

**EPSB Mission Statement**

*The Education Professional Standards Board, in full collaboration and cooperation with its education partners, promotes high levels of student achievement by establishing and enforcing rigorous professional standards for preparation, certification, and responsible and ethical behavior of all professional educators in Kentucky.*

**EPSB Special Meeting Agenda  
VIDEO TELECONFERENCE MEETING**

*This meeting will be held via video teleconference. Members of the public may view the meeting on the [Kentucky Department of Education's Media Portal](#).*

**Tuesday May 14, 2024**

**4:00 PM ET**

**Call to Order**

**Roll Call**

**Action Item**

- A. 16 KAR 2:120. Emergency Certification and Out-of-Field Teaching, Statement of Consideration and Amended After Comments Regulation (Cassie Trueblood)
- B. 16 KAR 2:140. Probationary Certificate for Teachers of Exceptional Children and Interdisciplinary Early Childhood Education, Amendment (Ms. Trueblood)
- C. Waiver of Probationary Certificate Requirements for the 2024-2025 School Year (Ms. Trueblood)
- D. 16 KAR 9:030. Professional Certificate for College Faculty, Amendment (Ms. Trueblood)

**Adjournment**

## 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.

**Contact Person:**

Cassie Trueblood, Counsel and Policy Advisor  
Office of Educator Licensure and Effectiveness  
(502) 564-4606  
Email: [cassie.trueblood@education.ky.gov](mailto:cassie.trueblood@education.ky.gov)

1 EDUCATION AND LABOR CABINET

2 Education Professional Standards Board

3 (Amended After Comments Regulation)

4 16 KAR 2:120. Emergency **teaching** 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 **teacher** 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~~  
4 ~~certificate shall require a minimum of sixty-four (64) semester hours of credit from a~~  
5 ~~regionally or nationally 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~~  
10 ~~or university is exempt from the grade point average requirements in Subsection (1) of this~~  
11 ~~section.~~

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

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

18        ~~—(a) An offer of employment in a Kentucky school district; and~~

19        ~~—(b) Compliance with Section 2(5) of this administrative regulation.~~

20        ~~Section 5. Emergency Occupation-Based Career and Technical Education Substitute~~  
21 ~~Certificate. (1) Issuance of an emergency occupation-based career and technical education~~  
22 ~~substitute certificate shall require a minimum of four (4) years of occupational experience in~~

~~the area to be taught and a high school diploma or its equivalent as determined by evidence of a passing score on the General Education Development Test.~~

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

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

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

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

~~[(7)-~~

~~(a)-~~

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

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

~~and~~

~~b.-~~

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

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

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

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

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

7 ~~2.—~~

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

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

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

15 ~~(8)—~~

16 ~~(a)—~~

17 ~~1. Until December 31, 2014, a Form TC-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 ~~2. Beginning January 1, 2015, a Form CA-4F signed by the local school superintendent and~~  
22 ~~approved by the local board of education shall be submitted for each anticipated emergency~~

1 ~~position for full-time or part-time employment. The application shall be accompanied by~~  
2 ~~official transcripts of all college credits earned by the prospective emergency teacher.~~

3 ~~(b)~~

4 ~~1. Until December 31, 2014, a TC 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 ~~2. Beginning January 1, 2015, a CA 4VE signed by the local school superintendent and~~  
10 ~~approved by the local board of education shall be submitted for each anticipated career and~~  
11 ~~technical or occupation-based emergency position for full-time or part-time employment. The~~  
12 ~~application shall be accompanied by official transcripts and certification of all educational~~  
13 ~~attainment and work experience earned by the prospective emergency teacher.~~

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

18 ~~1.~~

19 ~~a.~~

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

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

5 ~~b.~~

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

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

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

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

22 ~~[Section 6[3.]] Rank and Salary Provisions. (1) The EPSB[Education Professional Standards~~  
23 ~~Board] shall issue the emergency teaching certificate [for full-time or part-time employment]~~

1 established in Section 2 of this administrative regulation with a rank designation based upon  
2 the criteria established in this subsection.

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

6 (b)

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

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

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

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

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

20 ~~2. Possesses the one (1) year provisional certificate referenced in paragraph (b)1 of this~~  
21 ~~subsection.~~

1 ~~{(d)}~~ An applicant for the emergency certificate for full-time or part-time employment who  
2 does not hold a valid Kentucky teaching certificate shall be issued the emergency certificate  
3 at Rank IV.

