

1 EDUCATION AND LABOR CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 2:120. Emergency certification and out-of-field teaching.

5 RELATES TO: KRS 157.390, 161.020, 161.028, 161.030, 161.100, 161.102, 161.1211,
6 161.1221, 334A.030, 334A.033, 334A.035, 334A.050, 334A.060, 34 C.F.R. 300.156

7 STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(1), 161.100, 161.1221(1)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.100 authorizes the Education
9 Professional Standards Board (EPSB) to establish qualifications for granting emergency
10 certificates if qualified teachers are not available for specific positions. KRS 161.1221(1) requires
11 the EPSB~~[Education Professional Standards Board]~~ to establish a definition for out-of-field
12 teaching. This administrative regulation establishes the qualifications and procedures for
13 emergency certifications and establishes the definition for out-of-field teaching.

14 Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate
15 certification for the position unless the superintendent of the employing school district has
16 documented evidence that the teacher is unsuitable for appointment.

17 Section 2. (1)

18 ~~[(a) Until December 31, 2014, a superintendent of a local school district shall apply to the~~
19 ~~Education Professional Standards Board for an emergency teaching certificate on behalf of an~~
20 ~~applicant by completing the Form TC-4F.~~

1 ~~(b) Beginning January 1, 2015, a superintendent of a local school district shall apply to the~~
2 ~~Education Professional Standards Board for an emergency teaching certificate on behalf of an~~
3 ~~applicant by completing the Form CA-4F.~~

4 (2) In accordance with KRS 161.100, prior to applying on behalf of an applicant for an
5 emergency teaching certificate, the superintendent and board of education of a local school
6 district shall document the following:

7 (a) Qualified teachers have not applied for the vacant position and qualified teachers are not
8 available for the position;

9 (b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and
10 furthermore, this vacancy has been made known locally by appropriate means;

11 (c) The local school district has been unsuccessful in recruiting qualified teachers for the vacant
12 position from the listings of teachers supplied by the placement services of the teacher education
13 institutions;

14 (d) The position shall be filled by the most suitable applicant available, giving preference to the
15 factors of academic preparation, prior teaching experience or related educational work, and
16 personal attributes compatible with the demands of the teaching profession; and

17 (e) The local school district has conducted a criminal records check as required by KRS 160.380
18 for each applicant prior to applying for the emergency certificate.

19 (2) The emergency certificate shall be valid for one school year.

20 (3) The emergency teaching certificate shall be limited to two issuances. A candidate may qualify
21 for an additional issuance if an emergency certificate was issued under the following conditions:

22 a. The emergency certificate was issued after February 15 of a school year; or

1 b. The emergency certificate was issued for less than fifty (50) percent of the person's class
2 schedule.

3 (4) The EPSB shall not issue an emergency certificate for teaching exceptional children or
4 interdisciplinary early childhood education.

5 ~~[(3)(a) The Education Professional Standards Board, depending upon the assessment of need~~
6 ~~for the position and the availability or anticipated availability of qualified teachers, shall~~
7 ~~approve or disapprove a request for the employment of emergency teachers.~~

8 ~~1. The term of validity of an emergency certificate may be limited to a period less than the full~~
9 ~~school year.~~

10 ~~2. The beginning date shall be no earlier than the date the request form is received by the~~
11 ~~Education Professional Standards Board.~~

12 ~~3. In accordance with the licensure requirements of KRS 334A.030, 334A.033, 334A.035,~~
13 ~~334A.050, and 334A.060, the Education Professional Standards Board shall not issue an~~
14 ~~emergency certificate for teaching exceptional children with communication disorders.~~

15 ~~(b) An emergency certificate shall not be issued to the same person in any subsequent year~~
16 ~~unless the original emergency certificate was issued under the following conditions:~~

17 ~~1. The emergency certificate was issued after February 15 of a school year; or~~

18 ~~2. The emergency certificate was issued for less than fifty (50) percent of the person's class~~
19 ~~schedule.~~

