

1 AN ACT relating to teacher shortages.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO
4 READ AS FOLLOWS:

5 ARTICLE 1

6 Purpose

7 It is the purpose of this compact to facilitate the mobility of teachers across the member
8 states, with the goal of supporting teachers through a new pathway to licensure.
9 Through this compact, the member states seek to establish a collective regulatory
10 framework that expedites and enhances the ability of teachers to move across state
11 lines.

12 This compact is intended to achieve the following objectives:

13 A. Create a streamlined pathway to licensure mobility for teachers;

14 B. Support the relocation of eligible military spouses;

15 C. Facilitate and enhance the exchange of teacher licensure, investigative, and
16 disciplinary information between the member states;

17 D. Enhance the power of state and district level education officials to hire qualified,
18 competent teachers by removing barriers to the employment of out-of-state
19 teachers;

20 E. Support the retention of teachers in the profession by removing barriers to re-
21 licensure in a new state; and

22 F. Maintain state sovereignty in the regulation of the teaching profession.

23 The member states hereby ratify the same intentions by subscribing hereto.

24 ARTICLE II

25 Definitions

26 As used in this compact, and except as otherwise provided, the following definitions
27 shall govern the terms herein:

- 1 A. "Active military member" means any person with full-time duty status in the
2 uniformed service of the United States, including members of the National Guard
3 and Reserve;
- 4 B. "Adverse action" means any limitation or restriction imposed by a member state's
5 licensing authority on the licensee's ability to work as a teacher, such as
6 revocation, suspension, reprimand, or probation;
- 7 C. "Bylaws" means those bylaws established by the commission;
- 8 D. "Career and technical education license" means a current, valid authorization
9 issued by a member state's licensing authority allowing an individual to serve as a
10 teacher in preschool through twelfth grade public educational settings in a
11 specific career and technical education area;
- 12 E. "Charter member states" means a member state that has enacted legislation to
13 adopt this compact where such legislation predates the initial meeting of the
14 commission after the effective date of the compact;
- 15 F. "Commission" means the interstate administrative body whose membership
16 consists of delegates of all states that have enacted this compact and which is
17 known as the Interstate Teacher Mobility Compact Commission;
- 18 G. "Commissioner" means the delegate of a member state;
- 19 H. "Eligible license" means a license to engage in the teaching profession, which
20 requires at least a bachelor's degree and the completion of a state-approved
21 program for teacher licensure;
- 22 I. "Eligible military spouse" means the spouse of an active military member who is
23 relocating as a result of a military mission, military career progression
24 requirement, or a terminal move due to separation, retirement, or death of the
25 member;
- 26 J. "Executive committee" means a group of commissioners elected or appointed to
27 act on behalf of, and within the powers granted to them by, the commission as

1 provided for herein;

2 K. "Licensing authority" means an official, agency, board, or other entity of a state
3 that is responsible for the licensing and regulation of teachers authorized to teach
4 in preschool through twelfth grade public educational settings;

5 L. "Member state" means any state that has adopted this compact, including all
6 agencies and officials of such a state;

7 M. "Receiving state" means any state that a teacher has applied for licensure under
8 this compact;

9 N. "Rule" means any regulation promulgated by the commission under this
10 compact, which shall have the force of law in each member state;

11 O. "State" means a state, territory, or possession of the United States and the
12 District of Columbia;

13 P. "State practice laws" means a member state's law, rules, and regulations that
14 govern the teaching profession, define the scope of such profession, and create
15 the methods and grounds for imposing discipline;

16 Q. "State specific requirements" means a requirement for licensure covered in
17 coursework or examination that includes content of unique interest to the state;

18 R. "Teacher" means an individual who currently holds an authorization from a
19 member state that forms the basis for employment in the preschool through
20 twelfth grade public schools of the state to provide instruction in a specific subject
21 area, grade level, or student population; and

22 S. "Unencumbered license" means a current, valid eligible license that is not a
23 restricted, probationary, provisional, substitute, or temporary credential.

24 ARTICLE III

25 Licensure Under the Compact

26 A. Licensure under this compact pertains only to the initial grant of a license by the
27 receiving state. Nothing herein applies to any subsequent or ongoing compliance

1 requirements that a receiving state might require for teachers.

2 B. Each member state shall, in accordance with the rules of the commission, define,
3 compile, and update as necessary, a list of eligible licenses and career and
4 technical education licenses that the member state is willing to consider for
5 equivalency under this compact and provide the list to the commission. The list
6 shall include those licenses that a receiving state is willing to grant to teachers
7 from other member states, pending a determination of equivalency by the
8 receiving state's licensing authority.

9 C. Upon the receipt of an application for licensure by a teacher holding an
10 unencumbered license, the receiving state shall determine which of the receiving
11 state's eligible licenses the teacher is qualified to hold and shall grant such a
12 license or licenses to the applicant. Such a determination shall be made in the
13 sole discretion of the receiving state's licensing authority and may include a
14 determination that the applicant is not eligible for any of the receiving state's
15 eligible licenses. For all teachers who hold an unencumbered license, the
16 receiving state shall grant one (1) or more unencumbered licenses that, in the
17 receiving state's sole discretion, are equivalent to the license or licenses held by
18 the teacher in any other member state.

19 D. For active military members and eligible military spouses who hold a license that
20 is not unencumbered, the receiving state shall grant an equivalent license or
21 licenses that, in the receiving state's sole discretion, is equivalent to the license or
22 licenses held by the active military member or eligible military spouse, except
23 where the receiving state does not have an equivalent license.

24 E. For a teacher holding an unencumbered career and technical education license,
25 the receiving state shall grant an unencumbered license equivalent to the career
26 and technical education license held by the applying teacher and issued by
27 another member state, as determined by the receiving state in its sole discretion,

1 except when a career and technical education teacher does not hold a bachelor's
2 degree and the receiving state requires a bachelor's degree for licenses to teach
3 career and technical education. A receiving state may require career and
4 technical education teachers to meet state industry-recognized requirements, if
5 required by law in the receiving state.

6 ARTICLE IV

7 Licensure Not Under the Compact

8 A. Except as provided in Article III above, nothing in this compact shall be
9 construed to limit or inhibit the power of a member state to regulate licensure or
10 endorsements overseen by the member state's licensing authority.

11 B. When a teacher is required to renew a license received pursuant to this compact,
12 the state granting such a license may require the teacher to complete state
13 specific requirements as a condition of licensure renewal or advancement in that
14 state.

15 C. For the purposes of determining compensation, a receiving state may require
16 additional information from teachers receiving a license under the provisions of
17 this compact.

18 D. Nothing in this compact shall be construed to limit the power of a member state to
19 control and maintain ownership of its information pertaining to teachers, or limit
20 the application of a member state's laws or regulations governing the ownership,
21 use, or dissemination of information pertaining to teachers.

22 E. Nothing in this compact shall be construed to invalidate or alter any existing
23 agreement or other cooperative arrangement which a member state may already
24 be a party to or limit the ability of a member state to participate in any future
25 agreement or other cooperative arrangement to:

26 1. Award teaching licenses or other benefits based on additional professional
27 credentials, including but not limited to National Board Certification;

2. Participate in the exchange of names of teachers whose licenses have been subject to an adverse action by a member state; or

3. *Participate in any agreement or cooperative arrangement with a non-member state.*

ARTICLE V

Teacher Qualifications and Requirements for Licensure Under the Compact

A. Except as provided for active military members or eligible military spouses in Article III. D. of this compact, a teacher may only be eligible to receive a license under this compact when that teacher holds an unencumbered license in a member state.

B. A teacher eligible to receive a license under this compact, unless otherwise provided for herein, shall:

1. Upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and

2. Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

ARTICLE VI

Discipline/Adverse Actions

A. Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

B. Member states shall be authorized to receive and shall provide files and information regarding the investigation and discipline, if any, of teachers in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least

1 the same manner that it maintains its own investigatory or disciplinary files and
2 information. Prior to disclosing any disciplinary or investigatory information
3 received from another member state, the disclosing state shall communicate its
4 intention and purpose for such disclosure to the member state that originally
5 provided that information.