4 ~~[(2) Local school districts requesting<sup>[issuing]</sup> the emergency certificate for substitute~~  
5 ~~teaching established in Section 2 of this administrative regulation shall adhere to the rank~~  
6 ~~classifications established in KRS 161.1211.]~~

7 Section 5~~[Section 7~~[4.] Out-of-field Teaching.

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

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

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

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

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

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

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

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

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

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

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

8 [Section 6. Incorporation by Reference.

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

10 (a) "Form CA-4", 08/2014;

11 (b) "Form CA-4F", 08/2014;

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

13 (d) "Form TC-4", 10/2009;

14 (e) "Form TC-4F", revised 10/2009;

15 (f) "Form TC-4VE", 10/2009;

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

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

19 (2) ~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~  
20 ~~the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky~~  
21 ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~



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Date

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Justin Mitchell, Board Chair  
Education Professional Standards Board

DRAFT

STATEMENT OF CONSIDERATION  
Relating to 16 KAR 2:120  
Emergency Certification and Out-of-Field Teaching

Education Professional Standards Board  
(Amended After Comments)

I. The public hearing on 16 KAR 2:120, scheduled for April 29, 2024, at 10:00 a.m. in the State Board Room, Kentucky Department of Education, 300 Sower Blvd., 5th Floor, Frankfort, Kentucky was cancelled; however, written comments were received during the public comment period.

II. The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Cassie Trueblood	Office of Educator Licensure and Effectiveness

III. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Justin Mitchell, Chair of the Education Professional Standards Board (EPSB)
Cassie Trueblood, Policy Advisor and Counsel, Office of Educator Licensure and Effectiveness

IV. Summary of Comments and Responses

(1) Subject Matter: Senate Bill 265's removal of the provisions for a teacher internship from Kentucky Revised Statute (KRS) 161.030.

(a) Comment: 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.

(b) Response: Staff and the EPSB have carefully reviewed and agree with this comment. The Kentucky Teacher Internship Program was created to comply with the requirements of a teacher internship program in KRS 161.030. The requirements in Section (6)(1)(b)-(c) apply only to certificates issued to those completing the Kentucky Internship Program. Therefore, the statutory

changes in KRS 161.030 make this language irrelevant, and the EPSB removes it from the regulation.

(2) Subject Matter: House Bill 387’s amendments to the requirements for substitute teaching certificates.

(a) Comment: 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.

(b) Response: Staff and the EPSB have carefully reviewed and agrees with this comment. The emergency substitute certification requirements in Section 4 and 5 of 16 KAR 2:120 conflict with the amendments to KRS 161.102. Therefore, the EPSB amends this regulation to remove those sections and handle in a future amendment to 16 KAR 2:030.

#### V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was canceled; however, written comments were received. The EPSB responded to the comments and amends the administrative regulation as follows:

Page 1  
Line 4

After “Emergency”, insert “**teaching**”

Page 1  
RELATES TO:  
Line 5

After “161.100,”, delete “161.102,”.

Page 1  
NECESSITY, FUNCTION, AND CONFORMITY:  
Line 13

After “emergency”, insert “**teaching**”

Page 6  
Section 4-Section 5  
Line 3-Line 22

Delete in their entirety.

Page 7

Section 5

Line 1-Line 8

Delete in their entirety.

Page 10

Section 6

Line 7

Delete "Section 6."

Page 11

Section 6(1)(b)-(c)

Line 2- Line 16

Delete in their entirety.

Page 11

Section 6(1)(d)

Line 17

Delete "d".

Page 11

Section 6(2)

Line 20- Line 22

Delete in their entirety.

Page 11

Section 7

Line 23

Insert "**Section 5.**", Delete "Section 7".

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action Item:**

16 KAR 2:140. Probationary Certificate for Teachers of Exceptional Children and Interdisciplinary Early Childhood Education, Amendment

#### **Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve the amendments to 16 KAR 2:140.

#### **Rationale:**

The proposed amendment to 16 KAR 2:140 mirrors the amendment to 16 KAR 2:160 that the EPSB approved in April but takes the recommendation of staff from the Legislative Research Commission (LRC) to file the amendment to 16 KAR 2:140 to allow for public comment period.

