewide initiative shall be funded, based on available funds, from the Teachers' Professional Growth Fund described in

KRS 156.553. The design shall:

1. Define the curricula focus;
 2. Build on the expertise of specific colleges and universities;
 3. Place emphasis on mathematics concepts, skills and relationships, diagnostic assessment, intervention services, and instructional strategies;
 4. Identify quality control measures for the delivery of each institute;
 5. Establish evaluation procedures for the summer institutes and the other professional development components;
 6. Provide updates and networking opportunities for coaches and mentors throughout the school year; and
 7. Define other components within the initiative that are necessary to meet the goal of increasing student achievement in mathematics;
- (b) Require schools and districts approved to have participants in the mathematics leader institutes to provide assurances that:
1. The district and schools have, or will develop, local mathematics curricula and assessments that align with state standards for mathematics;
 2. There is a local commitment to build a cadre of mathematics leaders within the district;
 3. The district and participating schools will provide in-school support for coaching and mentoring activities;
 4. The mathematics teachers are willing to develop classroom assessments that align with state assessments; and
 5. Students who need modified instructional and intervention services will have opportunity for continuing education services beyond the regular school day, week, or year; and
- (c) In addition to the conditions specified in paragraph (b) of this subsection, the

committee shall make recommendations to the Kentucky Department of Education and the Kentucky Board of Education for criteria to be included in administrative regulations promulgated by the board which define:

1. Eligible grant recipients, taking into consideration how this program relates to other funded mathematics initiatives;
 2. The application process and review;
 3. The responsibilities of schools and districts, including but not limited to matching funds requirements, released or extended time for coaches and mentors during the school year, continuing education requirements for teachers and administrators in participating schools, data to be collected, and local evaluation requirements; and
 4. Other recommendations requested by the Kentucky Department of Education.
- (4) The committee shall initially be composed of twenty-five (25) members as follows:
- (a) The commissioner of education or his or her designee;
 - (b) The president of the Council on Postsecondary Education or his or her designee;
 - (c) The president of the Association of Independent Kentucky Colleges and Universities or his or her designee;
 - (d) The commissioner of education's designee for education professional standards~~[executive director of the Education Professional Standards Board or his or her designee]~~;
 - (e) The secretary of the Education and Workforce Development Cabinet or his or her designee;
 - (f) A representative with a specialty in mathematics or mathematics education who has expertise and experience in professional development, especially with coaching and mentoring of teachers, from each of the nine (9) public

- postsecondary education institutions defined in KRS 164.001. The representatives shall be selected by mutual agreement of the president of the Council on Postsecondary Education and the commissioner of education;
- (g) Two (2) adult education instructors selected by the vice president for Kentucky Adult Education;
 - (h) Two (2) elementary, two (2) middle, and two (2) high school mathematics teachers, appointed by the board of the statewide professional education association having the largest paid membership with approval from their respective local principals and superintendents of schools; and
 - (i) Three (3) school administrators, with one (1) each representing elementary, middle, and high school, appointed by the board of the statewide administrators' association having the largest paid membership with approval from their respective local superintendents of schools.

When the Center for Mathematics created under KRS 164.525 becomes operational, the executive director of the center shall be added to the committee, which shall then be composed of twenty-six (26) members. Appointments to the committee shall be made no later than thirty (30) days following March 18, 2005, and the first meeting of the committee shall occur no later than thirty (30) days following appointment of the members.

- (5) A majority of the full membership shall constitute a quorum.
- (6) Each member of the committee, other than members who serve by virtue of their positions, shall serve for a term of three (3) years or until a successor is appointed and qualified, except that the initial appointments shall be made in the following manner: six (6) members shall serve a one (1) year term, six (6) members shall serve a two (2) year term, and eight (8) members shall serve a three (3) year term.
- (7) A temporary chair of the committee shall be appointed prior to the first meeting of the committee through consensus of the president of the Council on Postsecondary

Education and the commissioner of education, to serve ninety (90) days after his or her appointment. Prior to the end of the ninety (90) days, the committee shall elect a chair by majority vote. The temporary chair may be a nominee for the chair by majority vote. Thereafter, a chair shall be elected each calendar year. An individual may not serve as chair for more than three (3) consecutive years. The chair shall be the presiding officer of the committee, and coordinate the functions and activities of the committee.

- (8) The committee shall be attached to the Kentucky Department of Education for administrative purposes. The commissioner of education may contract with a mathematics-trained professional to provide part-time staff support to the committee. The commissioner of education and the president of the council shall reach consensus in the selection of a person to fill the position. The person selected shall have a graduate degree, a mathematics major, and teaching or administrative experience in elementary and secondary education. The person shall not be a current employee of any entity represented on the committee. The department shall provide office space and other resources necessary to support the staff position and the work of the committee.
- (9) The committee, under the leadership of the chair, may organize itself into appropriate subcommittees and work structures to accomplish the purposes of the committee.
- (10) Members of the committee shall serve without compensation but shall be reimbursed for necessary travel and expenses while attending meetings at the same per diem rate promulgated in administrative regulation for state employees under provisions of KRS Chapter 45. Funds shall be provided school districts to cover the cost of substitute teachers for those teachers on the committee at each district's established rate for substitute teachers.
- (11) If a vacancy occurs within the committee during its duration, the board of the

statewide professional education association having the largest paid membership or the board of the statewide administrators association having the largest paid membership or the president of the Council on Postsecondary Education, as appropriate, shall appoint a person to fill the vacancy.

(12) The committee shall:

- (a) Present a draft strategic plan addressing the requirements in subsection (1) of this section and other issues that arose during the work of the committee to the Education Assessment and Accountability Review Subcommittee no later than August 2005;
- (b) Present the strategic plan for improving mathematics achievement to the Interim Joint Committee on Education by July 15, 2006, which shall include any recommendations that require legislative action; and
- (c) Provide a final written report of committee activities to the Interim Joint Committee on Education and the Legislative Research Commission by December 1, 2006.

(13) The committee shall have ongoing responsibility for providing advice and guidance to policymakers in the development of statewide policies and in the identification and allocation of resources to improve mathematics achievement. In carrying out this responsibility, the committee shall periodically review the strategic plan and make modifications as deemed appropriate and report those to the Interim Joint Committee on Education.

(14) The committee shall collaborate with the Center for Mathematics to ensure that there is ongoing identification of research-based intervention programs for K-12 students who have fallen behind in mathematics, rigorous mathematics curricula that prepare students for the next level of schooling, research-based professional development models that prepare teachers in mathematics and pedagogy, and strategies for closing the gap between high school or GED and postsecondary

mathematics preparation.

➔Section 27. KRS 159.080 is amended to read as follows:

- (1) Each superintendent of a local school district shall appoint a director of pupil personnel and assistants as are deemed necessary. Salaries of directors and assistants shall be fixed by the board of education.
- (2) Directors of pupil personnel shall have the general qualifications of teachers and, in addition, shall hold a valid certificate issued in accordance with the administrative regulations of the ***Kentucky Board of*** Education~~[Professional Standards Board]~~. Certificates valid on January 1, 1956, for attendance officer shall hereafter be valid for the positions of director of pupil personnel. Certificates shall be reissued or renewed in accordance with the terms of the administrative regulations of the ***Kentucky Board of*** Education~~[Professional Standards Board]~~ in effect at the time of application for reissuance or renewal.
- (3) Directors of pupil personnel and assistants shall be allowed their necessary and authorized expenses incurred in the performance of their duties. Each board shall bear the expense of its directors of pupil personnel and assistants incurred in its district.
- (4) The office of the superintendent of schools shall be the office of the director of pupil personnel and suitable space shall be provided therein or adjacent thereto for him or her.

➔Section 28. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
 - (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
 - (b) "School" means an elementary or secondary educational institution that is

under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;
 2. Instructional programs operated in institutions or schools outside of the district; or
 3. Alternative schools designed to provide services to at-risk populations with unique needs;
- (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and
- (d) "Parent" means:
1. A parent, stepparent, or foster parent of a student; or
 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
- (2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:
- (a) Except as provided in paragraph (b)2. of this subsection, each participating

school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;

- (b) 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.
2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

- a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and
 - b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;
- (c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.
2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;
- (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;
- (e) The meetings of the school council shall be open to the public and all

interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;

- (f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;
- (g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;
- (h) Personnel decisions at the school level shall be as follows:
 - 1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Kentucky Board of Education~~Professional Standards Board~~ based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS

- 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;
2. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;
 3. Personnel decisions made at the school level under the authority of subparagraphs 1., 2., and 4. of this paragraph shall be binding on the superintendent who completes the hiring process;
 4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council;
 5. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020; and
 6. Notwithstanding other provisions of this paragraph, if the applicant is

the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;

- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
1. Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(7);
 2. Assignment of all instructional and noninstructional staff time;
 3. Assignment of students to classes and programs within the school;
 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
 5. Determination of use of school space during the school day;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
 9. Adoption of an emergency plan as required in KRS 158.162;
 10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
 11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to meetings,

timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and

- (j) Each school council shall annually review data as shown on state and local student assessments and program assessments required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.
- (3) The policies adopted by the local board to implement school-based decision making shall also address the following:
 - (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
 - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
 - (c) School improvement plans, including the form and function of strategic

- planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
- (d) Professional development plans developed pursuant to KRS 156.095;
 - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
 - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
 - (g) Requirements for waiver of district policies;
 - (h) Requirements for record keeping by the school council; and
 - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of

this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the

parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.
- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.
- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

➔Section 29. KRS 160.348 is amended to read as follows:

- (1) (a) The Kentucky Department of Education shall make available to middle and high schools information concerning the prerequisite content necessary for success in secondary courses, Advanced Placement or AP courses, and International Baccalaureate or IB courses. The department shall provide sample syllabi, instructional resources, and instructional supports for teachers that will assist in preparing students for more rigorous coursework. Instructional supports shall include professional development for assisting students enrolled in the Kentucky Virtual High School or other virtual learning settings.
 - (b) Each secondary school-based decision making council shall offer a core curriculum of AP, IB, dual enrollment, or dual credit courses, using either or both on-site instruction or electronic instruction through the Kentucky Virtual High School or other on-line alternatives. In addition, each school-based decision making council shall comply with any additional requirements for AP, IB, dual enrollment, and dual credit courses that may be established cooperatively by the Kentucky Department of Education, ~~the Education Professional Standards Board,~~ and the Council on Postsecondary Education in accordance with the definitions in KRS 158.007.
- (2) Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to AP, IB, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum. All students who are willing to accept the challenge of a rigorous academic curriculum shall be admitted to AP courses, including AP courses offered through the Kentucky Virtual High School and accepted for credit toward graduation under KRS 158.622(3)(a), IB courses, dual enrollment courses, and dual credit courses, if they have successfully completed the prerequisite coursework or have otherwise demonstrated mastery of

the prerequisite content knowledge and skills as determined by measurable standards. If a school does not offer an AP course in a particular subject area, the school shall permit a qualified student to enroll in the AP course offered by the Kentucky Virtual High School and receive credit toward graduation under KRS 158.622(3)(a).

- (3) Effective with the 2008-2009 school year and thereafter, students enrolled in AP or IB courses in the public schools shall have the cost of the examinations paid by the Kentucky Department of Education.

➔Section 30. KRS 160.350 is amended to read as follows:

- (1) After considering the recommendations of a screening committee, as provided in KRS 160.352, each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1, following the individual's appointment. The appointment may be for a term of no more than four (4) years. In the event a vacancy occurs in the office of superintendent prior to the expiration of the term set by the board, the term shall expire on the date the vacancy occurs. Therefore, the board may appoint a superintendent for a new term as provided in this subsection, which shall begin on the date of the superintendent's appointment, except when the vacancy occurs after a school board election and before the newly elected members take office. When a vacancy occurs during this period, the position shall not be filled until the new members take office, but the board may appoint an acting superintendent to serve a term not to exceed six (6) months. This appointment may be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a local board may also appoint an acting superintendent during the period the screening committee pursuant to KRS 160.352 conducts its business and prior to the actual appointment of the new superintendent. No superintendent shall resign during a term and accept a new term from the same board of education prior to the expiration date of the present term. In the case of a vacancy in the office for an

unexpired term, the board of education shall make the appointment so that the term will end on June 30. The board shall set the salary of the superintendent to be paid in regular installments.

- (2) An individual shall not assume the duties of superintendent in a district until he or she provides the board of education with a copy of a certificate for school superintendent issued by the Kentucky Department of Education~~Professional Standards Board~~ or its legal predecessor. A superintendent shall hold a valid certificate throughout the period of employment. A superintendent shall successfully complete the training program and assessment center process within two (2) years of assuming the duties of superintendent. A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association that has the school district's funds on deposit. Following appointment, the superintendent shall establish residency in Kentucky.
- (3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5) of the membership of a board of education and upon approval by the commissioner of education. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the commissioner of education, the board shall terminate the superintendent's contract. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent. The board shall seek approval by the commissioner of education for removing the superintendent. The commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request.
- (4) After the completion of a superintendent's first contract or after four (4) years,

whichever comes last, the board of education may, no later than June 30, extend the contract of the superintendent for one (1) additional year beyond the current term of employment.

➔Section 31. KRS 160.380 is amended to read as follows:

(1) As used in this section:

- (a) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (b) "Contractor" means an adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor;
- (c) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and
- (d) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

- (2) Except as provided in KRS 160.346:
- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
 - (b) When a vacancy occurs in a local school district, the superintendent shall notify the chief state school officer thirty (30) days before the position shall be filled. The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public. The local school district shall post position openings in the local board office for public viewing;
 - (c) When a vacancy needs to be filled in less than thirty (30) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days;
 - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky

- Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district;
- (e) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office, or prior to marrying a relative of the superintendent, and who is qualified for the position the employee holds. A superintendent's spouse who has at least eight (8) years of service in school systems may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
- (f) No superintendent shall employ a relative of a school board member of the district, unless on July 13, 1990, the board member's relative is an employee of the district, the board member is holding office, and the relative was not initially hired by the district during the tenure of the board member. A relative employed in 1989-90 and initially hired during the tenure of a board member serving on July 13, 1990, may continue to be employed during the remainder of the board member's term. However, the superintendent shall not promote any relative of a school board member who continues employment under the exception of this subsection; and
- (g) 1. No principal's relative shall be employed in the principal's school, except a relative who is not the principal's spouse and who was employed in the principal's school during the 1989-90 school year.
2. No spouse of a principal shall be employed in the principal's school,

except:

- a. A principal's spouse who was employed in the principal's school during the 1989-90 school year for whom there is no position for which the spouse is certified to fill in another school operated in the district; or
 - b. A principal's spouse who was employed in the 1989-90 school year and is in a school district containing no more than one (1) elementary school, one (1) middle school, and one (1) high school.
3. A principal's spouse who is employed in the principal's school shall be evaluated by a school administrator other than the principal.
 4. The provisions of KRS 161.760 shall not apply to any transfer made in order to comply with the provisions of this paragraph.
- (3) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
 - (4) No superintendent shall employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony. The superintendent may employ, at his discretion, persons convicted of sex crimes classified as a misdemeanor.
 - (5) (a) A superintendent shall require a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district. Excluded are certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check for the previous employment.
 - (b) The superintendent shall require that each new certified hire and student

teacher, as set forth in paragraph (a) of this subsection, submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation.

- (c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police and the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.
 - (d) The *Kentucky Board of* Education~~[- Professional Standards Board]~~ may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544.
- (6) (a) A superintendent shall require a state criminal background check on all classified initial hires.
- (b) The superintendent shall require that each classified initial hire submit to a state criminal history background check by the Department of Kentucky State Police. If an applicant has been a resident of Kentucky twelve (12) months or less, the superintendent may require a national criminal history background check as a condition of employment.
- (c) Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested under the provisions of paragraph (b) of this subsection, shall be sent to the hiring superintendent. Any fee charged

by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.

- (7) The superintendent may require a contractor, volunteer, or visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. Any request for records under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The results of the state criminal background check and the results of the national criminal history background check, if requested, shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (8) (a) If a school term has begun and a certified or classified position remains unfilled or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.
- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165.
- (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.
- (d) The provisions of KRS 161.790 shall apply to terminate employment of a

certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165.

- (9) (a) Each application or renewal form, provided by the employer to an applicant for a classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT."
- (b) Each application or renewal form, provided by the employer to an applicant for a certified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."
- (c) Each application form for a district position shall require the applicant to:
1. Identify the states in which he or she has maintained residency, including the dates of residency; and
 2. Provide picture identification.
- (10) The provisions of subsections (5), (6), (7), (8) and (9) of this section shall apply to a nonfaculty coach or nonfaculty assistant as defined under KRS 161.185.
- (11) A school-based decision-making council parent member, as defined under KRS 160.345, shall submit to a state and national fingerprint-supported criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation. The results of the state criminal history background check and the results of the national criminal history background check, if requested, shall be sent to the district superintendent. Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of

processing the request and conducting the search. A parent member may serve prior to the receipt of the criminal history background check report but shall be removed from the council on receipt by the school district of a report documenting a record of a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165, and no further procedures shall be required.

- (12) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.

➔Section 32. KRS 161.010 is amended to read as follows:

As used in KRS 161.020 to 161.120:

- (1) "Continuing education" means study or other activities to provide professional improvement and personal growth for certified teachers throughout their career. It may include, but shall not be limited to, university courses, an advanced degree, or a combination of university courses, field-based experience, individual research, and approved professional development activities, pursuant to KRS 156.095.
- (2) "Standard college or university" means an institution accredited by the Southern Association of Colleges and Schools or by one of the other recognized regional

accrediting agencies or by the Kentucky Board of Education~~[Professional Standards Board]~~.

- (3) "College or university work of graduate grade" means academic preparation which extends beyond the usual four (4) year program of undergraduate studies leading to a bachelor's degree and which is completed at a college or university accredited for the graduate level.
- (4) "Student teacher" means an adult who has completed the prerequisite teacher preparation as prescribed by the accredited teacher education institution in which he or she is enrolled, and who is jointly assigned by the institution and a local school district to engage in a period of practice teaching under the direction and supervision of the administrative and teaching staff of the school district and the institution.
- (5) "Teacher's aide" means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of his or her training and competency, certain instructional and noninstructional functions in the school program including, but not limited to, clerical duties, tutoring individual pupils, leading pupils in recreational activities, conducting pupils from place to place, assisting with classroom instruction as directed by the teacher, aiding the school librarian, and preparing and organizing instructional materials and equipment.

