

CHAPTER 164**(HB 319)**

AN ACT relating to teachers.

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

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

ARTICLE 1***Purpose***

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

This compact is intended to achieve the following objectives:

- A. Create a streamlined pathway to licensure mobility for teachers;*
- B. Support the relocation of eligible military spouses;*
- C. Facilitate and enhance the exchange of teacher licensure, investigative, and disciplinary information between the member states;*
- D. Enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;*
- E. Support the retention of teachers in the profession by removing barriers to re-licensure in a new state; and*
- F. Maintain state sovereignty in the regulation of the teaching profession.*

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

ARTICLE II***Definitions***

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

- A. "Active military member" means any person with full-time duty status in the uniformed service of the United States, including members of the National Guard and Reserve;*
- B. "Adverse action" means any limitation or restriction imposed by a member state's licensing authority on the licensee's ability to work as a teacher, such as revocation, suspension, reprimand, or probation;*
- C. "Bylaws" means those bylaws established by the commission;*
- D. "Career and technical education license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in preschool through twelfth grade public educational settings in a specific career and technical education area;*
- E. "Charter member states" means a member state that has enacted legislation to adopt this compact where such legislation predates the initial meeting of the commission after the effective date of the compact;*
- F. "Commission" means the interstate administrative body whose membership consists of delegates of all states that have enacted this compact and which is known as the Interstate Teacher Mobility Compact Commission;*
- G. "Commissioner" means the delegate of a member state;*
- H. "Eligible license" means a license to engage in the teaching profession, which requires at least a bachelor's degree and the completion of a state-approved program for teacher licensure;*

- I. *"Eligible military spouse" means the spouse of an active military member who is relocating as a result of a military mission, military career progression requirement, or a terminal move due to separation, retirement, or death of the member;*
- J. *"Executive committee" means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the commission as provided for herein;*
- K. *"Licensing authority" means an official, agency, board, or other entity of a state that is responsible for the licensing and regulation of teachers authorized to teach in preschool through twelfth grade public educational settings;*
- L. *"Member state" means any state that has adopted this compact, including all agencies and officials of such a state;*
- M. *"Receiving state" means any state that a teacher has applied for licensure under this compact;*
- N. *"Rule" means any regulation promulgated by the commission under this compact, which shall have the force of law in each member state;*
- O. *"State" means a state, territory, or possession of the United States and the District of Columbia;*
- P. *"State practice laws" means a member state's law, rules, and regulations that govern the teaching profession, define the scope of such profession, and create the methods and grounds for imposing discipline;*
- Q. *"State specific requirements" means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state;*
- R. *"Teacher" means an individual who currently holds an authorization from a member state that forms the basis for employment in the preschool through twelfth grade public schools of the state to provide instruction in a specific subject area, grade level, or student population; and*
- S. *"Unencumbered license" means a current, valid eligible license that is not a restricted, probationary, provisional, substitute, or temporary credential.*

ARTICLE III

Licensure Under the Compact

- A. *Licensure under this compact pertains only to the initial grant of a license by the receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.*
- B. *Each member state shall, in accordance with the rules of the commission, define, compile, and update as necessary, a list of eligible licenses and career and technical education licenses that the member state is willing to consider for equivalency under this compact and provide the list to the commission. The list shall include those licenses that a receiving state is willing to grant to teachers from other member states, pending a determination of equivalency by the receiving state's licensing authority.*
- C. *Upon the receipt of an application for licensure by a teacher holding an unencumbered license, the receiving state shall determine which of the receiving state's eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state's licensing authority and may include a determination that the applicant is not eligible for any of the receiving state's eligible licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one (1) or more unencumbered licenses that, in the receiving state's sole discretion, are equivalent to the license or licenses held by the teacher in any other member state.*
- D. *For active military members and eligible military spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the active military member or eligible military spouse, except where the receiving state does not have an equivalent license.*
- E. *For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except when a career and technical education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach career and technical education. A receiving*

state may require career and technical education teachers to meet state industry-recognized requirements, if required by law in the receiving state.

ARTICLE IV

Licensure Not Under the Compact

- A. *Except as provided in Article III above, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.*
- B. *When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state specific requirements as a condition of licensure renewal or advancement in that state.*
- C. *For the purposes of determining compensation, a receiving state may require additional information from teachers receiving a license under the provisions of this compact.*
- D. *Nothing in this compact shall be construed to limit the power of a member state to control and maintain ownership of its information pertaining to teachers, or limit the application of a member state's laws or regulations governing the ownership, use, or dissemination of information pertaining to teachers.*
- E. *Nothing in this compact shall be construed to invalidate or alter any existing agreement or other cooperative arrangement which a member state may already be a party to or limit the ability of a member state to participate in any future agreement or other cooperative arrangement to:*
 - 1. *Award teaching licenses or other benefits based on additional professional 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 the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state that originally provided that information.*