#### **Action Question:**

Should the EPSB approve the proposed agency amendment to 16 KAR 2:1400?

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

16 KAR 2:160, 16 KAR 2:140

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

**Existing Policy:** 16 KAR 2:160 establishes a plan for recruiting certified classroom teachers into positions for teachers of exceptional children and creates a probationary certificate for teachers of exceptional children. 16 KAR 2:140 establishes a plan for recruiting qualified individuals into positions for teachers of children ages birth to primary age.

**Summary:** At the April meeting, the EPSB approved an amendment to 16 KAR 2:160 that combined the requirements for the probationary certificate for teachers of exceptional children and the probationary certificate for teachers of interdisciplinary early childhood education into one regulation. The amendment also removed the requirement of an offer of employment. As staff was working to file the amendment to 16 KAR 2:160, LRC staff recommended that the EPSB instead file the amendment to 16 KAR 2:140 and withdraw 16 KAR 2:160 to avoid the appearance of skirting the public comment period. The proposed amendment to 16 KAR 2:140 mirrors the amendment to 16 KAR 2:160 that the EPSB approved in April, and a copy of the proposed amendment is included for EPSB review.

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

#### **Contact Person:**

Cassie Trueblood, Counsel and Policy Advisor  
Office of Educator Licensure and Effectiveness  
(502) 564-4606

Email: [cassie.trueblood@education.ky.gov](mailto:cassie.trueblood@education.ky.gov)

1 EDUCATION AND LABOR CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 2:140. Probationary certificate for teachers of **exceptional** children and interdisciplinary  
5 early childhood education.~~[, birth to and primary.]~~

6 RELATES TO: KRS 157.3175, 161.020, 161.030, [~~34 C.F.R. 200.56~~], **34 C.F.R. 300.156 (c)(2)**,  
7 [~~20 U.S.C. 7801(23)~~].

8 STATUTORY AUTHORITY: KRS 161.028, 161.030

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require that a  
10 teacher and other professional school personnel hold a certificate of legal qualification for the  
11 respective position to be issued upon completion of a program of preparation prescribed by the  
12 Education Professional Standards Board. KRS 161.028(1)(a) requires the Education Professional  
13 Standards Board (**EPSB**) to establish the standards for obtaining and maintaining a teaching  
14 certificate. KRS 161.028(1)(b) requires that a teacher education institution be approved for  
15 offering the preparation program corresponding to a particular certificate on the basis of standards  
16 and procedures established by the Education Professional Standards Board. KRS 161.028(1)(f)  
17 requires the Education Professional Standards Board to issue and renew any certificate. This  
18 administrative regulation establishes a plan for recruiting **certified teachers** [~~qualified individuals~~]  
19 into positions for teachers of **exceptional** children **and interdisciplinary early childhood**  
20 **education**.~~[ages birth to primary age.]~~

1 Section 1. Requirements for Probationary Certificate for Teachers of Exceptional  
2 Children or Interdisciplinary Early Childhood Education. [Definition. "Qualified teacher"  
3 means a teacher who holds an interdisciplinary early childhood education certificate or who has  
4 received an approval as established in 16 KAR 2:040, Section 5, unless the superintendent of the  
5 employing school district has documented evidence that the teacher is unsuitable for appointment.

6 —Section 2. If a qualified teacher is not available for the position as teacher of children birth to  
7 primary age, as attested by the local school superintendent, the superintendent, on behalf of the  
8 local board of education, may request a (1) A one (1) year probationary certificate for teachers  
9 of exceptional certificate or interdisciplinary early childhood education may [certificate] be  
10 issued to a candidate who:

11 (a) Holds a Kentucky teaching certificate; and

12 (b) Is enrolled in an EPSB approved educator preparation program for the certification  
13 area for which application is being made. [as provided in this administrative regulation.

14 (1) A prerequisite for a one (1) year probationary interdisciplinary early childhood education  
15 certificate for teaching children, birth to primary age, shall be:

16 (a) A certificate or statement of eligibility in kindergarten or elementary special education; or

17 (b) A certificate in another area, if the applicant has had one (1) year of teaching children birth  
18 through age five (5) years.