➔Section 33. KRS 161.017 is amended to read as follows:

- (1) The Department of Education shall be responsible for~~[Education Professional Standards Board, established in KRS 161.028, shall be headed by an executive director who shall be responsible for the day to day operations of the board including]~~ the following:
 - (a) Setting up appropriate organizational structures and personnel policies for approval by the board;

- (b) Appointing all staff~~[, including the deputy executive director];~~
 - (c) Preparing annual reports on the ~~[board's]~~ program of work;
 - (d) Carrying out policy and program directives of the **Kentucky Board of Education**~~[board];~~
 - (e) Preparing and submitting to the board for its approval a proposed biennial budget; and
 - (f) Performing all other duties and responsibilities assigned by state law.
- (2) **The commissioner of education**~~[When it is necessary to fill the position of executive director, the board shall conduct a comprehensive search for candidates and may employ a search firm if the board deems it necessary. The executive director shall possess broad-based experience in education and teacher development, and have demonstrated leadership skills in addition to other qualifications to be established by the board as authorized in KRS 161.028.~~
- ~~(3) With approval of the board, the executive director may enter into agreements with any state agency or political subdivision of the state, any postsecondary education institution, or any other person or entity to enlist assistance to implement the duties and responsibilities of the board.~~
- ~~(4) The executive director] shall have access to the papers, books, and records of education personnel as part of an inquiry or investigation relating to disciplinary actions against a certified employee.~~
- ~~(3) [(5)] Pursuant to KRS 161.120, the **commissioner of education**~~[executive director, on behalf of the board,] may issue administrative subpoenas for the attendance of witnesses and the production of documents relevant to disciplinary cases under consideration. Compliance with the subpoenas shall be enforceable by the Circuit Court in Franklin County.~~~~

➔Section 34. KRS 161.020 is amended to read as follows:

- (1) (a) No person shall be eligible to hold the position of superintendent, principal,

teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Kentucky Department of Education~~[Education Professional Standards Board]~~.

- (b) No person seeking initial employment as a school finance officer on or after July 1, 2015, shall be eligible to hold the position of school finance officer unless the person holds a certificate of legal qualification for the position, issued by the Kentucky Department of Education.
- (2) No person shall enter upon the duties of a position requiring certification qualifications until his or her certificate has been filed or credentials registered with the local district employer.
- (3) The validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

➔Section 35. KRS 161.027 is amended to read as follows:

- (1) The Council on Postsecondary Education~~[Professional Standards Board, pursuant to KRS 161.028,]~~ shall by administrative regulation establish requirements for a preparation program in institutions of higher education for all new applicants for principal certification and establish criteria for admission to the program.
- (2) The ~~[Education Professional Standards Board and the]~~ Council on Postsecondary Education shall evaluate the preparation programs for principals and maintain only those institutional programs that can demonstrate both the quality and the capability to enroll adequate numbers of students to justify the resources necessary for maintenance of a quality program.
- (3) The Council on Postsecondary Education~~[Professional Standards Board]~~ shall develop or select appropriate assessments for applicants seeking certification as principals, including:

- (a) An assessment of the ability to apply knowledge, instructional leadership, management, and supervision skills; and
 - (b) A specialized assessment on the current instructional and administrative practices in Kentucky public education.
- (4) The **Council on Postsecondary** Education~~[Professional Standards Board]~~ shall establish the minimum score for successful completion of assessments and shall establish a reasonable fee to be charged applicants for the actual cost of administration of the assessments. The **Council on Postsecondary** Education~~[Professional Standards Board]~~ shall provide for confidentiality of assessment scores.
- (5) The **Council on Postsecondary** Education~~[Professional Standards Board]~~ shall develop an internship program which shall provide for the supervision, assistance, and assessment of beginning principals and assistant principals. The internship shall not be required of applicants who have completed, within a ten (10) year period prior to making application, at least two (2) years of successful experience as a principal in a school situation. The **Council on Postsecondary** Education~~[Professional Standards Board]~~, by administrative regulation, shall establish the internship program.
- (6) The certification of principals shall require the successful completion of the examinations required by subsection (3) of this section. A one (1) year certificate may be given to a person who has:
- (a) A comparable certificate from another state; or
 - (b) All other qualifications except the assessments and is selected as a principal or assistant principal in a district where the superintendent certifies to the **Council on Postsecondary** Education~~[Professional Standards Board]~~ that there is a limited number of applicants to meet the requirements.

Upon successful completion of the assessments, a certificate shall be issued for an

additional four (4) years. A person employed in Kentucky as a principal or assistant principal who was certified in another state and practiced in that state for two (2) or more years is exempt from taking the assessment described in subsection (3)(a) of this section.

- (7) Upon successful completion of the approved preparation program and the assessments, the *Council on Postsecondary* Education~~[- Professional Standards Board]~~ shall issue to the applicant a statement of eligibility for internship valid for five (5) years. If the applicant does not participate in an internship program within the five (5) year period, the applicant shall reestablish eligibility by repeating and passing the assessments in effect at that time or by completing a minimum of six (6) graduate hours, directly related to instructional leadership, management, or supervision, at a regionally or nationally accredited institution. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility. Upon obtaining employment for an internship position as principal or assistant principal within the period of eligibility, the applicant shall be issued the appropriate one (1) year certificate for the position.
- (8) All applicants for principal certification, after successfully completing the assessments, shall successfully complete the internship program described in subsection (5) of this section for principal certification. If the principal's or assistant principal's internship performance is judged to be less than satisfactory pursuant to administrative regulations developed by the *Council on Postsecondary* Education~~[- Professional Standards Board]~~, the applicant for principal certification shall be provided with an opportunity to repeat the internship one (1) time if the applicant is employed by a school district as a principal or assistant principal.
- (9) Following successful completion of the internship program, the principal certificate shall be extended for four (4) years. Renewal of the certificate shall require the completion of a continuing education requirement as prescribed by the *Council on*

Postsecondary Education[~~Professional Standards Board~~].

→Section 36. KRS 161.028 is amended to read as follows:

- (1) The Kentucky Department of Education[~~Professional Standards Board~~ is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board] has the authority and responsibility to:
- (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
 - (b) [~~Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:~~
 - 1. ~~The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;~~
 - 2. ~~Research-based classroom practices, including effective classroom management techniques;~~
 - 3. ~~Emphasis on subject matter competency of teacher education students;~~
 - 4. ~~Methodologies to meet diverse educational needs of all students;~~
 - 5. ~~The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;~~
 - 6. ~~The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;~~
 - 7. ~~The diversity of faculty;~~
 - 8. ~~The effectiveness of partnerships with local school districts; and~~
 - 9. ~~The performance of graduates on various measures as determined by the board;~~

- ~~(c)~~ Conduct an annual review of diversity in teacher preparation programs;
- ~~(d)~~ Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
- ~~(e)~~ Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
- ~~(f)~~ Issue, renew, ~~revoke, suspend,~~ or refuse to issue or renew; impose probationary or supervisory conditions upon; ~~issue a written reprimand or admonishment;~~ or any combination of actions regarding any certificate;
- ~~(c)~~~~(g)~~ Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the *Department of* Education ~~Professional Standards Board~~. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
- ~~(d)~~~~(h)~~ Receive, along with investigators hired by the *Department of* Education ~~Professional Standards Board~~, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- ~~(e)~~~~(i)~~ Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;

- ~~(f)~~(j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
- ~~(g)~~(k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
- ~~(h)~~(l) Develop a professional code of ethics;
- ~~(i)~~(m) — Set the qualifications and salary for the positions of executive director and deputy executive director to the board, notwithstanding the provisions of KRS 64.640;
- ~~(n)~~ Recruit, select, employ and evaluate the executive director to the board;
- ~~(o)~~ Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
- ~~(p)~~ Approve the biennial budget request;
- ~~(q)~~ Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
- ~~(j)~~(r) — Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;

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

~~(k)~~~~(t)~~ Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the Board *of Education*. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

~~(l)~~~~(u)~~ Employ consultants as needed;

~~(m)~~~~(v)~~ Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the Board *of Education* 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;

~~(n)~~~~(w)~~ Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and

~~(o)~~~~(x)~~ Issue orders as necessary in any administrative action before the Board of Education.

~~{(2) (a) The board shall be composed of seventeen (17) members. The commissioner of education 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 of an independent not-for-profit college or university.~~

~~(b) The members appointed by the Governor after June 21, 2001, shall be confirmed by the Senate and the House of Representatives 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 General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.~~

~~(c) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the~~

~~criteria for the position to which he was appointed shall no longer be eligible to serve in that position.~~

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

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

~~(f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive director shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman.~~

~~(2)(g)~~ To carry out the functions relating to its duties and responsibilities, the *Kentucky Department of Education*~~[board]~~ is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

➔Section 37. KRS 161.030 is amended to read as follows:

(1) Notwithstanding the age of the pupil, the certification of all teachers and other school personnel, in public schools only, is vested in the *Kentucky Department of Education*~~[Professional Standards Board]~~. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools, except as provided for by law. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the administrative regulations of the *Kentucky Board of Education*~~[Professional Standards Board]~~. After July 15, 1994, all certificate applications and

other data collection instruments of the board shall include a request for voluntary information about the applicant's ethnic background. This information shall be available to help local school districts locate minority candidates. A person who holds a certificate prior to this requirement may request that ethnic information be added to his or her file. Nothing in this section shall preclude the right of an individual in a nonpublic school from seeking voluntary certification by the Department of Education~~Professional Standards Board~~.

- (2) Certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of application to persons who have completed, at colleges, universities, or local school district programs approved by the Council on Postsecondary Education~~Professional Standards Board~~ for the preparation of teachers and other school personnel, the curricula prescribed by the administrative regulations of the Council on Postsecondary Education~~Professional Standards Board~~.
- (3) (a) Certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification. The assessments shall be selected by the Council on Postsecondary Education~~Professional Standards Board~~ and shall measure knowledge in the specific teaching field of the applicant, including content of the field and teaching of that content. The Council on Postsecondary Education~~Professional Standards Board~~ shall determine the minimum acceptable level of achievement on each assessment. The assessments shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the assessments and the approved teacher preparation program, a certificate valid for one (1) year shall be issued.
- (b) If an applicant for teacher certification has completed the approved teacher

preparation program and has taken but failed to successfully complete the appropriate assessments selected by the Council on Postsecondary Education~~[Professional Standards Board]~~, a conditional certificate may be issued for a period not to exceed one (1) year, if the employing school district, in collaboration with the teacher education institution, agrees to provide technical assistance and mentoring support to the conditionally certified teacher. The teacher shall retake the assessments during the validity period of the conditional certificate. The conditional certificate shall not be reissued. Upon successful completion of the required assessments, a certificate valid for one (1) year shall be issued and the teacher shall be eligible to participate in the internship program as provided in subsection (5) of this section. The teacher shall not be eligible to participate in the internship program while teaching on the conditional certificate. The Kentucky Board of Education~~[Professional Standards Board]~~ shall promulgate administrative regulations to establish the standards and procedures for issuance of the conditional certificate.

- (c) If an out-of-state teacher with less than two (2) years' experience comes to Kentucky after the deadline for taking the assessments, a temporary certificate may be issued for a period up to six (6) months provided the local board cannot fill the vacant position with a certified teacher. The teacher shall take the assessments if they are administered during the period of the temporary certificate. The certificate shall be extended for the remainder of the year if the teacher successfully completes the assessments. If the teacher fails the assessments, the temporary certificate shall be valid only for the current semester.
- (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the assessments shall be established by the Council on

Postsecondary Education ~~[Professional Standards Board]~~. Provisions shall be made for persons having less than minimum levels of performance on any assessment to repeat that assessment, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The Council on Postsecondary Education ~~[Professional Standards Board]~~ shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than two (2) years of teaching experience who are seeking initial certification in Kentucky.

- (5) Except as provided in subsection (3)(b) of this section, all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. The teacher shall be a full-time employee or shall have an annual contract and serve on at least a half-time basis and shall have supervision, assistance, and assessment during the one (1) year internship. The internship may be served in a public school or a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility, and benefits for single salary experience increments. Upon successful completion of the beginning teacher program, the one (1) year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by Kentucky Board of Education ~~[Professional Standards Board]~~ administrative regulations.
- (6) The beginning teacher committee shall be composed of three (3) persons who have

successfully completed special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (8) of this section, except as provided in paragraph (g) of this subsection. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator appointed by a state-approved teacher training institution.

- (a) If more than two (2) teacher interns are employed in the same school, the principal's responsibility may be shared with an assistant principal who holds certification as a principal.
- (b) In unusual situations, the Council on Postsecondary Education~~Professional Standards Board~~ may permit the assistant principal to serve in lieu of the principal on a beginning teacher committee.
- (c) If the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district.
- (d) If the intern is teaching in a regionally or nationally accredited nonpublic school without a principal, the person filling the principal member position may have other appropriate qualifications as required by administrative regulations promulgated by the Council on Postsecondary Education~~Professional Standards Board~~.
- (e) If the teacher training institution is unable to provide a member to serve on the beginning teacher committee in a nonpublic school, the chief officer of the school shall appoint an instructional supervisor or a teacher with like qualifications and responsibilities to serve on the beginning teacher committee in lieu of the teacher educator.
- (f) The resource teacher shall be appointed by the Council on Postsecondary Education~~Professional Standards Board~~ with recommendations from the

local school district from a pool of qualified resource teachers, and, any statutes to the contrary notwithstanding and to the extent of available appropriations, shall be entitled to be paid a reasonable stipend by the **Council on Postsecondary** Education~~[- Professional Standards Board]~~ for work done outside normal working hours. In the case of a resource teacher in a nonpublic school, payment shall be made directly to the resource teacher by the **Council on Postsecondary** Education~~[- Professional Standards Board]~~. Priority shall be given to resource teachers in the following order, except as provided in paragraph (g) of this subsection:

1. Teachers with the same certification in the same school;
 2. Teachers with the same certification in the same district;
 3. Teachers in the same school;
 4. Teachers in the same district; and
 5. Teachers in an adjacent school district.
- (g) 1. The resource teacher for an individual pursuing initial certification as a baccalaureate level teacher of exceptional children/communication disorders shall be a master's level teacher of exceptional children/communication disorders, if one is available.
2. If a master's level teacher of exceptional children/communication disorders is not available, the **Council on Postsecondary** Education~~[- Professional Standards Board]~~ may allow a licensed speech-language pathologist to serve on the beginning teacher committee in lieu of a resource teacher.
- (h) The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year.

If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

- (7) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher. Twenty (20) of these hours shall be in the classroom setting, and fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.
- (8) By contract with teacher education institutions in the Commonwealth, the **Council on Postsecondary** Education~~[- Professional Standards Board]~~ shall provide special training for persons who will be serving on the beginning teacher committees. Completion of special training shall be evidenced by successfully passing the assessments as prescribed by the Education Professional Standards Board. A principal hired after July 15, 1996, shall be required to complete the beginning teacher committee training program within one (1) year after his or her appointment.
- (9) If an applicant establishes eligibility for a one (1) year certificate under the provisions of subsection (3)(a) of this section, but does not become employed on the basis needed to satisfy the one (1) year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the administrative regulations of the **Kentucky Board of** Education~~[- Professional Standards Board]~~. The applicant shall remain eligible for the one (1) year certificate, as provided in subsection (3)(a) of this section, and for the opportunity to serve the

internship for a period of five (5) years after establishing eligibility. If the internship is not completed within the five (5) year period, the applicant must reestablish eligibility by repeating and passing the assessment program in effect for new teachers at that time or by completing a minimum of six (6) graduate hours toward completion of a graduate program required by administrative regulations promulgated by the Council on Postsecondary Education ~~Professional Standards Board~~. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility.

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

➔Section 38. KRS 161.032 is amended to read as follows:

- (1) (a) There is hereby created a certification incentive fund in the State Treasury to be administered by the Kentucky Department of Education ~~Professional Standards Board~~. The fund shall provide grants to eligible recipients for conducting institutes as described in KRS 161.048(8), including the costs of salaries of institute instructors, consultants, materials, stipends and loans to participants, other costs associated with the institutes, and costs of assistance

- to teachers throughout their first year of teaching.
- (b) Eligible recipients of grant funds may be nonprofit organizations, institutions, and agencies, including but not limited to postsecondary education institutions, school districts, education cooperatives, and consortia of school districts.
 - (c) The *Kentucky Board of* Education ~~Professional Standards Board~~ shall promulgate administrative regulations establishing standards and procedures for the grant program, including minimal participation levels and maximum grant awards.
- (2) (a) Priority for the institutes funded under this section for academic years 2008-2009 through 2011-2012 shall be for the purpose of certifying teachers in high school mathematics, chemistry, integrated science, and physics, and middle school mathematics and earth science under the provisions of KRS 161.048 (8), Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. *The Department of Education*~~At the completion of academic year 2011-2012, the Education Professional Standards Board~~ shall determine priority for specific institutes.
- (b) The *Department of Education*~~board~~ shall request proposals and approve at least one (1) summer institute for the purpose described in paragraph (a) of this subsection each academic year. The institute shall be a minimum of ninety (90) clock hours, based on six (6) hour days for a three (3) week period.
 - (c) Each individual who completes a summer institute shall have additional hours of formal instruction or assistance during the first year of teaching to reach the minimum number of clock hours as required in KRS 161.048(8)(b)2.
 - (d) Notwithstanding KRS 161.030, an alternative teacher certification candidate participating in the institute described in the provisions of this subsection shall not be required to participate in the teacher internship program until the

second year of teaching. The candidate shall be assigned a teacher mentor by the grant recipient the first year of teaching. Payment of the teacher mentor shall be from the grant provided under subsection (1) of this section.

- (3) (a) Individuals who are accepted into an institute shall be provided a forgivable loan incentive at the beginning of the institute to encourage their participation. The amount of the forgivable loan shall be determined by the *Department of Education*~~Professional Standards Board~~. The loan shall be forgiven if the participant teaches in a Kentucky public or Kentucky Board of Education certified nonpublic school for one (1) year within the three (3) years following the awarding of the loan.
- (b) If an individual does not successfully complete the institute or teach mathematics or science in a qualifying Kentucky school, the loan must be repaid according to procedures promulgated in administrative regulation by the Kentucky Higher Education Assistance Authority.
- (c) The *Department of Education*~~Professional Standards Board~~ shall enter into a memorandum of understanding with the Kentucky Higher Education Assistance Authority to administer the forgivable loan incentive under this section. Based on the memorandum of understanding, the authority may retain a portion of the funds for administering the forgivable loan incentive. Funds recovered under provisions of this section, minus the administrative costs, shall be returned to the State Treasury.
- (4) Each individual who successfully completes a summer institute shall be awarded a stipend equal to the amount of the forgivable loan as described in subsection (3) of this section. The stipend shall be awarded at the end of the institute without restrictions.
- (5) Grant recipients and local school districts may offer financial incentives to potential participants and individuals who complete an institute from fund sources other than

the grant funds.

