

1 AN ACT relating to teacher shortages and making an appropriation therefor.

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 I

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" mean 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 164 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) The Council on Postsecondary Education shall establish a marketing program, as
8 funds are available, to promote the importance of and encourage respect for the
9 teaching profession and to encourage secondary and postsecondary students to
10 enter the teaching profession.

11 (2) The program may consist of various media and messaging components including
12 but not limited to television, social media, and radio.

13 (3) The council shall seek appropriations, gifts, grants, federal funds, and any other
14 funds, both public and private, to provide financial support to the program.

15 (4) By November 1, 2024, the council shall provide a report to the Interim Joint
16 Committee on Education on the status of the funding and implementation of the
17 marketing program.

18 (5) (a) The elevate teaching fund is hereby created as a trust fund in the State
19 Treasury to be administered by the council for the purpose of providing the
20 marketing program as described in this section.

21 (b) The trust fund shall consist of state general fund appropriations, gifts, and
22 grants from public and private sources, and federal funds. All moneys
23 included in the fund shall be appropriated for the purposes set forth in this
24 section.

25 (c) Any unallotted or unencumbered balances in the trust fund shall be
26 invested as provided in KRS 42.500(9). Income earned from the investments
27 shall be credited to the trust fund.

1 (d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal
2 year shall not lapse but shall be carried forward to the next fiscal year and
3 continuously appropriated only for the purposes specified in this section.

4 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) If funds are available, the Kentucky Department of Education shall establish and
7 provide for the operation of an online statewide job posting system for vacancies
8 at school districts, public charter schools, and nonpublic schools that have
9 voluntarily been certified by the Kentucky Board of Education in accordance with
10 KRS 156.160(3).

11 (2) The system shall:

12 (a) Be accessible through the department's website;

13 (b) Include a mechanism for employers to electronically submit job openings
14 for posting on the system as provided in subsection (5) of this section;

15 (c) Allow the public to review job postings;

16 (d) Allow potential applicants to electronically submit applications and relevant
17 application materials; and

18 (e) Permit employers to access, review, and download applications and
19 application materials.

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

22 (4) The department may contract for or partner with another entity for the use of an
23 existing online statewide job posting system if the existing system is more effective
24 and economical than the development and implementation of the department's
25 own system.

26 (5) School districts and public charter schools shall electronically submit all job
27 postings to the system. A nonpublic school identified in subsection (1) of this

1 section may submit job postings in the same manner.

2 (6) Nothing in this section shall:

3 (a) Prohibit an employer from advertising job openings and recruiting
4 employees independently from the system;

5 (b) Prohibit an employer from using another method of advertising job
6 openings or another applicant tracking system in addition to the system;

7 (c) Require all job applications for posted vacancies be submitted digitally or
8 only be submitted through the system; or

9 (d) Provide the Department of Education with any regulatory authority in the
10 hiring process or hiring decisions of any employer.

11 ➔Section 5. KRS 164.769 is amended to read as follows:

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

15 (2) For purposes of this section, the terms listed below shall have the following
16 meanings:

17 (a) "Critical shortage area" means an understaffing of teachers in particular
18 subject matters at the secondary level, in grade levels, or in geographic
19 locations at the elementary and secondary level, as determined by the
20 commissioner of education in consultation with the authority. The
21 commissioner and the authority may use any source considered reliable,
22 including but not limited to local education agencies, to identify the critical
23 shortage areas;

24 (b) "Dual credit" has the same meaning as in KRS 158.007;

25 (c) "Eligible program of study" means an undergraduate or graduate program of
26 study which is preparatory to teacher certification;

