

STATEMENT OF EMERGENCY

16 KAR 9:010E.

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(2) 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. 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 1 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 1 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 9:010E. Provisional and professional certificate for exceptional work experience.

RELATES TO: KRS 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 establishes the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program. This administrative regulation establishes the requirements for issuance ~~and renewal~~ of a provisional and professional certificate based on exceptional work experience.

Section 1. Definitions.

- (1) "Exceptional work experience" means a person with recognized superiority as compared with others in rank, status, and attainment or superior knowledge and skill in comparison with the generally accepted standards in the area in which certification is sought.
- (2) "Population based certificate" means a certificate for teaching elementary, exceptional children, or interdisciplinary early childhood education.

Section 2. Verification of exceptional qualifications of an applicant for certification, in a field of endeavor taught or service practiced in a public school of Kentucky, shall include:

- (1) Sufficient documentation that demonstrates to the local school district and the Education Professional Standards Board that an applicant is one who has exceptional work experience and has talents and abilities commensurate with the teacher standards, established in 16 KAR 1:010;
- (2) Documentation may include advanced degrees earned, distinguished employment, evidence of related study or experience, publications, professional awards, achievement, or recognition attained for contributions to an applicant's field of endeavor; and recommendations from professional associations, former employers, professional colleagues, or any other individual or group whose evaluations shall support exceptional work in the field.
- (3) Exceptional work experience shall not apply to population based certificates.

Section 3. Certification Requirements.

- (1) An eligible candidate for certification other than a population based certificate who meets the requirements of KRS 161.048(2) and 16 KAR 2:010, Section 3(1), shall be issued a two (2) year provisional certificate for exceptional work experience.
- (2) The provisional certificate shall be issued for the content area and grade range corresponding to the candidate's degree and teaching experience.
- (3) The provisional certificate shall be valid for teaching the content area and grade range indicated on the face of the certificate.
- (4) If a candidate does not complete one (1) year of successful teaching experience during the initial provisional certificate, the candidate may apply to renew the provisional certificate.
- (5) Application for renewal of the two (2) year provisional certificate shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1).
- (6) Upon completion of one (1) year of successful teaching experience on the provisional certificate, the candidate may apply for the professional certificate.
- (2) Application for the professional certificate shall be submitted to the EPSB and shall:
 - (a) Contain proof of successful completion of one (1) year of teaching experience;

- (b) Contain a recommendation from the employing school district; and
- (c) Be in compliance with 16 KAR 2:010, Section 3(1).

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.

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 the professional and provisional certificate for the Option 1 exceptional work experience alternative route to certification.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set the certification requirements for Option 1, Exceptional Work Experience Route to Teacher Certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 161.020, 161.028 and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation approved by the Education Professional Standards Board. KRS 161.048 authorizes the Education Professional Standards Board to promulgate administrative regulations establishing the standards and procedures for the Option 1, Exceptional Work Experience Route to Teacher Certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation delineates the certification requirements for the Option 1 Exceptional Work Experience Route to Teacher Certification.

(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:

The proposed amendment to 16 KAR 9:010 allows a candidate for the Option 1, Exceptional Work Experience Alternative Route to Certification to be issued a two (2) year provisional certificate upon application to the EPSB, proof of compliance with KRS 161.048(2), demonstration of exceptional work experience, and completion of the character and fitness review. Applicants are no longer required to have an offer of employment before issuance of the initial certificate but must successfully complete one (1) year of teaching experience and have a recommendation from the employing school district prior to issuance of the professional certificate.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to comply with the changes to KRS 161.048(2) from Senate Bill 265 of the 2024 Legislative Session.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment sets the requirements for issuance of certification under the Option 1 Exceptional Work Experience Route to Teacher Certification. The amendment removes the requirement that candidates have a job offer prior to issuance and adds the requirement that candidates complete one (1) year of teaching experience and have a recommendation from the employing district prior to issuance of the professional certificate.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in establishing the requirements for the provisional and professional certificate for the Option 1 Exceptional Work Experience Route to Teacher Certification.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

171 Kentucky school districts and those pursuing the Option 1 Exceptional Work Experience Route to Teacher 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:

Applicants for the Option 1 route will have to meet the requirements for issuance of the provisional certificate, then obtain one (1) year of teaching experience before applying for the professional certificates. Districts will no longer have to verify that candidates have an offer of employment but will have to provide a recommendation for those candidates that complete one (1) year of teaching experience.

(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):

Compliance will result in issuance of the provisional and professional certificate to eligible candidates.

(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.

(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:

An increase in fees or funding will not 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:

No fees are established or increased by this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation because the standards apply to all teachers seeking certification through the Option 1 Exceptional Work

Experience Route to Teacher Certification.

FISCAL IMPACT STATEMENT

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

KRS 161.020, 161.028, 161.030, 161.048.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Education Professional Standards Board.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are expected to be needed since the systems and staff are already in place for processing applications and issuing certificates under the Option 1 route.

Revenues:The amendment to this administrative regulation is not expected to generate any revenue during the first year as this regulation does not create fees.

Cost Savings:No cost savings are expected with this amendment.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues and cost savings are not expected to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Public-school districts.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for districts as there are no fees established in this regulation.

Revenues:This regulation sets the standards for certification under the Option 1 route to certification. It will not generate revenues for districts.

Cost Savings:There are no cost savings expected with this amendment.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Applicants for certification under the Option 1 Exceptional Work Experience Route to Teacher Certification.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for applicants to comply with this amendment.

Revenues:This regulation sets the standards for certification under the Option 1 route. It will not generate revenue for applicants.

Cost Savings:There is no expected cost savings since there are no fees created or reduced by this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact as a result of the proposed amendments to this regulation. No fees are established or increased in this regulation, and there are no fees for two (2) year provisional certificates. While processing applications and issuing certificates does require staff time and resources from the Education Professional Standards Board, the amendments can be carried out by the existing staff and systems.

(b) Methodology and resources used to determine the fiscal impact:

The methodology and resources used to determine that there is no fiscal impact, is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees established or increased by this regulation, it was determined there is no fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

There is not an expected major economic impact from this regulation as it does not create additional costs for the Education Professional Standards Board or the regulated entities.

(b) The methodology and resources used to reach this conclusion:

The methodology and resources used to determine this is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees established or increased by this regulation, there will not be a negative or adverse major economic impact.