6 ARTICLE VII

7 Establishment of the Interstate Teacher Mobility Compact Commission

8 A. The interstate compact member states hereby create and establish a joint public
9 agency known as the Interstate Teacher Mobility Compact Commission. The
10 commission is a joint interstate governmental agency composed of states that
11 have enacted the Interstate Teacher Mobility Compact. Nothing in this interstate
12 compact shall be construed to be a waiver of sovereign immunity.

13 B. The membership, voting, and meetings provisions are as follows:

- 14 1. Each member state shall have and be limited to one (1) delegate to the
15 commission, who shall be given the title of commissioner.
- 16 2. The commissioner shall be the primary administrative officer of the state
17 licensing authority or their designee.
- 18 3. Any commissioner may be removed or suspended from office as provided by
19 the law of the state from which the commissioner is appointed.
- 20 4. The member state shall fill any vacancy occurring in the commission within
21 ninety (90) days.
- 22 5. Each commissioner shall be entitled to one (1) vote about the promulgation
23 of rules and creation of bylaws and shall otherwise have an opportunity to
24 participate in the business and affairs of the commission. A commissioner
25 shall vote in person or by such other means as provided in the bylaws. The
26 bylaws may provide for commissioners' participation in meetings by
27 telephone or other means of communication.

1 6. The commission shall meet at least once during each calendar year.

2 Additional meetings shall be held as set forth in the bylaws.

3 C. The commission shall have the following powers and duties:

4 1. Establish a code of ethics for the commission;

5 2. Establish the fiscal year of the commission;

6 3. Establish bylaws for the commission;

7 4. Maintain financial records in accordance with the bylaws of the
8 commission;

9 5. Meet and take such actions as are consistent with the provisions of this
10 interstate compact, the bylaws, and the rules of the commission;

11 6. Promulgate uniform rules to implement and administer this interstate
12 compact. The rules shall have the force and effect of law and shall be
13 binding in all member states. In the event the commission exercises its
14 rulemaking authority in a manner that is beyond the scope of the purposes
15 of the compact, or the powers granted hereunder, then such an action by the
16 commission shall be invalid and have no force and effect of law;

17 7. Bring and prosecute legal proceedings or actions in the name of the
18 commission, provided that the standing of any member state licensing
19 authority to sue or be sued under applicable law shall not be affected;

20 8. Purchase and maintain insurance and bonds;

21 9. Borrow, accept, or contract for services of personnel, including but not
22 limited to employees of a member state or an associated nongovernmental
23 organization that is open to membership by all states;

24 10. Hire employees, elect or appoint officers, fix compensation, define duties,
25 grant such individuals appropriate authority to carry out the purposes of the
26 compact, and establish the commission's personnel policies and programs
27 relating to conflicts of interest, qualifications of personnel, and other

1 related personnel matters;

2 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,
3 hold, improve, or use any property, whether real, personal, or mixed,
4 provided that at all times the commission shall avoid any appearance of
5 impropriety;

6 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
7 dispose of any property, whether real, personal, or mixed;

8 13. Establish a budget and make expenditures;

9 14. Borrow money;

10 15. Appoint committees including standing committees composed of members
11 and such other interested persons as may be designated in this interstate
12 compact, rules, or bylaws;

13 16. Provide and receive information from, and cooperate with, law enforcement
14 agencies;

15 17. Establish and elect an executive committee;

16 18. Establish and develop a charter for an executive information governance
17 committee to advise on facilitating exchange of information, use of
18 information, data privacy, and technical support needs, and provide reports
19 as needed;

20 19. Perform such other functions as may be necessary or appropriate to achieve
21 the purposes of this interstate compact consistent with the state regulation
22 of teacher licensure; and

23 20. Determine whether a state's adopted language is materially different from
24 the model compact language such that the state would not qualify for
25 participation in the compact.

26 D. The Executive Committee of the Interstate Teacher Mobility Compact
27 Commission;

- 1 1. Shall have the power to act on behalf of the commission according to the
2 terms of this interstate compact and the bylaws of the commission;
- 3 2. Shall be composed of eight (8) voting members as follows:
 - 4 a. The commission chair, vice chair, and treasurer; and
 - 5 b. Five (5) members who are elected by the commission from the current
6 membership composed of four (4) voting members representing
7 geographic regions and one (1) at-large voting member in accordance
8 with commission bylaws;
- 9 3. May have its members added or removed by the commission as provided in
10 commission bylaws;
- 11 4. Shall meet at least once annually; and
- 12 5. Shall have the following duties and responsibilities:
 - 13 a. Make recommendations to the entire commission regarding changes
14 to the rules or bylaws, changes to the compact legislation, fees paid by
15 interstate compact member states such as annual dues, and any
16 compact fee charged by the member states on behalf of the
17 commission;
 - 18 b. Ensure commission administration services are appropriately
19 provided, contractual or otherwise;
 - 20 c. Prepare and recommend the budget;
 - 21 d. Maintain financial records on behalf of the commission;
 - 22 e. Monitor compliance of member states and provide reports to the
23 commission; and
 - 24 f. Perform other duties as provided in the rules or bylaws.
- 25 E. Meetings of the Commission:
 - 26 1. All meetings shall be open to the public, and public notice of meetings shall
27 be given in accordance with commission bylaws.

- 1 2. The commission, the executive committee, or other committees of the
2 commission may convene in a closed, nonpublic meeting if the commission,
3 executive committee, or other committees of the commission must discuss:
4 a. Noncompliance of a member state with its obligations under the
5 compact;
6 b. The employment, compensation, discipline, or other matters, practices,
7 or procedures related to specific employees or other matters related to
8 the commission's internal personnel practices and procedures;
9 c. Current, threatened, or reasonably anticipated litigation;
10 d. Negotiation of contracts for the purchase, lease, or sale of goods,
11 services, or real estate;
12 e. Accusing any person of a crime or formally censuring any person;
13 f. Disclosure of trade secrets or commercial or financial information
14 that is privileged or confidential;
15 g. Disclosure of information of a personal nature where disclosure
16 would constitute a clearly unwarranted invasion of personal privacy;
17 h. Disclosure of investigative records compiled for law enforcement
18 purposes;
19 i. Disclosure of information related to any investigative reports prepared
20 by or on behalf of or for use of the commission or other committee
21 charged with responsibility of investigation or determination of
22 compliance issues pursuant to the compact;
23 j. Matters specifically exempted from disclosure by federal or member
24 state statute; and
25 k. Other matters as set forth by commission bylaws and rules.
26 3. If a meeting, or portion of a meeting, is closed pursuant to this section, the
27 commission's legal counsel or designee shall certify that the meeting may be

1 closed and shall reference each relevant exempting provision.

2 4. The commission shall keep minutes of meetings of the executive committee,
3 commission, and other committees of the commission and shall provide a
4 full and accurate summary of actions taken, and the reasons therefor,
5 including a description of the views expressed. All documents considered in
6 connection with an action shall be identified in such minutes. All minutes
7 and documents of a closed meeting shall remain under seal, subject to
8 release by a majority vote of the commission or order of a court of
9 competent jurisdiction.

10 F. Financing of the Commission:

11 1. The commission shall pay, or provide for the payment of, the reasonable
12 expenses of its establishment, organization, and ongoing activities.

13 2. The commission may accept all appropriate donations and grants of money,
14 equipment, supplies, materials, and services, and receive, utilize, and
15 dispose of the same, provided that at all times the commission shall avoid
16 any appearance of impropriety or conflict of interest.

17 3. The commission may levy on and collect an annual assessment from each
18 member state or impose fees on other parties to cover the cost of the
19 operations and activities of the commission, in accordance with the
20 commission rules.

21 4. The commission shall not incur obligations of any kind prior to securing
22 the funds adequate to meet the same; nor shall the commission pledge the
23 credit of any of the member states, except by and with the authority of the
24 member state.