ARTICLE VII

Establishment of the Interstate Teacher Mobility Compact Commission

- A. *The interstate compact member states hereby create and establish a joint public agency known as the Interstate Teacher Mobility Compact Commission. The commission is a joint interstate governmental agency composed of states that have enacted the Interstate Teacher Mobility Compact. Nothing in this interstate compact shall be construed to be a waiver of sovereign immunity.*
- B. *The membership, voting, and meetings provisions are as follows:*
1. *Each member state shall have and be limited to one (1) delegate to the commission, who shall be given the title of commissioner.*
 2. *The commissioner shall be the primary administrative officer of the state licensing authority or their designee.*
 3. *Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed.*
 4. *The member state shall fill any vacancy occurring in the commission within ninety (90) days.*
 5. *Each commissioner shall be entitled to one (1) vote about the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.*
 6. *The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.*
- C. *The commission shall have the following powers and duties:*
1. *Establish a code of ethics for the commission;*
 2. *Establish the fiscal year of the commission;*
 3. *Establish bylaws for the commission;*
 4. *Maintain financial records in accordance with the bylaws of the commission;*
 5. *Meet and take such actions as are consistent with the provisions of this interstate compact, the bylaws, and the rules of the commission;*
 6. *Promulgate uniform rules to implement and administer this interstate compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law;*
 7. *Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;*
 8. *Purchase and maintain insurance and bonds;*
 9. *Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state or an associated nongovernmental organization that is open to membership by all states;*
 10. *Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;*
 11. *Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, whether real, personal, or mixed, provided that at all times the commission shall avoid any appearance of impropriety;*
 12. *Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;*
 13. *Establish a budget and make expenditures;*

14. *Borrow money;*
15. *Appoint committees including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws;*
16. *Provide and receive information from, and cooperate with, law enforcement agencies;*
17. *Establish and elect an executive committee;*
18. *Establish and develop a charter for an executive information governance committee to advise on facilitating exchange of information, use of information, data privacy, and technical support needs, and provide reports as needed;*
19. *Perform such other functions as may be necessary or appropriate to achieve the purposes of this interstate compact consistent with the state regulation of teacher licensure; and*
20. *Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact.*

D. *The Executive Committee of the Interstate Teacher Mobility Compact Commission:*

1. *Shall have the power to act on behalf of the commission according to the terms of this interstate compact and the bylaws of the commission;*
2. *Shall be composed of eight (8) voting members as follows:*
 - a. *The commission chair, vice chair, and treasurer; and*
 - b. *Five (5) members who are elected by the commission from the current membership composed of four (4) voting members representing geographic regions and one (1) at-large voting member in accordance with commission bylaws;*
3. *May have its members added or removed by the commission as provided in commission bylaws;*
4. *Shall meet at least once annually; and*
5. *Shall have the following duties and responsibilities:*
 - a. *Make recommendations to the entire commission regarding changes to the rules or bylaws, changes to the compact legislation, fees paid by interstate compact member states such as annual dues, and any compact fee charged by the member states on behalf of the commission;*
 - b. *Ensure commission administration services are appropriately provided, contractual or otherwise;*
 - c. *Prepare and recommend the budget;*
 - d. *Maintain financial records on behalf of the commission;*
 - e. *Monitor compliance of member states and provide reports to the commission; and*
 - f. *Perform other duties as provided in the rules or bylaws.*

E. *Meetings of the Commission:*

1. *All meetings shall be open to the public, and public notice of meetings shall be given in accordance with commission bylaws.*
2. *The commission, the executive committee, or other committees of the commission may convene in a closed, nonpublic meeting if the commission, executive committee, or other committees of the commission must discuss:*
 - a. *Noncompliance of a member state with its obligations under the compact;*
 - b. *The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;*
 - c. *Current, threatened, or reasonably anticipated litigation;*
 - d. *Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;*

- e. *Accusing any person of a crime or formally censuring any person;*
 - f. *Disclosure of trade secrets or commercial or financial information that is privileged or confidential;*
 - g. *Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*
 - h. *Disclosure of investigative records compiled for law enforcement purposes;*
 - i. *Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;*
 - j. *Matters specifically exempted from disclosure by federal or member state statute; and*
 - k. *Other matters as set forth by commission bylaws and rules.*
3. *If a meeting, or portion of a meeting, is closed pursuant to this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.*
 4. *The commission shall keep minutes of meetings of the executive committee, commission, and other committees of the commission and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.*

F. *Financing of the Commission:*

1. *The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.*
2. *The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.*
3. *The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission, in accordance with the commission rules.*
4. *The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.*
5. *The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to accounting procedures established under commission bylaws. All receipts and disbursements of commission funds shall be reviewed annually in accordance with commission bylaws, and a report of the review shall be included in and become part of the annual report of the commission.*

G. *Qualified Immunity, Defense, and Indemnification:*

1. *The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.*
2. *The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for*

believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. *The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.*

ARTICLE VIII

Rulemaking

- A. *The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.*
- B. *The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.*
- C. *If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.*
- D. *Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and bylaws.*
- E. *Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with forty-eight (48) hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:*
 1. *Meet an imminent threat to public health, safety, or welfare;*
 2. *Prevent a loss of commission or member state funds;*
 3. *Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or*
 4. *Protect public health and safety.*

