

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 9:010. Provisional and Professional Certificate for Exceptional Work Experience, Emergency and Ordinary Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the emergency amendment and accompanying ordinary amendment to 16 KAR 9:010 to update the standards and procedures for the Option 1, Exceptional Work Experience Alternative Route to Certification in accordance with Senate Bill 265.

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 Senate Bill 265 and the Governor signed it into law on April 9, 2024. This legislation contained an emergency clause and became effective upon the Governor's signature; therefore, an emergency amendment is needed to immediately set the application requirements for certification under the exceptional work experience alternative route to certification. The ordinary amendment is identical to the emergency amendment.

Action Question:

Should the EPSB approve the emergency and ordinary amendment to 16 KAR 9:010?

Applicable Statute or Regulation:

KRS 13A.190, KRS 161.028, KRS 161.030, KRS 161.048, 16 KAR 9:010

History/Background:

Existing Policy: On April 9, 2024, Governor Beshear signed Senate Bill 265 into law. This bill contained an emergency clause and became effective upon the Governor's signature. Senate Bill 265 amends KRS 161.048(2) to remove the requirement of an offer of employment prior to issuance of the certificate and require one (1) year of successful teaching experience and recommendation of the employing school district prior to issuance of the professional certificate. 16 KAR 9:010 is the administrative regulation promulgated by the EPSB to set the standards and procedure for the Option 1, Exceptional Work Experience Alternative Route to Certification.

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 9:010 allows a candidate for the Option 1, Exceptional Work Experience Alternative Route to Certification to be issued a two (2) year provisional certificate upon application to the EPSB, proof that they meet the education and/or testing requirements, demonstration of exceptional work experience, and completion of the character and fitness review. Applicants are no longer required to have an offer of employment before issuance of the initial certificate but must successfully complete one (1) year of teaching experience and have a recommendation from the employing school district prior to issuance of the professional certificate. A copy of the amendment is included for EPSB review.

Budget Impact: There will be some costs associated with the implementation and oversight of this amendment.

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