27 (d) "Expected family contribution" means the amount that a student and his

- 1 family are expected to contribute toward the cost of the student's education
2 determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to
3 1087 vv;
- 4 (e) "Participating institution" means an institution of higher education located in
5 Kentucky which offers an eligible program of study and has in force an
6 agreement with the authority providing for administration of this program;
- 7 (f) "Qualified teaching service" means teaching the major portion of each school
8 day for at least seventy (70) days each semester in a public school of the
9 Commonwealth or a private school certified pursuant to KRS 156.160(3),
10 except that an individual having a disability defined by Title II of the
11 Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and
12 extended illness, whose disability or illness, certified by a licensed physician,
13 prevents that individual from teaching a major portion of each school day,
14 shall be deemed to perform qualified teaching service by teaching the
15 maximum time permitted by the attending physician;
- 16 (g) "Semester" means a period of about eighteen (18) weeks, which usually
17 makes up one-half (1/2) of a school year or one-half (1/2) of a participating
18 institution's academic year; and
- 19 (h) "Summer term" means an academic period consisting of one (1) or more
20 sessions of instruction between a spring and a fall semester.
- 21 (3) The authority may, to the extent of appropriations and other funds available to it
22 pursuant to subsection (9) of this section, award teacher scholarships to persons
23 eligible under subsection (4) of this section, who initially demonstrate financial
24 need in accordance with standards and criteria established by the authority or
25 received teacher scholarships pursuant to this section prior to July 1, 1996. Each
26 teacher scholarship shall be evidenced by a promissory note that requires repayment
27 or cancellation pursuant to subsection (6) of this section.

- 1 (4) Kentucky residents who are United States citizens or permanent residents and
2 enrolled or accepted for enrollment in an eligible program of study at a participating
3 institution shall be eligible to apply for and be awarded teacher scholarships.
4 Teacher scholarships shall first be awarded to highly qualified eligible students who
5 meet standards and requirements established by the Education Professional
6 Standards Board pursuant to KRS 161.028 for admission to a teacher education
7 program at a participating institution in pursuit of initial teacher certification. If
8 funds are not depleted after awarding teacher scholarships to students who meet the
9 preceding criteria, then awards shall be made to any otherwise eligible students.
- 10 (5) The authority, in consultation with the Council on Postsecondary Education and
11 the Kentucky Department of Education, shall establish, by administrative
12 regulation, the maximum amount of scholarship to be awarded for each semester
13 and summer term under this section, and shall prorate the amount awarded to any
14 student enrolled less than full-time in accordance with subsection (6)(a) of this
15 section.~~[The aggregate amount of scholarships awarded to an individual shall not~~
16 ~~exceed twelve thousand five hundred dollars (\$12,500) for undergraduate students~~
17 ~~and seven thousand five hundred dollars (\$7,500) for postbaccalaureate students,~~
18 ~~except that the aggregate amount of scholarships awarded to an individual who~~
19 ~~received teacher scholarships pursuant to this section prior to July 1, 1996,~~
20 ~~including any amount received pursuant to KRS 156.611, 156.613, 164.768, or~~
21 ~~164.770, shall not exceed twenty thousand dollars (\$20,000).]~~ The amount of each
22 scholarship to be awarded shall not exceed the applicant's total cost of education
23 minus other financial assistance received or expected to be received by the
24 applicant during the academic period.
- 25 (6) (a) The authority shall disburse teacher scholarships to eligible students who
26 agree to render qualified teaching service as certified teachers, and are
27 unconditionally admitted and enrolled in an eligible program of study.

- 1 (b) A teacher scholarship shall not be awarded or a promissory note cancellation
2 shall not be granted to any person who is in default on any obligation to the
3 authority under any program administered by the authority pursuant to KRS
4 164.740 to 164.785 until financial obligations to the authority are satisfied,
5 except that ineligibility for this reason may be waived by the authority for
6 cause.
- 7 (c) Recipients shall render one (1) semester of qualified teaching service for each
8 semester or summer term of scholarship received, except that recipients who
9 teach in a critical shortage area designated by the authority or teach dual
10 credit coursework in a certified Kentucky high school shall render one (1)
11 semester of qualified teaching service as repayment for two (2) semesters or
12 summer terms of scholarships received. Upon completion of each semester of
13 qualified teacher service, the authority shall cancel the appropriate number of
14 promissory notes.
- 15 (d) If the recipient of a teacher scholarship fails to complete an eligible program
16 of study at a participating institution or fails to render qualified teaching
17 service in any semester following certification or recertification, unless the
18 failure is temporarily waived for cause by the authority, the recipient shall
19 immediately become liable to the authority for repayment of the sum of all
20 outstanding promissory notes and accrued interest. Persons liable for
21 repayment of scholarships under this paragraph shall be liable for interest
22 accruing from the dates on which the teacher scholarships were disbursed.
- 23 (e) Recipients who have outstanding loans or scholarships under KRS 156.611,
24 156.613, 164.768, or 164.770 respectively, and who render qualified teaching
25 service, shall have their notes canceled in accordance with subsection (6)(c) of
26 this section.
- 27 (f) The authority, *in consultation with the Council on Postsecondary Education*