ARTICLE IX

Facilitating Information Exchange

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

ARTICLE X

Oversight, Dispute Resolution, and Enforcement

- A. *Oversight:*

1. *The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law.*
2. *Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.*
3. *All courts and all administrative agencies shall take judicial notice of the compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial proceeding in a member state pertaining to the subject matter of this compact or which may affect the powers, responsibilities, or actions of the commission.*
4. *The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.*

B. Default, Technical Assistance, and Termination:

1. *If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide:*
 - a. *Written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and*
 - b. *Remedial training and specific technical assistance regarding the default.*
2. *If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.*
3. *Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the state licensing authority, and each of the member states.*
4. *A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.*
5. *The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.*
6. *The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.*

C. Dispute Resolution:

1. *Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.*
2. *The commission shall promulgate a rule providing for both binding and nonbinding alternative dispute resolution for disputes as appropriate.*

D. Enforcement:

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

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

ARTICLE XI

Effectuation, Withdrawal, and Amendment

- A. *The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state.*
 1. *On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different from the model compact statute.*
 2. *A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Article X.*
 3. *Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in Article VII. C. 20 to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.*
- B. *If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than ten (10).*
- C. *Any state that joins the compact after the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state, as the rules and bylaws may be amended as provided in this compact.*
- D. *Any member state may withdraw from this compact by enacting a statute repealing the same.*
 1. *A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.*
 2. *Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.*
- E. *This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.*

ARTICLE XII

Construction and Severability

This compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state, a state seeking membership in the compact, or of the United States or the applicability thereof to any other government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE XIII

Consistent Effect and Conflict with Other State Laws

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

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

- (1) *When a school district employee voluntarily leaves the district, the local board of education shall ensure that each employee completes an exit survey in accordance with a policy approved by the board.*
- (2)
 - (a) *The Kentucky Department of Education shall develop a system for school districts to report exit survey information without providing personally identifiable information for use in evaluating factors impacting teacher retainment.*
 - (b) *Information submitted by an employee and reported to the department shall include but not be limited to the position vacated, the employee's years of service in the position and in the district, if the employee is taking a similar position in another district, and the reason or reasons provided for leaving the district.*

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

- (1) *For purposes of this section, "Kentucky Educator Placement Service System" or "system" means the online statewide job posting system operated by the Kentucky Department of Education for vacancies at local school districts and public charter schools.*
- (2) *The Kentucky Department of Education shall ensure that the Kentucky Educator Placement Service System:*
 - (a) *Is accessible through the department's website;*
 - (b) *Includes a mechanism for local school districts and public charter schools to electronically submit job openings for posting on the system as provided in subsection (4) of this section;*
 - (c) *Allows the public to review job postings;*
 - (d) *Allows potential applicants to electronically submit applications and relevant application materials; and*
 - (e) *Permits schools districts and public charter schools to access, review, and download applications and application materials.*
- (3) *Each job posting for a vacancy at a school district or public charter school shall include the school district's or public charter school's policy against discrimination in employment.*
- (4) *School districts and public charter schools shall electronically submit all job postings to the system. All postings must include an opening and closing date for each position posted.*
- (5) *The Kentucky Department of Education shall operate and maintain the system to ensure that job postings are current, including tracking each unique position posted, monitoring for repeated position postings, and removing outdated postings, and to collect accurate data about employment in public schools.*
- (6) *Nothing in this section shall:*
 - (a) *Prohibit a school district or public charter school from advertising job openings and recruiting employees independently from the system;*
 - (b) *Prohibit a school district or public charter school from using another method of advertising job openings or another applicant tracking system in addition to the system;*
 - (c) *Require all job applications for posted vacancies to be submitted digitally or only be submitted through the system; or*
 - (d) *Provide the Kentucky Department of Education with any regulatory authority in the hiring process or hiring decisions of any school district or public charter school.*

