

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

16 KAR 4:020. Certification requirements for teachers of exceptional children.

RELATES TO: KRS 157.200, 157.250, 161.020, 161.028(1), 161.030, 20 U.S.C. 1412; 34 C.F.R. 300.156

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.028 require the Education Professional Standards Board (EPSB) to establish standards and requirements for obtaining and maintaining a teaching certificate for all public-school positions, including those for teaching exceptional children. This administrative regulation establishes the certification requirements for teachers of exceptional children.

Section 1. Certification Requirements for Assignment of Special Education Personnel.

- (1) In accordance with Chapter 2 of Title 16 of the Kentucky Administrative Regulations, the EPSB shall issue certificates for teaching exceptional children with one (1) or more of the disabilities defined in 34 C.F.R. 300.8 and 707 KAR 1:002.
- (2) A teacher holding the following certification shall be assigned to serve students with moderate and severe disabilities at any grade level: Certification for Teaching Exceptional Children – Moderate and Severe Disabilities, Grades Primary through 12.
- (3) A teacher holding the following certification shall be assigned to serve students with learning and behavior disorders:
 - (a) Certification for Teaching Exceptional Children – Learning and Behavior Disorders, Grades 8 through 12; or
 - (b) Certification for Teaching Exceptional Children – Learning and Behavior Disorders, Grades Primary through 12.
- (4) A teacher holding the following certification shall be assigned to serve students with visual impairments at any grade level: Certification for Teaching Exceptional Children – Visually Impaired, Grades Primary through 12.
- (5) A teacher holding the following certification shall be assigned to serve students with hearing impairments at any grade level:
 - (a) Certification for Teaching Exceptional Children – Hearing Impaired, Grades Primary through 12; or
 - (b) Certification for Teaching Exceptional Children – Hearing Impaired with Sign Proficiency, Grades Primary through 12.
- (6) A teacher holding the following certification shall be assigned to serve students with speech and language and communications disorders: Certification for Teaching Exceptional Children – Communication Disorders, Grades Primary through 12.
- (7) A teacher holding the following certification shall be assigned to serve students with orientation and mobility disabilities: Certification for Teaching Exceptional Children – Orientation and Mobility Specialist.

Section 2. Requests for Program Teacher Assignment.

- (1) Local school districts which need to assign teachers to teach exceptional classes or students, with the exception of students receiving services for communication disorders, not consistent with the teacher's certification for teaching exceptional children shall request approval for the program teacher assignment through the Kentucky Department of Education's (KDE) Office of Special Education and Early Learning and the EPSB.
- (2) The EPSB and KDE shall give consideration for this approval based on information provided by the local school district in its request. The request shall include:

- (a) The teacher's name, school assignment, certificate number, class plan assignment, and current certification;
 - (b) A listing of pupils currently served by category of exceptionality;
 - (c) A listing of pupils the district is requesting to be served by exceptionality; and
 - (d) Any other relevant information which the district wishes to have considered in the decision-making process.
- (3) Following consideration by the KDE and the EPSB, the local district shall be promptly notified of the decision on the waiver request.
- (4) The assignment shall not exceed the length of the school year for which it was initiated.

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: December 11, 2023

FILED WITH LRC: December 15, 2023 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 28, 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 February 29, 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.