1 and the Kentucky Department of Education, shall establish, by
2 administrative regulation, the terms and conditions for the award,
3 cancellation, and repayment of teacher scholarships including, but not limited
4 to, the selection criteria, eligibility for renewal awards, amount of scholarship
5 payments, deferments, the rate of repayment, and the interest rate thereon.

6 (g) Notwithstanding any other statute to the contrary, the maximum interest rate
7 applicable to repayment of a promissory note under this section shall be eight
8 percent (8%)~~twelve percent (12%)~~ per annum, except that if a judgment is
9 rendered to recover payment, the judgment shall bear interest at the rate of
10 five percent (5%) greater than the rate actually charged on the promissory
11 note.

12 (7) A repayment obligation imposed by this section shall not be voidable by reason of
13 the age of the recipient at the time of receiving the teacher scholarship.

14 (8) Failure to meet repayment obligations imposed by this section shall be cause for the
15 revocation of a person's teaching certificate, subject to the procedures set forth in
16 KRS 161.120.

17 (9) All moneys repaid to the authority under this section shall be added to the
18 appropriations made for purposes of this section, and the funds and unobligated
19 appropriations shall not lapse.

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

22 (11) Notwithstanding any other statute to the contrary, if available funds are insufficient
23 for all requested scholarships for eligible applicants during any fiscal year, the
24 authority shall give priority consideration to eligible applicants who previously
25 received teacher scholarships and, until June 30, 2018, to loan forgiveness for
26 teachers who have outstanding loan balance eligibility for Best in Class loans issued
27 prior to June 30, 2008. If funds are insufficient to make all requested renewal

1 scholarships to eligible applicants, the authority shall reduce all scholarship awards
2 to the extent necessary to provide scholarships to all qualified renewal applicants.
3 If, after awarding all eligible renewal applicants, funds are not depleted, initial
4 applications shall be ranked according to regulatory selection criteria, which may
5 include expected family contribution and application date, and awards shall be
6 made to highly qualified applicants until funds are depleted.

7 **(12) The authority shall submit a report on the number of teacher scholarships**
8 **provided in each fiscal year, the program of study in which recipients are**
9 **enrolled, recipient retention rates, total number of applications, and scholarship**
10 **recruitment strategies to the Interim Joint Committee on Education by December**
11 **1 of each year.**

12 ➔Section 6. KRS 161.048 is amended to read as follows:

13 (1) The General Assembly hereby finds that:

- 14 (a) 1. There are persons who have distinguished themselves through a variety
15 of work and educational experiences that could enrich teaching in
16 Kentucky schools;
- 17 2. There are distinguished scholars who wish to become teachers in
18 Kentucky's public schools, but who did not pursue a teacher preparation
19 program;
- 20 3. There are persons who should be recruited to teach in Kentucky's public
21 schools as they have academic majors, strong verbal skills as shown by
22 a verbal ability test, and deep knowledge of content, characteristics that
23 empirical research identifies as important attributes of quality teachers;
- 24 4. There are persons who need to be recruited to teach in Kentucky schools
25 to meet the diverse cultural and educational needs of students; and
- 26 5. There should be alternative procedures to the traditional teacher
27 preparation programs that qualify persons as teachers;