20 ~~(c) If an emergency certificate is issued to a person pursuant to paragraph (b) of this subsection,~~
21 ~~there shall be no more than one (1) subsequent issuance of an emergency certificate to the same~~
22 ~~person.~~

23 ~~(4)~~

1 (a) ~~Emergency certification for an assignment as teacher of exceptional children shall be issued~~
2 ~~with the condition that the applicant shall receive intensive training on special education topics,~~
3 ~~including IEP, assessment, evaluation, individualized instruction, methods, and management.~~

4 ~~This training shall be accomplished as follows:~~

5 1. ~~The applicant shall complete twelve (12) clock hours of training as required by the Office~~
6 ~~of Special Instructional Services of the Kentucky Department of Education;~~

7 2. ~~—~~

8 a. ~~The applicant shall complete an additional six (6) clock hours of training during the fall~~
9 ~~conference conducted by the Division of Exceptional Children Services of the Kentucky~~
10 ~~Department of Education. Teachers employed after the fall conference shall complete these~~
11 ~~six (6) clock hours of training during the spring conference of the Council for Exceptional~~
12 ~~Children; or~~

13 b. ~~If the applicant is unable to attend either the fall conference or the spring conference, the~~
14 ~~applicant shall complete an additional six (6) clock hours of training offered through one (1)~~
15 ~~of the state's eleven (11) special education cooperatives. The training shall be similar to the~~
16 ~~topics covered at the conferences; and~~

17 3. ~~The applicant shall participate in at least one (1) day of flexible in-service training, relevant~~
18 ~~specifically to special education. The training shall be limited to visitation in a classroom of~~
19 ~~an exemplary special education teacher, special education training relevant to the identified~~
20 ~~needs of the teacher, or other training provided by the Office of Special Instructional Services.~~

21 (b) ~~The Kentucky Department of Education shall report to the Education Professional Standards~~
22 ~~Board those emergency certified teachers of exceptional children who have not completed the~~

1 ~~training requirements established in this subsection by June 30 of each year for the preceding~~
2 ~~school year.]~~

3 (5) The superintendent of the local school district and the board of education may establish the
4 need for emergency substitute teachers on the basis of anticipated shortages of regularly certified
5 teachers and in accordance with district policies and procedures established for the selection and
6 employment of substitute teachers.

7 (6) The EPSB~~[Education Professional Standards Board]~~ shall periodically review the numbers of
8 emergency certificates issued for full-time, part-time, and substitute teaching by school district,
9 by position, and by academic preparation.

10 Section 3. Emergency Teaching Certificate. (1) Issuance of an emergency teaching certificate
11 shall require a minimum of a bachelor's degree from a regionally or nationally accredited college
12 or university with one of the following:

- 13 (a) a cumulative minimum grade point average of 2.5 on a 4.0 scale; or
- 14 (b) a grade point average of 2.75 on a 4.0 scale on the last thirty hours of credit completed,
15 including undergraduate and graduate coursework.

16 (2) A candidate meeting the requirements of Subsection (1) of this section shall be eligible for
17 issuance of the emergency teaching certificate upon application to the EPSB, compliance with 16
18 KAR 2:010, Section 3(1), and submission of the following documentation:

- 19 (a) Official transcripts showing all college or university credits necessary for the requested
20 certificate;
- 21 (b) An offer of employment in a Kentucky school district in the area in which emergency
22 certification is being sought; and
- 23 (c) Compliance with Section 2(1) of this administrative regulation.

1 (3) An emergency teaching certificate shall not be issued to individuals who have been judged
2 to be unsatisfactory in the beginning teacher internship established in 16 KAR 7:010

3 Section 4. Emergency Substitute Certificate. (1) Issuance of an emergency substitute certificate
4 shall require a minimum of sixty-four (64) semester hours of credit from a regionally or nationally
5 accredited college or university with one of the following:

6 (a) a cumulative minimum grade point average of 2.5 on a 4.0 scale; or

7 (b) a grade point average of 2.75 on a 4.0 scale on the last thirty hours of credit completed,
8 including undergraduate and graduate coursework.

