EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amended After Comments)

16 KAR 2:120. Emergency teaching certification and out-of-field teaching.

RELATES TO: KRS 157.390, 161.020, 161.028, 161.030, 161.100, 161.1211, 161.1221, 334A.030, 334A.033, 334A.035, 334A.050, 334A.060, 34 C.F.R. 300.156

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(1), 161.100, 161.1221(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.100 authorizes the Education Professional Standards Board (EPSB) to establish qualifications for granting emergency certificates if qualified teachers are not available for specific positions. KRS 161.1221(1) requires the EPSB to establish a definition for out-of-field teaching. This administrative regulation establishes the qualifications and procedures for emergency teacher and establishes the definition for out-of-field teaching.

Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate certification for the position unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2.

(1) In accordance with KRS 161.100, prior to applying on behalf of an applicant for an emergency teaching certificate, the superintendent and board of education of a local school district shall document the following:

(a) Qualified teachers have not applied for the vacant position and qualified teachers are not available for the position;

(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means;

(c) The local school district has been unsuccessful in recruiting qualified teachers for the vacant position from the listings of teachers supplied by the placement services of the teacher education institutions;

(d) The position shall be filled by the most suitable applicant available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession; and

(e) The local school district has conducted a criminal records check as required by KRS 160.380 for each applicant prior to applying for the emergency certificate.

(2) The emergency certificate shall be valid for one (1) school year.

(3) The emergency teaching certificate shall be limited to two (2) issuances. A candidate may qualify for an additional issuance if an emergency certificate was issued under the following conditions:

(a) The emergency certificate was issued after February 15 of a school year; or

(b) The emergency certificate was issued for less than fifty (50) percent of the person's class schedule.

(4) The EPSB shall not issue an emergency certificate for teaching exceptional children or interdisciplinary early childhood education.

(5) 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 in accordance with district policies and procedures established for the selection and employment of substitute teachers.

(6) The EPSB shall periodically review the numbers of emergency certificates issued for full-time, part-time, and substitute teaching by school district, by position, and by

academic preparation.

Section 3. Emergency Teaching Certificate.

(1) Issuance of an emergency teaching certificate shall require a minimum of a bachelor's degree from a regionally or nationally accredited college or university with one of the following:

(a) a cumulative minimum grade point average of 2.5 on a 4.0 scale; or

(b) a grade point average of 2.75 on a 4.0 scale on the last thirty hours of credit completed, including undergraduate and graduate coursework.

(2) A candidate meeting the requirements of Subsection (1) of this section shall be eligible for issuance of the emergency teaching certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and submission of the following documentation:

(a) Official transcripts showing all college or university credits necessary for the requested certificate;

(b) An offer of employment in a Kentucky school district in the area in which emergency certification is being sought; and

(c) Compliance with Section 2(1) of this administrative regulation.

(3) An emergency teaching certificate shall not be issued to individuals who have been judged to be unsatisfactory in the beginning teacher internship established in 16 KAR 7:010

Section 4. Rank and Salary Provisions.The EPSB shall issue the emergency teaching certificate established in Section 2 of this administrative regulation with a rank designation based upon the criteria established in this subsection.

(1) A teacher holding a valid Kentucky teaching certificate shall be issued an emergency certificate for full-time or part-time employment at the rank designated on the teacher's regular certificate.

(2) An applicant for the emergency certificate for full-time or part-time employment who does not hold a valid Kentucky teaching certificate shall be issued the emergency certificate at Rank IV.

Section 5. Out-of-field Teaching.

(1) Pursuant to KRS 161.1221(1), out-of-field teaching shall be classified in the following four (4) categories:

(a) The number of emergency certificates issued by grade range, subject field, and district;

(b) The number of probationary certificates issued by grade range, subject field, and district;

(c) The number of temporary provisional certificates issued by grade range, subject field, and district; and

(d) The number of teachers who do not possess a certificate of legal qualifications for the professional position they hold in the public schools, including a breakout of:

1. The number of teachers who hold no certificate;

2. The number of teachers who hold an expired certificate;

3. The number of certified teachers who are teaching outside of the subject field or fields indicated on their certificate who do not hold a credential listed in paragraph (a), (b), or (c) of this subsection; and

4. The number of certified teachers who are teaching outside the grade range indicated on their certificate who do not hold a credential listed in paragraph (a), (b), or (c) of this subsection.

(2) If data is available, reports on out-of-field teaching in the four categories established in subsection (1) of this section shall differentiate between teachers who possess the

equivalent of a college major, minor, or area of concentration in the subject area they are teaching.

JUSTIN MITCHELL, Board Chair

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