25 5. The commission shall keep accurate accounts of all receipts and
26 disbursements. The receipts and disbursements of the commission shall be
27 subject to accounting procedures established under commission bylaws. All

1 receipts and disbursements of commission funds shall be reviewed annually
2 in accordance with commission bylaws, and a report of the review shall be
3 included in and become part of the annual report of the commission.

4 G. Qualified Immunity, Defense, and Indemnification:

5 1. The members, officers, executive director, employees, and representatives of
6 the commission shall be immune from suit and liability, either personally or
7 in their official capacity, for any claim for damage to or loss of property or
8 personal injury or other civil liability caused by or arising out of any actual
9 or alleged act, error, or omission that occurred, or that the person against
10 whom the claim is made had a reasonable basis for believing occurred,
11 within the scope of commission employment, duties, or responsibilities;
12 provided that nothing in this paragraph shall be construed to protect any
13 such person from suit or liability for any damage, loss, injury, or liability
14 caused by the intentional, willful, or wanton misconduct of that person.

15 2. The commission shall defend any member, officer, executive director,
16 employee, or representative of the commission in any civil action seeking to
17 impose liability arising out of any actual or alleged act, error, or omission
18 that occurred within the scope of commission employment, duties, or
19 responsibilities, or that the person against whom the claim is made had a
20 reasonable basis for believing occurred within the scope of commission
21 employment, duties, or responsibilities; provided that nothing herein shall
22 be construed to prohibit that person from retaining his or her own counsel;
23 and provided further, that the actual or alleged act, error, or omission did
24 not result from that person's intentional or willful or wanton misconduct.

25 3. The commission shall indemnify and hold harmless any member, officer,
26 executive director, employee, or representative of the commission for the
27 amount of any settlement or judgment obtained against that person arising

1 out of any actual or alleged act, error, or omission that occurred within the
2 scope of commission employment, duties, or responsibilities, or that such
3 person had a reasonable basis for believing occurred within the scope of
4 commission employment, duties, or responsibilities, provided that the actual
5 or alleged act, error, or omission did not result from the intentional or
6 willful or wanton misconduct of that person.

7 ARTICLE VIII

8 Rulemaking

9 A. The commission shall exercise its rulemaking powers pursuant to the criteria set
10 forth in this interstate compact and the rules adopted thereunder. Rules and
11 amendments shall become binding as of the date specified in each rule or
12 amendment.

13 B. The commission shall promulgate reasonable rules to achieve the intent and
14 purpose of this interstate compact. In the event the commission exercises its
15 rulemaking authority in a manner that is beyond purpose and intent of this
16 interstate compact, or the powers granted hereunder, then such an action by the
17 commission shall be invalid and have no force and effect of law in the member
18 states.

19 C. If a majority of the legislatures of the member states rejects a rule by enactment
20 of a statute or resolution in the same manner used to adopt the compact within
21 four (4) years of the date of adoption of the rule, then such rule shall have no
22 further force and effect in any member state.

23 D. Rules or amendments to the rules shall be adopted or ratified at a regular or
24 special meeting of the commission in accordance with commission rules and
25 bylaws.

26 E. Upon determination that an emergency exists, the commission may consider and
27 adopt an emergency rule with forty-eight (48) hours' notice, with opportunity to

1 comment, provided that the usual rulemaking procedures shall be retroactively
2 applied to the rule as soon as reasonably possible, and in no event later than
3 ninety (90) days after the effective date of the rule. For the purposes of this
4 provision, an emergency rule is one that must be adopted immediately in order to:
5 1. Meet an imminent threat to public health, safety, or welfare;
6 2. Prevent a loss of commission or member state funds;
7 3. Meet a deadline for the promulgation of an administrative rule that is
8 established by federal law or rule; or
9 4. Protect public health and safety.

10 ARTICLE IX

11 Facilitating Information Exchange

- 12 A. The commission shall provide for facilitating the exchange of information to
13 administer and implement the provisions of this compact in accordance with the
14 rules of the commission, consistent with generally accepted data protection
15 principles.
- 16 B. Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the
17 power of a member state to control and maintain ownership of its licensee
18 information or alter, limit, or inhibit the laws or regulations governing licensee
19 information in the member state.

20 ARTICLE X

21 Oversight, Dispute Resolution, and Enforcement

- 22 A. Oversight:
- 23 1. The executive and judicial branches of state government in each member
24 state shall enforce this compact and take all actions necessary and
25 appropriate to effectuate the compact's purposes and intent. The provisions
26 of this compact shall have standing as statutory law.
- 27 2. Venue is proper and judicial proceedings by or against the commission shall

1 be brought solely and exclusively in a court of competent jurisdiction where
2 the principal office of the commission is located. The commission may
3 waive venue and jurisdictional defenses to the extent it adopts or consents to
4 participate in alternative dispute resolution proceedings. Nothing herein
5 shall affect or limit the selection or propriety of venue in any action against
6 a licensee for professional malpractice, misconduct, or any such similar
7 matter.

8 3. All courts and all administrative agencies shall take judicial notice of the
9 compact, the rules of the commission, and any information provided to a
10 member state pursuant thereto in any judicial or quasi-judicial proceeding
11 in a member state pertaining to the subject matter of this compact or which
12 may affect the powers, responsibilities, or actions of the commission.

13 4. The commission shall be entitled to receive service of process in any
14 proceeding regarding the enforcement or interpretation of the compact and
15 shall have standing to intervene in such a proceeding for all purposes.
16 Failure to provide the commission service of process shall render a
17 judgment or order void as to the commission, this compact, or promulgated
18 rules.

19 **B. Default, Technical Assistance, and Termination:**

20 1. If the commission determines that a member state has defaulted in the
21 performance of its obligations or responsibilities under this compact or the
22 promulgated rules, the commission shall provide:

23 a. Written notice to the defaulting state and other member states of the
24 nature of the default, the proposed means of curing the default, or any
25 other action to be taken by the commission; and

26 b. Remedial training and specific technical assistance regarding the
27 default.

1 2. If a state in default fails to cure the default, the defaulting state may be
2 terminated from the compact upon an affirmative vote of a majority of the
3 commissioners of the member states, and all rights, privileges, and benefits
4 conferred on that state by this compact may be terminated on the effective
5 date of termination. A cure of the default does not relieve the offending
6 state of obligations or liabilities incurred during the period of default.

7 3. Termination of membership in the compact shall be imposed only after all
8 other means of securing compliance have been exhausted. Notice of intent
9 to suspend or terminate shall be given by the commission to the governor,
10 the majority and minority leaders of the defaulting state's legislature, the
11 state licensing authority, and each of the member states.

12 4. A state that has been terminated is responsible for all assessments,
13 obligations, and liabilities incurred through the effective date of
14 termination, including obligations that extend beyond the effective date of
15 termination.

16 5. The commission shall not bear any costs related to a state that is found to be
17 in default or that has been terminated from the compact, unless agreed
18 upon in writing between the commission and the defaulting state.

19 6. The defaulting state may appeal the action of the commission by petitioning
20 the United States District Court for the District of Columbia or the federal
21 district where the commission has its principal offices. The prevailing party
22 shall be awarded all costs of such litigation, including reasonable attorney's
23 fees.

24 C. Dispute Resolution:

25 1. Upon request by a member state, the commission shall attempt to resolve
26 disputes related to the compact that arise among member states and between
27 member and nonmember states.

1 2. The commission shall promulgate a rule providing for both binding and
2 nonbinding alternative dispute resolution for disputes as appropriate.

3 D. Enforcement:

4 1. The commission, in the reasonable exercise of its discretion, shall enforce
5 the provisions and rules of this compact.