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

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

- (1) It is the intent of the General Assembly to establish a teacher scholarship program to assist highly qualified individuals to become certified Kentucky teachers and render teaching service in Kentucky schools.
- (2) For purposes of this section, the terms listed below shall have the following meanings:
 - (a) "Critical shortage area" means an understaffing of teachers in particular subject matters at the secondary level, in grade levels, or in geographic locations at the elementary and secondary level, as determined by the commissioner of education in consultation with the authority. The commissioner and the authority may use any source considered reliable, including but not limited to local education agencies, to identify the critical shortage areas;
 - (b) "Dual credit" has the same meaning as in KRS 158.007;
 - (c) "Eligible program of study" means an undergraduate or graduate program of study which is preparatory to teacher certification;
 - (d) "Expected family contribution" means the amount that a student and his family are expected to contribute toward the cost of the student's education determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to 1087 vv;
 - (e) "Participating institution" means an institution of higher education located in Kentucky which offers an eligible program of study and has in force an agreement with the authority providing for administration of this program;
 - (f) "Qualified teaching service" means teaching the major portion of each school day for at least seventy (70) days each semester in a public school of the Commonwealth or a private school certified pursuant to KRS 156.160(3), except that an individual having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and extended illness, whose disability or illness, certified by a licensed physician, prevents that individual from teaching a major portion of each school day, shall be deemed to perform qualified teaching service by teaching the maximum time permitted by the attending physician;
 - (g) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a school year or one-half (1/2) of a participating institution's academic year; and
 - (h) "Summer term" means an academic period consisting of one (1) or more sessions of instruction between a spring and a fall semester.
- (3) The authority may, to the extent of appropriations and other funds available to it pursuant to subsection (9) of this section, award teacher scholarships to persons eligible under subsection (4) of this section, who initially demonstrate financial need in accordance with standards and criteria established by the authority or received teacher scholarships pursuant to this section prior to July 1, 1996. Each teacher scholarship shall be evidenced by a promissory note that requires repayment or cancellation pursuant to subsection (6) of this section.
- (4) Kentucky residents who are United States citizens and enrolled or accepted for enrollment in an eligible program of study at a participating institution shall be eligible to apply for and be awarded teacher scholarships. Teacher scholarships shall first be awarded to highly qualified eligible students who meet standards and requirements established by the Education Professional Standards Board pursuant to KRS 161.028 for admission to a teacher education program at a participating institution in pursuit of initial teacher certification. If funds are not depleted after awarding teacher scholarships to students who meet the preceding criteria, then awards shall be made to any otherwise eligible students.
- (5) The authority shall establish, by administrative regulation, the maximum amount of scholarship to be awarded for each semester and summer term under this section~~], and shall prorate the amount awarded to any student enrolled less than full time in accordance with subsection (6)(a) of this section. The aggregate amount of scholarships awarded to an individual shall not exceed twelve thousand five hundred dollars (\$12,500) for undergraduate students and seven thousand five hundred dollars (\$7,500) for postbaccalaureate students,~~

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

- (6) (a) The authority shall disburse teacher scholarships to eligible students who agree to render qualified teaching service as certified teachers, and are unconditionally admitted and enrolled in an eligible program of study.
- (b) A teacher scholarship shall not be awarded or a promissory note cancellation shall not be granted to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the authority for cause.
- (c) Recipients shall render one (1) semester of qualified teaching service for each semester or summer term of scholarship received, except that recipients who teach in a critical shortage area designated by the authority or teach dual credit coursework in a certified Kentucky high school shall render one (1) semester of qualified teaching service as repayment for two (2) semesters or summer terms of scholarships received. Upon completion of each semester of qualified teacher service, the authority shall cancel the appropriate number of promissory notes.
- (d) If the recipient of a teacher scholarship fails to complete an eligible program of study at a participating institution or fails to render qualified teaching service in any semester following certification or recertification, unless the failure is temporarily waived for cause by the authority, the recipient shall immediately become liable to the authority for repayment of the sum of all outstanding promissory notes and accrued interest. Persons liable for repayment of scholarships under this paragraph shall be liable for interest accruing from the dates on which the teacher scholarships were disbursed.
- (e) Recipients who have outstanding loans or scholarships under KRS 156.611, 156.613, 164.768, or 164.770 respectively, and who render qualified teaching service, shall have their notes canceled in accordance with subsection (6)(c) of this section.
- (f) The authority shall establish, by administrative regulation, the terms and conditions for the award, cancellation, and repayment of teacher scholarships including, but not limited to, the selection criteria, eligibility for renewal awards, amount of scholarship payments, deferments, the rate of repayment, and the interest rate thereon.
- (g) Notwithstanding any other statute to the contrary, the maximum interest rate applicable to repayment of a promissory note under this section shall be **eight percent (8%)**~~twelve percent (12%)~~ per annum, except that if a judgment is rendered to recover payment, the judgment shall bear interest at the rate of five percent (5%) greater than the rate actually charged on the promissory note.
- (7) A repayment obligation imposed by this section shall not be voidable by reason of the age of the recipient at the time of receiving the teacher scholarship.
- (8) Failure to meet repayment obligations imposed by this section shall be cause for the revocation of a person's teaching certificate, subject to the procedures set forth in KRS 161.120.
- (9) All moneys repaid to the authority under this section shall be added to the appropriations made for purposes of this section, and the funds and unobligated appropriations shall not lapse.
- (10) The authority may execute appropriate contracts and promissory notes for administering this section.
- (11) Notwithstanding any other statute to the contrary, if available funds are insufficient for all requested scholarships for eligible applicants during any fiscal year, the authority shall give priority consideration to eligible applicants who previously received teacher scholarships and, until June 30, 2018, to loan forgiveness for teachers who have outstanding loan balance eligibility for Best in Class loans issued prior to June 30, 2008. If funds are insufficient to make all requested renewal scholarships to eligible applicants, the authority shall reduce all scholarship awards to the extent necessary to provide scholarships to all qualified renewal applicants. If, after awarding all eligible renewal applicants, funds are not depleted, initial applications shall be ranked according to regulatory selection criteria, which may include expected family contribution and application date, and awards shall be made to highly qualified applicants until funds are depleted.

