

## **STATEMENT OF EMERGENCY**

### **16 KAR 9:080E.**

This emergency administrative regulation is being promulgated in order 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 Senate Bill 265 and the Governor signed it into law on April 9, 2024. This legislation, which became effective on the Governor's signature, amends KRS 161.030 to remove the Kentucky Teacher Internship Program. It also amends KRS 161.048(7) to require recommendation from an employing school district prior to issuance of the professional certificate. Per KRS 161.048(1)(e) the Education Professional Standards Board (EPSB) has the authority to promulgate administrative regulations establishing the standards and procedures for the Option 6 alternative route to certification. Since this emergency legislation became effective upon the Governor's signature, the emergency regulation is necessary to establish the application requirements for certification under the Option 6 alternative route to certification. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the requirements for certification under this route 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 9:080E. University-based alternative certification program.**

RELATES TO: KRS 156.111, 160.345(2)(h), 161.027, 161.028(1)(k), (s), (t), 161.030(11), 161.048, 161.1211, 34 C.F.R. 300.156 (c)(2)

STATUTORY AUTHORITY: KRS 161.027(1), 161.048(1)(d), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048(1)(d) and (7) require the Education Professional Standards Board (EPSB) to promulgate administrative regulations establishing the standards and procedures for a university alternative certification option for teacher and administrator certification. This administrative regulation establishes the requirements for entry and completion of the teacher and administrator university-based alternative certification options, the responsibilities of the employing school or school district, and the responsibilities of the approved college or university alternative program.

**Section 1. Definitions.**

(1) "Alternative certification administrator program" means a college or university post baccalaureate or post masters administrator preparation program for an individual enrolled concurrently with employment in a local school district as an assistant principal, principal, assistant superintendent, school counselor, director of special education, director of pupil personnel, supervisor of instruction, or superintendent.

(2) "Alternative certification teacher program" means a college or university post baccalaureate teacher preparation program for an individual enrolled concurrently with employment as a teacher.

**Section 2. Admission Requirements.**

(1) An applicant for an alternative certification teacher program shall meet the admission standards for an initial certification program established in 16 KAR 5:020.

(2) An applicant for an alternative certification administrator program shall meet the admission standards for the corresponding administrator certification program established in 16 KAR Chapter 3.

**Section 3. University Requirements for Alternative Certification Teacher Program.**

(1) An accredited college or university seeking to offer an alternative certification teacher program shall apply to the EPSB for program approval in accordance with 16 KAR 5:010.

(2) In addition to the standards for program approval established in 16 KAR 5:010, the educator preparation provider seeking alternative certification teacher program approval shall design the alternative certification teacher program to provide a candidate with the coursework and mentoring necessary to permit a candidate to maintain employment in an eligible position and to successfully complete any applicable assessments, within a period of three (3) years for those enrolled in an alternative certification teacher program for teachers of exceptional children or interdisciplinary early childhood education employed in a public school, or a period of five (5) years for all other alternative certification teacher programs.

(3) Upon approval, the alternative certification teacher program unit shall:

(a) Assess a candidate's educational background and develop a plan of coursework that shall adequately prepare the candidate for successful completion of the requirements for program completion and certification for the areas and grade ranges that correspond with the candidate's school placement;

- (b) Provide a candidate written and dated documentation of eligibility for the university alternative certification teacher program so that the candidate may be considered for employment pursuant to KRS 160.345(2)(h);
  - (c) Ensure that a candidate begins coursework no later than ninety (90) days from the date the eligibility notice is issued;
  - (d) Develop a written agreement to provide, in collaboration with the administration of the candidate's employing school, mentoring to the candidate in the employment setting which shall include:
    - 1. A minimum of fifteen (15) hours of annual observation utilizing university faculty and a district-based mentor of the candidate practicing instruction in the classroom, as follows:
      - a. A minimum of five (5) hours of observation by university faculty;
      - b. A minimum of five (5) hours of observation by a district-based mentor; and
      - c. A minimum of five (5) hours of observation by either the university faculty or the district-based mentor;
    - 2. A description of how support shall be offered to the candidate during in-class and out-of-class time to assist the candidate in meeting the teacher's instructional responsibilities;
    - 3. The name, contact person, and role for the collaborating educator preparation provider mentor; and
    - 4. The name and role of all school district mentor teachers;
  - (e) Establish a process to maintain regular communication with the employing school so that the educator preparation provider and employing school may assist the candidate as needed and address identified areas of improvement; and
  - (f) Notify the EPSB in writing if a candidate's employment in a covered position or enrollment in the alternative certification teacher program permanently ceases.
- (4) Student teaching shall not be required for program completion.

