

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 2:160. Probationary Certificate for Teachers of Exceptional Children and Interdisciplinary Early Childhood Education, Agency Amendment

Staff Recommendation:

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

Rationale:

The proposed agency amendment to 16 KAR 2:160 would amend the regulation to include the probationary certificate for interdisciplinary early childhood education. The requirements for this certificate mirror the requirements for the probationary certificate for teachers of exceptional children. Adding the language into 16 KAR 2:160 would allow the EPSB to expire 16 KAR 2:140.

Action Question:

Should the EPSB approve the proposed agency 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 and 16 KAR 2:140 with the intent to amend on December 2, 2022, and must file an amendment to the regulation on or before June 1, 2024. 16 KAR 2:160 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. 16 KAR 2:140 establishes a plan for recruiting qualified individuals into positions for teachers of children ages birth to primary age.

Summary: At the February meeting, the EPSB approved an amendment to 16 KAR 2:160. As staff was preparing an amendment to 16 KAR 2:140, it became clear that the requirements for the two certificates mirrored each other. Therefore, staff is recommending that the EPSB approve an agency amendment to 16 KAR 2:160 that would include probationary certificates for interdisciplinary early childhood education and allow 16 KAR 2:140 to expire. A copy of the proposed amendment is included for EPSB review.

Budget Impact: There is no budgetary impact.

Contact Person:

Cassie Trueblood, Counsel and Policy Advisor
Office of Educator Licensure and Effectiveness
(502) 564-4606
Email: cassie.trueblood@education.ky.gov