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

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

- (1) The General Assembly hereby finds that:

- (a)
 - 1. There are persons who have distinguished themselves through a variety of work and educational experiences that could enrich teaching in Kentucky schools;
 - 2. There are distinguished scholars who wish to become teachers in Kentucky's public schools, but who did not pursue a teacher preparation program;
 - 3. There are persons who should be recruited to teach in Kentucky's public schools as they have academic majors, strong verbal skills as shown by a verbal ability test, and deep knowledge of content, characteristics that empirical research identifies as important attributes of quality teachers;
 - 4. There are persons who need to be recruited to teach in Kentucky schools to meet the diverse cultural and educational needs of students; and
 - 5. There should be alternative procedures to the traditional teacher preparation programs that qualify persons as teachers;
- (b) There are hereby established alternative certification program options as described in subsections (2) to (10) of this section;
- (c) It is the intent of the General Assembly that the Education Professional Standards Board inform scholars, persons with exceptional work experience, and persons with diverse backgrounds who have potential as teachers of these options and assist local boards of education in implementing these options and recruitment of individuals who can enhance the education system in Kentucky;
- (d) The Education Professional Standards Board may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs; and
- (e) The Education Professional Standards Board shall promulgate administrative regulations establishing standards and procedures for the alternative certification options described in this section. ***If the certification option requires employment prior to certification, the procedures shall establish a process for candidates to obtain an eligible for hire letter from the Education Professional Standards Board.***

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

- (a) The application contains documentation of all education and work experience;
- (b) The candidate has documented exceptional work experience in the area in which certification is being sought; and
- (c) The candidate possesses:
 - 1. A bachelor's degree or a graduate degree;
 - 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 (3.0) 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; and
 - 3. An academic major or a passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board.

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

- (3) Option 2: Certification through a local school district training program. A local school district or group of school districts may seek approval for a training program. The state-approved local school district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification for a teacher at any grade level. The training program may be offered for all teaching certificates approved by the Education Professional Standards Board, including interdisciplinary early childhood education, except for specific certificates for teachers of exceptional children. To participate in a state-approved local school district alternative training program, the candidate shall possess:
- (a) A bachelor's degree or a graduate degree;
 - (b) 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;
 - (c) A passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board. To be eligible to take an academic content assessment, the applicant shall have completed a thirty (30) hour major in the academic content area or five (5) years of experience in the academic content area as approved by the Education Professional Standards Board; and
 - (d) An offer of employment in a school district which has a training program approved by the Education Professional Standards Board.

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

- (4) Option 3: Certification of a professional from a postsecondary institution: A candidate who possesses the following qualifications may receive a one (1) year provisional certificate for teaching at any level:
- (a) A master's degree or doctoral degree in the academic content area for which certification is sought;
 - (b) A minimum of five (5) years of full-time teaching experience, or its equivalent, in the academic content area for which certification is sought in a regionally or nationally accredited institution of higher education; and
 - (c) An offer of employment in a school district which has been approved by the Education Professional Standards Board.

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

- (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas such as art, music, foreign language, drama, science, computer science, and other specialty areas may be employed as an adjunct instructor in a part-time position by a local board of education under KRS 161.046.
- (6) Option 5: Certification of a veteran of the Armed Forces. The Education Professional Standards Board shall issue a statement of eligibility, valid for five (5) years, for teaching at the elementary, secondary, and secondary career technical education levels to a veteran of the Armed Forces who was honorably discharged from active duty as evidenced by Defense Department Form 214 (DD 214) or National Guard Bureau Form 22 or to a member of the Armed Services currently serving with six (6) or more years of honorable service, including Reserves, National Guard, or active duty. The candidate shall possess:
- (a) A bachelor's degree or graduate degree;
 - (b) 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; and

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

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

- (7) Option 6: University alternative program. With approval of the Education Professional Standards Board, a university may provide an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a one (1) year provisional certificate and shall participate in the Kentucky teacher internship program, notwithstanding provisions of KRS 161.030. A student may not participate in the internship program until the student has successfully completed the assessments required by the board. The one (1) year provisional certificate may be renewed two (2) additional years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship program requirements, and all academic content assessments in the specific teaching field of the applicant as designated by the 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 institute shall be approved by the Education Professional Standards Board. The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
 - 2. For middle and secondary teaching, the individual shall successfully complete the equivalent of a one hundred eighty (180) hour institute, based on six (6) hour days for six (6) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board and shall include research-based teaching strategies, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.