- 1 (b) There are hereby established alternative certification program options as
2 described in subsections (2) to (10) of this section;
- 3 (c) It is the intent of the General Assembly that the Education Professional
4 Standards Board inform scholars, persons with exceptional work experience,
5 and persons with diverse backgrounds who have potential as teachers of these
6 options and assist local boards of education in implementing these options and
7 recruitment of individuals who can enhance the education system in
8 Kentucky;
- 9 (d) The Education Professional Standards Board may reject the application of any
10 candidate who is judged as not meeting academic requirements comparable to
11 those for students enrolled in Kentucky teacher preparation programs; and
- 12 (e) The Education Professional Standards Board shall promulgate administrative
13 regulations establishing standards and procedures for the alternative
14 certification options described in this section. *If the certification option*
15 *requires employment prior to certification, the procedures shall establish a*
16 *process for candidates to obtain an eligible for hire letter from the*
17 *Education Professional Standards Board.*
- 18 (2) Option 1: Certification of a person with exceptional work experience. An individual
19 who has exceptional work experience and has been offered employment in a local
20 school district shall receive a one (1) year provisional certificate with approval by
21 the Education Professional Standards Board of a joint application by the individual
22 and the employing school district under the following conditions:
- 23 (a) The application contains documentation of all education and work experience;
- 24 (b) The candidate has documented exceptional work experience in the area in
25 which certification is being sought; and
- 26 (c) The candidate possesses:
- 27 1. A bachelor's degree or a graduate degree;

1 2. A minimum cumulative grade point average of two and seventy-five
2 hundredths (2.75) on a four (4) point scale or a minimum grade point
3 average of three (3.0) on a four (4) point scale on the last thirty (30)
4 hours of credit completed, including undergraduate and graduate
5 coursework from a nationally or regionally accredited postsecondary
6 institution; and

7 3. An academic major or a passing score on the academic content
8 assessment in the area in which certification is being sought by the
9 applicant as designated by the Education Professional Standards Board.

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

14 (3) Option 2: Certification through a local school district training program. A local
15 school district or group of school districts may seek approval for a training
16 program. The state-approved local school district training program is an alternative
17 to the college teacher preparation program as a means of acquiring teacher
18 certification for a teacher at any grade level. The training program may be offered
19 for all teaching certificates approved by the Education Professional Standards
20 Board, including interdisciplinary early childhood education, except for specific
21 certificates for teachers of exceptional children. To participate in a state-approved
22 local school district alternative training program, the candidate shall possess:

23 (a) A bachelor's degree or a graduate degree;

24 (b) A minimum cumulative grade point average of two and seventy-five
25 hundredths (2.75) on a four (4) point scale or a minimum grade point average
26 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
27 completed, including undergraduate and graduate coursework from a

1 nationally or regionally accredited postsecondary institution;

2 (c) A passing score on the academic content assessment in the area in which
3 certification is being sought by the applicant as designated by the Education
4 Professional Standards Board. To be eligible to take an academic content
5 assessment, the applicant shall have completed a thirty (30) hour major in the
6 academic content area or five (5) years of experience in the academic content
7 area as approved by the Education Professional Standards Board; and

8 (d) An offer of employment in a school district which has a training program
9 approved by the Education Professional Standards Board.

10 Upon meeting the participation requirements as established in this subsection, the
11 candidate shall be issued a one (1) year provisional certificate by the Education
12 Professional Standards Board. The candidate shall participate in the teacher
13 internship program under KRS 161.030. After successful completion of the
14 internship program, the candidate shall receive a professional certificate and shall
15 be subject to certificate renewal requirements the same as other teachers with a
16 professional certificate.

17 (4) Option 3: Certification of a professional from a postsecondary institution: A
18 candidate who possesses the following qualifications may receive a one (1) year
19 provisional certificate for teaching at any level:

20 (a) A master's degree or doctoral degree in the academic content area for which
21 certification is sought;

22 (b) A minimum of five (5) years of full-time teaching experience, or its
23 equivalent, in the academic content area for which certification is sought in a
24 regionally or nationally accredited institution of higher education; and

25 (c) An offer of employment in a school district which has been approved by the
26 Education Professional Standards Board.

27 The candidate shall participate in the teacher internship program under KRS

1 161.030. After successful completion of the internship program, the candidate shall
2 receive a professional certificate and shall be subject to certificate renewal
3 requirements the same as other teachers with professional certificates.