#### Section 4. Temporary Provisional Certificate for Teaching.

- (1) The temporary provisional certificate for teaching shall be issued and renewed in accordance with KRS 161.048(7).
- (2) The temporary provisional certificate for teaching shall be issued in accordance with a grade level and specialization as recommended by the educator preparation provider and valid for employment consistent with the area of certification being sought through the preparation program.
- (3) The temporary provisional certificate for teaching shall be issued at the rank corresponding to the degree held by the teacher applicant in accordance with the requirements established in KRS 161.1211 and 16 KAR Chapter 8.

#### Section 5. Issuance of a Temporary Provisional Certificate for Teaching.

- (1) Prior to seeking employment in a Kentucky public school, a candidate shall request from the educator preparation provider written and dated documentation of eligibility for the alternative certification teacher program to provide to school districts pursuant to KRS 160.345(2)(h).
- (2) Prior to employment, a superintendent, on behalf of the employing local board of education, shall be responsible for requesting the temporary provisional certificate.
- (3) The candidate shall submit to the EPSB an official college transcript from each college or university attended.
- (4) The candidate shall demonstrate compliance with 16 KAR 2:010, Section 3(1).
- (5) The employing school district shall submit a completed and signed copy of the mentoring collaboration agreement with the alternative certification teacher program as required by Section 3(3)(d) of this administrative regulation.

(6) The educator preparation provider shall submit a recommendation for the grade level and specialization of the temporary provisional certificate.

Section 6. Requirements for Renewal of the Temporary Provisional Certificate for Teaching.

(1) A candidate shall be eligible for renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and successful completion of the following requirements:

(a) Evidence of employment in a Kentucky school district or regionally- or nationally accredited nonpublic school in the content area or areas indicated on the initial certificate; and

(b) Recommendation from the educator preparation provider based on continued enrollment, completion of annual observation hours, and progress towards the completion of the alternative teacher preparation program.

(2) A candidate for exceptional children or interdisciplinary early childhood certification employed in a public school may only renew the temporary provisional certificate two (2) times.

(3) All other alternative certification teacher candidates may renew the temporary provisional certificate four (4) times.

Section 7. Alternative Certification Teacher Program Completion Requirements.

(1) An applicant for teacher certification shall meet all certification requirements for the corresponding certificate established in 16 KAR Chapter 2 and the assessment requirements established in 16 KAR 6:010.

(2) Upon completion of all program requirements of the university based alternative teacher program, the candidate may apply to the EPSB for the professional certificate.

(3) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), recommendation of the employing school district, and verification that a candidate has met all eligibility requirements for certificate issuance, the EPSB shall issue a professional certificate.

Section 8. University Requirements for an Alternative Certification Administrator Program.

(1) An accredited college or university seeking to offer an alternative certification administrator program shall apply to the EPSB for program approval in accordance with 16 KAR 5:010.

(2) In addition to the standards for program approval established in 16 KAR 5:010, the educator preparation provider seeking alternative certification administrator program approval shall design the alternative certification administrator program to provide a candidate with the coursework and mentoring appropriate to permit a candidate to maintain employment in an eligible position and successfully complete any applicable assessments, including any internship or training programs, within a period of two (2) years for those enrolled in an alternative certification administrator program.