- (c) The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.
- (9) Option 8: Certification of a Teach for America participant to teach in elementary, middle, or high schools. Nothing in this subsection shall conflict with the participation criteria of the Teach for America program. An individual certified under this subsection shall be issued a one (1) year provisional certificate.
 - (a) The candidate shall possess:
 - 1. An offer of employment from a local school district;
 - 2. A bachelor's degree;
 - 3. A successful completion of the summer training institute and ongoing professional development required by Teach for America, including instruction in goal-oriented, standards-based instruction, diagnosing and assessing students, lesson planning and instructional delivery, classroom management, maximizing learning for diverse students, and teaching methodologies; and
 - 4. 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) The provisional certificate granted under paragraph (a) of this subsection may be renewed two (2) times with a recommendation of the superintendent and approval of the Education Professional Standards Board.
 - (c) A Teach for America participant who is approved for a second renewal of his or her provisional certificate under paragraph (b) of this subsection may participate in the teacher internship program under KRS 161.030.
 - (d) A Teach for America participant shall be issued a professional certificate upon the participant's successful completion of the internship program and assessments relating to teaching of subject matter required by the Education Professional Standards Board under KRS 161.030.
 - (e) Notwithstanding any statute or administrative regulation to the contrary, a teacher certified under this subsection shall have ten (10) years from the date that the teacher successfully completed the internship program to complete a master's degree or fifth year program, or the equivalent as specified by the Education Professional Standards Board in administrative regulation.
- (10) Option 9: Expedited certification of a person to teach at any grade level through a cooperative program. With approval of the Education Professional Standards Board, a college or university may partner with a school district to develop an expedited certification program that results in a bachelor's degree and initial certification within three (3) school years.
 - (a) The program shall:
 - 1. Include a residency or paraprofessional component which employs the person within the participating district for the duration of the program to gain work experience to supplement the expedited program and reduced coursework;
 - 2. Utilize experienced teachers employed by the district to provide coaching and to mentor the candidates; and
 - 3. Be designed to meet the needs of the participating district and may include an emphasis in developing a teacher pipeline for the district's students, improving the numbers of underrepresented populations among the district's workforce, or focusing on increasing the number of teachers with certification areas that are in high demand.
 - (b) A school district entering into a cooperative partnership shall ensure the availability of funding for each candidate employed within the district in the residency or paraprofessional program for the duration of the candidate's participation in the program. However, nothing in this subsection shall be interpreted as requiring the district to continue employing the candidate during the program or after the candidate has received initial certification.
 - (c) A person who has begun a traditional path or another option for certification shall be eligible to transfer into this option if the person meets the program's requirements.

- (d) If a school district participating in a cooperative partnership determines to end the partnership, the district shall no longer accept new candidates to the program but shall continue the partnership until the district's employed candidates for Option 9 certification complete the program or are no longer employed by the district.
- (11) A public school teacher certified under subsections (2) to (10) of this section shall be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher.
- (12) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the following qualifications may receive certification for teaching programs for exceptional students:
 - (a) An out-of-state license to teach exceptional students;
 - (b) A bachelor's or master's degree in the certification area or closely related area for which certification is sought; and
 - (c) Successful completion of the teacher internship program requirement required under KRS 161.030.

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

- (1) As used in this section:
 - (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
 - 1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
 - 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
 - 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
 - (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
 - (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
 - (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and
 - (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.
- (2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:
 - (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
 - (b) When a vacancy occurs in a local school district, the superintendent shall ***submit the job posting to the statewide job posting system described in Section 3 of this Act fifteen (15) days before the position shall be filled***~~notify the chief state school officer fifteen (15) days before the position shall be filled.~~

~~The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public.~~ The local school district shall post position openings in the local board office for public viewing;

- (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
 - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
 - (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
 - (b) No superintendent shall employ a relative of a school board member of the district;
 - (c) No principal's relative shall be employed in the principal's school; and
 - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
 - 1. A regular full-time or part-time employee of the district;
 - 2. Accruing continuing contract status or any other right to continuous employment;
 - 3. Receiving fringe benefits other than those provided other substitutes or
 - 4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall initially employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony or persons with an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. The superintendent may employ, at his discretion, except at a Kentucky Educational Collaborative for State Agency Children program, persons convicted of sex crimes classified as a misdemeanor.
- (6) Requirements for background checks shall be as follows:
 - (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
 - 1. Each new certified or classified hire;
 - 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
 - 3. A student teacher;
 - 4. A school-based decision making council parent member; and
 - 5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;

- (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
 - a. Classified and certified individuals employed by the school district prior to June 27, 2019;
 - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or
 - c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.
- 2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544;
- (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required; and
- (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual.
- (7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.
- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.
- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9) (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD

ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

- (c) Each application form for a district position shall require the applicant to:
 - 1. Identify the states in which he or she has maintained residency, including the dates of residency; and
 - 2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.
- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.
- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services Web site.

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

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

- (a) Has a bachelor's degree or higher;
- (b) Has at least four years of work experience in the area in which certification is being sought; and
- (c) Meets all other requirements of this section.
- (2) If certification is being sought in the area of career and technical education, the bachelor's degree requirement shall be satisfied by an additional four years of work experience in the area.
- (3) An individual certified under this section shall:
 - (a) Be assigned a teacher mentor by the hiring school district for support in teaching pedagogy;
 - (b) Complete, within the first 90 days of employment, the suicide prevention, active shooter, and child abuse and neglect trainings required under KRS 156.095;
 - (c) Be subject to the criminal history background and CA/N checks under KRS 160.380; and
 - (d) Not provide special education instruction.
- (4) An employment agreement entered into by an individual certified under this section shall not be subject to a collective bargaining agreement.
- (5) No more than ten percent of a school district's certified staff may be certified under this section in a school year.
- (6) The provisions of this section and all certificates issued under this section shall expire on June 30, 2026.