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

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

16 (a) A bachelor's degree or graduate degree;

17 (b) A minimum cumulative grade point average of two and seventy-five
18 hundredths (2.75) on a four (4) point scale or a minimum grade point average
19 of three (3) on a four (4) point scale on the last thirty (30) hours of credit
20 completed, including undergraduate and graduate coursework from a
21 nationally or regionally accredited postsecondary institution; and

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

25 Upon an offer of employment by a school district, the eligible veteran shall receive
26 a one (1) year provisional certificate with approval by the Education Professional
27 Standards Board of a joint application by the veteran and the employing school

1 district. During this year, the veteran shall participate in the teacher internship
2 program under KRS 161.030. After successful completion of the internship
3 program, the veteran shall receive a professional certificate.

4 (7) Option 6: University alternative program. With approval of the Education
5 Professional Standards Board, a university may provide an alternative program that
6 enrolls students in a postbaccalaureate teacher preparation program concurrently
7 with employment as a teacher in a local school district. A student in the alternative
8 program shall be granted a one (1) year provisional certificate and shall participate
9 in the Kentucky teacher internship program, notwithstanding provisions of KRS
10 161.030. A student may not participate in the internship program until the student
11 has successfully completed the assessments required by the board. The one (1) year
12 provisional certificate may be renewed two (2) additional years, and shall be
13 contingent upon the candidate's continued enrollment in the preparation program
14 and compliance with all requirements established by the board. A professional
15 certificate shall be issued upon the teacher candidate's successful completion of the
16 program, the internship program requirements, and all academic content
17 assessments in the specific teaching field of the applicant as designated by the
18 Education Professional Standards Board.

19 (8) Option 7: Certification of a person in a field other than education to teach in
20 elementary, middle, or secondary programs. This option shall not be limited to
21 teaching in shortage areas. An individual certified under provisions of this
22 subsection shall be issued a one (1) year provisional certificate, renewable for a
23 maximum of two (2) additional years with approval of the Education Professional
24 Standards Board.

25 (a) The candidate shall possess:

26 1. A bachelor's degree with a declared academic major in the area in which
27 certification is sought or a graduate degree in a field related to the area

- 1 in which certification is sought;
- 2 2. A minimum cumulative grade point average of two and seventy-five
3 hundredths (2.75) on a four (4) point scale or a minimum grade point
4 average of three (3) on a four (4) point scale on the last thirty (30) hours
5 of credit completed, including undergraduate and graduate coursework
6 from a nationally or regionally accredited postsecondary institution;
- 7 3. A passing score on the GRE or equivalent as designated by the
8 Education Professional Standards Board. A candidate who has a
9 terminal degree shall be exempt from the requirements of this
10 subparagraph; and
- 11 4. A passing score on the academic content assessment in the area in which
12 certification is being sought as designated by the Education Professional
13 Standards Board.
- 14 (b) Prior to receiving the one (1) year provisional certificate or during the first
15 year of the certificate, the teacher shall complete the following:
- 16 1. For elementary teaching, the individual shall successfully complete the
17 equivalent of a two hundred forty (240) hour institute, based on six (6)
18 hour days for eight (8) weeks. The providers and the content of the
19 institute shall be approved by the Education Professional Standards
20 Board. The content shall include research-based teaching strategies in
21 reading and math, research on child and adolescent growth, knowledge
22 of individual differences, including teaching exceptional children, and
23 methods of classroom management.
- 24 2. For middle and secondary teaching, the individual shall successfully
25 complete the equivalent of a one hundred eighty (180) hour institute,
26 based on six (6) hour days for six (6) weeks. The providers and the
27 content of the institute shall be approved by the Education Professional

1 Standards Board and shall include research-based teaching strategies,
2 research on child and adolescent growth, knowledge of individual
3 differences, including teaching exceptional children, and methods of
4 classroom management.

5 (c) The candidate shall participate in the teacher internship program under KRS
6 161.030. After successful completion of the internship program, the candidate
7 shall receive a professional certificate and shall be subject to certificate
8 renewal requirements the same as other teachers with a professional
9 certificate.

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

14 (a) The candidate shall possess:

- 15 1. An offer of employment from a local school district;
- 16 2. A bachelor's degree;
- 17 3. A successful completion of the summer training institute and ongoing
18 professional development required by Teach for America, including
19 instruction in goal-oriented, standards-based instruction, diagnosing and
20 assessing students, lesson planning and instructional delivery, classroom
21 management, maximizing learning for diverse students, and teaching
22 methodologies; and
- 23 4. A passing score on the academic content assessment in the area in which
24 certification is being sought as designated by the Education Professional
25 Standards Board.