9 (2) A candidate with a bachelor's degree from a regionally or nationally accredited college or
10 university is exempt from the grade point average requirements in Subsection (1) of this section.

11 (3) A local school district shall review the qualifications and transcripts for each applicant for
12 an emergency substitute certificate pursuant to the requirements of this administrative regulation.

13 (4) A candidate meeting the requirements of Subsection (1) of this section shall be eligible for
14 issuance of the emergency substitute certificate upon application to the EPSB, compliance with 16
15 KAR 2:010, Section 3(1), and submission of the following documentation:

16 (a) An offer of employment in a Kentucky school district; and

17 (b) Compliance with Section 2(5) of this administrative regulation.

18 Section 5. Emergency Occupation-Based Career and Technical Education Substitute
19 Certificate. (1) Issuance of an emergency occupation-based career and technical education
20 substitute certificate shall require a minimum of four (4) years of occupational experience in the
21 area to be taught and a high school diploma or its equivalent as determined by evidence of a passing
22 score on the General Education Development Test.

1 (2) A local school district shall review the qualifications and transcripts for each applicant for
2 an emergency substitute certificate pursuant to the requirements of this administrative regulation.

3 (3) A candidate meeting the requirements of Subsection (1) of this section shall be eligible for
4 issuance of the certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section
5 3(1), and submission of the following documentation:

6 (a) An offer of employment in a Kentucky school district; and

7 (b) Certification of all educational attainment and work experience earned by the prospective
8 emergency teacher.

9 ~~[(7)-~~

10 ~~(a)-~~

11 ~~1. An emergency certificate for full-time or part-time employment shall be issued only to~~
12 ~~individuals who:~~

13 ~~a. Have completed a minimum of a bachelor's degree from a regionally accredited college;~~
14 ~~and~~

15 ~~b.-~~

16 ~~(i) Have a cumulative minimum grade point average of 2.5 on a 4.0 scale; or~~

17 ~~(ii) Have a minimum grade point average of 3.0 on a 4.0 scale on the last sixty (60) hours~~
18 ~~of credit completed, including undergraduate and graduate coursework.~~

19 ~~2. An emergency certificate for full-time or part-time employment shall not be issued to~~
20 ~~individuals who have been judged to be unsatisfactory in the beginning teacher internship~~
21 ~~established in 16 KAR 7:010.~~

22 ~~(b) An emergency certificate for substitute teaching shall be issued to individuals who:~~

1 ~~1. Have completed a minimum of sixty four (64) semester hours of credit from a regionally~~
2 ~~accredited institution; and~~

3 ~~2.—~~

4 ~~a. Have a cumulative minimum grade point average of 2.5 on a 4.0 scale; or~~

5 ~~b. Have a minimum grade point average of 3.0 on a 4.0 scale on the last thirty[sixty (60)]~~
6 ~~hours of credit completed, including undergraduate and graduate coursework.~~

7 ~~(c) An emergency certificate for substitute teaching in any career and technical education or~~
8 ~~occupation-based position may be issued to persons who have a minimum of four (4) years of~~
9 ~~occupational experience in the area to be taught and a high school diploma or its equivalent as~~
10 ~~determined by evidence of a passing score on the General Education Development Test.~~

11 ~~(8)—~~

12 ~~(a)—~~

13 ~~1. Until December 31, 2014, a Form TC 4F signed by the local school superintendent and~~
14 ~~approved by the local board of education shall be submitted for each anticipated emergency~~
15 ~~position for full time or part time employment. The application shall be accompanied by~~
16 ~~official transcripts of all college credits earned by the prospective emergency teacher.~~

17 ~~2. Beginning January 1, 2015, a Form CA 4F signed by the local school superintendent and~~
18 ~~approved by the local board of education shall be submitted for each anticipated emergency~~
19 ~~position for full time or part time employment. The application shall be accompanied by~~
20 ~~official transcripts of all college credits earned by the prospective emergency teacher.~~

