

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, 161.100, 20 U.S.C. 1221(e), 1400-1419

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 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) Mild mental disability (MMD). A teacher holding the following certification shall be assigned to serve pupils with mild mental disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(2) Orthopedic impairment (OI).

(a) A teacher holding the following certification shall be assigned to serve pupils with orthopedic impairments at any grade level:

1. Certification for orthopedically handicapped or physically handicapped, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

2. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)2 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(3) Other health impairment (OHI).

(a) A teacher shall be assigned to serve pupils identified as other health impaired at any grade level based upon the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as other health impaired shall possess a certificate for teaching exceptional children.

(4) Specific learning disability (LD). A teacher holding the following certification shall be assigned to serve pupils with learning disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(5) Developmental delay (DD). A teacher holding the following certification shall be assigned to serve pupils with developmental delay at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(6) Emotional-behavioral disability (EBD).

(a) A teacher holding the following certification shall be assigned to serve pupils identified as emotional-behavioral disabled at any grade level:

1. Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12);
 2. Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
 3. Certification for teaching exceptional children.
- (b) A teacher possessing one (1) of the certificates identified in paragraph (a)6 of this subsection shall be assigned based on the learning characteristics and services needs of the child.
- (7) Functional mental disability (FMD). A teacher holding the following certification shall be assigned to serve pupils with functional mental disabilities at any grade level:
- (a) Certification for trainable mentally handicapped, grades K-12;
 - (b) Certification for teaching the trainable mentally retarded, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12);
 - (c) Certification for teaching the severely and profoundly handicapped at any grade level; or
 - (d) Certification for teaching the moderately and severely disabled, grades P-12.
- (8) Multiple disabilities (MD).
- (a) A teacher shall be assigned to pupils at any grade level who have multiple disabilities consistent with the nature of each of the student's different disabilities and based on the learning characteristics and services needs of the child; and
 - (b) A teacher assigned to pupils with multiple disabilities shall possess a certificate for teaching exceptional children.
- (9) Deaf-blindness.
- (a) A teacher shall be assigned to serve pupils identified with deaf-blindness at any grade level based on the learning characteristics and services needs of the child; and
 - (b) A teacher assigned to pupils identified with deaf-blindness shall possess a certificate for teaching exceptional children.
- (10) Autism.
- (a) A teacher shall be assigned to serve pupils identified with autism at any grade level based on the learning characteristics and services needs of the child; and
 - (b) A teacher assigned to pupils identified with autism shall possess a certificate for teaching exceptional children.
- (11) Traumatic brain injury (TBI).
- (a) A teacher shall be assigned to serve pupils identified as having a traumatic brain injury at any grade level based on the learning characteristics and services needs of the child; and
 - (b) A teacher assigned to pupils identified as having a traumatic brain injury shall possess a certificate for teaching exceptional children.
- (12) Hearing impaired (HI). A teacher holding the following certification shall be assigned to serve pupils with hearing impairments at any grade level:
- (a) Certification for teaching the hard of hearing, deaf, or hearing impaired, grades K-12, one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
 - (b) Certification for teaching the hearing impaired, grades P-12.
- (13) Visually impaired (VI). A teacher holding the following certification shall be assigned to serve pupils with visual impairments at any grade level:
- (a) Certification for teaching the partially seeing, blind, or visually impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
 - (b) Certification for teaching the visually impaired, grades P-12.

(14) Communication disorders. A teacher holding the following certification shall be assigned to serve pupils who have been identified as needing instruction for speech or language disorders at any grade level:

- (a) Certification for speech and hearing, grades one (1) through twelve (12);
- (b) Certification for speech and communication disorders, grades K-12; or
- (c) Certification for communication disorders, grades P-12.

Section 2. Certification Requirements for Assignment of Interdisciplinary Early Childhood Education Teachers for the Provision of Special Education Services.

(1) A teacher holding the following qualifications shall be assigned to serve birth to primary pupils who have been identified as needing special education services:

- (a) Certification for interdisciplinary early childhood education offered under 16 KAR 2:140 and 16 KAR 2:040;
- (b) Exemption identified in 16 KAR 2:040; or
- (c) Qualifications set forth in 704 KAR 3:410, Section 7(1)(a).

(2) A special education teacher identified in Section 1 of this administrative regulation shall not be precluded from providing services in the teacher's certification area to birth to primary pupils with disabilities if that certification is valid for the primary ages.

Section 3. Probationary and Emergency Provisions.

(1) If no regularly certified teacher as delineated in Sections 1 and 2 of this administrative regulation is available to provide the special education services, the local district may employ a teacher certified on a probationary status under 16 KAR 2:160.

(2) If no probationary certified special education teacher is available, the district may employ a teacher certified on an emergency status under the requirements of KRS 161.100 and 16 KAR 2:120.

Section 4. Waiver Requests for Teacher Assignment.

(1) Local school districts which need to assign teachers to teach classes or pupils, with the exception of pupils receiving services for communication disorders, not consistent with the above criteria shall request a waiver for the teacher assignment through the Kentucky Department of Education, Office of Special Instructional Services, Division of Exceptional Children and be approved by the Education Professional Standards Board.

(2) The Education Professional Standards Board and Department of Education shall give consideration for this approval based on information provided by the local school district in its request. The request shall:

(a) Be made prior to September 15 or within fifteen (15) school days of the need for assignment if it occurs after September 15 of the school year for which a waiver is requested; and

(b) Include:

- 1. The teacher's name, school assignment, certificate number, class plan assignment, and current certification;
- 2. A listing of pupils currently served by category of exceptionality;
- 3. A listing of pupils the district is requesting to be served by exceptionality; and
- 4. Any other relevant information which the district wishes to have considered in the decision-making process.

(3) Following consideration by the Department of Education and approval by the Education Professional Standards Board, 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.

(26 Ky.R. 2124; 27 Ky.R. 405; eff. 8-14-2000; Recodified from 704 KAR 20:740; 7-2-2002; 30 Ky.R. 2319; 31 Ky.R. 22; eff. 8-6-2004; Certified to be amended; filing deadline

8-27-2021.)