

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

Waiver of Probationary Certificate Requirements for the 2024-2025 School Year

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the waiver of probationary certification requirements.

Rationale:

The proposed waiver of probationary certification requirements complies with the requirement of Senate Bill 265 that issuance of a certificate not be conditioned upon an offer of employment. The waiver also adopts the EPSB's practice of allowing issuance of a probationary certificate upon enrollment in an approved educator preparation program for adding the certificate.

Action Question:

Should the EPSB approve the proposed waiver of probationary certification requirements?

Applicable Statute or Regulation:

KRS 161.028, KRS 161.030, 16 KAR 2:080, 16 KAR 2:110, 16 KAR 2:130, 16 KAR 2:140, 16 KAR 2:150, 16 KAR 2:160, 16 KAR 2:170, 16 KAR 2:200

History/Background:

Existing Policy: KRS 161.028(1)(m) allows the EPSB to waive a requirement established in an administrative regulation promulgated by the EPSB under extraordinary circumstances justifying the waiver. Senate Bill 265 of the 2024 Legislative Session amended KRS 161.030 to provide:

The issuance of any certificate, except emergency certificates issued pursuant to KRS 161.100, by the Education Professional Standards Board shall not be dependent upon an offer of employment. The certification process, except for emergency certificates, is independent of any job prospects and certification shall be awarded on the basis of completing a teacher preparation program or an alternative certification pathway and passing required assessments.

The bill contained an emergency clause and became effective upon the Governor's Signature on April 9, 2024.

The listed regulations establish various probationary certificates which allow certified teachers to obtain a probationary certificate in another area of certification while working towards obtaining the full certificate.

Summary: With the passage of Senate Bill 265, the EPSB has been amending regulations to remove the requirement of an offer of employment, and proof of no qualified candidates, prior to

issuance of a probationary certificate. Additionally, the EPSB has taken action to remove the requirement that a candidate complete coursework prior to issuance to allow issuance of the probationary certificate upon enrollment in an approved educator preparation program to add the area of certification. As districts continue to navigate the teacher shortage, this will assist districts in filling vacancies with certified teachers.

Waiver of these requirements for the 2024-2025 school year will allow time for staff to update all regulations in accordance with the new requirements.

Budget Impact: There is no budgetary impact.

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