6 2. By majority vote, the commission may initiate legal action in the United
7 States District Court for the District of Columbia or the federal district
8 where the commission has its principal offices against a member state in
9 default to enforce compliance with the provisions of the compact and its
10 promulgated rules and bylaws. The relief sought may include both
11 injunctive relief and damages. In the event judicial enforcement is
12 necessary, the prevailing party shall be awarded all costs of such litigation,
13 including reasonable attorney's fees. The remedies herein shall not be the
14 exclusive remedies of the commission. The commission may pursue any
15 other remedies available under federal or state law.

16 ARTICLE XI

17 Effectuation, Withdrawal, and Amendment

18 A. The compact shall come into effect on the date on which the compact statute is
19 enacted into law in the tenth member state.

20 1. On or after the effective date of the compact, the commission shall convene
21 and review the enactment of each of the charter member states to determine
22 if the statute enacted by each such charter member state is materially
23 different from the model compact statute.

24 2. A charter member state whose enactment is found to be materially different
25 from the model compact statute shall be entitled to the default process set
26 forth in Article X.

27 3. Member states enacting the compact subsequent to the charter member

1 states shall be subject to the process set forth in Article VII. C. 20 to
2 determine if their enactments are materially different from the model
3 compact statute and whether they qualify for participation in the compact.

4 B. If any member state is later found to be in default, or is terminated or withdraws
5 from the compact, the commission shall remain in existence and the compact
6 shall remain in effect even if the number of member states should be less than ten
7 (10).

8 C. Any state that joins the compact after the commission's initial adoption of the
9 rules and bylaws shall be subject to the rules and bylaws as they exist on the date
10 on which the compact becomes law in that state. Any rule that has been
11 previously adopted by the commission shall have the full force and effect of law
12 on the day the compact becomes law in that state, as the rules and bylaws may be
13 amended as provided in this compact.

14 D. Any member state may withdraw from this compact by enacting a statute
15 repealing the same.

16 1. A member state's withdrawal shall not take effect until six (6) months after
17 enactment of the repealing statute.

18 2. Withdrawal shall not affect the continuing requirement of the withdrawing
19 state's licensing authority to comply with the investigative and adverse
20 action reporting requirements of this compact prior to the effective date of
21 withdrawal.

22 E. This compact may be amended by the member states. No amendment to this
23 compact shall become effective and binding upon any member state until it is
24 enacted into the laws of all member states.

25 ARTICLE XII

26 Construction and Severability

27 This compact shall be liberally construed to effectuate the purposes thereof. The

1 provisions of this compact shall be severable and if any phrase, clause, sentence, or
2 provision of this compact is declared to be contrary to the constitution of any member
3 state, a state seeking membership in the compact, or of the United States or the
4 applicability thereof to any other government, agency, person, or circumstance is held
5 invalid, the validity of the remainder of this compact and the applicability thereof to
6 any government, agency, person, or circumstance shall not be affected thereby. If this
7 compact shall be held contrary to the constitution of any member state, the compact
8 shall remain in full force and effect as to the remaining member states and in full force
9 and effect as to the member state affected as to all severable matters.

10 ARTICLE XIII

11 Consistent Effect and Conflict with Other State Laws

- 12 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a
13 member state that is not inconsistent with the compact.
- 14 B. Any laws, statutes, regulations, or other legal requirements in a member state in
15 conflict with the compact are superseded to the extent of the conflict.
- 16 C. All permissible agreements between the commission and the member states are
17 binding in accordance with their terms.

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
19 READ AS FOLLOWS:

- 20 (1) When a school district employee voluntarily leaves the district, the local board of
21 education shall ensure that each employee completes an exit survey in
22 accordance with a policy approved by the board.
- 23 (2) (a) The Kentucky Department of Education shall develop a system for school
24 districts to report exit survey information without providing personally
25 identifiable information for use in evaluating factors impacting teacher
26 retainment.
- 27 (b) Information submitted by an employee and reported to the department shall

1 include but not be limited to the position vacated, the employee's years of
2 service in the position and in the district, if the employee is taking a similar
3 position in another district, and the reason or reasons provided for leaving
4 the district.

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) For purposes of this section, "Kentucky Educator Placement Service System" or
8 "system" means the online statewide job posting system operated by the Kentucky
9 Department of Education for vacancies at local school districts and public
10 charter schools.

11 (2) The Kentucky Department of Education shall ensure that the Kentucky Educator
12 Placement Service System:

13 (a) Is accessible through the department's website;

14 (b) Includes a mechanism for local school districts and public charter schools
15 to electronically submit job openings for posting on the system as provided
16 in subsection (4) of this section;

17 (c) Allows the public to review job postings;

18 (d) Allows potential applicants to electronically submit applications and
19 relevant application materials; and

20 (e) Permits schools districts and public charter schools to access, review, and
21 download applications and application materials.

22 (3) Each job posting for a vacancy at a school district or public charter school shall
23 include the school district's or public charter school's policy against
24 discrimination in employment.

25 (4) School districts and public charter schools shall electronically submit all job
26 postings to the system. All postings must include an opening and closing date for
27 each position posted.

1 (5) The Kentucky Department of Education shall operate and maintain the system to
2 ensure that job postings are current, including tracking each unique position
3 posted, monitoring for repeated position postings, and removing outdated
4 postings, and to collect accurate data about employment in public schools.

5 (6) Nothing in this section shall:

6 (a) Prohibit a school district or public charter school from advertising job
7 openings and recruiting employees independently from the system;

8 (b) Prohibit a school district or public charter school from using another
9 method of advertising job openings or another applicant tracking system in
10 addition to the system;

11 (c) Require all job applications for posted vacancies to be submitted digitally or
12 only be submitted through the system; or

13 (d) Provide the Kentucky Department of Education with any regulatory
14 authority in the hiring process or hiring decisions of any school district or
15 public charter school.

16 (7) The Kentucky Department of Education shall prepare a report detailing data
17 from the system and its implication for the status of employment in public schools
18 including, but not limited to, the number and type of unique and duplicated job
19 postings, how often postings are viewed by the public, and positions that are
20 remaining vacant by type, certification requirement, and location. The report
21 shall be submitted to the Interim Joint Committee on Education by October 1,
22 2023, and annually thereafter.

23 ➔Section 4. KRS 164.769 is amended to read as follows:

24 (1) It is the intent of the General Assembly to establish a teacher scholarship program
25 to assist highly qualified individuals to become certified Kentucky teachers and
26 render teaching service in Kentucky schools.

27 (2) For purposes of this section, the terms listed below shall have the following

1 meanings:

- 2 (a) "Critical shortage area" means an understaffing of teachers in particular
3 subject matters at the secondary level, in grade levels, or in geographic
4 locations at the elementary and secondary level, as determined by the
5 commissioner of education in consultation with the authority. The
6 commissioner and the authority may use any source considered reliable,
7 including but not limited to local education agencies, to identify the critical
8 shortage areas;
- 9 (b) "Dual credit" has the same meaning as in KRS 158.007;
- 10 (c) "Eligible program of study" means an undergraduate or graduate program of
11 study which is preparatory to teacher certification;
- 12 (d) "Expected family contribution" means the amount that a student and his
13 family are expected to contribute toward the cost of the student's education
14 determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to
15 1087 vv;
- 16 (e) "Participating institution" means an institution of higher education located in
17 Kentucky which offers an eligible program of study and has in force an
18 agreement with the authority providing for administration of this program;
- 19 (f) "Qualified teaching service" means teaching the major portion of each school
20 day for at least seventy (70) days each semester in a public school of the
21 Commonwealth or a private school certified pursuant to KRS 156.160(3),
22 except that an individual having a disability defined by Title II of the
23 Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and
24 extended illness, whose disability or illness, certified by a licensed physician,
25 prevents that individual from teaching a major portion of each school day,
26 shall be deemed to perform qualified teaching service by teaching the
27 maximum time permitted by the attending physician;

1 (g) "Semester" means a period of about eighteen (18) weeks, which usually
2 makes up one-half (1/2) of a school year or one-half (1/2) of a participating
3 institution's academic year; and

4 (h) "Summer term" means an academic period consisting of one (1) or more
5 sessions of instruction between a spring and a fall semester.