➔Section 39. KRS 161.042 is amended to read as follows:

- (1) The **Council on Postsecondary** Education~~[Professional Standards Board]~~ shall provide through administrative regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities.
- (2) Within the provisions established by the **Council on Postsecondary** Education~~[Professional Standards Board]~~, local boards of education are authorized to enter into cooperative agreements, including financial arrangements, with colleges and universities for the purpose of providing professional laboratory experiences and student teaching experiences for students preparing for the education profession.
- (3) The Education Professional Standards Board shall promulgate administrative regulations defining the professional requirements and general duties of a supervising teacher and requirements for a local school district and school to be used for this purpose.
- (4) A student teacher who is jointly assigned under agreement by a teacher education institution and a local board of education shall have the same legal status and protection as a certified teacher employed within the school district and shall be responsible to the administrative staff of the school district and the supervising teacher to whom he or she is assigned. All student teachers shall be subject to the state and national criminal records checks required of certified hires under provisions of KRS 160.380.
- (5) Teacher education students, other than student teachers, may be permitted through cooperative agreements between the local school district and the teacher education institution, to engage in supplementary instructional activities with pupils under the direction and supervision of the professional administrative and teaching staff of the school district. Teacher education students shall not be subject to the criminal records checks required under KRS 160.380 or 161.148.

➔Section 40. KRS 161.046 is amended to read as follows:

- (1) For purposes of this section, "adjunct instructor" means an individual who has training or experience in a specific subject area and who has met the requirements for certification as an adjunct instructor established by the Council on Postsecondary Education~~[Professional Standards Board]~~.
- (2) The Council on Postsecondary Education~~[Professional Standards Board]~~ shall adopt administrative regulations governing the qualifications and utilization of adjunct instructors. These administrative regulations shall specify the minimum essential competencies which must be demonstrated by persons seeking an adjunct instructor certificate.
- (3) Holders of an adjunct instructor certificate shall be employed on an annual contract basis and shall not be eligible for continuing service status pursuant to KRS 161.740 or for the retirement provisions of KRS 161.220 through 161.714, except that the return to work limitations set forth in KRS 161.605 shall apply to any retired member of the Kentucky Teachers' Retirement System who resumes employment as an adjunct instructor. The granting of successive annual contracts to the holder of an adjunct instructor certificate shall not give rise to a claim of expectation of continuing employment.
- (4) Local school boards may contract with certificated adjunct instructors for part-time services on an hourly, daily, or other periodic basis as best meets the needs of the board. An adjunct instructor shall not fill a position that will result in the displacement of a qualified teacher with a regular certificate who is already employed in the district.
- (5) An orientation program shall be developed and implemented for adjunct instructors by the local school board.

➔Section 41. KRS 161.048 is amended to read as follows:

- (1) The General Assembly hereby finds that:

- (a)
 1. There are persons who have distinguished themselves through a variety of work and educational experiences that could enrich teaching in Kentucky schools;
 2. There are distinguished scholars who wish to become teachers in Kentucky's public schools, but who did not pursue a teacher preparation program;
 3. There are persons who should be recruited to teach in Kentucky's public schools as they have academic majors, strong verbal skills as shown by a verbal ability test, and deep knowledge of content, characteristics that empirical research identifies as important attributes of quality teachers;
 4. There are persons who need to be recruited to teach in Kentucky schools to meet the diverse cultural and educational needs of students; and
 5. There should be alternative procedures to the traditional teacher preparation programs that qualify persons as teachers.
 - (b) There are hereby established alternative certification program options as described in subsections (2) to (9) of this section.
 - (c) It is the intent of the General Assembly that the **Council on Postsecondary Education**~~[Educational Professional Standards Board]~~ inform scholars, persons with exceptional work experience, and persons with diverse backgrounds who have potential as teachers of these options and assist local boards of education in implementing these options and recruitment of individuals who can enhance the education system in Kentucky.
 - (d) The **Kentucky Board of** Education~~[Professional Standards Board]~~ shall promulgate administrative regulations establishing standards and procedures for the alternative certification options described in this section.
- (2) Option 1: Certification of a person with exceptional work experience. An individual who has exceptional work experience and has been offered employment in a local

school district shall receive a one (1) year provisional teaching certificate with approval by the ***Department of*** Education~~[- Professional Standards Board]~~ of a joint application by the individual and the employing school district under the following conditions:

- (a) The application contains documentation of all education and work experience;
- (b) The candidate has documented ten (10) years of exceptional work experience in the area in which certification is being sought;
- (c) The candidate possesses:
 - 1. a. A minimum of a bachelor's degree, with a cumulative grade point average of two and five-tenths (2.5) on a four (4) point scale or a grade point average of three (3.0) on a four (4) point scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; or
 - b. A graduate degree with a cumulative grade point average of two and five-tenths (2.5) on a four (4) point scale or a grade point average of three (3.0) on a four (4) point scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and
 - 2. An academic major or a passing score on the academic content assessment designated by the ***Kentucky Board of*** Education~~[- Professional Standards Board]~~; and
- (d) The candidate shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. After successful completion of the internship, the candidate shall receive a regular professional certificate and shall be subject to certificate renewal requirements the same as any other

teacher with a regular professional certificate.

- (3) Option 2: Certification through a local district training program. A local district or group of districts may seek approval for a training program. The state-approved local district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification for a teacher at any grade level. The training program may be offered for all teaching certificates approved by the Department of Education~~[-Professional Standards Board]~~, including interdisciplinary early childhood education, except for specific certificates for teachers of exceptional children. To participate in a state-approved local district alternative training program, the candidate shall:
- (a) Possess a bachelor's degree with a grade point average of two and five tenths (2.5) on a four (4) point scale or, upon approval by the Department of Education~~[-Professional Standards Board]~~, at least a grade point average of two (2) on a four (4) point scale if the candidate has exceptional life experience related to teaching and has completed the bachelor's degree at least five (5) years prior to submitting an application to the program.
 - (b) Pass written tests designated by the Department of Education~~[-Professional Standards Board]~~ for content knowledge in the specific teaching field of the applicant with minimum scores in each test as set by the Department of Education~~[-Professional Standards Board]~~. To be eligible to take a subject field test, the applicant shall have completed a thirty (30) hour major in the academic content area or five (5) years of experience in the academic content area as approved by the Department of Education~~[-Professional Standards Board]~~.
 - (c) Have been offered employment in a school district which has a training program approved by the Department of Education~~[-Professional Standards Board]~~.

- (d) Upon meeting the participation requirements as established in this subsection, the candidate shall be issued a one (1) year provisional certificate by the Department of Education~~[- Professional Standards Board]~~. The regular provisional certificate shall be issued upon satisfactory completion of the program and the teacher testing internship program pursuant to KRS 161.030.
 - (e) The Department of Education~~[- Professional Standards Board]~~ may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs.
- (4) Option 3: Certification of a professional from a postsecondary institution: A candidate who possesses the following qualifications may receive alternative certification for teaching at any level:
- (a) A master's degree or doctoral degree in the academic content area for which certification is sought;
 - (b) A minimum of five (5) years of full-time teaching experience, or its equivalent, in the academic content area for which certification is sought in a regionally or nationally accredited institution of higher education; and
 - (c) Successful completion of the teacher internship requirement imposed under KRS 161.030.
- (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas such as art, music, foreign language, drama, science, and other specialty areas may be employed as an adjunct instructor in a part-time position by a local board of education under KRS 161.046. An individual certified as an adjunct instructor shall not be deemed "highly qualified" under the provisions of the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor.
- (6) Option 5: Certification of a veteran of the Armed Forces. The Department of Education~~[- Professional Standards Board]~~ shall issue a statement of eligibility, valid

for five (5) years, to a veteran for teaching at the elementary, secondary, and secondary vocational education levels with the following qualifications:

- (a) 1. Discharged or released from active duty under honorable conditions after six (6) or more years of continuous active duty immediately before the discharge or release; or
2. Completed a total of at least ten (10) years of active duty service, ten (10) years of service officially credited toward armed services retirement, or ten (10) years' combination of such service;
- (b) At least a bachelor's degree in the content area or closely related area for which certification is sought, issued by a regionally or nationally accredited institution of higher education;
- (c) A grade point average of two and five-tenths (2.5) on a four (4) point scale for a bachelor's degree or an advanced degree; and
- (d) A passing score on the written exit assessment examination designated by the Kentucky Board of Education [~~Professional Standards Board~~] for content knowledge.

Upon an offer of employment by a school district, the eligible veteran shall receive a one (1) year provisional teaching certificate with approval by the Department of Education [~~Professional Standards Board~~] of a joint application by the veteran and the employing school district. During this year, the veteran shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. Upon successful completion of the internship program, the veteran shall receive a regular professional certificate.

- (7) Option 6: University alternative program. With approval of the Department of Education [~~Professional Standards Board~~], a university may provide an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in

the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky teacher internship program, notwithstanding provisions of KRS 161.030. A student may not participate in the internship program until the student has successfully completed the assessments required by the Department of Education~~[board]~~. The temporary provisional certificate shall be valid for a maximum of one (1) year, and may be renewed two (2) additional years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the Department of Education~~[board]~~. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship requirements, and all assessments required by the Department of Education~~[board]~~.

- (8) Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. This option shall not be limited to teaching in shortage areas.
- (a) An individual certified under provisions of this subsection shall be issued a one (1) year temporary provisional teaching certificate, renewable for a maximum of two (2) additional years with approval of the Department of Education~~[Professional Standards Board]~~ provided that the candidate:
1. Possesses a bachelor's degree with a declared academic major in the area in which certification is sought and a cumulative grade point average of 3.0 on a 4.0 scale, or a professional or graduate degree in a field related to the area in which certification is sought;
 2. Has a minimum score of five hundred (500) on the verbal section and a minimum score of four (4) on the analytical writing section of the Graduate Record Examination (GRE). In addition, teachers of mathematics and physical and biological sciences shall have a minimum score of four hundred fifty (450) on the quantitative section of the GRE.

- A candidate who has a professional degree shall be exempt from the requirements of this subparagraph; and
3. Passes written tests designated by the Department of Education ~~Professional Standards Board~~ for content knowledge in the specific teaching field of the applicant with minimum scores in each test as set by the board.
- (b) Prior to receiving the temporary provisional certificate or during the first year of the certificate, the teacher shall complete the following:
1. For elementary teaching, the individual shall successfully complete the equivalent of a two hundred forty (240) hour institute, based on six (6) hour days for eight (8) weeks. The providers and the content of the institute shall be approved by the Department of Education ~~Professional Standards Board~~. The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
 2. For middle and secondary teaching, the individual shall successfully complete the equivalent of a one hundred eighty (180) hour institute, based on six (6) hour days for six (6) weeks. The providers and the content of the institute shall be approved by the Department of Education ~~Professional Standards Board~~ and shall include research-based teaching strategies, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
- (c) The candidate shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. After successful completion of the internship program, the candidate shall receive a regular professional

certificate.

- (9) Option 8: Certification of a Teach for America participant to teach in elementary, middle, or high schools. Nothing in this subsection shall conflict with the participation criteria of the Teach for America program.
- (a) An individual certified under this subsection shall be issued a one (1) year temporary provisional teaching certificate if the candidate:
1. Has an offer of employment from a local school district;
 2. Possesses a bachelor's degree;
 3. Successfully completes the summer training institute and ongoing professional development required by Teach for America, including instruction in goal-oriented, standards-based instruction, diagnosing and assessing students, lesson planning and instructional delivery, classroom management, maximizing learning for diverse students, and teaching methodologies; and
 4. Successfully passes written tests designated by the Department of Education~~Professional Standards Board~~ for content knowledge in the specific teaching field of the candidate with minimum scores in each test as set by the board.
- (b) The temporary provisional certificate granted under paragraph (a) of this subsection may be renewed two (2) times with a recommendation of the superintendent and approval of the Department of Education~~Professional Standards Board~~.
- (c) A Teach for America participant who is approved for a second renewal of his or her temporary provisional certificate under paragraph (b) of this subsection may participate in the internship program under KRS 161.030.
- (d) A Teach for America participant shall be issued a professional certificate upon the participant's successful completion of the internship program and

- assessments relating to teaching of subject matter required by the Department of Education~~Professional Standards Board~~ under KRS 161.030.
- (e) Notwithstanding any statute or administrative regulation to the contrary, a teacher certified under this subsection shall have ten (10) years from the date that the teacher successfully completed the internship program to complete a master's degree or fifth year program, or the equivalent as specified by the Kentucky Board of Education~~Professional Standards Board~~ in administrative regulation.
- (f) Alternative certification under this subsection shall be considered a pilot program and shall be an option from July 15, 2010, until the federal Race to the Top funding program under Sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, is completed, except that the Kentucky Board of Education~~Professional Standards Board~~ may promulgate administrative regulations in accordance with KRS Chapter 13A to make this a permanent option.
- (10) A public school teacher certified under subsections (2) to (9) of this section shall be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher.
- (11) Veterans who were discharged or released from active duty under honorable conditions after six (6) or more years of continuous active duty immediately before the discharge or release, and who have at least four (4) years of occupational experience in the area in which they seek certification as a vocational industrial education teacher, shall apply for certification under and meet the requirements of the administrative regulations promulgated by the Kentucky Board of Education~~Professional Standards Board~~.
- (12) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the following qualifications may receive certification for teaching programs for

exceptional students:

- (a) An out-of-state license to teach exceptional students;
 - (b) A bachelor's or master's degree in the certification area or closely related area for which certification is sought; and
 - (c) Successful completion of the teacher internship requirement required under KRS 161.030.
- (13) A teacher who is fully certified in Kentucky and who is seeking an additional certification is not required to repeat the Kentucky teacher internship program.
- (14) Under KRS 161.030(5), a candidate for alternative certification may serve his or her internship in a nonpublic school.

➔Section 42. KRS 161.049 is amended to read as follows:

- (1) As used in this section, "professional support team" means a school principal, an experienced teacher, a college or university faculty member, and an instructional supervisor. If an instructional supervisor or college or university faculty member is not available, the district shall assign a member with comparable experience. The school principal shall serve as the chairman of the team.
- (2) The **Council on Postsecondary** Education~~[Professional Standards Board]~~ shall establish a training program for professional support teams which shall be implemented by the **council**~~[board]~~ or contracted with another agency. The training shall include content and procedures for the evaluation of teacher candidates. Completion of the training shall be evidenced by successfully passing the examinations prescribed by the board.
- (3) A local school district seeking to hire a teacher pursuant to KRS 161.048(3) shall submit a plan for a local district alternative training program to the **Council on Postsecondary** Education~~[Professional Standards Board]~~ and have it approved in accordance with administrative regulations established by the **council**~~[Board]~~. The district shall show evidence that it has sought joint sponsorship of the program with

a college or university. No local school district shall employ a teacher seeking certification in a state-approved local district training program unless it has submitted a plan and received approval by the Council on Postsecondary Education~~[Professional Standards Board]~~.

- (4) Each state approved local district alternative training program shall provide the teacher candidate with essential knowledge and skills and include, but not be limited to, the following components:
- (a) A full-time seminar and practicum of no less than eight (8) weeks' duration prior to the time the candidate assumes responsibility for a classroom. The content of the formal instruction shall be prescribed by the Council on Postsecondary Education~~[Professional Standards Board]~~ and shall include an introduction to basic teaching skills through supervised teaching experiences with students, as well as an orientation on the policies, organization, and curriculum of the employing district.
 - (b) A period of classroom supervision while the candidate assumes responsibility on a one-half (1/2) time basis for a classroom and continuing for eighteen (18) weeks. During this period, the candidate shall be visited and critiqued no less than one (1) time per week by one (1) or more members of a professional support team appointed by the local district and assigned according to the administrative regulations adopted by the Council on Postsecondary Education~~[Professional Standards Board]~~. The candidate shall be formally evaluated at the end of five (5) weeks, at the end of the second five (5) weeks, and at the end of the last eight (8) weeks by the members of the team. During this period, the candidate shall continue formal instruction which emphasizes student assessment, child development, learning, curriculum, instruction of exceptional children, and school and classroom organization.
 - (c) An additional period of at least eighteen (18) weeks continued supervision of

the teacher candidate who may be assigned full-time classroom duties. During this period the teacher candidate shall be critiqued at least once per month and shall be observed formally and evaluated at least twice. No more than two (2) months shall pass without a formal observation. Formal instruction shall also continue during this period. In addition, opportunities shall be provided for the teacher candidate to observe the teaching of experienced teachers.

- (5) At least two hundred fifty (250) hours of formal instruction shall be provided in all three (3) phases of the program combined.
- (6) At the conclusion of the alternative training program, the chair of the support team shall prepare a comprehensive evaluation report on the teacher candidate's performance. This report shall be submitted to the Council on Postsecondary Education and the Department of Education ~~Professional Standards Board~~ and shall contain a recommendation as to whether the teacher candidate shall be issued a one (1) year certificate of eligibility to complete the internship pursuant to KRS 161.030. The support team shall make one (1) of the following recommendations:
 - (a) Approved: recommends issuance of certificate to complete the internship;
 - (b) Insufficient: recommends the candidate be allowed to seek reentry into a teacher preparation program; or
 - (c) Disapproved: recommends the candidate not be allowed to enter a teacher preparation program.

➔Section 43. KRS 161.051 is amended to read as follows:

Teachers seeking to be certified in the education of blind and visually impaired students shall be required, prior to certification, to demonstrate competence in reading and writing braille, and in the use of appropriate instructional methods for teaching braille by use of the braille writer, the slate and stylus, and through the use of computer devices commonly used in the elementary and secondary instruction of blind students. Any teacher who teaches a blind student braille, or monitors a student's braille usage, shall demonstrate

competence in braille. The ***Kentucky Board of*** Education~~[-Professional Standards Board]~~ shall promulgate administrative regulations to assess such competency which shall be consistent with the guidelines for braille instructors as adopted by the National Library Services for the Blind and Physically Handicapped.

➔Section 44. KRS 161.053 is amended to read as follows:

- (1) The ***Kentucky Department of*** Education~~[-Professional Standards Board]~~ shall have the authority and responsibility to certify as a teacher of exceptional children/communication disorders, an individual who has:
 - (a) Completed an approved program of preparation that corresponds to the certificate;
 - (b) Achieved a passing score on an appropriate assessment as determined by the ***Department of*** Education~~[-Professional Standards Board]~~;
 - (c) Fulfilled other requirements for teacher certification as determined by the ***Department of*** Education~~[-Professional Standards Board]~~, in accordance with KRS Chapter 161 and administrative regulations promulgated thereunder; and
 - (d) Completed the requirements set forth in subsection (2) of this section.
- (2) The ***Department of*** Education~~[-Professional Standards Board]~~ shall issue two (2) levels of certification for teachers of exceptional children/communication disorders:
 - (a) Baccalaureate level certification shall be issued to a person who has:
 1. Completed an approved program of preparation leading to a bachelor's degree in speech-language pathology;
 2. Been granted licensure as a speech-language pathology assistant from the Kentucky Board of Speech-Language Pathology and Audiology, under KRS Chapter 334A; and
 3. Completed the other requirements set forth in subsection (1) of this section; and
 - (b) Master's level certification shall be issued to a person who has:

1. Completed an approved program of preparation leading to a master's degree in speech-language pathology; and
 2. Completed the other requirements specified in subsection (1) of this section.
- (3) A person holding licensure through the Kentucky Board of Speech-Language Pathology and Audiology as a speech-language pathology assistant, but not certified as a teacher of exceptional children/communication disorders, may:
- (a) Continue to work in the public schools as a classified employee under the provisions of KRS Chapter 334A and administrative regulations promulgated by the Kentucky Board of Speech-Language Pathology and Audiology; or
 - (b) Pursue certification as a baccalaureate level teacher of exceptional children/communication disorders while working as a speech-language pathology assistant.
- (4) Candidates for certification as a teacher of exceptional children/communication disorders shall participate in the teacher internship program under KRS 161.030.
- (5) A bachelor's level teacher of exceptional children/communication disorders shall work under requirements for speech-language pathology assistants set forth in KRS Chapter 334A.
- (6) The ***Kentucky Board of Education shall promulgate administrative regulations*** ~~Education Professional Standards Board shall develop a policy through the promulgation of administrative regulations by June 30, 2001,~~ to permit a speech-language pathology assistant with two (2) years or more of successful professional experience pursuing certification as a baccalaureate level teacher of exceptional children to:
- (a) Substitute prior professional experience for student teaching requirements; and
 - (b) Substitute prior professional experience for beginning teacher internship

requirements.

