STATEMENT OF EMERGENCY
16 KAR 9:080E.

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 2023 legislative session, the General Assembly passed Senate Bill 49 and the Governor signed it into law on March 22, 2023. This legislation, which became effective on the Governor's signature, amends KRS 161.048(7) to extend the renewal for the temporary provisional certificate issued to candidates pursuing the Option 6 alternative route to certification from two (2) renewals to four (4) renewals. 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 requirements for the extended renewal period immediately. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the extended renewal period is 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), 160.380(5)(c), 161.027, 161.028(1)(k), (s), (t), 161.030(10), 161.048, 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~~[guidance]~~ 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.

~~[(3)] [An applicant for any alternative certification teacher or administrator program shall meet all certification requirements for the corresponding certificate established in 16 KAR Chapter 2 or 3 except completion of the corresponding educator preparation program and the required assessments.]~~

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~~[Education Professional Standards Board]~~ 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~~[institution]~~ 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, including internship programs, 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, 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 ~~[Prior to the candidate's enrollment in the Kentucky Teacher Internship Program pursuant to KRS 161.030 and 16 KAR 7:010, 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~~[institution]~~ 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~~[institution]~~ and employing school may assist the candidate as needed and address identified areas of improvement; and

(f) Notify the EPSB~~[Education Professional Standards Board]~~ 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.~~[:]~~

~~[(a)]~~

~~[1.] [Until December 31, 2014, issued in accordance with a grade level and specialization as recommended by the educator preparation institution on Form TC-TP; or]~~

~~[2.] [Beginning January 1, 2015, issued in accordance with a grade level and specialization as recommended by the educator preparation institution on Form CA-TP; and]~~

~~[(b)] [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~~[16 KAR 8:020]~~.

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~~[institution]~~ 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~~[Education Professional Standards Board]~~ 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) ~~[(4)]~~ The employing school district shall submit ~~[with Form TC-TP or Form CA-TP]~~ 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.

~~[(5)] [Beginning January 1, 2015, a candidate who is not currently certified as an educator in Kentucky shall submit a national and state criminal background check performed in accordance with KRS 160.380(5)(c) within twelve (12) months prior to the date of application.]~~

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) If a candidate is required to complete an internship in accordance with KRS 161.030, they shall complete the required assessments as established in 16 KAR 6:010 prior to issuance of the final temporary provisional and shall complete the internship during the final temporary provisional certificate.

(3) A candidate for exceptional children or interdisciplinary early childhood certification may only renew the temporary provisional certificate two (2) times.

(4) All other alternative certification teacher candidates may renew the temporary provisional certificate four (4) times. ~~[A candidate shall be eligible for the first renewal of the temporary provisional certificate upon successful completion of the following requirements:]~~

~~[(a)] [Evidence of employment in a Kentucky school district or nonpublic school in the content area or areas indicated on the initial provisional certificate;]~~

~~[(b)] [A minimum of six (6) semester hours or its equivalent from the approved preparation program; and]~~

~~[(c)]~~

~~[1.] [Until December 31, 2014, completion of Form TC-TP; or]~~

~~[2.] [Beginning January 1, 2015, completion of Form CA-TP.]~~

~~[(2)] [A candidate shall be eligible for the final renewal of the temporary provisional certificate upon successful completion of the following requirements:]~~

~~[(a)] [Evidence of employment in a Kentucky school district or nonpublic school in the content area or areas indicated on the initial provisional certificate;]~~
~~[(b)] [A minimum of six (6) new semester hours or its equivalent from the approved preparation program;]~~
~~[(c)] [The required assessments as established in 16 KAR 6:010; and]~~
~~[(d)]~~
~~[1.] [Until December 31, 2014, completion of Form TC-TP; or]~~
~~[2.] [Beginning January 1, 2015, completion of Form CA-TP.]~~

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), and verification that a candidate has met all eligibility requirements for certificate issuance, the EPSB shall issue a professional certificate. ~~[If the candidate has successfully passed the required assessments as outlined in 16 KAR 6:010, and completed the required coursework, the institution shall provide written notice to the employing school district that a candidate is eligible to participate in the Kentucky Teacher Internship Program in each subject area covered by the temporary provisional certificate and in accordance with 16 KAR 7:010.]~~

~~[(2)] [When the candidate is prepared to enroll in the Kentucky Teacher Internship Program, the recommending institution shall complete and sign page five (5) of the TC-TP or page four (4) of the CA-TP form and deliver it to the employing school district for submission to the Education Professional Standards Board.]~~

~~[(3)] [Upon completion of all program requirements of the alternative certification teacher program, including successful completion of the Kentucky Teacher Internship Program established in KRS 161.030 and 16 KAR 7:010, the candidate may make application to the Education Professional Standards Board for the professional certificate on the form TC-1 or CA-1, which are incorporated by reference in 16 KAR 2:010.]~~

~~[(4)] [Upon verification that a candidate has met all eligibility requirements for certificate issuance, the Education Professional Standards Board shall issue a professional certificate.]~~