21 ~~(b)—~~

22 ~~1. Until December 31, 2014, a TC 4VE signed by the local school superintendent and~~
23 ~~approved by the local board of education shall be submitted for each anticipated career and~~

1 ~~technical or occupation-based emergency position for full-time or part-time employment. The~~
2 ~~application shall be accompanied by official transcripts and certification of all educational~~
3 ~~attainment and work experience earned by the prospective emergency teacher.~~

4 ~~2. Beginning January 1, 2015, a CA-4VE signed by the local school superintendent and~~
5 ~~approved by the local board of education shall be submitted for each anticipated career and~~
6 ~~technical or occupation-based emergency position for full-time or part-time employment. The~~
7 ~~application shall be accompanied by official transcripts and certification of all educational~~
8 ~~attainment and work experience earned by the prospective emergency teacher.~~

9 ~~(c) A local school district shall review the qualifications and transcripts for each applicant for~~
10 ~~an emergency certificate for substitute teaching pursuant to the requirements of this~~
11 ~~administrative regulation and other pertinent Kentucky statutes and administrative regulations~~
12 ~~regarding school personnel.~~

13 ~~1.—~~

14 ~~a.—~~

15 ~~(i) Until December 31, 2014, a local school district shall initiate the online application~~
16 ~~process for candidates for an emergency certificate for substitute teaching using the EPSB~~
17 ~~On-line TC-4 Application System in accordance with the On-line TC-4 Implementation~~
18 ~~Guide for Kentucky School Districts.~~

19 ~~(ii) Until December 31, 2014, a candidate for an emergency certificate for substitute~~
20 ~~teaching shall complete the Form TC-4 by using the EPSB On-line TC-4 Application~~
21 ~~System in accordance with the On-line TC-4 Implementation Guide for Kentucky School~~
22 ~~Districts.~~

23 ~~b.—~~

1 ~~(i) Beginning January 1, 2015, a local school district shall initiate the online application~~
2 ~~process for candidates for an emergency certificate for substitute teaching using the EPSB~~
3 ~~On-line Emergency Substitute Application System in accordance with the On-line~~
4 ~~Emergency Substitute Application System Implementation Guide for Kentucky School~~
5 ~~Districts.~~

6 ~~(ii) Beginning January 1, 2015, a candidate for an emergency certificate for substitute~~
7 ~~teaching shall complete the Form CA-4 by using the EPSB On-line Emergency Substitute~~
8 ~~Application System in accordance with the On-line Emergency Substitute Implementation~~
9 ~~Guide for Kentucky School Districts.~~

10 ~~2. A local school district shall require candidates for an emergency certificate for substitute~~
11 ~~teaching for career and technical education or occupation based emergency positions to~~
12 ~~complete a Form TC-4VE or Form CA-4VE.~~

13 ~~3. A local school district shall submit any TC-4VE or Form CA-4VE application on which the~~
14 ~~candidate has provided an affirmative answer to any question in the application's Section IV,~~
15 ~~Character and Fitness, to the Education Professional Standards Board for approval prior to~~
16 ~~employing the candidate in a substitute teaching position.]~~

17 ~~Section 6[3:] Rank and Salary Provisions. (1) The EPSB[~~Education Professional Standards~~~~
18 ~~Board] shall issue the emergency teaching certificate [~~for full-time or part-time employment~~]~~
19 ~~established in Section 2 of this administrative regulation with a rank designation based upon~~
20 ~~the criteria established in this subsection.~~

21 (a) A teacher holding a valid Kentucky teaching certificate shall be issued an emergency
22 certificate for full-time or part-time employment at the rank designated on the teacher's regular
23 certificate.

1 (b)

2 1. A new teacher holding a valid one (1) year provisional certificate issued upon enrollment
3 in the Kentucky Teacher Internship Program established in 16 KAR 7:010 shall be issued an
4 emergency certificate for part-time employment at the rank designated on the teacher's one
5 (1) year provisional certificate.