19 (2) The applicant shall have:

20 (a) Enrolled in an approved preparation program for certification in interdisciplinary early  
21 childhood education established in 16 KAR 2:040; and

22 (b) Completed a minimum of nine (9) semester hours of credit in the development of children  
23 below primary age or in special education.

1 ~~(3) The requirements established in subsection (2) of this section shall be verified by submission~~  
2 ~~of a curriculum contract completed by the teacher education institution with an interdisciplinary~~  
3 ~~early childhood education preparation program approved pursuant to 16 KAR 2:040.~~

4 ~~(4) The applicant shall complete twelve (12) clock hours of training established by the Kentucky~~  
5 ~~Department of Education prior to employment.~~

6 ~~(5) The applicant shall complete an additional six (6) clock hours of training established by the~~  
7 ~~Kentucky Department of Education within the first three (3) months of employment.~~

8 ~~(6) To apply for the probationary interdisciplinary early childhood education certificate, the~~  
9 ~~applicant shall submit a completed Form CA-BP to the Education Professional Standards Board.]~~

10 **(2) Application for a probationary certificate for a teacher of exceptional children or**  
11 **interdisciplinary early childhood education shall:**

12 **(a) Contain a recommendation from the educator preparation provider for the grade level**  
13 **and specialization of the probationary certificate; and**

14 **(b) Be in compliance with 16 KAR 2:010, Section 3(1).**

15 **(3) The probationary certificate for a teacher of exceptional children or interdisciplinary**  
16 **early childhood education shall be issued in accordance with the grade level and**  
17 **specialization as recommended by the educator preparation provider and valid for**  
18 **employment consistent with the area of certification being sought through the preparation**  
19 **program.**

20 Section 3. Requirements for Renewal of a Probationary **Certificate for Teachers of**  
21 **Exceptional Children or** Interdisciplinary Early Childhood Education[-Certificate].

22 **(1) Upon application to the EPSB, a candidate shall be eligible for renewal of the**  
23 **probationary certificate for a teacher of exceptional children if he or she is in compliance**



1 with 16 KAR 2:010, Section 3(1), and has a recommendation from the educator preparation  
2 provider based on continued enrollment and progress towards the completion of the  
3 preparation program.

4 (2) The probationary certificate for teachers of exceptional children or interdisciplinary  
5 early childhood education may be renewed a maximum of two (2) times.

6 [~~The first renewal of the probationary interdisciplinary early childhood education certificate shall~~  
7 ~~be for one (1) year based upon:~~

8 ~~(a) Evidence of employment in a Kentucky school district or nonpublic school as a teacher of~~  
9 ~~children ages birth to primary;~~

10 ~~(b) Completion of at least six (6) semester hours or its equivalent from the interdisciplinary~~  
11 ~~early childhood education preparation program as approved pursuant to 16 KAR 2:040 and~~  
12 ~~indicated on the teacher's curriculum contract; and~~

13 ~~(c) Successful completion of the Kentucky Teacher Internship Program established in 16 KAR~~  
14 ~~7:010. A teacher who has successfully completed the Kentucky Teacher Internship Program~~  
15 ~~prior to issuance of the initial probationary certificate or who is not required to complete the~~  
16 ~~internship program under the requirements for out-of-state teachers established in KRS~~  
17 ~~161.030(5) shall not be required to complete the internship program again while serving on the~~  
18 ~~probationary certificate.~~

19 ~~(2)~~

20 ~~(a) Subsequent one (1) year renewals of the probationary interdisciplinary early childhood~~  
21 ~~education certificate shall require at least six (6) semester hours or its equivalent of additional~~  
22 ~~credit from the interdisciplinary early childhood education preparation program as approved~~  
23 ~~pursuant to 16 KAR 2:40 and as indicated on the teacher's curriculum contract.~~

1     ~~(b) The total validity period of the probationary certificate for interdisciplinary early education~~  
2     ~~shall not exceed three (3) years in compliance with the No Child Left Behind Act of 2001, 20~~  
3     ~~U.S.C. 7801(23) and 34 C.F.R. 200.56.]~~

4     (3) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and successful  
5     completion of all program requirements for the approved **exceptional children or**  
6     interdisciplinary early childhood education preparation program [~~established in 16 KAR 2:040,~~]  
7     including successful completion of all required assessments established in 16 KAR 6:010, a  
8     professional certificate for **teaching exceptional children established in 16 KAR 2:010 or**  
9     interdisciplinary early childhood education, birth to primary, **established in 16 KAR 4:020 and**  
10    valid for five (5) years shall be issued.