6 (3) The authority may, to the extent of appropriations and other funds available to it
7 pursuant to subsection (9) of this section, award teacher scholarships to persons
8 eligible under subsection (4) of this section, who initially demonstrate financial
9 need in accordance with standards and criteria established by the authority or
10 received teacher scholarships pursuant to this section prior to July 1, 1996. Each
11 teacher scholarship shall be evidenced by a promissory note that requires repayment
12 or cancellation pursuant to subsection (6) of this section.

13 (4) Kentucky residents who are United States citizens and enrolled or accepted for
14 enrollment in an eligible program of study at a participating institution shall be
15 eligible to apply for and be awarded teacher scholarships. Teacher scholarships
16 shall first be awarded to highly qualified eligible students who meet standards and
17 requirements established by the Education Professional Standards Board pursuant
18 to KRS 161.028 for admission to a teacher education program at a participating
19 institution in pursuit of initial teacher certification. If funds are not depleted after
20 awarding teacher scholarships to students who meet the preceding criteria, then
21 awards shall be made to any otherwise eligible students.

22 (5) The authority shall establish, by administrative regulation, the maximum amount of
23 scholarship to be awarded for each semester and summer term under this section~~;~~
24 ~~and shall prorate the amount awarded to any student enrolled less than full time in~~
25 ~~accordance with subsection (6)(a) of this section. The aggregate amount of~~
26 ~~scholarships awarded to an individual shall not exceed twelve thousand five~~
27 ~~hundred dollars (\$12,500) for undergraduate students and seven thousand five~~

1 ~~hundred dollars (\$7,500) for postbaccalaureate students, except that the aggregate~~
2 ~~amount of scholarships awarded to an individual who received teacher scholarships~~
3 ~~pursuant to this section prior to July 1, 1996, including any amount received~~
4 ~~pursuant to KRS 156.611, 156.613, 164.768, or 164.770, shall not exceed twenty~~
5 ~~thousand dollars (\$20,000)].~~ The amount of each scholarship to be awarded shall
6 not exceed the applicant's total cost of education minus other financial assistance
7 received or expected to be received by the applicant during the academic period.

8 (6) (a) The authority shall disburse teacher scholarships to eligible students who
9 agree to render qualified teaching service as certified teachers, and are
10 unconditionally admitted and enrolled in an eligible program of study.

11 (b) A teacher scholarship shall not be awarded or a promissory note cancellation
12 shall not be granted to any person who is in default on any obligation to the
13 authority under any program administered by the authority pursuant to KRS
14 164.740 to 164.785 until financial obligations to the authority are satisfied,
15 except that ineligibility for this reason may be waived by the authority for
16 cause.

17 (c) Recipients shall render one (1) semester of qualified teaching service for each
18 semester or summer term of scholarship received, except that recipients who
19 teach in a critical shortage area designated by the authority or teach dual
20 credit coursework in a certified Kentucky high school shall render one (1)
21 semester of qualified teaching service as repayment for two (2) semesters or
22 summer terms of scholarships received. Upon completion of each semester of
23 qualified teacher service, the authority shall cancel the appropriate number of
24 promissory notes.

25 (d) If the recipient of a teacher scholarship fails to complete an eligible program
26 of study at a participating institution or fails to render qualified teaching
27 service in any semester following certification or recertification, unless the

- 1 failure is temporarily waived for cause by the authority, the recipient shall
2 immediately become liable to the authority for repayment of the sum of all
3 outstanding promissory notes and accrued interest. Persons liable for
4 repayment of scholarships under this paragraph shall be liable for interest
5 accruing from the dates on which the teacher scholarships were disbursed.
- 6 (e) Recipients who have outstanding loans or scholarships under KRS 156.611,
7 156.613, 164.768, or 164.770 respectively, and who render qualified teaching
8 service, shall have their notes canceled in accordance with subsection (6)(c) of
9 this section.
- 10 (f) The authority shall establish, by administrative regulation, the terms and
11 conditions for the award, cancellation, and repayment of teacher scholarships
12 including, but not limited to, the selection criteria, eligibility for renewal
13 awards, amount of scholarship payments, deferments, the rate of repayment,
14 and the interest rate thereon.
- 15 (g) Notwithstanding any other statute to the contrary, the maximum interest rate
16 applicable to repayment of a promissory note under this section shall be eight
17 percent (8%)~~twelve percent (12%)~~ per annum, except that if a judgment is
18 rendered to recover payment, the judgment shall bear interest at the rate of
19 five percent (5%) greater than the rate actually charged on the promissory
20 note.
- 21 (7) A repayment obligation imposed by this section shall not be voidable by reason of
22 the age of the recipient at the time of receiving the teacher scholarship.
- 23 (8) Failure to meet repayment obligations imposed by this section shall be cause for the
24 revocation of a person's teaching certificate, subject to the procedures set forth in
25 KRS 161.120.
- 26 (9) All moneys repaid to the authority under this section shall be added to the
27 appropriations made for purposes of this section, and the funds and unobligated

1 appropriations shall not lapse.

2 (10) The authority may execute appropriate contracts and promissory notes for
3 administering this section.

4 (11) Notwithstanding any other statute to the contrary, if available funds are insufficient
5 for all requested scholarships for eligible applicants during any fiscal year, the
6 authority shall give priority consideration to eligible applicants who previously
7 received teacher scholarships and, until June 30, 2018, to loan forgiveness for
8 teachers who have outstanding loan balance eligibility for Best in Class loans issued
9 prior to June 30, 2008. If funds are insufficient to make all requested renewal
10 scholarships to eligible applicants, the authority shall reduce all scholarship awards
11 to the extent necessary to provide scholarships to all qualified renewal applicants.
12 If, after awarding all eligible renewal applicants, funds are not depleted, initial
13 applications shall be ranked according to regulatory selection criteria, which may
14 include expected family contribution and application date, and awards shall be
15 made to highly qualified applicants until funds are depleted.

16 **(12) The authority shall submit a report on the number of teacher scholarships**
17 **provided in each fiscal year, the program of study in which recipients are**
18 **enrolled, recipient retention rates, total number of applications, and scholarship**
19 **recruitment strategies to the Interim Joint Committee on Education by December**
20 **1 of each year.**

21 ➔Section 5. KRS 161.048 is amended to read as follows:

22 (1) The General Assembly hereby finds that:

- 23 (a) 1. There are persons who have distinguished themselves through a variety
24 of work and educational experiences that could enrich teaching in
25 Kentucky schools;
- 26 2. There are distinguished scholars who wish to become teachers in
27 Kentucky's public schools, but who did not pursue a teacher preparation

1 program;

2 3. There are persons who should be recruited to teach in Kentucky's public
3 schools as they have academic majors, strong verbal skills as shown by
4 a verbal ability test, and deep knowledge of content, characteristics that
5 empirical research identifies as important attributes of quality teachers;

6 4. There are persons who need to be recruited to teach in Kentucky schools
7 to meet the diverse cultural and educational needs of students; and

8 5. There should be alternative procedures to the traditional teacher
9 preparation programs that qualify persons as teachers;

10 (b) There are hereby established alternative certification program options as
11 described in subsections (2) to (10) of this section;

12 (c) It is the intent of the General Assembly that the Education Professional
13 Standards Board inform scholars, persons with exceptional work experience,
14 and persons with diverse backgrounds who have potential as teachers of these
15 options and assist local boards of education in implementing these options and
16 recruitment of individuals who can enhance the education system in
17 Kentucky;

18 (d) The Education Professional Standards Board may reject the application of any
19 candidate who is judged as not meeting academic requirements comparable to
20 those for students enrolled in Kentucky teacher preparation programs; and

21 (e) The Education Professional Standards Board shall promulgate administrative
22 regulations establishing standards and procedures for the alternative
23 certification options described in this section. *If the certification option*
24 *requires employment prior to certification, the procedures shall establish a*
25 *process for candidates to obtain an eligible for hire letter from the*
26 *Education Professional Standards Board.*

27 (2) Option 1: Certification of a person with exceptional work experience. An individual

1 who has exceptional work experience and has been offered employment in a local
2 school district shall receive a one (1) year provisional certificate with approval by
3 the Education Professional Standards Board of a joint application by the individual
4 and the employing school district under the following conditions:

- 5 (a) The application contains documentation of all education and work experience;
- 6 (b) The candidate has documented exceptional work experience in the area in
7 which certification is being sought; and
- 8 (c) The candidate possesses:
 - 9 1. A bachelor's degree or a graduate degree;
 - 10 2. A minimum cumulative grade point average of two and seventy-five
11 hundredths (2.75) on a four (4) point scale or a minimum grade point
12 average of three (3.0) on a four (4) point scale on the last thirty (30)
13 hours of credit completed, including undergraduate and graduate
14 coursework from a nationally or regionally accredited postsecondary
15 institution; and
 - 16 3. An academic major or a passing score on the academic content
17 assessment in the area in which certification is being sought by the
18 applicant as designated by the Education Professional Standards Board.

