

STATEMENT OF EMERGENCY
16 KAR 2:030E.

This emergency administrative regulation is being promulgated to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. During the 2024 legislative session, the General Assembly passed House Bill 387 and the Governor signed it into law on April 19, 2024. This legislation, which is slated to become effective on July 15, 2024, amends KRS 161.102 to create three (3) certificates for substitute teaching to be issued by the Education Professional Standards Board (EPSB). As there are only eighty-seven (87) days between the Governor signing this bill into law and its effective date, the ordinary administrative regulation process would not allow the EPSB time to promulgate an ordinary administrative regulation to be effective when the bill goes into effect. Therefore, the emergency regulation is necessary to set the standards and requirements for issuance of the certificates for substitute teaching when the bill goes into effect. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the certificates for substitute teaching are expected to remain in statute. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

JUSTIN MITCHELL, Chair

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Emergency Amendment)

16 KAR 2:030E. Substitute teachers.

RELATES TO: KRS 161.020, 161.028(1)(a), (f), 161.030, 161.100

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a), (f), 161.030, 161.100, 161.102

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualifications for the respective position issued by the Education Professional Standards Board (EPSB). KRS 161.102 creates a one (1) year, five (5) year, and ten (10) year certificate for substitute teaching. This administrative regulation establishes the requirements for the issuance of the certificates for substitute teaching and the priority selection process for employing a substitute teacher.

Section 1. One (1) Year Emergency Certificate for Substitute Teaching.

(1) The superintendent of the local school district and the board of education may establish the need for emergency substitute teachers on the basis of anticipated shortages of regularly certified teachers and substitute teachers.

(2) A one (1) year emergency certificate for substitute teaching may be issued to a candidate who possesses a minimum of a high school diploma or high school equivalency diploma.

(3) A local school district shall review the qualifications and transcripts for each applicant for an emergency substitute certificate and verify to the EPSB that the candidate possesses a minimum of a high school diploma or a high school equivalency diploma.

(4) Application for the one (1) year emergency certificate for substitute teaching shall be submitted to the EPSB and shall:

- (a) Contain verification of an offer of employment in a Kentucky school district;
- (b) Contain verification that the candidate possesses a minimum of a high school diploma or high school equivalency; and
- (c) Be in compliance with 16 KAR 2:010, Section 3(1).

Section 2. Five (5) Year Certificate for Substitute Teaching.

- (1) A five (5) year certificate for substitute teaching may be issued to a candidate who possesses a bachelor's degree from a regionally or nationally accredited postsecondary education institution.
- (2) Application for the five (5) year certificate for substitute teaching shall be submitted to the EPSB and shall:
 - (a) Contain an official transcript from the college or university attended resulting in a bachelor's degree; and
 - (b) Be in compliance with 16 KAR 2:010, Section 3(1).
- (3) Application for renewal of the five (5) year certificate for substitute teaching shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1).
- (4) The five (5) year certificate for substitute teaching shall be issued at a Rank IV.

Section 3. Ten (10) Year Certificate for Substitute Teaching.

- (1) A ten (10) year certificate for substitute teaching may be issued to a candidate who:
 - (a) Holds a valid statement of eligibility for a Kentucky teaching certificate;
 - (b) Has previously held a Kentucky certificate for classroom teaching for which the completion of a four (4) year program of teacher preparation and a bachelor's degree were required; or
 - (c) Currently holds or previously held a valid out-of-state teaching certificate for which the completion of a four (4) year program of teacher preparation and a bachelor's degree were required.
- (2) Application for the ten (10) year certificate for substitute teaching shall be submitted to the EPSB and shall:
 - (a) Contain an official transcript from the college or university attended resulting in a bachelor's degree; and
 - (b) Be in compliance with 16 KAR 2:010, Section 3(1).
- (3) Application for renewal of the ten (10) year certificate for substitute teaching shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1).
- (4) A teacher holding a valid Kentucky teaching certificate shall be issued a ten (10) year certificate for substitute teaching at the rank designated on the teacher's regular certificate.
- (5) A teacher holding or previously holding a valid out-of-state teaching certificate shall be issued a ten (10) year certificate for substitute teaching at the rank corresponding to the teacher's regular certificate.

Section 4. To employ a substitute teacher during the temporary absence of the teacher of record for a position, priority in selection and employment shall be given in accordance with the following order:

- (1) A teacher who holds appropriate regular certification corresponding to the grade level of the teaching assignment;
- (2) A teacher who holds regular certification for classroom teaching at any grade level;
- (3) A teacher who holds the ten (10) year certificate for substitute teaching;
- (4) A candidate who holds the five (5) year certificate for substitute teaching;
- (5) A candidate who holds the one (1) year emergency certificate for substitute teaching.

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: July 15, 2024

FILED WITH LRC: July 15, 2024 at 10:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 23, 2024, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.