(7) The Education Professional Standards Board shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed to issue interim certificates under this section, including emergency regulations as appropriate, to expedite the implementation of this section.

➔Section 9. KRS 161.155 is amended to read as follows:

- (1) As used in this section:
 - (a) "Teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state;
 - (b) "Employee" shall mean any person, other than a teacher, employed in the public schools, whether on a full or part-time basis;
 - (c) "Immediate family" shall mean the teacher's or employee's spouse, children including stepchildren and foster children, grandchildren, daughters-in-law and sons-in law, brothers and sisters, parents and spouse's parents, and grandparents and spouse's grandparents, without reference to the location or residence of said relative, and any other blood relative who resides in the teacher's or employee's home;
 - (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by teachers or employees for use by teachers or employees who have exhausted all sick leave and other available paid leave days; and
 - (e) "Assault" shall mean an act that intentionally causes injury so significant that the victim is determined to be, by certification of a physician or surgeon duly qualified under KRS Chapter 342, incapable of performing the duties of his or her job.
- (2) Each district board of education shall allow to each teacher and full-time employee in its common school system not less than ten (10) days of sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher or employee if he or she presents a personal ~~statement~~~~[affidavit]~~ or a certificate of a physician stating that the teacher or employee was ill, that the teacher or employee was absent for the purpose of attending to a member of his or her immediate family who was ill, or for the purpose of mourning a member of his or her immediate family. The ten (10) days of sick leave granted in this subsection may be taken by a teacher or employee on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher or employee under the provisions of subsection (4) of this section.
- (3) A school district shall coordinate among the income and benefits from workers' compensation, temporary disability retirement, and district payroll and benefits so that there is no loss of income or benefits to a teacher or employee for work time lost because of an assault while performing the teacher's or employee's assigned duties for a period of up to one (1) year after the assault. In the event a teacher or employee suffers an assault while performing his or her assigned duties that results in injuries that qualify the teacher or employee for workers' compensation benefits, the district shall provide leave to the teacher or employee for up to one (1) year after the assault with no loss of income or benefits under the following conditions:
 - (a) The district shall pay the salary of the teacher or employee between the time of the assault and the time the teacher's or employee's workers' compensation income benefits take effect, or the time the teacher or employee is certified to return to work by a physician or surgeon duly qualified under KRS Chapter 342, whichever is sooner;
 - (b) The district shall pay, for up to one (1) year from the time of the assault, the difference between the salary of the teacher or employee and any workers' compensation income benefits received by the teacher or employee resulting from the assault. Payments by the district shall include payments for intermittent work time missed as a result of the assault during the one (1) year period. If the teacher's or employee's workers' compensation income benefits cease during the one (1) year period after the assault, the district shall also cease to make payments under this paragraph;
 - (c) The Commonwealth, through the Kentucky Department of Education, shall make the employer's health insurance contribution during the period that the district makes payments under paragraphs (a) and (b) of this subsection;
 - (d) The Commonwealth, through the Kentucky Department of Education, shall make the employer's contribution to the retirement system in which the teacher or employee is a member during the period that the district makes payments under paragraphs (a) and (b) of this subsection; and