~~[(5)] [A candidate who failed to successfully complete the assessments, the internship, or the required coursework during the initial issuance and two (2) renewals of the temporary certificate, in accordance with KRS 161.048(7), and who has been transitioned into an institution's traditional educator preparation program, shall be eligible for a Teacher Internship Statement of Eligibility-Confirmation of Employment as a Teacher upon recommendation of the institution after the candidate's completion of the preparation program and the required assessments.]~~

~~[(6)] [If a candidate fails to complete all alternative certification program requirements during the initial issuance and two (2) renewals of the temporary provisional certificate, in accordance with KRS 161.048(7), the employing school district may, pursuant to 16 KAR 2:010, 2:120, and 2:180, submit an application for emergency or conditional certification on behalf of the former employee to allow the individual to continue employment.]~~

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~~[Education Professional Standards Board]~~ 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[~~institution~~] 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[~~institution~~] 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[~~institution~~] and employing school may assist the candidate as needed and address identified areas of improvement; and

(f) Notify the EPSB[~~Education Professional Standards Board~~] 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[~~institution~~] 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~~[Education Professional Standards Board]~~ 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) ~~[(4)]~~ The employing school district shall submit ~~[with Form TC-TP or Form CA-TP]~~ 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.

~~[(5)] [Beginning January 1, 2015, a candidate who is not currently certified as an educator in Kentucky shall submit a national and state criminal background check performed in accordance with KRS 160.380(5)(c) within twelve (12) months prior to the date of application.]~~

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, they shall complete the required assessments as established in 16 KAR 3:090 prior to renewal of the temporary provisional and shall complete the internship during the final temporary provisional certificate.

~~[(2)] [A candidate shall be eligible for renewal of the temporary provisional certificate upon successful completion of the following requirements:]~~

~~[(a)] [Evidence of employment in a Kentucky school district or nonpublic school in the position indicated on the temporary provisional certificate;]~~

~~[(b)] [A minimum of six (6) semester hours or its equivalent from the approved preparation program; and]~~

~~[(c)]~~

~~[1.] [Until December 31, 2014, completion of Form TC-TP; or]~~

~~[2.] [Beginning January 1, 2015, completion of Form CA-TP.]~~

Section 12. Alternative Certification Administrator Program Completion Requirements.

(1)

~~[(a)] [If the alternative certification administrator candidate for principal certification has successfully passed the required assessments, as outlined in 16 KAR 6:030, and completed the required coursework, the institution shall provide written notice to the district that the candidate is eligible to participate in the Kentucky Principal Internship Program in accordance with 16 KAR 7:020.]~~

~~[(b)] [When a principal candidate is ready to enroll in the Kentucky Principal Internship Program, the recommending institution shall complete page five (5) of the TC-TP form or Form CA-TP and deliver the form to the employing school district for submission to the Education Professional Standards Board.]~~

[(2)]

[(a)] [An alternative certification administrator candidate who failed to complete the assessments, the internship, or the required coursework during the initial issuance and one (1) renewal of the temporary provisional certificate and who has been transitioned into an institution's traditional preparation program, shall be eligible for an administrative certificate in the area of study upon recommendation of the institution after the candidate's completion of the preparation program and the required assessments.]

[(b)] [If the candidate was initially enrolled in the alternative certification program for principal, the candidate shall be eligible for a Principal Internship Statement of Eligibility-Confirmation of Employment as a Principal/Assistant Principal in an Accredited Kentucky School upon recommendation of the institution after the candidate's completion of the preparation program and the required assessments.]

[(3)]

(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.

[(4)] [Upon completion of the alternative certification administrator program, the assessments, and the internship or Superintendents Training Program as applicable, the university shall provide a recommendation for the professional certificate on the candidate's TC-1 or CA-1 form, which are incorporated by reference in 16 KAR 2:010.]

[(5)] [Upon verification that a candidate has met all eligibility requirements for certificate issuance, the Education Professional Standards Board shall issue a professional certificate.]

[Section 13.] [Incorporation by Reference.]

[(1)] [The following material is incorporated by reference:]

[(a)] ["Application for Temporary Provisional Certification", Form TC-TP, May 2007;]

[(b)] ["Application for Temporary Provisional Certification", Form CA-TP, June 2014;]

[(c)] ["Teacher Internship Statement of Eligibility-Confirmation of Employment as a Teacher", November 2004; and]

[(d)] ["Principal Internship Statement of Eligibility-Confirmation of Employment as a Principal/Assistant Principal in an Accredited Kentucky School", May 2005.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: April 10, 2023
FILED WITH LRC: April 26, 2023 at 3:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on June 21, 2023, 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 June 30, 2023. 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:
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.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to establish the requirements for the teacher and administrator university-based alterative certification options.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.028(1)(p) creates the alternative administrator preparation program. KRS 161.048(7) creates the Option 6 alternative route to certification and KRS 161.048(1)(e) requires the Education Professional Standards Board to promulgate administrative regulations establishing standards and procedures for the alternative certification options.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation sets the requirements for the teacher and administrator university-based alterative certification options.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
This amendment extends the renewals for the temporary provisional certificate under the Option 6 alternative route to teacher certification from two (2) renewals to four (4) renewals unless the candidate is pursuing certification to teach exceptional children or interdisciplinary early childhood education. The amendment also updates the regulation to remove the reference to an outdated application and allow the educator preparation provider to recommend the candidate for renewal based on continued enrollment, completion of annual observation hours and progress towards the completion of the program.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to comply with recent amendments to KRS 161.048(7) created by Senate Bill 49 from the 2023 Legislative Session. It extends the renewal of the one-year temporary provisional certificate from two (2) renewals to four (4) renewals unless the candidate is pursuing certification to teach exceptional children or interdisciplinary early childhood education.