26 (b) The provisional certificate granted under paragraph (a) of this subsection may
27 be renewed two (2) times with a recommendation of the superintendent and

1 approval of the Education Professional Standards Board.

2 (c) A Teach for America participant who is approved for a second renewal of his
3 or her provisional certificate under paragraph (b) of this subsection may
4 participate in the teacher internship program under KRS 161.030.

5 (d) A Teach for America participant shall be issued a professional certificate
6 upon the participant's successful completion of the internship program and
7 assessments relating to teaching of subject matter required by the Education
8 Professional Standards Board under KRS 161.030.

9 (e) Notwithstanding any statute or administrative regulation to the contrary, a
10 teacher certified under this subsection shall have ten (10) years from the date
11 that the teacher successfully completed the internship program to complete a
12 master's degree or fifth year program, or the equivalent as specified by the
13 Education Professional Standards Board in administrative regulation.

14 (10) Option 9: Expedited certification of a person to teach at any grade level through a
15 cooperative program. With approval of the Education Professional Standards
16 Board, a college or university may partner with a school district to develop an
17 expedited certification program that results in a bachelor's degree and initial
18 certification within three (3) school years.

19 (a) The program shall:

20 1. Include a residency or paraprofessional component which employs the
21 person within the participating district for the duration of the program to
22 gain work experience to supplement the expedited program and reduced
23 coursework;

24 2. Utilize experienced teachers employed by the district to provide
25 coaching and to mentor the candidates; and

26 3. Be designed to meet the needs of the participating district and may
27 include an emphasis in developing a teacher pipeline for the district's

1 students, improving the numbers of underrepresented populations
2 among the district's workforce, or focusing on increasing the number of
3 teachers with certification areas that are in high demand.

4 (b) A school district entering into a cooperative partnership shall ensure the
5 availability of funding for each candidate employed within the district in the
6 residency or paraprofessional program for the duration of the candidate's
7 participation in the program. However, nothing in this subsection shall be
8 interpreted as requiring the district to continue employing the candidate
9 during the program or after the candidate has received initial certification.

10 (c) A person who has begun a traditional path or another option for certification
11 shall be eligible to transfer into this option if the person meets the program's
12 requirements.

13 (d) If a school district participating in a cooperative partnership determines to end
14 the partnership, the district shall no longer accept new candidates to the
15 program but shall continue the partnership until the district's employed
16 candidates for Option 9 certification complete the program or are no longer
17 employed by the district.

18 (11) A public school teacher certified under subsections (2) to (10) of this section shall
19 be placed on the local district salary schedule for the rank corresponding to the
20 degree held by the teacher.

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

24 (a) An out-of-state license to teach exceptional students;

25 (b) A bachelor's or master's degree in the certification area or closely related area
26 for which certification is sought; and

27 (c) Successful completion of the teacher internship program requirement required

1 under KRS 161.030.

2 ➔Section 7. KRS 160.380 is amended to read as follows:

3 (1) As used in this section:

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

- 7 1. Not appealed through an administrative hearing conducted in
8 accordance with KRS Chapter 13B;
9 2. Upheld at an administrative hearing conducted in accordance with KRS
10 Chapter 13B and not appealed to a Circuit Court; or
11 3. Upheld by a Circuit Court in an appeal of the results of an
12 administrative hearing conducted in accordance with KRS Chapter 13B;

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

19 (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family
20 Services indicating that there are no administrative findings of child abuse or
21 neglect relating to a specific individual;

22 (d) "Relative" means father, mother, brother, sister, husband, wife, son and
23 daughter; and

24 (e) "Vacancy" means any certified position opening created by the resignation,
25 dismissal, nonrenewal of contract, transfer, or death of a certified staff
26 member of a local school district, or a new position created in a local school
27 district for which certification is required. However, if an employer-employee

1 bargained contract contains procedures for filling certified position openings
2 created by the resignation, dismissal, nonrenewal of contract, transfer, or
3 death of a certified staff member, or creation of a new position for which
4 certification is required, a vacancy shall not exist, unless certified positions
5 remain open after compliance with those procedures.