- (e) Payments to a teacher or employee under paragraphs (a) and (b) of this subsection shall be coordinated with workers' compensation benefits under KRS Chapter 342, disability retirement benefits for teachers under KRS 161.661 to 161.663, and disability retirement benefits for employees under KRS 61.600 to 61.621 and 78.5522, 78.5524, 78.5526, 78.5528, and 78.5530 so that the teacher or employee receives income equivalent to his or her full contracted salary, but in no event shall the combined payments exceed one hundred percent (100%) of the teacher's or employee's full contracted salary.
- (4) Days of sick leave not taken by an employee or a teacher during any school year shall accumulate without limitation and be credited to that employee or teacher. Accumulated sick leave may be taken in any school year. Any district board of education may, in its discretion, allow employees or teachers in its common school system sick leave in excess of the number of days prescribed in this section and may allow school district employees and teachers to use up to three (3) days' sick leave per school year for emergency leave pursuant to KRS 161.152(3). Any accumulated sick leave days credited to an employee or a teacher shall remain so credited in the event he or she transfers his or her place of employment from one (1) school district to another within the state or to the Kentucky Department of Education or transfers from the Department of Education to a school district.
- (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to the opening day of the school year, ~~a statement (an affidavit)~~ or a certificate of a physician is presented to the district board of education, stating that the teacher or employee is unable to commence his or her duties on the opening day of the school year, but will be able to assume his or her duties within a period of time that the board determines to be reasonable.
- (6) Any school teacher or employee may repurchase previously used sick leave days with the concurrence of the local school board by paying to the district an amount equal to the total of all costs associated with the used sick leave.
- (7) A district board of education may adopt a plan for a sick leave bank. The plan may include limitations upon the number of days a teacher or employee may annually contribute to the bank and limitations upon the number of days a teacher or employee may annually draw from the bank. Only those teachers or employees who contribute to the bank may draw upon the bank. Days contributed will be deducted from the days available to the contributing teacher or employee. The sick leave bank shall be administered in accordance with a policy adopted by the board of education.
- (8) (a) A district board of education shall establish a sick leave donation program to permit teachers or employees to voluntarily contribute sick leave to teachers or employees in the same school district who are in need of an extended absence from school. A teacher or employee who has accrued more than fifteen (15) days' sick leave may request the board of education to transfer a designated amount of sick leave to another teacher or employee who is authorized to receive the sick leave donated. A teacher or employee may not request an amount of sick leave be donated that reduces his or her sick leave balance to less than fifteen (15) days.
- (b) A teacher or employee may receive donations of sick leave if:
 - 1. a. The teacher or employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the teacher or employee to be absent for at least ten (10) days; or
 - b. The teacher or employee suffers from a catastrophic loss to his or her personal or real property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to be absent for at least ten (10) consecutive working days;
 - 2. The teacher's or employee's need for the absence and use of leave are certified by a licensed physician for leave requested under subparagraph 1.a. of this subsection;
 - 3. The teacher or employee has exhausted his or her accumulated sick leave, personal leave, and any other leave granted by the school district; and
 - 4. The teacher or employee has complied with the school district's policies governing the use of sick leave.
- (c) While a teacher or employee is on sick leave provided by this section, he or she shall be considered a school district employee, and his or her salary, wages, and other employee benefits shall not be affected.

- (d) Any sick leave that remains unused, is not needed by a teacher or employee, and will not be needed in the future shall be returned to the teacher or employee donating the sick leave.
 - (e) The board of education shall adopt policies and procedures necessary to implement the sick leave donation program.
- (9) A teacher or employee may use up to thirty (30) days of sick leave following the birth or adoption of a child or children. Additional days may be used when the need is verified by a physician's statement.
- (10) (a) After July 1, 1982, a district board of education may compensate, at the time of retirement or upon the death of a member in active contributing status at the time of death who was eligible to retire by reason of service, an employee or a teacher, or the estate of an employee or teacher, for each unused sick leave day. The rate of compensation for each unused sick leave day shall be based on a percentage of the daily salary rate calculated from the employee's or teacher's last annual salary, not to exceed thirty percent (30%).
- (b) Except as provided in paragraph (c) of this subsection, payment for unused sick leave days under this subsection shall be incorporated into the annual salary of the final year of service for inclusion in the calculation of the employee's or teacher's retirement allowance only at the time of his or her initial retirement, provided that the member makes the regular retirement contribution for members on the sick leave payment. The accumulation of these days includes unused sick leave days held by the employee or teacher at the time of implementation of the program.
- (c) For a teacher or employee who becomes a nonuniversity member of the Teachers' Retirement System on or after January 1, 2022, as provided by KRS 161.220, payment for unused sick leave days under this subsection shall not be incorporated into the annual compensation used to calculate the teacher's or employee's retirement allowance in the foundational benefit component as described by KRS 161.633 but may be deposited into the nonuniversity member's supplemental benefit component as provided by KRS 161.635.
- (d) For a teacher or employee who begins employment with a local school district on or after July 1, 2008, the maximum amount of unused sick leave days a district board of education may recognize in calculating the payment of compensation to the teacher or employee under this subsection shall not exceed three hundred (300) days.
- (11) Any statute to the contrary notwithstanding, employees and teachers who transferred from the Department of Education to a school district, from a school district to the Department of Education, or from one (1) school district to another school district after July 15, 1981, shall receive credit for any unused sick leave to which the employee or teacher was entitled on the date of transfer. This credit shall be for the purposes set forth in subsection (10) of this section.
- (12) The death benefit provided in subsection (10) of this section may be cited as the Baughn Benefit.
- ➔Section 10. KRS 161.154 is amended to read as follows:
- (1) For the purpose of this section, "school employees" shall mean any person for whom certification is required as a basis of employment in the public schools.
 - (2) Each district board of education may provide up to three (3) personal leave days per school year to school employees, without loss of salary to the employee and without affecting any other type of leave granted by law, regulation, or school board policy. Local boards of education may establish policy regarding the number of teachers who may take personal leave on any one (1) day.
 - (3) Personal leave granted under this section shall not be treated as having effect on the provisions of KRS 161.152 to 161.155 and shall be supported by personal ~~statement~~^{affidavit} of the school employee stating that the leave taken is personal in nature; no other reason for or verification of the leave shall be required.
 - (4) Payments to school employees made by a district board of education under the provisions of this section are presumed to be for services rendered and for the benefit of the common schools and such payments do not affect the eligibility of any school district to share in the distribution of funds from the public school foundation program fund as established in KRS Chapter 157.

Signed by Governor March 31, 2023.