- (7) A teacher of exceptional children/communication disorders shall receive salary and benefits, including membership in the Teachers' Retirement System, commensurate with his or her education, certification, and experience as prescribed by law. Years of experience as a speech-language pathology assistant shall be included in the calculation of all benefits, including membership in the Teachers' Retirement System, for individuals with baccalaureate level certification as a teacher of exceptional children/communication disorders.

→Section 45. KRS 161.095 is amended to read as follows:

~~[By July 1, 1997, the Education Professional Standards Board, with the advice of]~~The Kentucky Board of Education, shall promulgate administrative regulations to establish procedures for a teacher to maintain his certificate by successfully completing meaningful continuing education. The ***Department of*** Education~~[Professional Standards Board]~~ shall develop standards for continuing education related to maintaining a certificate, including university courses, an advanced degree, or a combination of university courses, field-based experience, individual research, and approved professional development. The ***Department of*** Education~~[Professional Standards Board]~~ shall establish a system of quality assurance related to continuing education activities and certification requirements.~~[The requirements shall become effective January 1, 1998.]~~

→Section 46. KRS 161.100 is amended to read as follows:

When a district board of education satisfies the ***Kentucky Department of*** Education~~[Professional Standards Board]~~ that it is impossible to secure qualified teachers for a position in a school under the control of the district board, the ***Department of*** Education~~[Professional Standards Board]~~ may issue emergency certificates to persons who meet the qualifications determined by the ***Department of*** Education~~[Professional Standards Board]~~ for emergency certificates. An emergency certificate shall be valid only for the specific job for which issued and for the current school term. The ***Department of***

Education~~[Professional Standards Board]~~ may require the passing of a written examination before an emergency certificate is issued. The examination shall be prepared and administered and the papers graded in the state offices of the Department of Education~~[Professional Standards Board]~~ under the direction of the commissioner of education~~[executive director]~~, in accordance with administrative regulations approved by the Kentucky Board of Education~~[Professional Standards Board]~~.

→Section 47. KRS 161.102 is amended to read as follows:

Any applicant for emergency substitute teaching who possesses a bachelor's degree in any subject area from a regionally or nationally accredited institution of postsecondary education shall be granted a certificate for substitute teaching from the Kentucky Department of Education~~[Professional Standards Board]~~ subject to the provisions of KRS 161.120~~(2)~~~~(1)~~. This certificate shall enable the applicant to apply for substitute teaching in any subject area for any grade level in any local school district.

→Section 48. KRS 161.115 is amended to read as follows:

The holder of any type of Kentucky teacher certification issued by the Kentucky Department of Education~~[Professional Standards Board]~~ may, at the holder's option, have any certificate, certificate endorsement, or subject specialization deleted from the official certification record upon application, subject to the following provisions:

- (1) The application shall be submitted to the Department of Education~~[Professional Standards Board]~~ on a form furnished by the department~~[board]~~. The form shall include the information required by this section and the applicant shall verify the information by affidavit. The application shall be submitted between September 1 and December 1 and shall become effective on the following July 1. If the requirements of this section are satisfied, the Department of Education~~[Professional Standards Board]~~ shall notify the applicant and the applicant's employing school or school district on or before February 1 following submission of the application, that the decertification has been approved.

- (2) No portion of the certification shall be deleted for any subject or assignment in which the teacher has had experience during the three (3) year period preceding the request in an amount equivalent to one (1) year of full-time employment (140 days) during which at least one (1) period per day was in the subject or assignment corresponding to the portion of the certification requested for deletion.
- (3) If the certification for classroom teaching at the secondary level is to be retained, at least one (1) teaching major or one (1) area of concentration shall be retained.
- (4) A certificate which is a prerequisite or a concurrent requirement to the issuance of another certificate or certificate endorsement held by the applicant shall be retained.
- (5) Applications for restoration of areas of certification deleted under this section shall be submitted to the Department of Education~~[Professional Standards Board]~~ showing restored competency and proficiency by completion of twelve (12) semester hours of credit pertinent to the deleted areas as prescribed by an institution approved for teacher education. A transcript or other appropriate verification of completion of the twelve (12) semester hours of credit from the institution approved for teacher education shall be accepted as evidence showing restoration of competency and proficiency in the areas of certification.

➔Section 49. KRS 161.120 is amended to read as follows:

- (1) *(a) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions, and shall be attached to the Kentucky Department of Education for administrative purposes.*
- (b) The board shall be composed of seventeen (17) members. The commissioner of education 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 of an independent not-for-profit college or university.
- (c) The members appointed by the Governor after June 21, 2001, 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 General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (d) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.
- (e) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (f) A state agency or any political subdivision of the state, including a school

district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.

(g) A chair shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chair. The Department of Education shall keep records of proceedings. Regular meetings shall be held at least semiannually on the call of the chair.

(2) Except as described in KRS 161.795, the Education Professional Standards Board may revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued under KRS 161.010 to 161.100, or any certificate or license issued under any previous law to superintendents, principals, teachers, substitute teachers, interns, supervisors, directors of pupil personnel, or other administrative, supervisory, or instructional employees for the following reasons:

- (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, notwithstanding an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of the plea, one (1) of the following:
1. A felony;
 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525, 529, 530, or 531; or
 3. A misdemeanor involving a student or minor.

A certified copy of the conviction or plea shall be conclusive evidence of the conviction or plea;

- (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor. Conviction in a criminal proceeding shall not be a requirement for disciplinary action;
- (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to disciplinary action;
- (d) Demonstrating willful or careless disregard for the health, welfare, or safety of others;
- (e) Physical or mental incapacity that prevents the certificate holder from performing duties with reasonable skill, competence, or safety;
- (f) Possessing, using, or being under the influence of alcohol, which impairs the performance of duties;
- (g) Unlawfully possessing or unlawfully using a drug during the performance of duties;
- (h) Incompetency or neglect of duty;
- (i) Making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining issuance or renewal of any certificate;
- (j) Failing to report as required by subsection (2) of this section;
- (k) Failing to comply with an order of the Education Professional Standards Board ***or the Department of Education;***
- (l) Violating any state statute relating to schools or the teaching profession;
- (m) Violating the professional code of ethics for Kentucky school certified personnel established by the ***Kentucky Board of*** Education~~[- Professional Standards Board]~~ through the promulgation of administrative regulation;
- (n) Violating any administrative regulation promulgated by the Education Professional Standards Board or the Kentucky Board of Education; or
- (o) Receiving disciplinary action or having the issuance of a certificate denied or

restricted by another jurisdiction on grounds that constitute a violation of this subsection.

- (3)(2) (a) The superintendent of each local school district shall report in writing to the Education Professional Standards Board the name, address, phone number, Social Security number, and position name of any certified school employee in the employee's district whose contract is terminated or not renewed, for cause except failure to meet local standards for quality of teaching performance prior to the employee gaining tenure; who resigns from, or otherwise leaves, a position under threat of contract termination, or nonrenewal, for cause; who is convicted in a criminal prosecution; or who otherwise may have engaged in any actions or conduct while employed in the school district that might reasonably be expected to warrant consideration for action against the certificate under subsection (2)~~[(1)]~~ of this section. The duty to report shall exist without regard to any disciplinary action, or lack thereof, by the superintendent, and the required report shall be submitted within thirty (30) days of the event giving rise to the duty to report.
- (b) The district superintendent shall inform the Education Professional Standards Board in writing of the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct of the certified employee, that may warrant action against the certificate under subsection (2)~~[(1)]~~ of this section, and shall forward copies of all relevant documents and records in his possession.
- (c) The Education Professional Standards Board may consider reports and information received from other sources.
- (d) The certified school employee shall be given a copy of any report provided to the Education Professional Standards Board by the district superintendent or

other sources. The employee shall have the right to file a written rebuttal to the report which shall be placed in the official file with the report.

~~(4)~~~~(3)~~ A finding or action by a school superintendent or tribunal does not create a presumption of a violation or lack of a violation of subsection ~~(2)~~~~(1)~~ of this section.

~~(5)~~~~(4)~~ The board may issue a written admonishment to the certificate holder if the board determines, based on the evidence, that a violation has occurred that is not of a serious nature. A copy of the written admonishment shall be placed in the official file of the certificate holder. The certificate holder may respond in writing to the admonishment within thirty (30) days of receipt and have that response placed in his official certification file. Alternatively, the certificate holder may file a request for a hearing with the board within thirty (30) days of receipt of the admonishment. Upon receipt of a request for a hearing, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B. **The Kentucky Board of Education shall promulgate administrative regulations for the procedures of the hearing.**

~~(6)~~~~(5)~~ (a) The Education Professional Standards Board shall schedule and conduct a hearing in accordance with KRS Chapter 13B **and the administrative regulations as required in subsection (5) of this section:**

1. Before revoking, suspending, refusing to renew, imposing probationary or supervisory conditions upon, issuing a written reprimand, or any combination of these actions regarding any certificate;
2. After denying an application for a certificate, upon written request filed within thirty (30) days of receipt of the letter advising of the denial; or
3. After issuing a written admonishment, upon written request for a hearing filed within thirty (30) days of receipt of the written admonishment.

(b) Upon request, a hearing may be public or private at the discretion of the

certified employee or applicant.

(c) The hearing shall be conducted before the full board, a panel of three (3) members of the board, or a person appointed as hearing officer by the board pursuant to KRS 13B.030(1).

~~(7)~~~~(6)~~ The Education Professional Standards Board or its chair may take emergency action pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's contract or tenure rights in the school district.

~~(8)~~~~(7)~~ If the Education Professional Standards Board substantiates that sexual contact occurred between a certified employee and a student or minor, the employee's certificate may be revoked or suspended with mandatory treatment of the employee as prescribed by the Education Professional Standards Board. The Education Professional Standards Board may require the employee to pay a specified amount for mental health services for the student or minor which are needed as a result of the sexual contact.

~~(9)~~~~(8)~~ At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the certificate holder.

~~(10)~~~~(9)~~ The board may reconsider, modify, or reverse its decision on any disciplinary action.

~~(11)~~~~(10)~~ Suspension of a certificate shall be for a specified period of time, not to exceed two (2) years.

(a) At the conclusion of the specified period, upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the certificate shall be reactivated.

(b) A suspended certificate is subject to expiration and termination.

~~(12)~~~~(11)~~ Revocation of a certificate is a permanent forfeiture. The board shall establish the minimum period of time before an applicant can apply for a new certificate.

- (a) At the conclusion of the specified period, and upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the applicant shall bear the burden of proof to show that he or she is again fit for practice.
- (b) The board shall have discretion to impose conditions that it deems reasonably appropriate to ensure the applicant's fitness and the protection of public safety. Any conditions imposed by the board shall address or apply to only that time period after the revocation of the certificate.

~~(13)~~~~(12)~~ An appeal from any final order of the Education Professional Standards Board shall be filed in Franklin Circuit Court in accordance with KRS Chapter 13B.

➔Section 50. KRS 161.1211 is amended to read as follows:

- (1) The **Kentucky Board of** Education~~[Professional Standards Board]~~ shall rank teachers as follows:

Rank I. Those holding regular certificates and who have a master's degree in a subject field approved by the **Kentucky Board of** Education~~[Professional Standards Board]~~ or equivalent continuing education and who have earned thirty (30) semester hours of approved graduate work or equivalent continuing education; or those teachers who have met the requirements for Rank II and earned initial certification of the National Board for Professional Teaching Standards. The board shall not allow a teacher who qualified for Rank I status on the basis of his or her national board certification to maintain that classification if the national board certificate is revoked for misconduct or voided for other reasons.

Rank II. Those holding regular certificates and who have a master's degree in a subject field approved by the **Kentucky Board of** Education~~[Professional Standards Board]~~ or equivalent continuing education.

Rank III. Those holding regular certificates and who have an approved four (4)

year college degree or the equivalent.

Rank IV. Those holding emergency certificates and who have ninety-six (96) to one hundred twenty-eight (128) semester hours of approved college training or the equivalent.

Rank V. Those holding emergency certificates and who have sixty-four (64) to ninety-five (95) semester hours of approved college training or the equivalent.

(2) In determining ranks, the **Kentucky Board of** Education ~~Professional Standards Board~~ shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit or equivalent continuing education. The board, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(3) For purposes of the state salary schedule only as referenced in KRS 158.070, rank shall be determined on September 15 of each year.

(4) Nothing in this section shall allow the **Kentucky Board of** Education ~~Professional Standards Board~~ by regulation to reclassify downward any teachers in Ranks II or I.

➔Section 51. KRS 161.1221 is amended to read as follows:

(1) The **Kentucky Board of** Education ~~Professional Standards Board~~ shall define "out-of-field" teaching and inform all local school districts of the definition.

(2) By November 15 of each year, the **Kentucky Department of** Education ~~Professional Standards Board~~ shall identify every teacher assigned classes out-of-field in the current school year ~~and shall inform the Kentucky Department of Education~~.

(3) The Kentucky Department of Education shall provide to each school district a summary of the teachers identified as teaching out-of-field and give the district opportunity to correct the situation during the year. No teacher shall be reduced in salary due to being involuntarily moved out-of-field or being hired into a position

out of his or her field. Emergency certification shall not be a valid reason for reducing any certified teacher's salary.

➔Section 52. KRS 161.126 is amended to read as follows:

- (1) The "designated state official" for this state shall be the commissioner of education~~[executive director of the Education Professional Standards Board]~~. The commissioner~~[executive director]~~ shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific text by the Kentucky Department of Education~~[Professional Standards Board]~~.
- (2) True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file at the Department of Education~~[in the office of the Education Professional Standards Board]~~ and in the office of the Secretary of State. The Department of Education~~[executive director of the board]~~ shall publish all contracts in convenient form.

➔Section 53. KRS 161.133 is amended to read as follows:

- (1) There is hereby established a "Teachers' National Certification Incentive Trust Fund" in the State Treasury for the purposes of:
 - (a) Funding stipends for teachers to prepare for certification by the National Board for Professional Teaching Standards;
 - (b) Reimbursing a portion of the certification fee to each teacher who is awarded national board certification;
 - (c) Reimbursing local boards of education or the Department of Education for persons who serve as substitute teachers for national board certification candidates; and
 - (d) Funding stipends for national board certified teachers who serve as mentors to other teachers within the school district or the Kentucky Tech system.
- (2) Appropriations by the General Assembly in each biennial budget for the purpose of supporting national board certification shall be credited to the fund and invested

until needed. All money credited to the fund, including interest earned on money in the fund, shall be retained in the fund for reinvestment and used for the purposes of this section. Funds appropriated to the fund shall not lapse at the end of a fiscal year or a biennium.

- (3) The **Kentucky Board of** Education~~[Professional Standards Board]~~ shall promulgate administrative regulations that establish the procedures for the administration of the funds as described in this section and the requirements for participating teachers, local boards of education, and the Department of Education. The board shall allocate only those funds to teachers, school districts, or the department for the purposes in this section for which other sources of funds are not being received. The board may limit the number of participants accepted in any given enrollment or application period due to the lack of available funds.
- (4) Money in the fund shall be distributed to local boards of education, the Department of Education, and teachers by the **Kentucky Board of** Education~~[Professional Standards Board]~~ in compliance with the administrative regulations promulgated by the **Kentucky Board of Education**~~[board]~~.

➔Section 54. KRS 161.134 is amended to read as follows:

- (1) (a) A teacher pursuing national board certification shall receive from the fund established under KRS 161.133 a stipend of two hundred dollars (\$200) per day for two (2) days beyond the school contract year to prepare for the certification assessments.
- (b) A local board of education shall provide five (5) days' released time during the school year for a teacher pursuing national board certification. The local board of education shall request reimbursement from the fund established under KRS 161.133 for substitute teacher pay based on the local board of education salary schedule for substitute teachers and for stipends paid to a teacher described in subsection (3) of this section. A local board of education may, at

its own expense, provide additional released time for teachers pursuing national board certification.

- (c) If a teacher does not successfully complete all assessments required for national board certification during a school year, the provisions in this subsection may be applied to a second school year.
 - (d) When funds are not available to fully fund the requirements of paragraphs (a), (b), and (c) of this subsection for all national board applicants, the board may prorate the specified reimbursements in paragraphs (a) and (b) and may limit the conditions under which provisions of paragraph (c) shall be applied to second year participants. The board shall establish the procedures for carrying out the provisions of this subsection in an administrative regulation.
- (2) (a) As of July 14, 2000, a teacher who attains national board certification shall be reimbursed seventy-five percent (75%) of the certification fee for the initial ten (10) year certificate, except the *Kentucky Department of* Education ~~Professional Standards Board~~ may decrease the percentage of reimbursement if a teacher receives payment other than a repayable loan for the same purpose from another source and the cumulative amount would exceed one hundred percent (100%) of the cost of the certification fee.
- (b) Fees for retaking one (1) or more entries of the national board assessment for the initial national board certificate and fees for renewal of the certificate shall be at the teacher's expense.
 - (c) Nothing in this subsection shall prohibit the board from reimbursing a percentage of the initial certification fee to a teacher who has received a repayable loan from a local board of education or other agency to offset initial costs.
- (3) A national board certified teacher may receive a stipend in addition to his or her annual compensation for serving as a mentor to teachers within his or her school or

school district. The Kentucky Board of Education~~Professional Standards Board~~ shall promulgate administrative regulations under which a local board of education, in cooperation with the school-based decision making council, may establish a mentoring program within a school to utilize national board certified teachers. The administrative regulations shall specify the conditions for the mentoring program as well as the amount of the stipend that will be provided to a teacher serving as a mentor.