19 The candidate shall participate in the teacher internship program under KRS
20 161.030. After successful completion of the internship program, the candidate shall
21 receive a professional certificate and shall be subject to certificate renewal
22 requirements the same as other teachers with a professional certificate.

- 23 (3) Option 2: Certification through a local school district training program. A local
24 school district or group of school districts may seek approval for a training
25 program. The state-approved local school district training program is an alternative
26 to the college teacher preparation program as a means of acquiring teacher
27 certification for a teacher at any grade level. The training program may be offered

1 for all teaching certificates approved by the Education Professional Standards
2 Board, including interdisciplinary early childhood education, except for specific
3 certificates for teachers of exceptional children. To participate in a state-approved
4 local school district alternative training program, the candidate shall possess:

- 5 (a) A bachelor's degree or a graduate degree;
- 6 (b) A minimum cumulative grade point average of two and seventy-five
7 hundredths (2.75) on a four (4) point scale or a minimum grade point average
8 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
9 completed, including undergraduate and graduate coursework from a
10 nationally or regionally accredited postsecondary institution;
- 11 (c) A passing score on the academic content assessment in the area in which
12 certification is being sought by the applicant as designated by the Education
13 Professional Standards Board. To be eligible to take an academic content
14 assessment, the applicant shall have completed a thirty (30) hour major in the
15 academic content area or five (5) years of experience in the academic content
16 area as approved by the Education Professional Standards Board; and
- 17 (d) An offer of employment in a school district which has a training program
18 approved by the Education Professional Standards Board.

19 Upon meeting the participation requirements as established in this subsection, the
20 candidate shall be issued a one (1) year provisional certificate by the Education
21 Professional Standards Board. The candidate shall participate in the teacher
22 internship program under KRS 161.030. After successful completion of the
23 internship program, the candidate shall receive a professional certificate and shall
24 be subject to certificate renewal requirements the same as other teachers with a
25 professional certificate.

- 26 (4) Option 3: Certification of a professional from a postsecondary institution: A
27 candidate who possesses the following qualifications may receive a one (1) year

1 provisional certificate for teaching at any level:

- 2 (a) A master's degree or doctoral degree in the academic content area for which
3 certification is sought;
- 4 (b) A minimum of five (5) years of full-time teaching experience, or its
5 equivalent, in the academic content area for which certification is sought in a
6 regionally or nationally accredited institution of higher education; and
- 7 (c) An offer of employment in a school district which has been approved by the
8 Education Professional Standards Board.

9 The candidate shall participate in the teacher internship program under KRS
10 161.030. After successful completion of the internship program, the candidate shall
11 receive a professional certificate and shall be subject to certificate renewal
12 requirements the same as other teachers with professional certificates.

13 (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas
14 such as art, music, foreign language, drama, science, computer science, and other
15 specialty areas may be employed as an adjunct instructor in a part-time position by
16 a local board of education under KRS 161.046.

17 (6) Option 5: Certification of a veteran of the Armed Forces. The Education
18 Professional Standards Board shall issue a statement of eligibility, valid for five (5)
19 years, for teaching at the elementary, secondary, and secondary career technical
20 education levels to a veteran of the Armed Forces who was honorably discharged
21 from active duty as evidenced by Defense Department Form 214 (DD 214) or
22 National Guard Bureau Form 22 or to a member of the Armed Services currently
23 serving with six (6) or more years of honorable service, including Reserves,
24 National Guard, or active duty. The candidate shall possess:

- 25 (a) A bachelor's degree or graduate degree;
- 26 (b) A minimum cumulative grade point average of two and seventy-five
27 hundredths (2.75) on a four (4) point scale or a minimum grade point average

1 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
2 completed, including undergraduate and graduate coursework from a
3 nationally or regionally accredited postsecondary institution; and

4 (c) An academic major or a passing score on the academic content assessment in
5 the area in which certification is being sought by the applicant as designated
6 by the Education Professional Standards Board.

7 Upon an offer of employment by a school district, the eligible veteran shall receive
8 a one (1) year provisional certificate with approval by the Education Professional
9 Standards Board of a joint application by the veteran and the employing school
10 district. During this year, the veteran shall participate in the teacher internship
11 program under KRS 161.030. After successful completion of the internship
12 program, the veteran shall receive a professional certificate.

13 (7) Option 6: University alternative program. With approval of the Education
14 Professional Standards Board, a university may provide an alternative program that
15 enrolls students in a postbaccalaureate teacher preparation program concurrently
16 with employment as a teacher in a local school district. A student in the alternative
17 program shall be granted a one (1) year provisional certificate and shall participate
18 in the Kentucky teacher internship program, notwithstanding provisions of KRS
19 161.030. A student may not participate in the internship program until the student
20 has successfully completed the assessments required by the board. The one (1) year
21 provisional certificate may be renewed two (2) additional years, and shall be
22 contingent upon the candidate's continued enrollment in the preparation program
23 and compliance with all requirements established by the board. A professional
24 certificate shall be issued upon the teacher candidate's successful completion of the
25 program, the internship program requirements, and all academic content
26 assessments in the specific teaching field of the applicant as designated by the
27 Education Professional Standards 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. An individual certified under provisions of this subsection shall be issued a one (1) year provisional certificate, renewable for a maximum of two (2) additional years with approval of the Education Professional Standards Board.

(a) The candidate shall possess:

1. A bachelor's degree with a declared academic major in the area in which certification is sought or a graduate degree in a field related to the area in which certification is sought;
2. A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution;
3. A passing score on the GRE or equivalent as designated by the Education Professional Standards Board. A candidate who has a terminal degree shall be exempt from the requirements of this subparagraph; and
4. A passing score on the academic content assessment in the area in which certification is being sought as designated by the Education Professional Standards Board.

(b) Prior to receiving the one (1) year 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

1 institute shall be approved by the Education Professional Standards
2 Board. The content shall include research-based teaching strategies in
3 reading and math, research on child and adolescent growth, knowledge
4 of individual differences, including teaching exceptional children, and
5 methods of classroom management.

6 2. For middle and secondary teaching, the individual shall successfully
7 complete the equivalent of a one hundred eighty (180) hour institute,
8 based on six (6) hour days for six (6) weeks. The providers and the
9 content of the institute shall be approved by the Education Professional
10 Standards Board and shall include research-based teaching strategies,
11 research on child and adolescent growth, knowledge of individual
12 differences, including teaching exceptional children, and methods of
13 classroom management.

14 (c) The candidate shall participate in the teacher internship program under KRS
15 161.030. After successful completion of the internship program, the candidate
16 shall receive a professional certificate and shall be subject to certificate
17 renewal requirements the same as other teachers with a professional
18 certificate.

19 (9) Option 8: Certification of a Teach for America participant to teach in elementary,
20 middle, or high schools. Nothing in this subsection shall conflict with the
21 participation criteria of the Teach for America program. An individual certified
22 under this subsection shall be issued a one (1) year provisional certificate.