6 (2) Except as provided in KRS 160.346, the school district personnel actions identified
7 in this section shall be carried out as follows:

8 (a) All appointments, promotions, and transfers of principals, supervisors,
9 teachers, and other public school employees shall be made only by the
10 superintendent of schools, who shall notify the board of the action taken. All
11 employees of the local district shall have the qualifications prescribed by law
12 and by the administrative regulations of the Kentucky Board of Education and
13 of the employing board. Supervisors, principals, teachers, and other
14 employees may be appointed by the superintendent for any school year at any
15 time after February 1 preceding the beginning of the school year. No
16 superintendent of schools shall appoint or transfer himself or herself to
17 another position within the school district;

18 (b) When a vacancy occurs in a local school district, the superintendent shall
19 submit the job posting to the statewide job posting system established in
20 Section 4 of this Act fifteen (15) days before the position shall be
21 filled~~[notify the chief state school officer fifteen (15) days before the position~~
22 ~~shall be filled. The chief state school officer shall keep a registry of local~~
23 ~~district vacancies which shall be made available to the public].~~ The local
24 school district shall post position openings in the local board office for public
25 viewing;

26 (c) When a vacancy needs to be filled in less than fifteen (15) days' time to
27 prevent disruption of necessary instructional or support services of the school

1 district, the superintendent may seek a waiver from the chief state school
2 officer. If the waiver is approved, the appointment shall not be made until the
3 person recommended for the position has been approved by the chief state
4 school officer. The chief state school officer shall respond to a district's
5 request for waiver or for approval of an appointment within two (2) working
6 days; and

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

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

13 (a) No relative of a superintendent of schools shall be an employee of the school
14 district. However, this shall not apply to a relative who is a classified or
15 certified employee of the school district for at least thirty-six (36) months
16 prior to the superintendent assuming office and who is qualified for the
17 position the employee holds. A superintendent's spouse who has previously
18 been employed in a school system may be an employee of the school district.
19 A superintendent's spouse who is employed under this provision shall not hold
20 a position in which the spouse supervises certified or classified employees. A
21 superintendent's spouse may supervise teacher aides and student teachers.
22 However, the superintendent shall not promote a relative who continues
23 employment under an exception of this subsection;

24 (b) No superintendent shall employ a relative of a school board member of the
25 district;

26 (c) No principal's relative shall be employed in the principal's school; and

27 (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of

1 this subsection may be employed as a substitute for a certified or classified
2 employee if the relative is not:

- 3 1. A regular full-time or part-time employee of the district;
- 4 2. Accruing continuing contract status or any other right to continuous
5 employment;
- 6 3. Receiving fringe benefits other than those provided other substitutes or
7 4. Receiving preference in employment or assignment over other
8 substitutes.

9 (4) No superintendent shall assign a certified or classified staff person to an alternative
10 education program as part of any disciplinary action taken pursuant to KRS 161.011
11 or 161.790 as part of a corrective action plan established pursuant to the local
12 district evaluation plan.

13 (5) No superintendent shall initially employ in any position in the district any person
14 who is a violent offender or has been convicted of a sex crime as defined by KRS
15 17.165 which is classified as a felony or persons with an administrative finding of
16 child abuse or neglect in records maintained by the Cabinet for Health and Family
17 Services. The superintendent may employ, at his discretion, except at a Kentucky
18 Educational Collaborative for State Agency Children program, persons convicted of
19 sex crimes classified as a misdemeanor.

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

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

- 25 1. Each new certified or classified hire;
- 26 2. A nonfaculty coach or nonfaculty assistant as defined under KRS
27 161.185;

