

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action Item:**

16 KAR 2:120, Emergency Teaching Certification and Out-of-Field Teaching, Statement of Consideration and Amended After Comments Regulation

#### **Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve the statement of consideration and amended after comments regulation for 16 KAR 2:120 to comply with Senate Bill 265 and House Bill 387 from the 2024 Legislative Session.

#### **Rationale:**

After the EPSB filed amendments to 16 KAR 2:120, the General Assembly passed Senate Bill 265 and House Bill 387. The Governor has signed both bills. Senate Bill 265 contained an emergency clause and became effective on the Governor's signature. House Bill 387 will go into effect on July 15<sup>th</sup>. Both bills require additional amendments to 16 KAR 2:120.

#### **Action Question:**

Should the EPSB approve the proposed statement of consideration and amended after comments regulation for 16 KAR 2:120?

#### **Applicable Statute or Regulation:**

KRS 161.020, KRS 161.028, KRS 161.030, KRS 161.100, 16 KAR 2:120

#### **History/Background:**

**Existing Policy:** KRS 161.100 authorizes the EPSB to establish qualifications for granting emergency certificates if qualified teachers are not available for specific positions. 16 KAR 2:120 establishes the qualifications and procedures for emergency certifications and establishes the definition for out-of-field teaching. At the February meeting, the EPSB approved amendments to this regulation to comply with the Individuals with Disabilities Education Act.

**Summary:** Senate Bill 265, AN ACT relating to teacher certification and declaring an emergency, was signed by the Governor on April 9, 2024. This bill contains an emergency clause, and as such became effective upon the Governor's signature. Among other things, the bill removes the provisions for a teacher internship from KRS 161.030. 16 KAR 2:120, Section 6 (1)(b)-(c) only applies to candidates completing the Kentucky Teacher Internship Program and therefore conflicts with Senate Bill 265. Staff recommends that the EPSB strike these paragraphs from 16 KAR 2:120 to align with the amendments to KRS 161.030 in Senate Bill 265.

House Bill 387, AN ACT relating to education, was signed by the Governor on April 19, 2024. This bill does not contain an emergency clause and will go into effect on July 15, 2024. Section 1

of House Bill 387 amends KRS 161.102 to establish three substitute teacher certifications and set the education requirements and allowable employment for each certificate. Sections 4 and 5 of 16 KAR 2:120 currently address the requirements for issuance of emergency substitute teaching certificates; however, these sections conflict with the language in House Bill 387. Therefore, staff recommends that the EPSB amend 16 KAR 2:120, to strike sections 4 and 5 and address all substitute certificates in a future amendment to 16 KAR 2:030 that aligns with the new requirements under House Bill 387. Staff also recommends striking Section 6(2) from 16 KAR 2:120 that specifies the rank for emergency substitute certificates.

A copy of the proposed statement of consideration and amended after comments regulation is included for EPSB review.

***Budget Impact:*** There is no budgetary impact.

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