23 (a) The candidate shall possess:

- 24 1. An offer of employment from a local school district;
- 25 2. A bachelor's degree;
- 26 3. A successful completion of the summer training institute and ongoing
27 professional development required by Teach for America, including

- 1 instruction in goal-oriented, standards-based instruction, diagnosing and
2 assessing students, lesson planning and instructional delivery, classroom
3 management, maximizing learning for diverse students, and teaching
4 methodologies; and
- 5 4. A passing score on the academic content assessment in the area in which
6 certification is being sought as designated by the Education Professional
7 Standards Board.
- 8 (b) The provisional certificate granted under paragraph (a) of this subsection may
9 be renewed two (2) times with a recommendation of the superintendent and
10 approval of the Education Professional Standards Board.
- 11 (c) A Teach for America participant who is approved for a second renewal of his
12 or her provisional certificate under paragraph (b) of this subsection may
13 participate in the teacher internship program under KRS 161.030.
- 14 (d) A Teach for America participant shall be issued a professional certificate
15 upon the participant's successful completion of the internship program and
16 assessments relating to teaching of subject matter required by the Education
17 Professional Standards Board under KRS 161.030.
- 18 (e) Notwithstanding any statute or administrative regulation to the contrary, a
19 teacher certified under this subsection shall have ten (10) years from the date
20 that the teacher successfully completed the internship program to complete a
21 master's degree or fifth year program, or the equivalent as specified by the
22 Education Professional Standards Board in administrative regulation.
- 23 (10) Option 9: Expedited certification of a person to teach at any grade level through a
24 cooperative program. With approval of the Education Professional Standards
25 Board, a college or university may partner with a school district to develop an
26 expedited certification program that results in a bachelor's degree and initial
27 certification within three (3) school years.

- 1 (a) The program shall:
- 2 1. Include a residency or paraprofessional component which employs the
- 3 person within the participating district for the duration of the program to
- 4 gain work experience to supplement the expedited program and reduced
- 5 coursework;
- 6 2. Utilize experienced teachers employed by the district to provide
- 7 coaching and to mentor the candidates; and
- 8 3. Be designed to meet the needs of the participating district and may
- 9 include an emphasis in developing a teacher pipeline for the district's
- 10 students, improving the numbers of underrepresented populations
- 11 among the district's workforce, or focusing on increasing the number of
- 12 teachers with certification areas that are in high demand.
- 13 (b) A school district entering into a cooperative partnership shall ensure the
- 14 availability of funding for each candidate employed within the district in the
- 15 residency or paraprofessional program for the duration of the candidate's
- 16 participation in the program. However, nothing in this subsection shall be
- 17 interpreted as requiring the district to continue employing the candidate
- 18 during the program or after the candidate has received initial certification.
- 19 (c) A person who has begun a traditional path or another option for certification
- 20 shall be eligible to transfer into this option if the person meets the program's
- 21 requirements.
- 22 (d) If a school district participating in a cooperative partnership determines to end
- 23 the partnership, the district shall no longer accept new candidates to the
- 24 program but shall continue the partnership until the district's employed
- 25 candidates for Option 9 certification complete the program or are no longer
- 26 employed by the district.
- 27 (11) A public school teacher certified under subsections (2) to (10) of this section shall

1 be placed on the local district salary schedule for the rank corresponding to the
2 degree held by the teacher.

3 (12) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses
4 the following qualifications may receive certification for teaching programs for
5 exceptional students:

- 6 (a) An out-of-state license to teach exceptional students;
- 7 (b) A bachelor's or master's degree in the certification area or closely related area
8 for which certification is sought; and
- 9 (c) Successful completion of the teacher internship program requirement required
10 under KRS 161.030.

11 ➔Section 6. KRS 160.380 is amended to read as follows:

12 (1) As used in this section:

13 (a) "Administrative finding of child abuse or neglect" means a substantiated
14 finding of child abuse or neglect issued by the Cabinet for Health and Family
15 Services that is:

- 16 1. Not appealed through an administrative hearing conducted in
17 accordance with KRS Chapter 13B;
- 18 2. Upheld at an administrative hearing conducted in accordance with KRS
19 Chapter 13B and not appealed to a Circuit Court; or
- 20 3. Upheld by a Circuit Court in an appeal of the results of an
21 administrative hearing conducted in accordance with KRS Chapter 13B;

22 (b) "Alternative education program" means a program that exists to meet the
23 needs of students that cannot be addressed in a traditional classroom setting
24 but through the assignment of students to alternative classrooms, centers, or
25 campuses that are designed to remediate academic performance, improve
26 behavior, or provide an enhanced learning experience. Alternative education
27 programs do not include career or technical centers or departments;

- 1 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
2 Services indicating that there are no administrative findings of child abuse or
3 neglect relating to a specific individual;
- 4 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
5 daughter; and
- 6 (e) "Vacancy" means any certified position opening created by the resignation,
7 dismissal, nonrenewal of contract, transfer, or death of a certified staff
8 member of a local school district, or a new position created in a local school
9 district for which certification is required. However, if an employer-employee
10 bargained contract contains procedures for filling certified position openings
11 created by the resignation, dismissal, nonrenewal of contract, transfer, or
12 death of a certified staff member, or creation of a new position for which
13 certification is required, a vacancy shall not exist, unless certified positions
14 remain open after compliance with those procedures.
- 15 (2) Except as provided in KRS 160.346, the school district personnel actions identified
16 in this section shall be carried out as follows:
- 17 (a) All appointments, promotions, and transfers of principals, supervisors,
18 teachers, and other public school employees shall be made only by the
19 superintendent of schools, who shall notify the board of the action taken. All
20 employees of the local district shall have the qualifications prescribed by law
21 and by the administrative regulations of the Kentucky Board of Education and
22 of the employing board. Supervisors, principals, teachers, and other
23 employees may be appointed by the superintendent for any school year at any
24 time after February 1 preceding the beginning of the school year. No
25 superintendent of schools shall appoint or transfer himself or herself to
26 another position within the school district;
- 27 (b) When a vacancy occurs in a local school district, the superintendent shall

1 submit the job posting to the statewide job posting system described in
2 Section 3 of this Act fifteen (15) days before the position shall be
3 filled~~[notify the chief state school officer fifteen (15) days before the position~~
4 ~~shall be filled. The chief state school officer shall keep a registry of local~~
5 ~~district vacancies which shall be made available to the public].~~ The local
6 school district shall post position openings in the local board office for public
7 viewing;

8 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
9 prevent disruption of necessary instructional or support services of the school
10 district, the superintendent may seek a waiver from the chief state school
11 officer. If the waiver is approved, the appointment shall not be made until the
12 person recommended for the position has been approved by the chief state
13 school officer. The chief state school officer shall respond to a district's
14 request for waiver or for approval of an appointment within two (2) working
15 days; and

16 (d) When a vacancy occurs in a local district, the superintendent shall conduct a
17 search to locate minority teachers to be considered for the position. The
18 superintendent shall, pursuant to administrative regulations of the Kentucky
19 Board of Education, report annually the district's recruitment process and the
20 activities used to increase the percentage of minority teachers in the district.

21 (3) Restrictions on employment of relatives shall be as follows:

22 (a) No relative of a superintendent of schools shall be an employee of the school
23 district. However, this shall not apply to a relative who is a classified or
24 certified employee of the school district for at least thirty-six (36) months
25 prior to the superintendent assuming office and who is qualified for the
26 position the employee holds. A superintendent's spouse who has previously
27 been employed in a school system may be an employee of the school district.

