

STATEMENT OF EMERGENCY

16 KAR 9:100E.

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 161.048(8) to remove the requirement of an offer of employment prior to issuance of the certificate and require one (1) year of successful teaching experience and recommendation of the employing school district prior to issuance of the professional certificate. The amendment also moves the requirement that a candidate pass the content assessment to the end of the route prior to issuance of the professional certificate and removes the requirement that candidates complete an admission assessment. 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 7 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 7 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 9:100E. Alternative Route to Certification Institute.

RELATES TO: KRS 161.028, 161.030, 161.048, 34 C.F.R. 300.156 (c)(2)

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048(1)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048(1)(e) requires the Education Professional Standards Board (EPSB) to promulgate administrative regulations establishing standards and procedures for the Alternative Route to Certification Institute and the approval criteria for these programs. This administrative regulation establishes the required elements of the alternative route to certification and the application review process.

Section 1. Institute Providers.

- (1) A provider not currently accredited by the EPSB in accordance with 16 KAR 5:010, may demonstrate a partnership with an institution of higher education accredited by the EPSB and a school district or cooperative recognized by the Kentucky Department of Education.
- (2) A provider shall submit an application to the EPSB in accordance with the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).

Section 2. Application Review.

- (1) An application to provide an alternative route to certification institute shall be submitted to EPSB staff.
- (2) EPSB staff shall complete an initial review to ensure that the application addresses the requirements of KRS 161.048(8) and the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).
 - (a) If EPSB staff determines that the application addresses the requirements of this subsection, the application shall be forwarded to an external review team.
 - (b) If EPSB staff determines that the application does not address all the requirements of this subsection, staff shall notify the provider of the deficiencies.
- (3) An external review team of trained reviewers appointed by EPSB pursuant to subsection (4) of this section, staff shall review the application in accordance with KRS 161.048(8) and the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).
- (4) The external review team shall be comprised of:
 - (a) One (1) representative from an EPSB accredited postsecondary institution;
 - (b) One (1) representative from a Kentucky education cooperative; and
 - (c) One (1) representative from a Kentucky public school district.
- (5) The external review team shall review the application to provide an alternative route to certification institute and determine the quality of the application based on compliance with subsection (2) of this section. The review team shall recommend acceptance or denial of the application to the EPSB and shall include a supporting rationale for the recommendation.
- (6) The EPSB shall review the external review team's recommendation, shall approve or deny each application, and shall transmit the decision and rationale for the decision to the provider.
- (7) The provider may revise and resubmit a plan that has been denied.
- (8) Any approval granted by the EPSB shall specify the period of approval of the institute, which shall not exceed two (2) years for initial approval. A provider may apply for an extension of approval as established in Section 3 of this administrative regulation.

Section 3. Continuance of Program Approval.

- (1) An institute provider may apply for continuance of an approved alternative route to certification institute for an additional period of time not to exceed seven (7) years. The request for continuance shall specify any changes in program components that have occurred since the institute received prior EPSB approval and that are planned for implementation in subsequent training periods.
- (2) The request for continuance shall provide specific examples of demonstrating program quality as established in this section and the application required by this administrative regulation. The request for continuance shall include statistical information related to teacher retention for all prior candidates who have completed the institute. Standards for program approval established under this administrative regulation shall be maintained under any program extension.

Section 4. Revocation for Cause.

- (1) If an area of concern or an allegation of misconduct arises after an institute has been approved, staff shall bring a complaint to the EPSB for initial review.
- (2) After review of the allegations in the complaint, the EPSB may refer the matter to the external review team for further investigation.
- (3)
 - (a) Notice of the EPSB's decision to refer the matter and the complaint shall be sent to the provider.
 - (b) Within thirty (30) days of receipt of the complaint, the provider shall respond to the allegations in writing and provide information pertaining to the allegations in the complaint to the EPSB.
- (4)
 - (a) The external review team shall review any evidence supporting the allegations and any information submitted by the provider.
 - (b) The external review team may conduct on-site evaluations to evaluate the quality of the program.
 - (c) Upon completion of the review, the external review team shall issue a report recommending to the EPSB continued approval of the institute or revocation of institute approval if the institute no longer meets the standards and requirements for approval established in this administrative regulation.
- (5) The provider shall receive a copy of the external review team's report and may file a response to the recommendation.
- (6)
 - (a) The recommendation from the external review team and the provider's response shall be presented to the EPSB.
 - (b) The EPSB shall consider the findings and recommendations of the external review team and make a final determination regarding the approval of the institute.

Section 5. Reconsideration.

- (1) If a provider seeks reconsideration of an EPSB decision, the provider shall submit a request within thirty (30) days of receipt of the EPSB official notification. A provider shall submit the request on the grounds that:
 - (a) A prescribed standard was disregarded;
 - (b) A procedure was not followed; or
 - (c) Evidence of compliance in place at the time of the review and favorable to the provider was not considered.
- (2) A panel of no fewer than three (3) members shall be appointed by the EPSB chair from members of the EPSB who do not have a conflict of interest regarding the provider or institute. The ad hoc committee shall recommend action on the request to the full EPSB.

Section 6. Data Reports.

- (1) The EPSB shall maintain data reports related to:
 - (a) Approval status of all EPSB approved Option 7 programs;
 - (b) Contact information for the person responsible for the institute;
 - (c) Year of last program review;
 - (d) Tables relating the institute total enrollment disaggregated by ethnicity and gender for the last three (3) years;
 - (e) Tables relating the institute faculty disaggregated by the number of full-time equivalents (FTE), ethnicity, and gender for the last three (3) years;
 - (f) Table of the number of program completers for the last three (3) years;
 - (g) Table relating pass rates on the required assessments;
 - (h) Table relating program completer satisfaction with the preparation program; and
 - (i) Table relating new teacher (under three (3) years) and supervisor satisfaction with the preparation program.
- (2) A provider shall report to the EPSB staff at the end of each school year continuous improvement efforts relating to the institute.

Section 7. Temporary Provisional Certificate.

- (1) An eligible candidate who meets the requirements of KRS 161.048(8)(a) and 16 KAR 2:010, Section 3(1), shall be issued a one (1) year provisional teaching certificate.
- (2) The candidate shall apply to the EPSB and provide:
 - (a) Official transcripts of all college work undertaken by the candidate establishing proof of a bachelor's degree or graduate degree and grade point average; and
 - (b) Verification by the institute provider of enrollment in an EPSB approved institute
- (3) A candidate shall be eligible for first renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and verification of completion of:
 - (a) 240 hour institute for elementary or K-12 certification; or
 - (b) 180 hour institute for middle or high school certification.
- (4) A candidate shall be eligible for subsequent renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and recommendation from the institute provider based on continued enrollment, completion of mentoring, and progress towards the completion of the program.
- (5) 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.
- (6) All other candidates may renew the temporary provisional certificate four (4) times.

Section 8. Professional Certificate.

- (1) Upon completion of all program requirements established in this administrative regulation, and successfully completing one (1) year of teaching, the applicant may apply for the professional certificate.
- (2) Prior to issuance of the professional certificate, the candidate shall obtain a passing score on the requisite assessments, as established in 16 KAR 6:010, for the certificate being sought.
- (3) 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 the candidate a professional certificate.

Section 9. Incorporation by Reference.

- (1) "Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7)", 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Education Professional Standards Board's Web site at <http://www.epsb.ky.gov/course/view.php?id=2>.

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.