➔Section 55. KRS 161.157 is amended to read as follows:

An employee of the Department of Education~~or the Education Professional Standards Board~~ who transfers to become an employee of the local school district shall be allowed credit for accrued sick leave up to the maximum allowed for transfers for teachers between school districts as provided by KRS 161.155(4) and shall be allowed credit for each full year of employment with the Department of Education~~or the Education Professional Standards Board~~ for the determination of pay under the school districts' single salary schedule.

➔Section 56. KRS 161.165 is amended to read as follows:

- (1) The Kentucky Department of Education in cooperation with the~~Education Professional Standards Board, the~~ Kentucky Board of Education, local school districts, universities, and colleges, and the Council on Postsecondary Education shall review and revise as needed the strategic plan for increasing the number of minority teachers and administrators in the Commonwealth. The plan shall include, but not be limited to, recommendations on ways to:
 - (a) Identify methods for increasing the percentage of minority educators in proportion to the number of minority students;
 - (b) Establish programs to identify, recruit, and prepare as teachers minority persons who have already earned college degrees in other job fields;
 - (c) Create awareness among secondary school guidance counselors of the need

for minority teachers.

- (2) The Kentucky Department of Education~~[and the Education Professional Standards Board]~~ shall promote programs that increase the percentage of minorities who enter and successfully complete a four (4) year teacher preparation program and provide support to minority students in meeting qualifying requirements for students entering a teacher preparation program at institutions of higher education.
- (3) The Kentucky Department of Education~~[with input from the Education Professional Standards Board]~~ shall periodically submit a report to the Interim Joint Committee on Education that evaluates the results of these efforts and includes accompanying recommendations to establish a continuing program for increasing the number of minorities in teacher education.

➔Section 57. KRS 161.167 is amended to read as follows:

- (1) ~~[By January 1, 2001,]~~The Kentucky Department of Education, with help from representatives of the~~[Education Professional Standards Board, the]~~ Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Association of Independent Kentucky Colleges and Universities, public and private not-for-profit postsecondary institutions, and local educational agencies, shall develop a plan, including timelines for implementation, for a multidimensional recruitment and information program, to encourage persons to enter the teaching profession and to seek employment in Kentucky.
- (2) The program shall not supplant or diminish current efforts required in KRS 161.165.
- (3) The components of the program shall include:
 - (a) Early recruitment programs to inform middle and high school students about the potential of teaching as a career;
 - (b) Programs to encourage paraprofessionals in schools, as well as other nontraditional students, to pursue additional education to become teachers;

- (c) Programs to enlist highly skilled career employees in specific content areas to pursue teaching as a second career;
 - (d) Options for recruiting persons with liberal arts and sciences majors and current students with nondeclared majors into nontraditional and accelerated teacher preparation programs;
 - (e) Marketing strategies for informing the public of the importance of high quality teaching to student achievement, the value of teachers to society as a whole, the benefits and rewards of teaching, and the options for entering teacher preparation, including scholarship information; and
 - (f) Expanding the Kentucky Department of Education's electronic bulletin board for certified vacancies in local school districts to include an option for potential teachers to voluntarily post their availability for education positions within the state.
- (4) ~~[No later than March 15, 2001,]~~The Department of Education shall ***periodically*** present a status report of the recruitment and information program to the Interim Joint Committee on Education; and~~[no later than October 15, 2001, the Department of Education]~~ shall ***periodically*** present to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue a summary report with recommendations.

➔Section 58. KRS 161.175 is amended to read as follows:

- (1) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher who has been reprimanded or otherwise disciplined by the teacher's employer because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of retaining employment, submit to random or periodic drug testing in accordance with administrative regulations promulgated by the Kentucky Board of Education for a period not to exceed twelve (12) months from the date such reprimand or disciplinary action occurred.

- (2) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher whose certificate has been suspended or revoked by the Education Professional Standards Board because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of reinstatement or reissuance of the certificate, submit to drug testing in accordance with administrative regulations promulgated by the Kentucky Board of Education ~~Education Professional Standards Board~~.
- (3) No teacher may be subject to drug testing under this section unless and until it has been determined in an administrative or judicial proceeding that the teacher engaged in misconduct involving the illegal use of controlled substances.
- (4) For purposes of this section, the term "teacher" shall mean any person for whom certification is required as a basis for employment in the public schools of the Commonwealth.
- (5) Nothing in this section shall be interpreted or construed to limit the authority of the Education Professional Standards Board or the Kentucky Board of Education to impose or require additional conditions for the reissuance or reinstatement of a certificate.
- (6) The administrative regulations promulgated pursuant to this section shall contain provisions that ensure due process under the law.

➔Section 59. KRS 161.220 is amended to read as follows:

As used in KRS 161.220 to 161.716 and 161.990:

- (1) "Retirement system" means the arrangement provided for in KRS 161.220 to 161.716 and 161.990 for payment of allowances to members;
- (2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service;
- (3) "Disability allowance" means the amount annually payable to a member retired by reason of disability;

- (4) "Member" means the commissioner of education, deputy commissioners, associate commissioners, and all division directors in the State Department of Education, employees participating in the system pursuant to KRS 196.167(3)(b)1., and any full-time teacher or professional occupying a position requiring certification or graduation from a four (4) year college or university, as a condition of employment, and who is employed by public boards, institutions, or agencies as follows:
- (a) Local boards of education;
 - (b) Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and any community colleges established under the control of these universities;
 - (c) State-operated secondary area vocational education or area technology centers, Kentucky School for the Blind, and Kentucky School for the Deaf;
 - (d) Employees of the Education Professional Standards Board as of the effective date of this Act, other public education agencies as created by the General Assembly, and those members of the administrative staff of the Teachers' Retirement System of the State of Kentucky whom the board of trustees may designate by administrative regulation;
 - (e) Regional cooperative organizations formed by local boards of education or other public educational institutions listed in this subsection, for the purpose of providing educational services to the participating organizations;
 - (f) All full-time members of the staffs of the Kentucky Association of School Administrators, Kentucky Education Association, Kentucky Vocational Association, Kentucky High School Athletic Association, Kentucky Academic Association, and the Kentucky School Boards Association who were members of the Kentucky Teachers' Retirement System or were qualified for a position covered by the system at the time of employment by the association in the event that the board of directors of the respective association petitions to be

included. The board of trustees of the Kentucky Teachers' Retirement System may designate by resolution whether part-time employees of the petitioning association are to be included. The state shall make no contributions on account of these employees, either full-time or part-time. The association shall make the employer's contributions, including any contribution that is specified under KRS 161.550. The provisions of this paragraph shall be applicable to persons in the employ of the associations on or subsequent to July 1, 1972;

- (g) Employees of the Council on Postsecondary Education who were employees of the Department for Adult Education and Literacy and who were members of the Kentucky Teachers' Retirement System at the time the department was transferred to the council pursuant to Executive Order 2003-600;
- (h) The Office of Career and Technical Education, except that the executive director shall not be a member;
- (i) The Office of Vocational Rehabilitation;
- (j) The Kentucky Educational Collaborative for State Agency Children;
- (k) The Governor's Scholars Program;
- (l) Any person who is retired for service from the retirement system and is reemployed by an employer identified in this subsection in a position that the board of trustees deems to be a member;
- (m) Employees of the former Cabinet for Workforce Development who are transferred to the Kentucky Community and Technical College System and who occupy positions covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System. New employees occupying these positions, as well as newly created positions qualifying for Teachers' Retirement System coverage that would have previously been included in the former Cabinet for Workforce Development, shall be members of the Teachers' Retirement System;

- (n) Effective January 1, 1998, employees of state community colleges who are transferred to the Kentucky Community and Technical College System shall continue to participate in federal old age, survivors, disability, and hospital insurance, and a retirement plan other than the Kentucky Teachers' Retirement System offered by Kentucky Community and Technical College System. New employees occupying positions in the Kentucky Community and Technical College System as referenced in KRS 164.5807(5) that would not have previously been included in the former Cabinet for Workforce Development, shall participate in federal old age, survivors, disability, and hospital insurance and have a choice at the time of employment of participating in a retirement plan provided by the Kentucky Community and Technical College System, including participation in the Kentucky Teachers' Retirement System, on the same basis as faculty of the state universities as provided in KRS 161.540 and 161.620;
 - (o) Employees of the Office of General Counsel, the Office of Budget and Administrative Services, and the Office of Quality and Human Resources within the Office of the Secretary of the former Cabinet for Workforce Development and the commissioners of the former Department for Adult Education and Literacy and the former Department for Technical Education who were contributing to the Kentucky Teachers' Retirement System as of July 15, 2000; and
 - (p) Employees of the Kentucky Department of Education only who are graduates of a four (4) year college or university, notwithstanding a substitution clause within a job classification, and who are serving in a professional job classification as defined by the department.
- (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by 1938 (1st Extra. Sess.)

Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of the system until he, with the membership of the local retirement system, became a member of the state Teachers' Retirement System or who becomes a member under the provisions of KRS 161.470(4);

- (6) "New teacher" means any member not a present teacher;
- (7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior service shall be allowed or credited to any teacher;
- (8) "Subsequent service" means the number of years during which the teacher is a member of the Teachers' Retirement System after July 1, 1941;
- (9) "Final average salary" means the average of the five (5) highest annual salaries which the member has received for service in a covered position and on which the member has made contributions, or on which the public board, institution, or agency has picked-up member contributions pursuant to KRS 161.540(2), or the average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a), which shall include picked-up member contributions. Additionally, the board of trustees may approve a final average salary based upon the average of the three (3) highest salaries for members who are at least fifty-five (55) years of age and have a minimum of twenty-seven (27) years of Kentucky service credit. However, if any of the five (5) or three (3) highest annual salaries used to calculate the final average salary was paid within the three (3) years immediately prior to the date of the member's retirement, the amount of salary to be included for each of those three (3) years for the purpose of calculating the final average salary shall be limited to the lesser of:
 - (a) The member's actual salary; or

- (b) The member's annual salary that was used for retirement purposes during each of the prior three (3) years, plus a percentage increase equal to the percentage increase received by all other members employed by the public board, institution, or agency, or for members of school districts, the highest percentage increase received by members on any one (1) rank and step of the salary schedule of the school district. The increase shall be computed on the salary that was used for retirement purposes.

This limitation shall not apply if the member receives an increase in salary in a percentage exceeding that received by the other members, and this increase was accompanied by a corresponding change in position or in length of employment. This limitation shall also not apply to the payment to a member for accrued annual leave if the individual becomes a member before July 1, 2008, or accrued sick leave which is authorized by statute and which shall be included as part of a retiring member's annual compensation for the member's last year of active service;

- (10) "Annual compensation" means the total salary received by a member as compensation for all services performed in employment covered by the retirement system during a fiscal year. Annual compensation shall not include payment for any benefit or salary adjustments made by the public board, institution, or agency to the member or on behalf of the member which is not available as a benefit or salary adjustment to other members employed by that public board, institution, or agency. Annual compensation shall not include the salary supplement received by a member under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no circumstances shall annual compensation include compensation that is earned by a member while on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section. In the event that federal law requires that a member continue membership in the retirement system even though the member is on assignment to an organization or agency that is not a

public board, institution, or agency listed in subsection (4) of this section, the member's annual compensation for retirement purposes shall be deemed to be the annual compensation, as limited by subsection (9) of this section, last earned by the member while still employed solely by and providing services directly to a public board, institution, or agency listed in subsection (4) of this section. The board of trustees shall determine if any benefit or salary adjustment qualifies as annual compensation. For an individual who becomes a member on or after July 1, 2008, annual compensation shall not include lump-sum payments upon termination of employment for accumulated annual or compensatory leave;

- (11) "Age of member" means the age attained on the first day of the month immediately following the birthdate of the member. This definition is limited to retirement eligibility and does not apply to tenure of members;
- (12) "Employ," and derivatives thereof, means relationships under which an individual provides services to an employer as an employee, as an independent contractor, as an employee of a third party, or under any other arrangement as long as the services provided to the employer are provided in a position that would otherwise be covered by the Kentucky Teachers' Retirement System and as long as the services are being provided to a public board, institution, or agency listed in subsection (4) of this section;
- (13) "Regular interest" means interest at three percent (3%) per annum, except for an individual who becomes a member on or after July 1, 2008, "regular interest" means interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to the teacher savings account or any other contributions made by the employee that are refundable to the employee upon termination of employment;
- (14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund, including picked-up member contributions as described in KRS 161.540(2), plus accrued regular interest;

- (15) "Annuitant" means a person who receives a retirement allowance or a disability allowance;
- (16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky;
- (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The retirement plan year is concurrent with this fiscal year. A contract for a member employed by a local board of education may not exceed two hundred sixty-one (261) days in the fiscal year;
- (18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section;
- (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half (1/2) of the support from the member for maintenance, including board, lodging, medical care, and related costs;
- (20) "Active contributing member" means a member currently making contributions to the Teachers' Retirement System, who made contributions in the next preceding fiscal year, for whom picked-up member contributions are currently being made, or for whom these contributions were made in the next preceding fiscal year;
- (21) "Full-time" means employment in a position that requires services on a continuing basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year basis;
- (22) "Full actuarial cost," when used to determine the payment that a member must pay for service credit means the actuarial value of all costs associated with the enhancement of a member's benefits or eligibility for benefit enhancements, including health insurance supplement payments made by the retirement system. The actuary for the retirement system shall determine the full actuarial value costs and actuarial cost factor tables as provided in KRS 161.400;

- (23) "Last annual compensation" means the annual compensation, as defined by subsection (10) of this section and as limited by subsection (9) of this section, earned by the member during the most recent period of contributing service, either consecutive or nonconsecutive, that is sufficient to provide the member with one (1) full year of service credit in the Kentucky Teachers' Retirement System, and which compensation is used in calculating the member's initial retirement allowance, excluding bonuses, retirement incentives, payments for accumulated sick, annual, personal and compensatory leave, and any other lump-sum payment. For an individual who becomes a member on or after July 1, 2008, payments for annual or compensatory leave shall not be included in determining the member's last annual compensation;
- (24) "Participant" means a member, as defined by subsection (4) of this section, or an annuitant, as defined by subsection (15) of this section;
- (25) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee; and
- (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order.

➔Section 60. KRS 161.605 is amended to read as follows:

Any member retired by reason of service may return to work in a position covered by the Kentucky Teachers' Retirement System and continue to receive his or her retirement allowance under the following conditions:

- (1) Any member who is retired with thirty (30) or more years of service may return to work in a full-time or a part-time position covered by the Kentucky Teachers'

Retirement System and earn up to a maximum of seventy-five percent (75%) of the member's last annual compensation measured on a daily rate to be determined by the board of trustees. For purposes of determining whether the salary of a member returning to work is seventy-five percent (75%) or less of the member's last annual compensation, all remuneration paid and benefits provided to the member, on an actual dollar or fair market value basis as determined by the retirement system, shall be considered. Members who were retired on or before June 30, 2002, shall be entitled to return to work under the provisions of this section as if they had retired with thirty (30) years of service. Nonqualified service credit purchased under the provisions of KRS 161.5465 or elsewhere with any state-administered retirement system shall not be used to meet the thirty (30) year requirement set forth in this subsection. Out-of state teaching service provided in public schools for kindergarten through grade twelve (12) may count toward the thirty (30) year requirement set forth in this subsection even if it is not purchased as service credit, if the member obtains from his or her out-of-state employer certification of this service on forms prescribed by the retirement system;

- (2) Any member who is retired with less than thirty (30) years of service after June 30, 2002, may return to work in a full-time or part-time position covered by the Kentucky Teachers' Retirement System and earn up to a maximum of sixty-five percent (65%) of the member's last annual compensation measured on a daily rate to be determined by the board of trustees. For purposes of determining whether the salary of a member returning to work is sixty-five percent (65%) or less of the member's last annual compensation, all remuneration paid and benefits provided to the member, on an actual dollar or fair market value basis as determined by the retirement system, shall be considered;
- (3) Reemployment of a retired member under subsection (1) or (2) of this section in a full-time teaching or nonteaching position in a local school district shall be

permitted only if the employer certifies to the Kentucky Teachers' Retirement System that there are no other qualified applicants available to fill the teaching or nonteaching position. The employer may use any source considered reliable including but not limited to data provided by the ~~Education Professional Standards Board and the~~ Department of Education to determine whether other qualified applicants are available to fill the teaching or nonteaching position. The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to determine whether other qualified applicants are available to fill a teaching or nonteaching position and, if not, for filling the position with a retired member who will then be permitted to return to work in that position under subsection (1) or (2) of this section. The administrative regulations shall assure that a retired member shall not be hired in a teaching or nonteaching position by a local school district until the superintendent of the school district assures the Kentucky Teachers' Retirement System that every reasonable effort has been made to recruit other qualified applicants for the position on an annual basis;

- (4) Under this section, an employer may employ full-time a number of retired members not to exceed three percent (3%) of the membership actively employed full-time by that employer. The board of trustees may reduce this three percent (3%) cap upon recommendation of the retirement system's actuary if a reduction is necessary to maintain the actuarial soundness of the retirement system. The board of trustees may increase the three percent (3%) cap upon a determination that an increase is warranted to help address a shortage in the number of available teachers and upon the determination of the retirement system's actuary that the proposed cap increase allows the actuarial soundness of the retirement system to be maintained. For purposes of this subsection, "full-time" means the same as defined by KRS 161.220(21). A local school district may exceed the quota established by this subsection by making an annual written request to the Kentucky Department of

Education which the department may approve on a year-by-year basis if the statewide quota has not been met. A district's written request to exceed its quota shall be submitted no sooner than two (2) weeks after the start of the school year;

- (5) A member returning to work in a full-time or part-time position under subsection (1) or (2) of this section will contribute to an account with the retirement system that will be administered independently from and with no reciprocal impact with the member's original retirement account, or any other account from which the member is eligible to draw a retirement allowance. A member returning to work under subsection (1) or (2) of this section shall make contributions to the retirement system at the rate provided under KRS 161.540. The new account shall independently meet the five (5) year vesting requirement as well as all other conditions set forth in KRS 161.600(1) before any retirement allowance is payable from this account. The retirement allowance accruing under this new account shall be calculated pursuant to KRS 161.620(1)(b). This new account shall not entitle the member to a duplication of the benefits offered under KRS 161.620(7) or 161.675, nor shall this new account provide the benefits offered by KRS 161.520, 161.525, 161.620(3), 161.655, 161.661, or 161.663. A member returning to work under subsection (1) or (2) of this section shall waive his or her medical insurance with the Kentucky Teachers' Retirement System during the period of reemployment and shall receive the medical insurance coverage that is generally provided by the member's active employer to the other members of the retirement system that the active employer employs. If medical insurance coverage is not available from the employer, the Kentucky Teachers' Retirement System may provide coverage for the member. A member returning to work under subsection (1) or (2) of this section shall not be eligible to purchase service credit for any service provided after the member's effective date of retirement but prior to the date that the member returns to work. A member returning to work under subsection (1) or (2) of this section

shall not be eligible to purchase service credit that the member would have otherwise been eligible to purchase prior to the member's initial retirement. A member who returns to work under subsection (1) or (2) of this section, or in the event of the death of the member, the member's estate or applicably designated beneficiary, shall be entitled, within ninety (90) days of the posting of the annual report submitted by the employer, to a refund of contributions as permitted and limited by KRS 161.470;

- (6) The board of trustees may annually, on July 1, adjust the current daily rate of a member's last annual compensation, for each full twelve (12) month period that has elapsed subsequent to the member earning his or her last annual compensation, by the percentage increase in the annual average of the consumer price index for all urban consumers for the calendar year preceding the adjustment as published by the Federal Bureau of Labor Statistics, not to exceed five percent (5%) annually. Each annual adjustment shall become part of the member's daily rate base. Failure to comply with the salary limitations set forth in subsections (1) and (2) of this section as may be adjusted by this subsection shall result in a reduction of the member's retirement allowance or any other benefit to which the member would otherwise be entitled on a dollar-for-dollar basis for each dollar that the member exceeds these salary limitations. Notwithstanding any other provision of law to the contrary, a member retiring from a local school district who returns to work for a local school district under subsection (1) or (2) of this section shall be entitled, without any reduction to his or her retirement allowance or any other retirement benefit, to earn a minimum amount equal to one hundred seventy dollars (\$170) per day;
- (7) (a) A retired member returning to work under subsection (1) or (2) of this section shall have separated from service for a period of at least one (1) year if returning to work for the same employer on a full-time basis, and at least three (3) months if returning to work for a different employer on a full-time basis. A

retired member returning to work under subsection (1) or (2) of this section on a part-time basis shall have separated from service for a period of at least three (3) months before returning to work for any employer.