(c) How the amendment conforms to the content of the authorizing statutes:
The amendment conforms to the authorizing statutes by extending the renewal period for the Option 6 alternative route to certification but complies with federal limitations for teachers of exceptional children under the Individuals with Disabilities Education Act. 34 C.F.R. § 300.156 (c)(2)(i)(C), provides that those

teaching under alternative certifications can only assume functions as a special education teacher for a maximum of three years.

(d) How the amendment will assist in the effective administration of the statutes:
This amendment will set the requirements for the renewal of the Option 6 alternative route to teacher certification and will remove the reference to an outdated application.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
171 Kentucky school districts, 31 Institutions of Higher Education with an approved educator preparation program, and those pursing the Option 6 alternative route to certification.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
Individuals wishing to utilize the extended renewal of the temporary provisional certificate will have to maintain employment with a district and progress towards completion of the Option 6 program. Districts will have to provide the EPSB with verification of continued employment, and the educator preparation provider will have to base any recommendation for renewal of the temporary provisional certificate on continued enrollment, completion of annual observation hours and progress towards the completion of the program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
There is no fee established by the Education Professional Standards Board in this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
Those pursuing Option 6 certification will have an extended period to complete the alternative route. Districts can also employ individuals under this route on a temporary provisional certificate for two additional years unless the teacher is pursuing certification for teaching exceptional children or interdisciplinary early childhood education.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:
There are no costs expected to implement this amendment.

(b) On a continuing basis:
There are no expected continuing costs with this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:
General Fund and certification fees collected pursuant to 16 KAR 4:040.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

At this time, it is not expected that an increase in fees or funding will be necessary for the Education Professional Standards Board to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

Certification fees are established by 16 KAR 4:040. No additional fees are established by this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Education Professional Standards Board, public-school districts, and public institutions of higher education with approved educator preparation programs.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.020, KRS 161.028, KRS 161.030. 34 C.F.R. § 300.156 (c)(2)(i)(C).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The amendments to this administrative regulation are not expected to generate any revenue during the first year for the Education Professional Standards Board. Applicants for certification are required to pay the certification fees established in 16 KAR 4:040, but there is no fee for the one-year temporary provisional certificate. This will not generate revenue for participating school districts but may generate revenue in the form of tuition for participating institutions of higher education.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

When an applicant completes the Option 6 alternative route to certification and is ready to apply for the full professional certificate, they will be required to pay the certification fee established in 16 KAR 4:040. Those fees are used to offset the costs of renewing the certificate. In subsequent years, this will not generate revenue for participating school districts but may generate revenue in the form of tuition for participating institutions of higher education.

(c) How much will it cost to administer this program for the first year?

There are no additional costs expected with this amendment.

(d) How much will it cost to administer this program for subsequent years?

There are no additional costs expected with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

At this time, it is unknown how many will pursue ethe extended renewal through the Option 6 alterative route. Once an applicant completes the route and is ready to apply for full certification, they are required to pay the certification fee established in 16 KAR 4:040. The certification fees collected for these applications will offset the costs of renewal.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?
None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?
None anticipated.

(c) How much will it cost the regulated entities for the first year?
There are no costs created by this amendment.

(d) How much will it cost the regulated entities for subsequent years?
There are no costs created by this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.
"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] There is not an expected major economic impact from this regulation as it does not create costs for the Education Professional Standards Board or the regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

34 C.F.R. § 300.156 (c)(2) establishes standards for a teacher participating in an alternate route to special education certification program to meet personnel qualifications under the Individuals with Disabilities Education Act.

(2) State compliance standards.

The standards for Option 6 contained in this administrative regulation comply with the requirement in 34 C.F.R. § 300.156 (c)(2) because candidates using the alternative pathway to obtain special education certification will receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, assume functions as a teacher only for a specified period not to exceed three years, and demonstrate satisfactory progress toward full certification.

(3) Minimum or uniform standards contained in the federal mandate.

34 C.F.R. § 300.156 (c)(2) requires teachers participating in an alternate route to special education certification program to receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, assume functions as a teacher only for a specified period not to exceed three years, and demonstrate satisfactory progress toward full certification as prescribed by the State.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This regulation will not impose stricter requirements, or additional or different responsibilities or requirements. All candidates in the Option 6 alternative route to certification will receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, and demonstrate satisfactory progress toward full certification. The regulation will limit temporary provisional certification for special education instructors to three years as required by the federal regulation.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

Not applicable.