- 1 3. A student teacher;
- 2 4. A school-based decision making council parent member; and
- 3 5. Any adult who is permitted access to school grounds on a regularly
- 4 scheduled and continuing basis pursuant to a written agreement for the
- 5 purpose of providing services directly to a student or students as part of
- 6 a school-sponsored program or activity;
- 7 (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- 8 a. Classified and certified individuals employed by the school district
- 9 prior to June 27, 2019;
- 10 b. Certified individuals who were employed in another certified
- 11 position in a Kentucky school district within six (6) months of the
- 12 date of hire and who had previously submitted to a national and
- 13 state criminal background check and who have a clear CA/N check
- 14 for the previous employment; or
- 15 c. Student teachers who have submitted to and provide a copy of a
- 16 national and state criminal background check by the Department
- 17 of Kentucky State Police and the Federal Bureau of Investigation
- 18 through an accredited teacher education institution in which the
- 19 student teacher is enrolled and who have a clear CA/N check.
- 20 2. The Education Professional Standards Board may promulgate
- 21 administrative regulations to impose additional qualifications to meet
- 22 the requirements of Public Law 92-544;
- 23 (c) A parent member may serve prior to the receipt of the criminal history
- 24 background check and CA/N letter required by paragraph (a) of this
- 25 subsection but shall be removed from the council on receipt by the school
- 26 district of a report documenting a record of abuse or neglect, or a sex crime or
- 27 criminal offense against a victim who is a minor as defined in KRS 17.500, or

1 as a violent offender as defined in KRS 17.165, and no further procedures
2 shall be required; and

3 (d) A superintendent may require a volunteer or a visitor to submit to a national
4 and state criminal history 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 (7) (a) If a certified or classified position remains unfilled after July 31 or if a
8 vacancy occurs during a school term, a superintendent may employ an
9 individual, who will have supervisory or disciplinary authority over minors,
10 on probationary status pending receipt of the criminal history background
11 check and a clear CA/N check, provided by the individual. Application for the
12 criminal record and a request for a clear CA/N check of a probationary
13 employee shall be made no later than the date probationary employment
14 begins.

15 (b) Employment shall be contingent on the receipt of the criminal history
16 background check documenting that the probationary employee has no record
17 of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt
18 of a letter, provided by the individual, from the Cabinet for Health and Family
19 Services stating the employee is clear to hire based on no administrative
20 findings of child abuse or neglect found through a background check of child
21 abuse and neglect records maintained by the Cabinet for Health and Family
22 Services.

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

- 1 (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified
2 employee on the basis of a criminal record other than a record of a sex crime or as a
3 violent offender as defined in KRS 17.165, or on the basis of a CA/N check
4 showing an administrative finding of child abuse or neglect.
- 5 (9) (a) All fingerprints requested under this section shall be on an applicant
6 fingerprint card provided by the Department of Kentucky State Police. The
7 fingerprint cards shall be forwarded to the Federal Bureau of Investigation
8 from the Department of Kentucky State Police after a state criminal
9 background check is conducted. The results of the state and federal criminal
10 background check shall be sent to the hiring superintendent. Any fee charged
11 by the Department of Kentucky State Police, the Federal Bureau of
12 Investigation, and the Cabinet for Health and Family Services shall be an
13 amount no greater than the actual cost of processing the request and
14 conducting the search.
- 15 (b) Each application form, provided by the employer to an applicant for a
16 certified or classified position, shall conspicuously state the following: "FOR
17 THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL
18 AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A
19 LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET
20 FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT
21 HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR
22 NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD
23 ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET
24 FOR HEALTH AND FAMILY SERVICES."
- 25 (c) Each application form for a district position shall require the applicant to:
- 26 1. Identify the states in which he or she has maintained residency,
27 including the dates of residency; and

1 2. Provide picture identification.

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

14 (11) Notwithstanding any law to the contrary, each certified and classified employee of
15 the school district shall notify the superintendent if he or she has been found by the
16 Cabinet for Health and Family Services to have abused or neglected a child, and if
17 he or she has waived the right to appeal a substantiated finding of child abuse or
18 neglect or if the substantiated incident was upheld upon appeal. Any failure to
19 report this finding shall result in the certified or classified employee being subject
20 to dismissal or termination.

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

23 ➔Section 8. The Kentucky Department of Education is hereby directed to expand
24 the GoTeachKY Ambassador program established by the department for recruiting the
25 next generation of teachers in Kentucky to each of the school districts in the
26 Commonwealth. As funds are available, the department shall identify an ambassador for
27 the program in each district; however, in districts with a 2021-2022 adjusted average

1 daily attendance of 30,000 or more, there shall be at least two ambassadors identified.

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