- (b) As an alternative to the separation-from-service requirements in paragraph (a) of this subsection, a retired member who is returning to work for the same employer in a full-time position under subsections (1) and (2) of this section may elect a separation-from-service of not less than two (2) months followed by a forfeiture of the retired member's retirement allowance on a month-to-month basis for each month that the member has separated from service for less than twelve (12) full months. A retired member returning to work for the same employer in a part-time position, or for a different employer in a full-time position, may elect an alternative separation-from-service requirement of at least two (2) months followed by a forfeiture of the member's retirement allowance for one (1) month. During the period that the member forfeits his or her retirement allowance and thereafter, member and employer contributions shall be made to the retirement system as a result of employment in any position subject to membership in the retirement system. The member shall contribute to an account with the retirement system subject to the conditions set forth in subsection (5) of this section. For purposes of measuring the separation-from-service requirements set forth throughout this section, a member's separation-from-service begins on the first day following the last day of paid employment for the member prior to retirement.
- (c) Failure to comply with the separation-from-service requirements in this subsection voids a member's retirement and the member shall be required to return all the retirement benefits he or she received, with interest, for the period of time that the member returned to work without a sufficient separation from service;

- (8) (a) Effective July 1, 2004, local school districts may employ retired members in full-time or part-time teaching or administrative positions without limitation on the compensation of the retired members that is otherwise required by subsections (1) and (2) of this section. Under provisions of this subsection, a local school district may only employ retired members to fill critical shortage positions for which there are no other qualified applicants as determined by the local superintendent. The number of retired members that a local school district may employ under this subsection shall be no more than two (2) members per local school district or one percent (1%) of the total active members employed by the local school district on a full-time basis as defined under KRS 161.220(21), whichever number is greater. Retired members returning to work under this subsection shall be subject to the separation-from-service requirements set forth in subsection (7) of this section. Retired members returning to work under this subsection shall waive their medical insurance coverage with the retirement system during their period of reemployment and receive medical insurance coverage that is offered to other full-time members employed by the local school district. Retired members returning to work under this subsection shall contribute to an account subject to the conditions set forth in subsection (5) of this section. Retired members returning to work under this subsection shall make contributions to the retirement system at the rate provided under KRS 161.540. The employer shall make contributions at the rate provided under KRS 161.550. Local school districts shall make annual payments to the retirement system on the compensation paid to the reemployed retirees at the rates determined by the retirement system's actuary that reflect any accrued liability resulting from the reemployment of these members.
- (b) The Department of Education may employ retired members in full-time or

part-time teaching or nonteaching positions without the limitations on compensation otherwise required by subsections (1) and (2) of this section to fill critical shortage areas in the schools it operates, including the Kentucky School for the Blind, the Kentucky School for the Deaf, and the Kentucky Virtual High School, and to serve on audit teams. The department shall be subject to the same requirements as local school districts as provided in paragraph (a) of this subsection, except the Kentucky Teachers' Retirement System shall determine the maximum number of employees that may be employed under this paragraph;

- (9) The return to work limitations set forth in this section shall apply to retired members who are returning to work in the same position from which they retired, or a position substantially similar to the one from which they retired, or a position described in KRS 161.046 or any position listed in KRS 161.220(4) which requires membership in the retirement system. Positions which generally require certification or graduation from a four (4) year college or university as a condition of employment which are created, or changed to remove the position from coverage under KRS 161.220(4) are also subject to the return to work limitations set forth in this section. The board of trustees shall determine whether employment in a nonteaching position is subject to this subsection;
- (10) The provisions of subsections (1) to (8) of this section are not subject to KRS 161.714;
- (11) Any member retired by reason of service may waive his or her annuity and return to full-time employment in a position covered by the Kentucky Teachers' Retirement System under the following conditions:
 - (a) The member shall receive no annuity payments while employed in a covered position, shall waive his or her medical insurance coverage with the Kentucky Teachers' Retirement System during the period of reemployment, and shall

receive the medical insurance coverage that is generally offered by the member's active employer to the other members of the retirement system employed by the active employer. The member's estate or, if there is a beneficiary applicably designated by the member, then the beneficiary, shall continue to be eligible for life insurance benefits as provided in KRS 161.655. Service subsequent to retirement shall not be used to improve an annuity, except as provided in paragraphs (b) and (c) of this subsection;

- (b) Any member who waives regular annuity benefits and returns to teaching or covered employment shall be entitled to make contributions on the salaries received for this service and have his retirement annuity recalculated as provided in the regular retirement formula in KRS 161.620(1), less any applicable actuarial discount applied to the original retirement allowance due to the election of a joint and last survivor option. Retirement option and beneficiary designation on original retirement shall not be altered by postretirement employment, and dependents and spouses of the members shall not become eligible for benefits under KRS 161.520, 161.525, or 161.661 because of postretirement employment;
- (c) When a member returns to full-time teaching or covered employment as provided in subsection (b) of this section, the employer is required to withhold and remit regular retirement contributions. The member must be employed full-time for at least one (1) consecutive contract year to be eligible to improve an annuity. The member shall be returned to the annuity rolls on July 1 following completion of the contract year or on the first day of the month following the month of termination of service if full-time employment exceeds one (1) consecutive contract year. Any discounts applied at the time of the original retirement due to service or age may be reduced or eliminated due to additional employment if full-time employment is for one (1)

consecutive contract year or longer; and

- (d) A member retired by reason of service who has been employed the equivalent of twenty-five (25) days or more during a school year under KRS 161.605 may waive the member's retirement annuity and return to regular employment covered by the Kentucky Teachers' Retirement System during that school year a maximum of one (1) time during any five (5) year period, beginning with that school year;
- (12) Retired members may be employed in a part-time teaching capacity by an agency described in KRS 161.220(4)(b) or (n), not to exceed the equivalent of twelve (12) teaching hours in any one (1) fiscal year. Retired members may be employed for a period not to exceed the equivalent of one hundred (100) days in any one (1) fiscal year in a part-time administrative or nonteaching capacity by an agency described in KRS 161.220(4)(b) or (n) in a position that would otherwise be covered by the retirement system. The return to work provisions set forth in subsections (1) to (8) of this section shall not apply to retired members who return to work solely for an agency described in KRS 161.220(4)(b) or (n). Calculation of the number of days and teaching hours for part-time teaching, substitute teaching, or part-time employment in a nonteaching capacity under this section shall not exceed the ratio between a school year and the actual months of retirement for the member during that school year. The board of trustees by administrative regulation may establish fractional equivalents of a day of teaching service. Any member who exceeds the twelve (12) hour or one hundred (100) day limitations of this subsection shall be subject to having his or her retirement voided and be required to return all retirement allowances and other benefits paid to the member or on the member's behalf since the effective date of retirement. In lieu of voiding a member's retirement, the system may reduce the member's retirement allowance or any other benefit to which the member would otherwise be entitled on a dollar-for-dollar basis

for each dollar of compensation that the member earns in employment exceeding twelve (12) hours, one hundred (100) days, or any apportionment of the two (2) combined;

- (13) When a retired member returns to employment in a part-time teaching capacity or in a nonteaching capacity as provided in subsection (12) of this section, the employer shall contribute annually to the retirement system on the compensation paid to the retired member at rates determined by the retirement system actuary that reflect accrued liability for retired members who return to work under subsection (12) of this section; and
- (14) For retired members who return to work during any one (1) fiscal year in both a position described in KRS 161.220(4)(b) or (n) and in a position described under another provision under KRS 161.220(4), and for retired members who return to work in a position described under KRS 161.220(4)(b) or (n) in both a teaching and an administrative or nonteaching capacity, the board of trustees shall adopt a methodology for a pro rata apportionment of days and hours that the retired member may work in each position.

➔Section 61. KRS 161.740 is amended to read as follows:

- (1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:
- (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the certification standards for vocational education teachers established by the **Kentucky Board of** Education~~[- Professional Standards Board]~~.
- (b) When a currently employed teacher is reemployed by the superintendent after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the same district, the year of present employment included, the superintendent shall issue a written continuing contract if the teacher assumes his duties, and

the superintendent shall notify the board of the action taken. A limited status employee on approved military leave shall be awarded service credit for each year of military service or each year of combined military and school service within a school year toward continuing contract status. If the leave time will qualify the teacher for continuing contract status, the local district may require the teacher to complete a one (1) year probationary period upon return. If required, the local district shall notify the teacher in writing within fourteen (14) days following receipt of the military leave request. Each day served in the General Assembly by a board of education employee during a regular or extraordinary session shall be included in the computation of a year as defined in KRS 161.720(2).

- (c) When a teacher has attained continuing contract status in one district and becomes employed in another district, the teacher shall retain that status. However, a district may require a one (1) year probationary period of service in that district before granting that status. For purposes of this subsection, the continuing contract of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and the continuing service contract shall be transferred to the next school district, under conditions set forth in this section, for a period of up to seven (7) months from the time employment in the first school district has terminated. Nothing contained herein shall be construed to give a teacher a right to reemployment in the first school district during the seven (7) month period following termination.
- (d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720(6) or, in the case of a vocational education teacher, when the required certification standards established by the Kentucky Board of Education [~~Professional Standards Board~~] have been met.

- (2) Vocational education teachers fulfilling the requirements in subsection (1) of this section as of July 15, 1982, shall be eligible for continuing service status.
- (3) Whether employed under a limited contract or continuing service contract status, any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country, shall at the expiration of service be reemployed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

➔Section 62. KRS 161.780 is amended to read as follows:

- (1) No teacher shall be permitted to terminate his or her contract within fifteen (15) days prior to the first instructional day of the school term at a school to which the teacher is assigned or during the school term without the consent of the superintendent. No superintendent shall be permitted to terminate his or her contract within thirty (30) days prior to the beginning of the school term or during the school term without the consent of the employing board of education. A teacher shall be permitted to terminate his or her contract at any other time when schools are not in session by giving two (2) weeks written notice to the employing superintendent. A superintendent shall be permitted to terminate his or her contract at any other time when schools are not in session by giving two (2) weeks written notice to the employing board of education. Upon complaint by the employing board or superintendent to the Department of Education~~Education Professional Standards Board~~, the certificate of a teacher or superintendent terminating his contract in any manner other than provided in this section may be suspended for not more than one (1) year, pursuant to the hearing procedures set forth in KRS 161.120.

- (2) If a teacher voluntarily resigns his contract during the school term, the resignation shall be in writing and shall become binding on the date the resignation is accepted by the superintendent. No further action by the employing board is necessary. The resignation is effective on the date specified in the letter of resignation. A resignation, once accepted, may be withdrawn only with the approval of the employing board of education. Nothing in this subsection shall release the teacher from liability to the local board of education for breach of contract.

➔Section 63. KRS 161.790 is amended to read as follows:

- (1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:
- (a) Insubordination, including but not limited to violation of the school laws of the state or administrative regulations adopted by the Kentucky Board of Education~~[, the Education Professional Standards Board,]~~ or lawful rules and regulations established by the local board of education for the operation of schools, or refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties;
 - (b) Immoral character or conduct unbecoming a teacher;
 - (c) Physical or mental disability; or
 - (d) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved.
- (2) Charges under subsections (1)(a) and (1)(d) of this section shall be supported by a written record of teacher performance by the superintendent, principal, or other supervisory personnel of the district, except when the charges are brought as a result of a recommendation made under KRS 158.6455.

- (3) No contract shall be terminated except upon notification of the board by the superintendent. Prior to notification of the board, the superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher. The teacher may within ten (10) days after receiving the charge notify the commissioner of education and the superintendent of his intention to answer the charge, and upon failure of the teacher to give notice within ten (10) days, the dismissal shall be final.
- (4) Except as provided in KRS 163.032, upon receiving the teacher's notice of his intention to answer the charge, the commissioner of education shall appoint a three (3) member tribunal, consisting of one (1) teacher, who may be retired, one (1) administrator, who may be retired, and one (1) lay person, none of whom reside in the district, to conduct an administrative hearing in accordance with KRS Chapter 13B within the district. Priority for selection as a tribunal member shall be from a pool of potential tribunal members who have been designated and trained to serve as tribunal members on a regular and ongoing basis, pursuant to administrative regulations promulgated by the Kentucky Board of Education. Funds appropriated to the Department of Education for professional development may be used to provide tribunal member training. The commissioner of education shall name the chairman and set the date and time for the hearing. The hearing shall begin no later than forty-five (45) days after the teacher files the notice of intent to answer the charge.
- (5) A hearing officer shall have final authority to rule on dispositive prehearing motions.
- (6) The hearing may be public or private at the discretion of the teacher. At the hearing, a hearing officer appointed by the commissioner of education shall preside with authority to rule on procedural matters, but the tribunal shall be the ultimate trier of fact. The local board shall pay each member of the tribunal a per diem of one

hundred dollars (\$100) and travel expenses.

- (7) Upon hearing both sides of the case, the tribunal may by a majority vote render its decision or may defer its action for not more than five (5) days. Provisions of KRS Chapter 13B notwithstanding, the tribunal decision shall be a final order and may be rendered on the record.
- (8) The superintendent may suspend the teacher pending final action to terminate the contract, if, in his judgment, the character of the charge warrants the action. If after the hearing the decision of the tribunal is against termination of the contract, the suspended teacher shall be paid his full salary for any period of suspension.
- (9) The teacher shall have the right to make an appeal to the Circuit Court having jurisdiction in the county where the school district is located in accordance with KRS Chapter 13B. The review of the final order shall be conducted by the Circuit Court as required by KRS 13B.150.
- (10) As an alternative to termination of a teacher's contract, the superintendent upon notifying the board and providing written notification to the teacher of the charge may impose other sanctions, including suspension without pay, public reprimand, or private reprimand. The procedures set out in subsection (3) of this section shall apply if the teacher is suspended without pay or publicly reprimanded. The teacher may appeal the action of the superintendent if these sanctions are imposed in the same manner as established in subsections (4) to (9) of this section. Upon completion of a suspension period, the teacher may be reinstated.

➔Section 64. KRS 164.020 is amended to read as follows:

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;

- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;
- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;
- (6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;
- (7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;
- (8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall

classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

- (9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;
- (10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;
- (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the

respective universities and the Kentucky Community and Technical College System.

- (b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;
- (12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;
- (13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;
- (14) Establish course credit, transfer, and degree components as required in KRS 164.2951;
- (15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit

the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

- (16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
 - (a) Consistency with the institution's mission and the strategic agenda;
 - (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
 - (c) Elimination of unnecessary duplication of programs within and among institutions; and
 - (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;
- (17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;
- (18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;
- (19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to

- obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;
- (20) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;
- (21) *Set standards for, approve, and evaluate college and university programs for the preparation of teachers. Program standards shall reflect national standards and shall address, at a minimum:*
- (a) The alignment of programs with the state's academic content standards for assessment as defined in KRS 158.6457;*
 - (b) Research-based classroom practices, including effective classroom management techniques;*
 - (c) Emphasis on subject matter competency of teacher education students;*
 - (d) Methodologies to meet diverse educational needs of all students;*
 - (e) The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;*
 - (f) The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;*
 - (g) The diversity of faculty;*
 - (h) The effectiveness of partnerships with local school districts; and*
 - (i) The performance of graduates on various measures as determined by the board;*
- (22) *Conduct an annual review of diversity in teacher preparation programs;*
- (23) *Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other*

assistance as deemed necessary;

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

~~Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028];~~

(25)~~(22)~~ Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;

(26)~~(23)~~ Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;

(27)~~(24)~~ Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Health and Welfare Committee;

(28)~~(25)~~ Develop in cooperation with each state postsecondary educational institution a comprehensive orientation program for new members of the council and the governing boards. The orientation program shall include but not be limited to the information concerning the roles of the council, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget,

plans, policies, strengths, and weaknesses;

~~(29)~~~~(26)~~ Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;

~~(30)~~~~(27)~~ Select and appoint a president of the council under KRS 164.013;

~~(31)~~~~(28)~~ Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;

~~(32)~~~~(29)~~ Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;

~~(33)~~~~(30)~~ Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;

~~(34)~~~~(31)~~ Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;

~~(35)~~~~(32)~~ Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

~~(36)~~~~(33)~~ Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public

postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;

(37)~~(34)~~ Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult population. The council shall:

- (a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;
- (b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
- (c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
- (d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and
- (e) Administer the adult education and literacy initiative fund created under KRS 164.041;

(38)~~(35)~~ Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to ensure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the

high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis;

~~(39)~~~~(36)~~ Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under KRS 158.6453(2)(j);

(40) Approve the curricula of any college or university, or of any department thereof, for the training of teachers, and any nontraditional or alternative teacher preparation program offered in a public or private postsecondary education institution, private contractor, or state agency, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the administrative regulations of the council for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the council, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.

