

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 9:100. Alternative Route to Certification Institute, Emergency and Ordinary Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the emergency amendment and accompanying ordinary amendment to 16 KAR 9:100 to update the standards and procedures for the Option 7, Alternative Route to Certification Institute 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 this 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 9:100?

Applicable Statute or Regulation:

KRS 13A.190, KRS 161.028, KRS 161.030, KRS 161.048, 16 KAR 9:100

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(8) 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. SB 265 also amends the route to remove the requirement that candidates complete an admission assessment, and only requires completion of the certification assessments prior to issuance of the professional certificate. 16 KAR 9:100 is the administrative regulation promulgated by the EPSB to set the standards and procedure for the Option 7 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 9:100 allows a candidate for the Option 7 route to be issued a temporary provisional certificate upon application to the EPSB, proof of meeting the degree requirements, and enrollment in an approved institute. Applicants are no longer required to have an offer of employment or passing assessment scores before issuance of the initial certificate but must successfully complete one (1) year of teaching experience, have a recommendation from the employing school district, and pass the requisite assessments prior to issuance of the professional certificate. Based on the EPSB discussions regarding Option 7, the guidelines were also updated to note that institute providers must “establish effective educational partnerships within the state.” A copy of the amended regulation and guidelines 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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