6 2. The teacher shall maintain a half-time enrollment in the internship as defined in 16 KAR
7 7:010 to remain eligible for the higher rank established in this paragraph.

8 3. If the teacher terminates or otherwise fails to continue enrollment in the internship prior to
9 its successful completion, the teacher shall be reclassified at Rank IV until the teacher is
10 properly reenrolled in the internship program.

11 (c) A new teacher holding a valid Kentucky Statement of Eligibility shall be issued an
12 emergency certificate for full-time or part-time employment at Rank IV until the teacher:

13 1. Is properly enrolled in the Kentucky Teacher Internship Program on at least a half-time
14 basis as established in 16 KAR 7:010; and

15 2. Possesses the one (1) year provisional certificate referenced in paragraph (b)1 of this
16 subsection.

17 (d) An applicant for the emergency certificate for full-time or part-time employment who does
18 not hold a valid Kentucky teaching certificate shall be issued the emergency certificate at Rank
19 IV.

20 (2) Local school districts requesting~~issuing~~ the emergency certificate for substitute teaching
21 established in Section 2 of this administrative regulation shall adhere to the rank classifications
22 established in KRS 161.1211.

23 Section 7~~[4.]~~ Out-of-field Teaching.

1 (1) Pursuant to KRS 161.1221(1), out-of-field teaching shall be classified in the following four
2 (4) categories:

3 (a) The number of emergency certificates issued by grade range, subject field, and district;

4 (b) The number of probationary certificates issued by grade range, subject field, and district;

5 (c) The number of temporary provisional certificates issued by grade range, subject field, and
6 district; and

7 (d) The number of teachers who do not possess a certificate of legal qualifications for the
8 professional position they hold in the public schools, including a breakout of:

9 1. The number of teachers who hold no certificate;

10 2. The number of teachers who hold an expired certificate;

11 3. The number of certified teachers who are teaching outside of the subject field or fields
12 indicated on their certificate who do not hold a credential listed in paragraph (a), (b), or (c) of
13 this subsection; and

14 4. The number of certified teachers who are teaching outside the grade range indicated on their
15 certificate who do not hold a credential listed in paragraph (a), (b), or (c) of this subsection.

16 (2) If data is available, reports on out-of-field teaching in the four categories established in
17 subsection (1) of this section shall differentiate between teachers who possess the equivalent of
18 a college major, minor, or area of concentration in the subject area they are teaching.

19 ~~[Section 5. Beginning January 1, 2015, an applicant for any certificate described in this~~
20 ~~administrative regulation who is not currently certified as an educator in Kentucky shall submit~~
21 ~~a national and state criminal background check performed in accordance with KRS 160.380(5)(e)~~
22 ~~within twelve (12) months prior to the date of application.~~

23 ~~[Section 6. Incorporation by Reference.~~

1 ~~(1) The following material is incorporated by reference:~~

2 ~~(a) "Form CA 4", 08/2014;~~

3 ~~(b) "Form CA 4F", 08/2014;~~

4 ~~(c) "Form CA 4VE", 08/2014;~~

5 ~~(d) "Form TC 4", 10/2009;~~

6 ~~(e) "Form TC 4F", revised 10/2009;~~

7 ~~(f) "Form TC 4VE", 10/2009;~~

8 ~~(g) "On-line Emergency Substitute Application Implementation Guide for Kentucky School~~
9 ~~Districts", August 2014; and~~

10 ~~(h) "On-line TC 4 Implementation Guide for Kentucky School Districts", May 2012.~~

11 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~
12 ~~the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky~~
13 ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

2/12/24
Date

Justin Mitchell
Justin Mitchell, Board Chair
Education Professional Standards Board

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April 29, 2024, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

