

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 2:170, Probationary Certificate for Middle School Teachers, Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the amendment to 16 KAR 2:170.

Rationale:

The proposed amendment is necessary to ensure that 16 KAR 2:170 remains in effect. The amendment also updates the regulation to remove the reference to an outdated application form and allow for issuance of the probationary certificate upon enrollment in an approved preparation program.

Action Question:

Should the EPSB approve the amendment to 16 KAR 2:170?

Applicable Statute or Regulation:

KRS 13A.3102, KRS 13A.3104, KRS 161.028, KRS 161.030, 16 KAR 2:170

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 Education Professional Standards Board (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 2:170 with the intent to amend on December 1, 2022, and must file an amendment to the regulation on or before June 1, 2024. This administrative regulation establishes the probationary certificate for middle school teachers and the requirements for issuance and renewal of this certificate.

Summary: The proposed amendment to 16 KAR 2:170 removes the reference to an outdated application form. It also removes the requirement that an applicant complete coursework prior to issuance of the probationary certificate allowing the certificate to be issued upon enrollment in an

approved educator preparation program for middle school teachers. This will help already certified teachers to obtain a probationary certificate sooner. The amendment removes the reference to an offer of employment to comply with the requirement in Senate Bill 265 that issuance of a certificate not be dependent upon a job offer. A copy of the proposed amendment is included for EPSB review.

Budget Impact: There is no budgetary impact.

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