~~(41)~~~~(37)~~ Cooperate with the Office for Education and Workforce Statistics and ensure the participation of the public institutions as required in KRS 151B.133; and

~~(42)~~~~(38)~~ Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

➔Section 65. KRS 164.0206 is amended to read as follows:

A public postsecondary education institution with a degree program in speech-language pathology and a teacher education program, under the direction of the Council on

Postsecondary Education, and in consultation with the Department of Education ~~Professional Standards Board~~ and the Kentucky Board of Speech-Language Pathology and Audiology, shall:

- (1) Align the programs of studies for speech-language pathology and teacher education to permit a student to successfully prepare for licensure as a speech-language pathology assistant and certification as a bachelor's level teacher of exceptional children/communication disorders;
- (2) Increase the number of qualified students accepted into programs leading to licensure as a speech-language pathologist or speech-language pathology assistant and certification as a teacher of exceptional children/communication disorders, subject to:
 - (a) Requirements for program certification by national certifying bodies, including, but not limited to, student to faculty ratios;
 - (b) The strategic plans of the Council on Postsecondary Education and the postsecondary education institution; and
 - (c) The budgetary considerations of the postsecondary education institution.
- (3) Provide expanded opportunities for speech-language pathology assistants working in public schools to pursue licensure as a speech-language pathologist and certification as a teacher of exceptional children/communication disorders, which may include:
 - (a) Expanded opportunities for admission to on-campus programs;
 - (b) The development and expansion of distance learning opportunities in collaboration with the Kentucky Commonwealth Virtual University; and
 - (c) Admissions requirements that take into account successful professional experience as a speech-language pathology assistant in lieu of other admissions requirements.

➔Section 66. KRS 164.0286 is amended to read as follows:

- (1) The Council on Postsecondary Education shall create a STEM Initiative Task Force for the purpose of providing leadership and strategic direction to a comprehensive, statewide STEM initiative to improve Kentucky's position for success in the knowledge-based economy by expanding and strengthening educational and economic development opportunities in science, technology, engineering, and mathematics. The STEM Initiative Task Force shall be composed of representatives from the executive and legislative branches of government, postsecondary education, elementary and secondary education, professionals within the STEM disciplines, and the business community.
- (2) The president of the Council on Postsecondary Education shall appoint members to the STEM Initiative Task Force, except that the President of the Senate shall appoint two (2) members of the Kentucky Senate and the Speaker of the House of Representatives shall appoint two (2) members of the House of Representatives to the task force. The task force members appointed by the president of the Council on Postsecondary Education shall include but not be limited to the representatives on the STEM Initiative Steering Committee under subsection (4) of this section. The total number of members of the STEM Initiative Task Force shall be determined by the president of the Council on Postsecondary Education.
- (3) The task force shall have a chair, who shall be the presiding officer and shall coordinate the functions and activities of the task force. The chair shall be elected by majority vote of the members present at the first meeting of the task force after July 15, 2008. Thereafter, the chair shall be elected each calendar year.
- (4) The STEM Initiative Task Force shall have a steering committee to provide oversight and coordination of the implementation of the STEM strategic and business plans developed by the task force under KRS 164.0287, and to determine the allocation of funds from Kentucky STEM Initiative fund under KRS 164.0288. The chair of the STEM Initiative Task Force shall be the chair of the steering

committee, and a vice chair shall be elected by members of the steering committee.

The steering committee shall be composed of task force members as follows:

- (a) Two (2) representatives of the Kentucky Cabinet for Economic Development;
 - (b) One (1) representative of the Center for Applied Energy Research at the University of Kentucky;
 - (c) One (1) representative of the Kentucky Rural Energy Consortium at the University of Louisville;
 - (d) Two (2) representatives of the Kentucky Chamber of Commerce;
 - (e) One (1) representative of the Kentucky Science and Technology Corporation;
 - (f) Two (2) representatives of the Council on Postsecondary Education;
 - (g) One (1) president of a public university;
 - (h) One (1) representative of the Kentucky Community and Technical College System;
 - (i) One (1) representative of the Association of Kentucky Independent Colleges and Universities;
 - (j) Two (2) representatives of the Kentucky Department of Education;
 - (k) Two (2) representatives of the Kentucky Education Association;
 - (l) One (1) representative of the Kentucky School Boards Association;
 - (m) One (1) representative of the Kentucky Association of School Administrators;
 - (n) One (1) *professional education standards* representative of the *Department of Education* [~~Professional Standards Board~~]; and
 - (o) The task force chair.
- (5) When making the appointment of a representative required under subsection (4) of this section, the president of the Council on Postsecondary Education shall seek the advice of the chief executive officer of the organization, agency, or association being represented, except that the advice of the Kentucky Council of Presidents shall be sought regarding the selection of a public university president to serve.

- (6) Each STEM Initiative Task Force member shall serve a term of three (3) years, or until a successor is appointed or qualified, except that, to the degree possible, for members appointed by the president of the Council on Postsecondary Education, the initial term of one-third (1/3) of the members shall be for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. A member may be reappointed to the task force at the discretion of the president of the Council on Postsecondary Education.
- (7) The task force shall meet at least semiannually or upon the call of the chair, and a majority of the full membership shall constitute a quorum.
- (8) The task force, under the leadership of the chair, may appoint committees, subcommittees, advisory groups, or other work structures to accomplish its purposes.
- (9) Members of the task force shall serve without compensation but may be reimbursed for necessary travel and expenses while attending meetings or conducting approved activities at a per diem rate not to exceed the rate promulgated in administrative regulation for state employees under the provisions of KRS Chapter 45.
- (10) The task force shall be attached to the Council on Postsecondary Education for administrative purposes. The council may enter into a memorandum of agreement with the Kentucky Department of Education for staff and other administrative expenses relating to the implementation of KRS 164.0285 to 164.0288.
- (11) The task force may create a public or nonprofit corporation or contract with an existing nonprofit corporation to facilitate the public-private collaboration in the development and implementation of the STEM Initiative.
- (12) The task force or the public or nonprofit corporation which may be utilized under subsection (11) of this section may receive and expend funds from state appropriations and may solicit, apply for, and receive funds, grants, contracts, contributions, property, or services from a person, government agency, or other

organization, public or private. Determination of the use of funds received by the task force shall be established by the STEM Initiative Steering Committee pursuant to this section.

- (13) Funds appropriated to the task force or the public or nonprofit corporation which may be utilized under subsection (11) of this section shall not lapse at the end of a fiscal year but shall be carried forward to the next fiscal year to be used solely to support the purposes for which the funds were appropriated.
- (14) The task force or the public or nonprofit corporation which may be utilized under subsection (11) of this section shall:
 - (a) Follow standard accounting practices;
 - (b) Have an independent auditor conduct an annual financial audit; and
 - (c) Submit a quarterly report of receipts and expenditures no later than sixty (60) days after the end of a calendar quarter. The task force shall file its report with the Council on Postsecondary Education and a public or nonprofit corporation shall file its report to the STEM Initiative Task Force.
- (15) The task force or the public or nonprofit corporation which may be utilized under subsection (11) of this section shall submit an annual financial and progress report for the previous fiscal year by September 30 to the Governor, the Legislative Research Commission, the commissioner of education, and the president of the Council on Postsecondary Education.

➔Section 67. KRS 164.033 is amended to read as follows:

- (1) Effective August 1, 2002, the Council on Postsecondary Education shall administer a competitive grant program to enable the establishment of local P-16 councils. A P-16 council may be called a council of partners. The Council on Postsecondary Education and the Kentucky Board of Education shall jointly establish the criteria for participation in the grant program and the amount of funds available to each local P-16 council based on funds appropriated for this purpose. A postsecondary

education institution shall assume the leadership role for managing a local P-16 council grant.

- (2) A local P-16 council shall promote the preparation and development of teachers, the alignment of competency standards, and the elimination of barriers that impede student transition from preschool through baccalaureate programs.
- (3) Each local P-16 council shall provide an annual written report of its activities and recommendations to its members and the institutions they represent, the Kentucky Board of Education and the Council on Postsecondary Education, ~~and the Education Professional Standards Board~~.

➔Section 68. KRS 164.097 is amended to read as follows:

No postsecondary education institution shall receive funds from the Council on Postsecondary Education from any trust fund for the purposes of teacher education or model programs of teaching and learning unless the Council on Postsecondary Education ~~Professional Standards Board~~ has certified to the council that the institution has met the following conditions:

- (1) The college or university has developed viable partnerships with local school districts and schools;
- (2) There is evidence of ongoing dialogue and collaboration among liberal arts and sciences faculty and administrators with faculty and administrators in the department, school, or college of education;
- (3) The college or university has demonstrated a commitment to participate in teacher academies;
- (4) The college or university has an active recruitment plan for attracting and retaining minority faculty as well as students, and particularly in the department, school, or college of education;
- (5) The college or university has initiated the development of incentives or rewards for faculty across the institution to participate in service activities to local schools;

- (6) The department, school, or college of education has developed at least one (1) accelerated alternative plan for teacher education or nontraditional program of teacher preparation, or commits to developing an accelerated alternative or nontraditional program;
- (7) The department, school, or college of education provides consistent and quality classroom and field experiences, including early practicums and student teaching experience for all students;
- (8) The department, school, or college of education has, as an element of its curriculum, substantial course work and classroom and field experiences directly addressing teacher training in classroom management;
- (9) There are no major accreditation deficiencies; and
- (10) The institution has demonstrated at least one (1) or more innovations in teacher education.

➔Section 69. KRS 164.098 is amended to read as follows:

- (1) The Council on Postsecondary Education shall promulgate administrative regulations that require public postsecondary educational institutions to grant credit toward graduation to a student who scores at least "3" on a College Board Advanced Placement examination.
- (2) The Council on Postsecondary Education shall publish information, in print and electronic format, about the scores required on College Board Advanced Placement examinations at which credit toward graduation and completion of degree requirements will be granted at all Kentucky public and private postsecondary educational institutions.
- (3) The Council on Postsecondary Education, in conjunction with the Kentucky Board of Education~~[and the Education Professional Standards Board]~~, shall develop guidelines for content knowledge and teacher training in dual enrollment and dual credit programs offered in Kentucky.

→Section 70. KRS 164.769 is amended to read as follows:

- (1) It is the intent of the General Assembly to establish a teacher scholarship program to assist highly qualified individuals to become certified Kentucky teachers and render teaching service in Kentucky schools.
- (2) For purposes of this section, the terms listed below shall have the following meanings:
 - (a) "Critical shortage area" means an understaffing of teachers in particular subject matters at the secondary level, in grade levels, or in geographic locations at the elementary and secondary level, as determined by the commissioner of education in consultation with the authority. The commissioner and the authority may use any source considered reliable including, but not limited to, local education agencies to identify the critical shortage areas.
 - (b) "Eligible program of study" means an undergraduate or graduate program of study which is preparatory to initial teacher certification.
 - (c) "Expected family contribution" means the amount that a student and his family are expected to contribute toward the cost of the student's education determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to 1087 vv.
 - (d) "Participating institution" means an institution of higher education located in Kentucky which offers an eligible program of study and has in force an agreement with the authority providing for administration of this program.
 - (e) "Qualified teaching service" means teaching the major portion of each school day for at least seventy (70) days each semester in a public school of the Commonwealth or a private school certified pursuant to KRS 156.160(3), except that an individual having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.), whose

disability, certified by a licensed physician, prevents that individual from teaching a major portion of each school day, shall be deemed to perform qualified teaching service by teaching the maximum time permitted by the attending physician.

- (f) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a school year or one-half (1/2) of a participating institution's academic year.
 - (g) "Summer term" means an academic period consisting of one (1) or more sessions of instruction between a spring and a fall semester.
- (3) The authority may, to the extent of appropriations and other funds available to it pursuant to subsection (9) of this section, award teacher scholarships to persons eligible under subsection (4) of this section, who initially demonstrate financial need in accordance with standards and criteria established by the authority or received teacher scholarships pursuant to this section prior to July 1, 1996. Each teacher scholarship shall be evidenced by a promissory note that requires repayment or cancellation pursuant to subsection (6) of this section.
- (4) Kentucky residents who are United States citizens and enrolled or accepted for enrollment in an eligible program of study on a full-time basis at a participating institution shall be eligible to apply for and be awarded teacher scholarships. Teacher scholarships shall first be awarded to highly qualified eligible students who meet standards and requirements established by the Council on Postsecondary Education~~[Professional Standards Board]~~ pursuant to Section 63 of this Act~~[KRS 161.028]~~ for admission to a teacher education program at a participating institution or who received teacher scholarships pursuant to this section prior to July 1, 1996. If funds are not depleted after awarding teacher scholarships to students who meet the preceding criteria, then awards shall be made to any otherwise eligible students seeking admission to a teacher education program.

- (5) The authority shall establish, by administrative regulation, the maximum amount of scholarship to be awarded for each semester and summer term under this section, and shall prorate the amount awarded to any student enrolled less than full-time in accordance with paragraph (6)(a) of this section. The aggregate amount of scholarships awarded to an individual shall not exceed twelve thousand five hundred dollars (\$12,500) for undergraduate students and seven thousand five hundred dollars (\$7,500) for postbaccalaureate students, except that the aggregate amount of scholarships awarded to an individual who received teacher scholarships pursuant to this section prior to July 1, 1996, including any amount received pursuant to KRS 156.611, 156.613, 164.768, or 164.770, shall not exceed twenty thousand dollars (\$20,000), and the amount of each scholarship to be awarded shall not exceed the applicant's total cost of education minus other financial assistance received or expected to be received by the applicant during the academic period.
- (6) (a) The authority shall disburse teacher scholarships to eligible students who agree to render qualified teaching service as certified teachers, and are unconditionally admitted and enrolled in an eligible program of study on a full-time basis, except that disbursements may be made to otherwise eligible students enrolled less than full-time in the semester or summer term in which the eligible program of study will be completed or otherwise eligible students having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.), who have been certified by a licensed physician to be unable to attend the eligible program of study full-time because of the disability. Teacher scholarships shall be disbursed to eligible students who received teacher scholarships pursuant to this section for recertification in a critical shortage area prior to July 1, 1996, who are enrolled in and continuing toward completion of their program of study, and who agree to render qualified teaching service as certified teachers.

- (b) A teacher scholarship shall not be awarded or a promissory note cancellation shall not be granted to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the authority for cause.
- (c) Recipients shall render one (1) semester of qualified teaching service for each semester or summer term of scholarship received, except that recipients who teach in a critical shortage area designated by the authority shall render one (1) semester of qualified teaching service as repayment for two (2) semesters or summer terms of scholarships received. Upon completion of each semester of qualified teacher service, the authority shall cancel the appropriate number of promissory notes.
- (d) If the recipient of a teacher scholarship fails to complete an eligible program of study at a participating institution or fails to render qualified teaching service in any semester following certification or recertification, unless the failure is temporarily waived for cause by the authority, the recipient shall immediately become liable to the authority for repayment of the sum of all outstanding promissory notes and accrued interest. Persons liable for repayment of scholarships under this paragraph shall be liable for interest accruing from the dates on which the teacher scholarships were disbursed.
- (e) Recipients who have outstanding loans or scholarships under KRS 156.611, 156.613, 164.768, or 164.770 respectively, and who render qualified teaching service, shall have their notes canceled in accordance with subsection (6)(c) of this section.
- (f) The authority shall establish, by administrative regulation, the terms and conditions for the award, cancellation, and repayment of teacher scholarships

including, but not limited to, the selection criteria, eligibility for renewal awards, amount of scholarship payments, deferments, the rate of repayment, and the interest rate thereon.

- (g) Notwithstanding any other statute to the contrary, the maximum interest rate applicable to repayment of a promissory note under this section shall be twelve percent (12%) per annum, except that if a judgment is rendered to recover payment, the judgment shall bear interest at the rate of five percent (5%) greater than the rate actually charged on the promissory note.
- (7) A repayment obligation imposed by this section shall not be voidable by reason of the age of the recipient at the time of receiving the teacher scholarship.
- (8) Failure to meet repayment obligations imposed by this section shall be cause for the revocation of a person's teaching certificate, subject to the procedures set forth in KRS 161.120.
- (9) All moneys repaid to the authority under this section shall be added to the appropriations made for purposes of this section, and the funds and unobligated appropriations shall not lapse.
- (10) The authority may execute appropriate contracts and promissory notes for administering this section.
- (11) Notwithstanding any other statute to the contrary, if available funds are insufficient for all requested scholarships for eligible applicants during any fiscal year, the authority shall give priority consideration to eligible applicants who previously received teacher scholarships and to loan forgiveness for teachers who have outstanding loan balance eligibility for Best in Class loans issued prior to June 30, 2008. If funds are insufficient to make all requested renewal scholarships to eligible applicants, the authority shall reduce all scholarship awards to the extent necessary to provide scholarships to all qualified renewal applicants. If, after awarding all eligible renewal applicants, funds are not depleted, initial applications shall be

ranked according to regulatory selection criteria, which may include expected family contribution and application date, and awards shall be made to highly qualified applicants until funds are depleted.

➔Section 71. KRS 216B.457 is amended to read as follows:

- (1) A certificate of need shall be required for all Level II psychiatric residential treatment facilities. The need criteria for the establishment of Level II psychiatric residential treatment facilities shall be in the state health plan.
- (2) An application for a certificate of need for Level II psychiatric residential treatment facilities shall not exceed fifty (50) beds. Level II facility beds may be located in a separate part of a psychiatric hospital, a separate part of an acute care hospital, or a Level I psychiatric residential treatment facility if the Level II beds are located on a separate floor, in a separate wing, or in a separate building. A Level II facility shall not refuse to admit a patient who meets the medical necessity criteria and facility criteria for Level II facility services. Nothing in this section and KRS 216B.450 and 216B.455 shall be interpreted to prevent a psychiatric residential treatment facility from operating both a Level I psychiatric residential treatment facility and a Level II psychiatric residential treatment facility.
- (3) The application for a Level II psychiatric residential treatment facility certificate of need shall include formal written agreements of cooperation that identify the nature and extent of the proposed working relationship between the proposed Level II psychiatric residential treatment facility and each of the following agencies, organizations, or entities located in the service area of the proposed facility:
 - (a) Regional interagency council for children with emotional disability or severe emotional disability created under KRS 200.509;
 - (b) Community board for mental health or individuals with an intellectual disability established under KRS 210.380;
 - (c) Department for Community Based Services;

- (d) Local school districts;
 - (e) At least one (1) psychiatric hospital; and
 - (f) Any other agency, organization, or entity deemed appropriate by the cabinet.
- (4) The application for a certificate of need shall include:
- (a) The specific number of beds proposed for each age group and the specific, specialized program to be offered;
 - (b) An inventory of current services in the proposed service area; and
 - (c) Clear admission and discharge criteria, including age, sex, and other limitations.
- (5) All Level II psychiatric residential treatment facilities shall comply with the licensure requirements as set forth in KRS 216B.105.
- (6) All Level II psychiatric residential treatment facilities shall be certified by the Joint Commission, the Council on Accreditation of Services for Families and Children, or any other accrediting body with comparable standards that are recognized by the Centers for Medicare and Medicaid Services.
- (7) A Level II psychiatric residential treatment facility shall be under the clinical supervision of a qualified mental health professional with training or experience in mental health treatment of children and youth.
- (8) Treatment services shall be provided by qualified mental health professionals or qualified mental health personnel. Individual staff who will provide educational programs shall meet the employment standards outlined by the Kentucky Board of Education ~~and the Education Professional Standards Board~~.
- (9) A Level II psychiatric residential treatment facility shall meet the following requirements with regard to professional staff:
- (a) A licensed psychiatrist, who is board-eligible or board-certified as a child or adult psychiatrist, shall be employed or contracted to meet the treatment needs of the residents and the functions that shall be performed by a psychiatrist;

- (b) If a Level II psychiatric residential treatment facility has residents ages twelve (12) and under, the licensed psychiatrist shall be a board-eligible or board-certified child psychiatrist; and
 - (c) The licensed psychiatrist shall be present in the facility to provide professional services to the facility's residents at least weekly.
- (10) A Level II psychiatric residential treatment facility shall:
- (a) Prepare a written staffing plan that is tailored to meet the needs of the specific population of children and youth that will be admitted to the facility based on the facility's admission criteria. The written staffing plan shall include but not be limited to the following:
 1. Specification of the direct care per-patient staffing ratio that the facility shall adhere to during waking hours and during sleeping hours;
 2. Delineation of the number of direct care staff per patient, including the types of staff and the mix and qualifications of qualified mental health professionals and qualified mental health personnel, that shall provide direct care and will comprise the facility's per-patient staffing ratio;
 3. Specification of appropriate qualifications for individuals included in the per-patient staffing ratio by job description, education, training, and experience;
 4. Provision for ensuring compliance with its written staffing plan, and specification of the circumstances under which the facility may deviate from the per-patient staffing ratio due to patient emergencies, changes in patient acuity, or changes in patient census; and
 5. Provision for submission of the written staffing plan to the cabinet for approval as part of the facility's application for initial licensure.