(3) Upon approval, the alternative certification administrator program unit shall:

(a) Assess a candidate's educational background and develop a plan of coursework that shall adequately prepare the candidate for successful completion of the requirements for program completion and certification for the areas and grade ranges that correspond with the candidate's school placement;

(b) Provide a candidate written and dated documentation of eligibility for the university alternative certification administrator program so that the candidate may be considered for employment pursuant to KRS 160.345(2)(h);

(c) Ensure that a candidate begins coursework no later than ninety (90) days from the date the eligibility notice is issued;

(d) Develop a written agreement to provide, in collaboration with the administration of the candidate's employing school, mentoring to the candidate in the employment

setting which shall include:

1. A minimum of fifteen (15) hours of annual observation utilizing university faculty and a district-based mentor of the candidate practicing in the appropriate administrative role, as follows:
    - a. A minimum of five (5) hours of observation by university faculty;
    - b. A minimum of five (5) hours of observation by a district-based mentor; and
    - c. Five (5) hours of observation by either the university faculty or the district-based mentor;
  2. A description of how support shall be offered to the candidate to assist the candidate in meeting the candidate's administrative responsibilities;
  3. The name, contact person, and role for the collaborating educator preparation provider mentor; and
  4. The name and role of all school district mentors;
- (e) Establish a process to maintain regular communication with the employing school so that the educator preparation provider and employing school may assist the candidate as needed and address identified areas of improvement; and
- (f) Notify the EPSB in writing if a candidate's employment in a covered position or enrollment in the alternative certification administrator program permanently ceases.

#### Section 9. Temporary Provisional Administrative Certificate.

- (1) The temporary provisional administrative certificate shall be issued for a validity period not to exceed one (1) year.
- (2) The temporary provisional administrative certificate may be renewed a maximum of one (1) time.
- (3) The temporary provisional administrative certificate shall be valid for employment in a position consistent with the area of certification being sought through the preparation program.

#### Section 10. Issuance of a Temporary Provisional Administrative Certificate.

- (1) Prior to seeking employment in a Kentucky public school, a candidate shall request from the educator preparation provider written and dated documentation of eligibility for the university based alternative certification administrator program to provide to school districts pursuant to KRS 160.345(2)(h).
- (2) Prior to employment, a superintendent, on behalf of the employing local board of education, shall be responsible for requesting the temporary provisional certificate.
- (3) The candidate shall submit to the EPSB an official college transcript from each college or university attended.
- (4) The candidate shall demonstrate compliance with 16 KAR 2:010, Section 3(1).
- (5) The employing school district shall submit a completed and signed copy of the mentoring collaboration agreement with the university based alternative certification program as required by Section 8(3)(d) of this administrative regulation.
- (6) The educator preparation provider shall submit a recommendation for the specialization of the temporary provisional certificate.

#### Section 11. Requirements for renewal of the temporary provisional certificate for an administrator.

- (1) A candidate shall be eligible for no more than one (1) renewal of the temporary provisional certificate.
- (2) A candidate shall be eligible for renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and successful completion of the following requirements:
  - (a) Evidence of employment in a Kentucky school district or nonpublic school in the position indicated on the initial certificate; and

(b) Recommendation from the educator preparation provider based on continued enrollment, completion of annual observation hours, and progress towards the completion of the alternative administrator program.

(3) If a candidate is seeking principal certification and is required to complete an internship in accordance with KRS 161.030, the candidate shall complete the required assessments as established in 16 KAR 3:090 prior to renewal of the temporary provisional certificate and shall complete the internship during the final temporary provisional certificate.

#### Section 12. Alternative Certification Administrator Program Completion Requirements.

(1)

(a) During the period of enrollment in the alternative certification administrator program, a candidate seeking superintendent certification and serving in a local school district as a superintendent or assistant superintendent shall successfully complete both the coursework in the institution's alternative certification administrator program as well as the Superintendents Training Program and assessments required in KRS 156.111.

(b) The college or university faculty shall maintain contact with the employing school district and the Kentucky Department of Education regarding the completion of coursework to ensure that a superintendent candidate has completed the required coursework to prepare for the assessments and participation in the Superintendents Training Program.

(2) An applicant for administrator certification shall meet all certification requirements for the corresponding certificate established in 16 KAR Chapter 3.

(3) Upon completion of all program requirements of the alternative administrator program the candidate may apply to the EPSB for the professional certificate.

(4) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and verification that a candidate has met all eligibility requirements for certificate issuance, the EPSB shall issue a professional certificate.

*JUSTIN MITCHELL, Board Chair*

APPROVED BY AGENCY: June 4, 2024

FILED WITH LRC: July 8, 2024 at noon

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on August 27, 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 August 31, 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](mailto:regcomments@education.ky.gov).