

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action Item:**

16 KAR 2:160. Probationary Certificate for Teachers of Exceptional Children, Amendment

#### **Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve the amendments to 16 KAR 2:160.

#### **Rationale:**

The proposed amendments to 16 KAR 2:160 remove the requirement that applicants complete coursework prior to issuance of the probationary allowing the certificate to be issued upon enrollment in an approved educator preparation program for teachers of exceptional children. This will help already certified teachers to obtain a probationary certificate sooner. The proposed amendment is also necessary to ensure that 16 KAR 2:160 remains in effect.

#### **Action Question:**

Should the EPSB approve the proposed amendment to 16 KAR 2:160?

#### **Applicable Statute or Regulation:**

KRS 13A.3102, KRS 13A.3104, KRS 161.028, KRS 161.030, 16 KAR 2:160

#### **History/Background:**

**Existing Policy:** KRS 13A.3102(2) provides that “An ordinary administrative regulation with a last effective date before March 1, 2013, shall expire on March 1, 2020, except as provided by the certification process in KRS 13A.3104.” KRS 13A.3104 sets forth the certification process that an agency must follow to avoid the expiration of an administrative regulation. This process requires the agency to review the administrative regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation and file a letter with the regulations compiler prior to the expiration date, stating whether the administrative regulation shall be amended or remain in effect without amendment. If the certification letter states that the administrative regulation will be amended, the EPSB must file an amendment to the administrative regulation within eighteen (18) months of the date the certification letter was filed.

The EPSB certified 16 KAR 2:160 with the intent to amend on December 2, 2022, and must file an amendment to the regulation on or before June 1, 2024. This administrative regulation establishes a plan for recruiting certified classroom teachers into positions for teachers of exceptional children and creates a probationary certificate for teachers of exceptional children.

**Summary:** This administrative regulation allows a district to request a probationary certificate for a teacher of exceptional children when a qualified teacher is not available to fill the position. The proposed amendment streamlines the language in Section 2 of the regulation to make clear that

any Kentucky certified teacher is eligible for a probationary certificate upon enrollment in an approved educator preparation program for teachers of exceptional children and removes the requirement that the candidate complete coursework prior to issuance of the certificate. The amendment also removes the reference to an outdated application form.

The probationary certificate meets the requirements for an alternative certification under the Individuals with Disabilities Education Act. A copy of the proposed amendment is included for EPSB review.

***Budget Impact:*** There is no budgetary impact.

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