No initial license to operate as a Level II psychiatric residential treatment facility shall be granted until the cabinet has approved the facility's written

staffing plan. Once a facility is licensed, it shall comply with its approved written staffing plan and, if the facility desires to change its approved per-patient staffing ratio, it shall submit a revised plan and have the plan approved by the cabinet prior to implementation of the change;

- (b) Require full-time professional and direct care staff to meet the continuing education requirements of their profession or be provided with forty (40) hours per year of in-service training; and
- (c) Develop and implement a training plan for all staff that includes but is not limited to the following:
 - 1. Behavior-management procedures and techniques;
 - 2. Physical-management procedures and techniques;
 - 3. First aid;
 - 4. Cardiopulmonary resuscitation;
 - 5. Infection-control procedures;
 - 6. Child and adolescent growth and development;
 - 7. Training specific to the specialized nature of the facility;
 - 8. Emergency and safety procedures; and
 - 9. Detection and reporting of child abuse and neglect.

(11) A Level II psychiatric residential treatment facility shall require a criminal records check to be completed on all employees and volunteers. The employment or volunteer services of an individual shall be governed by KRS 17.165, with regard to a criminal records check. A new criminal records check shall be completed at least every two (2) years on each employee or volunteer.

(12) (a) Any employee or volunteer who has committed or is charged with the commission of a violent offense as specified in KRS 439.3401, a sex crime specified in KRS 17.500, or a criminal offense against a victim who is a minor as specified in KRS 17.500 shall be immediately removed from contact with a

- child within the residential treatment center until the employee or volunteer is cleared of the charge.
- (b) An employee or volunteer under indictment, legally charged with felonious conduct, or subject to a cabinet investigation shall be immediately removed from contact with a child.
 - (c) The employee or volunteer shall not be allowed to work with the child until a prevention plan has been written and approved by the cabinet, the person is cleared of the charge, or a cabinet investigation reveals an unsubstantiated finding, if the charge resulted from an allegation of child abuse, neglect, or exploitation.
 - (d) Each employee or volunteer shall submit to a check of the central registry. An individual listed on the central registry shall not be a volunteer at or be employed by a Level II psychiatric residential treatment facility.
 - (e) Any employee or volunteer removed from contact with a child pursuant to this subsection may, at the discretion of the employer, be terminated, reassigned to a position involving no contact with a child, or placed on administrative leave with pay during the pendency of the investigation or proceeding.
- (13) An initial treatment plan of care shall be developed and implemented for each resident, and the plan of care shall be based on initial history and ongoing assessment of the resident's needs and strengths, with an emphasis on active treatment, transition planning, and after-care services, and shall be completed within seventy-two (72) hours of admission.
- (14) A comprehensive treatment plan of care shall be developed and implemented for each resident, and the plan of care shall be based on initial history and ongoing assessment of the resident's needs and strengths, with an emphasis on active treatment, transition planning, and after-care services, and shall be completed within ten (10) calendar days of admission.

- (15) A review of the treatment plan of care shall occur at least every thirty (30) days following the first ten (10) days of treatment and shall include the following documentation:
- (a) Dated signatures of appropriate staff, parent, guardian, legal custodian, or conservator;
 - (b) An assessment of progress toward each treatment goal and objective with revisions as indicated; and
 - (c) A statement of justification for the level of services needed, including suitability for treatment in a less-restrictive environment and continued services.
- (16) A Level II psychiatric residential treatment facility shall provide or arrange for the provision of qualified dental, medical, nursing, and pharmaceutical care for residents. The resident's parent, guardian, legal custodian, or conservator may choose a professional for nonemergency services.
- (17) A Level II psychiatric residential treatment facility shall ensure that opportunities are provided for recreational activities that are appropriate and adapted to the needs, interests, and ages of the residents.
- (18) A Level II psychiatric residential treatment facility shall assist residents in the independent exercise of health, hygiene, and grooming practices.
- (19) A Level II psychiatric residential treatment facility shall assist each resident in securing an adequate allowance of personally owned, individualized, clean, and seasonal clothes that are the correct size.
- (20) A Level II psychiatric residential treatment facility shall assist, educate, and encourage each resident in the use of dental, physical, or prosthetic appliances or devices and visual or hearing aids.
- (21) The cabinet shall promulgate administrative regulations that include but are not limited to the following:

- (a) Establishing requirements for tuberculosis skin testing for staff of a Level II psychiatric residential treatment facility;
 - (b) Ensuring that accurate, timely, and complete resident assessments are conducted for each resident of a Level II psychiatric residential treatment facility;
 - (c) Ensuring that accurate, timely, and complete documentation of the implementation of a resident's treatment plan of care occurs for each resident of a Level II psychiatric residential treatment facility;
 - (d) Ensuring that an accurate, timely, and complete individual record is maintained for each resident of a Level II psychiatric residential treatment facility;
 - (e) Ensuring that an accurate, timely, and complete physical examination is conducted for each resident of a Level II psychiatric residential treatment facility;
 - (f) Ensuring accurate, timely, and complete access to emergency services is available for each resident of a Level II psychiatric residential treatment facility; and
 - (g) Ensuring that there is accurate, timely, and complete administration of medications for each resident of a Level II psychiatric residential treatment facility.
- (22) The cabinet shall, within ninety (90) days of July 15, 2010, promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and KRS 216B.450 and 216B.455. When promulgating the administrative regulations, the cabinet shall not consider only staffing ratios when evaluating the written staffing plan of an applicant, but shall consider the applicant's overall ability to provide for the needs of patients.
- (23) The cabinet shall report, no later than August 1 of each year, to the Interim Joint

Committee on Health and Welfare regarding the implementation of this section and KRS 216B.450 and 216B.455. The report shall include but not be limited to information relating to resident outcomes, such as lengths of stay in the facility, locations residents were discharged to, and whether residents were readmitted to a Level II psychiatric residential treatment facility within a twelve (12) month period.

➔Section 72. KRS 319.015 is amended to read as follows:

Nothing in this chapter shall be construed to limit:

- (1) The activities, services, and use of title on the part of a person in the employ of the federal government;
- (2) Persons from engaging in the teaching of psychology, the conduct of psychological research, the provision of consultation services to organizations or institutions, or the provision of expert testimony, provided that such activities do not involve the delivery or supervision of direct psychological services to individuals or groups;
- (3) Persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes from rendering services consistent with the laws regulating their professional practice and the ethics of their profession. The use of written or computerized interpretations of any psychological testing or the administration and use of symptomatic and behavioral assessments by a practitioner of the healing arts as defined in KRS 311.271(2), clinical social worker, marriage and family therapist, professional art therapist, advanced practice registered nurse, physician, physical therapist, or occupational therapist who uses these interpretations or administers and uses these assessments shall not be limited. They shall not represent themselves to be psychologists or use the term "psychological" in describing their services;
- (4) The activities of a student, intern, or resident in psychology, pursuing a course of study approved by the department of psychology of an educational institution rated acceptable by the board for qualifying training and experience, provided such activities are recognized by transcript as a part of his or her supervised course of

study;

- (5) The recognized educational activities of teachers in accredited public and private schools, the authorized duties of guidance counselors who are certified by the Kentucky Department of Education~~[- Professional Standards Board]~~, or the activities of persons using psychological techniques in business and industrial organizations for employment placement, promotion, or job adjustment of their own officers and employees;
- (6) Persons who are credentialed as school psychologists by the Education Professional Standards Board from using the title "school psychologist" and practicing psychology as defined in KRS 319.010, if their practice is restricted to regular employment within a setting under the purview of the Education Professional Standards Board. These individuals shall be employees of the educational institution and not independent contractors providing psychological services to educational institutions;
- (7) A duly ordained minister, priest, rabbi, Christian Science practitioner, or other clergyman from carrying out his or her responsibilities while functioning in a ministerial capacity within a recognized religious organization serving the spiritual needs of its constituency, if he or she does not hold himself or herself out as a psychologist; or
- (8) Any nonresident temporarily employed in this state from rendering psychological services for not more than thirty (30) days every two (2) years, if he or she holds a valid current license or certificate as a psychologist in his or her home state or country and registers with the board prior to commencing practice in the Commonwealth or if he or she holds a valid current IPC.

➔Section 73. KRS 319.032 is amended to read as follows:

- (1) The board shall promulgate administrative regulations:
 - (a) Establishing requirements, standards, and tests to determine the moral,

- intellectual, educational, scientific, technical, and professional qualifications of applicants for licensure; and preparing or selecting and administering examinations on general psychological knowledge. Neither certified psychologists, licensed psychological practitioners, nor licensed psychological associates may participate in the examination of applicants for licensure as licensed psychologists;
- (b) Establishing and defining the scope of practice within the field of psychology;
 - (c) Setting the requirements for issuing, denying, suspending, restricting, and revoking licenses, and placing credential holders on probation;
 - (d) Developing specific guidelines to follow upon receipt of an allegation of sexual misconduct by a person credentialed by the board. The guidelines shall include investigation, hearing officer, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a credential holder is falsely accused;
 - (e) Requiring training for the board and investigators hired by the board on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders;
 - (f) Establishing requirements for continuing education not to exceed thirty-nine (39) contact hours per three (3) year renewal period as a condition for renewal of licenses, the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013;
 - (g) Establishing and collecting reasonable fees for directories, transcribing, transferring of records, and other services;
 - (h) Conducting hearings or appointing hearing officers to conduct hearings on any matter under the jurisdiction of the board, in accordance with KRS Chapter

- 13B;
- (i) Entering into reciprocal agreements with boards of examiners of psychology of other states having qualifications and standards at least as high as those of this state providing for reciprocal licensure;
 - (j) Employing personnel, including hearing officers which it considers necessary for the performance of its functions, determining the duties of personnel, and compensating them within the limits of funds available to the board;
 - (k) Investigating complaints or suspected violations of this chapter and notifying proper law enforcement authorities. For the purpose of enforcing the provisions of this chapter, the board shall have the authority to administer oaths, receive evidence, interview persons, issue subpoenas, and require the productions of books, papers, documents, or other evidence;
 - (l) Governing the supervision of certified psychologists and the supervision and employment of licensed psychological associates and candidates for licensure;
 - (m) Developing specific guidelines to allow school psychologists who are dually credentialed by the Kentucky Department of Education~~Professional Standards Board~~ and the board to obtain supervision acceptable to the board from a licensed psychologist who is neither an employee nor contractor of the school system that employs the school psychologist being supervised; and
 - (n) Notwithstanding the fee schedules specified in this chapter, increasing or decreasing fees as it deems appropriate.
- (2) The board shall have the authority to promulgate other administrative regulations as it deems necessary for the proper administration of this chapter.
- (3) The board, at its discretion, may use funds as necessary to purchase liability insurance for members and executive officers of the board, inspectors, examiners, investigators, and staff members exempt from classified service of the state by KRS 18A.115.

→Section 74. KRS 334A.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Speech-Language Pathology and Audiology;
- (2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this chapter;
- (3) "Speech-language pathologist" means one who practices speech-language pathology. A speech-language pathologist may describe himself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech-language pathology," "speech-language therapy," "speech-language correction," "speech-language correctionist," "speech-language therapist," "speech clinic," "speech clinician," "speech pathologist," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatriest," "communication disorders," or "verbal therapist";
- (4) "The practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation, counseling, instruction, and research related to the development and disorders of speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies for the purpose of designing and implementing programs for the amelioration of these disorders and conditions. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, instruction, and research of persons diagnosed with conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor

- competencies shall be considered to be the practice of speech-language pathology;
- (5) "Audiologist" is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," "aural rehabilitationist," or "hearing conservationist";
- (6) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting, or participating in identification and hearing conservation programs; and habilitative and rehabilitative programs, including hearing aid recommendations and evaluation, auditory training, or speech reading;
- (7) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide professional services in their areas of training that are based on current research and best practices;
- (8) "Speech-language pathology assistant" means one who assists in the practice of speech-language pathology only under the supervision and direction of an appropriately qualified supervisor and only within the public school system in the Commonwealth. Any speech pathology services provided without appropriate supervision or outside the public school system shall be deemed to be the unlicensed practice of speech pathology and shall subject the offending party to

penalties established pursuant to KRS 334A.990;

(9) "Assisting in the practice of speech pathology" means the provision of certain specific components of a speech or language service program provided by a speech-language pathology assistant under the supervision and direction of an appropriately qualified supervisor.

(a) If the training, supervision, documentation, and planning are appropriate, the following tasks may be delegated to a speech-language pathology assistant:

1. Conduct speech-language and hearing screenings without interpretation following specified screening protocols developed by a speech-language pathologist and audiologist, respectively;
2. Follow documented treatment plans or protocols as prescribed by the supervisor;
3. Document student progress toward meeting established objectives as stated in the treatment plan;
4. Provide direct treatment assistance to identified students under the supervision of the supervisor;
5. Assist with clerical and other related duties as directed by the supervisor;
6. Report to the supervisor about the treatment plan based on a student's performance;
7. Schedule activities, prepare charts, records, graphs, or otherwise display data. This shall not include report generation;
8. Perform simple checks and maintenance of equipment;
9. Participate with the supervisor in research projects, inservice training, and public relations programs;
10. Assist in the development and maintenance of an appropriate schedule for service delivery;

11. Assist in implementing collaborative activities with other professionals;
 12. Assist in administering tests for diagnostic evaluations and progress monitoring; and
 13. Participate in parent conferences, case conferences, or any interdisciplinary team in consultation with, or in the presence of, the supervisor.
- (b) The following activities shall be outside the scope of practice of the speech-language pathology assistant:
1. Performing any activity which violates the code of ethics promulgated by the board by administrative regulation;
 2. Interpreting test results, or performing diagnostic evaluations without supervision;
 3. Conducting client or family counseling without the recommendation, guidance, and approval of the supervisor;
 4. Writing, developing, or modifying a student's individualized treatment plan in any way without the recommendation, guidance, and approval of the supervisor;
 5. Treating students without following the individualized treatment plan prepared by the supervisor or without access to supervision;
 6. Signing any due process document without the co-signature of the supervisor;
 7. Selecting or discharging students;
 8. Disclosing clinical or confidential information, either orally or in writing, to anyone not designated by the supervisor;
 9. Making referrals for additional services; and
 10. Representing himself or herself as something other than a speech-language pathology assistant;

- (10) "Supervisor" means a person who holds a Kentucky license as a speech-language pathologist or who holds Kentucky Department of Education~~Professional Standards Board~~ master's level certification as a teacher of exceptional children in the areas of speech and communication disorders as established by administrative regulation;
- (11) "Interim license" means a license issued by the board pursuant to KRS 334A.035 to a person for the purpose of completing the supervised postgraduate professional experience required under that section prior to an application for licensure as a speech-language pathologist or a speech-language pathology assistant; and
- (12) "Temporary license" means a license that may be issued by the board administrator pursuant to KRS 334A.183 to any applicant who has met all the requirements for permanent licensure in accordance with that section.

➔Section 75. KRS 334A.035 is amended to read as follows:

- (1) (a) A person who has a Master's degree in the area of speech-language pathology or communication disorders, or is currently enrolled in a doctoral degree program with emphasis in speech-language pathology or communication disorders, or has substantive equivalent course work as defined by the board's administrative regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication and swallowing, the experience being obtained with a training institution or in one (1) of its cooperating programs, shall apply for an interim license during the time that person is completing postgraduate professional experience deemed necessary by the board. The postgraduate professional experience shall be completed under the supervision of a speech-language pathologist who holds a Kentucky license or certification by other accrediting bodies, at the discretion of the board.
- (b) A person with interim licensure shall make every effort to take and pass a

national examination in speech-language pathology approved by the board at the time of the application for licensure. If unsuccessful with the examination, the licensee shall submit documentation of the applicant's preparation to take the national examination and continue to practice under supervision in accordance with this section. The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A to establish the documentation required under this paragraph.

- (c) Upon completion of postgraduate professional experience deemed necessary by the board, the speech-language pathologist shall make an application to the board within thirty (30) days for permanent licensure, if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.
 - (d) An interim license shall not exceed a period of twenty-four (24) months without board approval.
- (2) (a) A person who has a baccalaureate degree in the area of speech-language pathology or communication disorders as defined by administrative regulation shall apply for an interim license as a speech-language pathology assistant during the time that person is completing his or her professional experience as established by the board by administrative regulation. The postgraduate professional experience shall be completed under the supervision of an appropriately qualified supervisor.
- (b) Upon completion of the postgraduate professional experience, the speech-language pathology assistant shall make immediate application to the board within thirty (30) days for permanent licensure if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

- (c) An interim license shall not exceed a period of twenty-four (24) months without board approval.
- (3) (a) A speech-language pathologist employed solely by the public schools in a certified position who holds a teacher certification in communication disorders issued by the Education Professional Standards Board shall be exempt from holding a license issued by the board.
- (b) A speech-language pathologist in a classified position who does not hold a teacher certification in communication disorders issued by the Kentucky Department of Education~~[- Professional Standards Board]~~ shall apply for and maintain appropriate licensure.
- (c) The public school speech-language pathologist shall determine from the local school board how his or her position is categorized.

➔Section 76. The following KRS section is repealed:

161.1222 Pilot teacher internship program -- Report to Interim Joint Committee on Education -- Appropriated funds.