

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 2:030. Substitute Teachers, Emergency and Ordinary Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the emergency amendment and accompanying ordinary amendment to 16 KAR 2:030 to update the standards and requirements for certification for substitute teaching to comply with the amendments to KRS 161.102 in House Bill 387.

Rationale:

This emergency administrative regulation is being promulgated 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 HB 387 and the Governor signed it on April 19, 2024. This legislation becomes effective on July 15, 2024; therefore, an emergency amendment is needed to set the application requirements for the three certificates for substitute teaching created by this bill. The ordinary amendment is identical to the emergency amendment.

Action Question:

Should the EPSB approve the emergency and ordinary amendment to 16 KAR 2:030?

Applicable Statute or Regulation:

KRS 13A.190, KRS 161.028, KRS 161.020, KRS 161.102, 16 KAR 2:030

History/Background:

Existing Policy: On April 19, 2024, Governor Beshear signed House Bill 387 into law. This bill becomes effective on July 15, 2024. House Bill 387 amends KRS 161.102 to create and set the education requirements for three certificates for substitute teaching: a one (1) year emergency certificate for substitute teaching, a five (5) year certificate for substitute teaching, and a ten (10) year certificate for substitute teaching. 16 KAR 2:030 is the administrative regulation promulgated by the EPSB to set the standards for the certificate for substitute teaching and the priority selection process.

KRS CH 13A.190 allows for the promulgation of an emergency administrative regulation to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. 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.

Summary: The proposed amendment to 16 KAR 2:030 sets the application requirement for the three certificates for substitute teaching in line with the education requirements for each certificate established in KRS 161.102. The amendment also updates the priority selection process to account for the new certificates and removes the emergency noncertified personnel program since those candidates are now eligible for a one (1) year emergency substitute certificate. A copy of the amended regulation and guidelines is included for EPSB review.

Budget Impact: There is no budgetary impact.

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