- 1 A superintendent's spouse who is employed under this provision shall not hold
2 a position in which the spouse supervises certified or classified employees. A
3 superintendent's spouse may supervise teacher aides and student teachers.
4 However, the superintendent shall not promote a relative who continues
5 employment under an exception of this subsection;
- 6 (b) No superintendent shall employ a relative of a school board member of the
7 district;
- 8 (c) No principal's relative shall be employed in the principal's school; and
- 9 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of
10 this subsection may be employed as a substitute for a certified or classified
11 employee if the relative is not:
- 12 1. A regular full-time or part-time employee of the district;
 - 13 2. Accruing continuing contract status or any other right to continuous
14 employment;
 - 15 3. Receiving fringe benefits other than those provided other substitutes or
16 4. Receiving preference in employment or assignment over other
17 substitutes.
- 18 (4) No superintendent shall assign a certified or classified staff person to an alternative
19 education program as part of any disciplinary action taken pursuant to KRS 161.011
20 or 161.790 as part of a corrective action plan established pursuant to the local
21 district evaluation plan.
- 22 (5) No superintendent shall initially employ in any position in the district any person
23 who is a violent offender or has been convicted of a sex crime as defined by KRS
24 17.165 which is classified as a felony or persons with an administrative finding of
25 child abuse or neglect in records maintained by the Cabinet for Health and Family
26 Services. The superintendent may employ, at his discretion, except at a Kentucky
27 Educational Collaborative for State Agency Children program, persons convicted of

1 sex crimes classified as a misdemeanor.

2 (6) Requirements for background checks shall be as follows:

3 (a) A superintendent shall require the following individuals to submit to a
4 national and state criminal background check by the Department of Kentucky
5 State Police and the Federal Bureau of Investigation and have a clear CA/N
6 check, provided by the individual:

- 7 1. Each new certified or classified hire;
- 8 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
9 161.185;
- 10 3. A student teacher;
- 11 4. A school-based decision making council parent member; and
- 12 5. Any adult who is permitted access to school grounds on a regularly
13 scheduled and continuing basis pursuant to a written agreement for the
14 purpose of providing services directly to a student or students as part of
15 a school-sponsored program or activity;

16 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:

- 17 a. Classified and certified individuals employed by the school district
18 prior to June 27, 2019;
- 19 b. Certified individuals who were employed in another certified
20 position in a Kentucky school district within six (6) months of the
21 date of hire and who had previously submitted to a national and
22 state criminal background check and who have a clear CA/N check
23 for the previous employment; or
- 24 c. Student teachers who have submitted to and provide a copy of a
25 national and state criminal background check by the Department
26 of Kentucky State Police and the Federal Bureau of Investigation
27 through an accredited teacher education institution in which the

1 student teacher is enrolled and who have a clear CA/N check.

2 2. The Education Professional Standards Board may promulgate
3 administrative regulations to impose additional qualifications to meet
4 the requirements of Public Law 92-544;

5 (c) A parent member may serve prior to the receipt of the criminal history
6 background check and CA/N letter required by paragraph (a) of this
7 subsection but shall be removed from the council on receipt by the school
8 district of a report documenting a record of abuse or neglect, or a sex crime or
9 criminal offense against a victim who is a minor as defined in KRS 17.500, or
10 as a violent offender as defined in KRS 17.165, and no further procedures
11 shall be required; and

12 (d) A superintendent may require a volunteer or a visitor to submit to a national
13 and state criminal history background check by the Department of Kentucky
14 State Police and the Federal Bureau of Investigation and have a clear CA/N
15 check, provided by the individual.

16 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
17 vacancy occurs during a school term, a superintendent may employ an
18 individual, who will have supervisory or disciplinary authority over minors,
19 on probationary status pending receipt of the criminal history background
20 check and a clear CA/N check, provided by the individual. Application for the
21 criminal record and a request for a clear CA/N check of a probationary
22 employee shall be made no later than the date probationary employment
23 begins.

24 (b) Employment shall be contingent on the receipt of the criminal history
25 background check documenting that the probationary employee has no record
26 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
27 of a letter, provided by the individual, from the Cabinet for Health and Family

1 Services stating the employee is clear to hire based on no administrative
2 findings of child abuse or neglect found through a background check of child
3 abuse and neglect records maintained by the Cabinet for Health and Family
4 Services.

5 (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary,
6 probationary employment under this section shall terminate on receipt by the
7 school district of a criminal history background check documenting a record
8 of a sex crime or as a violent offender as defined in KRS 17.165 and no
9 further procedures shall be required.

10 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified
11 employee on the basis of a criminal record other than a record of a sex crime or as a
12 violent offender as defined in KRS 17.165, or on the basis of a CA/N check
13 showing an administrative finding of child abuse or neglect.

14 (9) (a) All fingerprints requested under this section shall be on an applicant
15 fingerprint card provided by the Department of Kentucky State Police. The
16 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
17 from the Department of Kentucky State Police after a state criminal
18 background check is conducted. The results of the state and federal criminal
19 background check shall be sent to the hiring superintendent. Any fee charged
20 by the Department of Kentucky State Police, the Federal Bureau of
21 Investigation, and the Cabinet for Health and Family Services shall be an
22 amount no greater than the actual cost of processing the request and
23 conducting the search.

24 (b) Each application form, provided by the employer to an applicant for a
25 certified or classified position, shall conspicuously state the following: "FOR
26 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
27 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A

1 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET
2 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
3 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
4 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
5 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
6 FOR HEALTH AND FAMILY SERVICES."

7 (c) Each application form for a district position shall require the applicant to:

- 8 1. Identify the states in which he or she has maintained residency,
9 including the dates of residency; and
- 10 2. Provide picture identification.

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

23 (11) Notwithstanding any law to the contrary, each certified and classified employee of
24 the school district shall notify the superintendent if he or she has been found by the
25 Cabinet for Health and Family Services to have abused or neglected a child, and if
26 he or she has waived the right to appeal a substantiated finding of child abuse or
27 neglect or if the substantiated incident was upheld upon appeal. Any failure to

1 report this finding shall result in the certified or classified employee being subject
2 to dismissal or termination.

3 (12) The form for requesting a CA/N check shall be made available on the Cabinet for
4 Health and Family Services Web site.

5 ➔Section 7. The Kentucky Department of Education's Office of Educator
6 Licensure and Effectiveness shall undertake a review of the alternative pathway teacher
7 certification options and processes and the level of participation in each to identify areas
8 for improvement, including but not limited to duplication, inefficiencies, and unnecessary
9 or outdated requirements that cause barriers to candidates and option providers seeking to
10 use alternative teacher pathways to fill needed teacher shortages. The department's review
11 shall include applicable statutes, administrative regulations, and board and internal
12 policies. The department shall present its findings to the Interim Joint Committee on
13 Education by October 1, 2023.

14 ➔Section 8. (1) Notwithstanding any statute or administrative regulation to
15 the contrary, beginning July 1, 2023, a one-year interim certificate, renewable for a
16 maximum of two years, shall be issued by the Education Professional Standards Board to
17 a candidate who:

18 (a) Has a bachelor's degree or higher;

19 (b) Has at least four years of work experience in the area in which certification is
20 being sought; and

21 (c) Meets all other requirements of this section.

22 (2) If certification is being sought in the area of career and technical education,
23 the bachelor's degree requirement shall be satisfied by an additional four years of work
24 experience in the area.

25 (3) An individual certified under this section shall:

26 (a) Be assigned a teacher mentor by the hiring school district for support in
27 teaching pedagogy;

- 1 (b) Complete, within the first 90 days of employment, the suicide prevention,
2 active shooter, and child abuse and neglect trainings required under KRS 156.095;
- 3 (c) Be subject to the criminal history background and CA/N checks under KRS
4 160.380; and
- 5 (d) Not provide special education instruction.
- 6 (4) An employment agreement entered into by an individual certified under this
7 section shall not be subject to a collective bargaining agreement.
- 8 (5) No more than ten percent of a school district's certified staff may be certified
9 under this section in a school year.
- 10 (6) The provisions of this section and all certificates issued under this section
11 shall expire on June 30, 2026.
- 12 (7) The Education Professional Standards Board shall promulgate administrative
13 regulations in accordance with KRS Chapter 13A as may be needed to issue interim
14 certificates under this section, including emergency regulations as appropriate, to
15 expedite the implementation of this section.