16 KAR 2:120

Contact Person: Todd Allen, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the qualifications and procedures for emergency certifications and establishes the definition for out-of-field teaching.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set the certification requirements for emergency certificates and the definition for out-of-field teaching.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 requires a certificate of legal qualifications for any public-school position for which a certificate is issued. KRS 161.028 requires the EPSB to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.100 authorizes the EPSB to establish qualifications for granting emergency certificates if qualified teachers are not available for specific positions.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the requirements for emergency certificates.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment prohibits the issuance of emergency certificates for special education teachers to comply with federal regulation on the Individuals with Disabilities Education Act. The proposed amendment also removes outdated application forms and updates the grade point average requirement for emergency teaching and emergency substitute certificates. Additionally, the amendment allows for an additional issuance of an emergency teaching certificate.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with federal regulation on the Individuals with Disabilities Education Act, remove outdated application forms, update the grade point average requirement, and allow for an additional issuance of an emergency teaching certificate.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment sets the requirements for emergency certifications.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will set the standards for issuance of emergency certificates when qualified applicants are not available for a position and will ensure compliance with federal regulation on the individuals with disabilities education act.

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 Kentucky school districts and individuals seeking emergency certificates.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendment will not allow issuance of emergency certificates for special education. For all other areas of certification, the amendments will not require additional action by the entities but will allow for an additional issuance of an emergency certificate.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no fee established by the Education Professional Standards Board in this regulation. With the prohibition on issuance of emergency certificates for special education, districts will have to pursue other options to have applicants certified; however, the Education Professional Standards Board issues other one-year certificates that meet the requirements of the federal regulation and do not have a certification fee.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance will ensure compliance with federal regulation on the Individuals with Disabilities Education Act. For all other certification areas, compliance will ensure issuance of an emergency certificate when a qualified candidate is not available.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There are no costs expected to implement this amendment.
- (b) On a continuing basis: There are no expected continuing costs with this amendment.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General Fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary for the Education Professional Standards Board to implement this administrative regulation.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established or increased by this regulation.
- (9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation because the standards apply to all districts and individuals seeking emergency certificates.

FISCAL NOTE

16 KAR 2:120

Contact Person: Todd Allen, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The EPSB and public-school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.028, KRS 161.100, 34 CFR 300.156

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment to this administrative regulation is not expected to generate any revenue during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendment to this administrative regulation is not expected to generate any revenue during subsequent years.

(c) How much will it cost to administer this program for the first year? There are no additional costs expected with this amendment.

(d) How much will it cost to administer this program for subsequent years? There are no additional costs expected with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The EPSB is not imposing or collecting any fees under this administrative regulation. There are no fees for emergency certificates.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None anticipated.

(c) How much will it cost the regulated entities for the first year? There are no costs created by this amendment.

(d) How much will it cost the regulated entities for subsequent years? There are no costs created by this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] There is not an expected major economic impact from this regulation as it does not create additional costs for the EPSB or the regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

16 KAR 2:120

Contact Person: Todd Allen, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

- (1) Federal statute or regulation constituting the federal mandate. 34 C.F.R. § 300.156 (c) sets personnel qualifications for special education teachers and requires that each person employed as a special education teacher in the state has obtained full state certification as a special education teacher. 34 C.F.R. § 300.156 (c)(1)(ii) prohibits emergency certificates for special education teachers.
- (2) State compliance standards. To comply with the requirements contained in 34 C.F.R. § 300.156 (c) this administrative regulation prohibits the issuance of emergency certificates to teachers of exceptional children and interdisciplinary early childhood education.
- (3) Minimum or uniform standards contained in the federal mandate. 34 C.F.R. § 300.156 (c) requires that each person employed as a public-school special education teacher in the state obtain full certification. Participation in an altera route program that requires teachers to receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, assume functions as a teacher only for a specified period not to exceed three years, and demonstrate satisfactory progress toward full certification will meet the qualifications of the federal regulation under 34 C.F.R. § 300.156 (c)(2). 34 C.F.R. § 300.156 (c) prohibits emergency certification for special education teachers.
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation will not impose stricter requirements, or additional or different responsibilities or requirements. The administrative prohibition will only prohibit issuance of emergency certificates to teachers of exceptional children and interdisciplinary early childhood education as required by the federal law. Emergency certificates may be issued for all other certification areas.
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.