11    (4) Program requirements for completion of the **exceptional children** interdisciplinary early  
12    childhood education preparation program while serving on the probationary certificate  
13    established in this administrative regulation shall not include student teaching.

14    ~~[Section 4. Incorporation by Reference.~~

15    ~~(1) Form CA-BP, 08/15, Education Professional Standards Board, is incorporated by reference.~~

16    ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~  
17    ~~the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky~~  
18    ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

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Date

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Justin Mitchell, Board Chair  
Education Professional Standards Board

DRAFT

## **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.

**Contact Person:**

Cassie Trueblood, Counsel and Policy Advisor  
Office of Educator Licensure and Effectiveness  
(502) 564-4606

Email: [cassie.trueblood@education.ky.gov](mailto:cassie.trueblood@education.ky.gov)

**KENTUCKY DEPARTMENT OF EDUCATION**

**STAFF NOTE**

**Action Item:**

16 KAR 9:030. Professional and Provisional Certificate for College Faculty, Emergency and Ordinary Amendment

**Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve the emergency amendment and accompanying ordinary amendment to 16 KAR 9:030 to update the standards and procedures for the Option 3, College Faculty 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 college faculty 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 9:030?

**Applicable Statute or Regulation:**

KRS 13A.190, KRS 161.028, KRS 161.030, KRS 161.048, 16 KAR 9:030

**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(4) 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 9:030 is the administrative regulation promulgated by the EPSB to set the standards and procedure for the Option 3, College Faculty 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 9:030 allows a candidate for the Option 3, College Faculty Alternative Route to Certification to be issued a two (2) year provisional certificate upon application to the EPSB, proof of a master's degree or doctoral degree in the academic content area, qualifying teaching experience from a regionally or nationally accredited institution of higher education, 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.

**Contact Person:**

Cassie Trueblood, Counsel and Policy Advisor  
Office of Educator Licensure and Effectiveness  
(502) 564-4606  
Email: [cassie.trueblood@education.ky.gov](mailto:cassie.trueblood@education.ky.gov)

## Statement of Emergency

16 KAR 9:030 E

This emergency administrative regulation is being promulgated in order 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, which became effective on the Governor's signature, amends KRS 161.048(4) 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. Per KRS 161.048(1)(e) the Education Professional Standards Board (EPSB) has the authority to promulgate administrative regulations establishing the standards and procedures for the Option 3 alternative route to certification. Since this emergency legislation became effective upon the Governor's signature, the emergency regulation is necessary to establish the application requirements for certification under the Option 3 alternative route to certification. 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.

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Andy Beshear, Governor

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Justin Mitchell, Chair  
Education Professional Standards Board



1 EDUCATION AND LABOR CABINET

2 Education Professional Standards Board

3 (Emergency Amendment)

4 16 KAR 9:030E. Professional **and provisional** certificate for college faculty.

5 RELATES TO: KRS [~~160.380(5)(c)~~], 161.020, 161.028, 161.030, 161.048

6 STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 authorizes the eligibility  
8 requirements for a candidate seeking to participate in an alternative teacher preparation program.

9 This administrative regulation establishes the requirements for [~~and renewal of~~]  
10 **and provisional certificate** for college faculty.

11 Section 1. Prerequisites.

12 (1) **A two (2) year provisional certificate for college faculty may be issued to an eligible**  
13 **candidate who meets the requirements of KRS 161.048(4).**

14 **(2) Application for a provisional certificate shall be submitted to the EPSB and shall:**

15 **(a) Contain proof of a master's degree or doctoral degree in the academic content area**  
16 **for which certification is sought;**

17 **(b) Contain verification of qualifying teaching experience from a regionally or**  
18 **nationally accredited institution of higher education;**

19 **and**

20 **(c) Be in compliance with 16 KAR 2:010, Section 3(1).**

1 **(3) The provisional certificate for college faculty shall be issued for the content area and**  
2 **grade range corresponding to the candidate's degree and teaching experience.**

3 **(4) The provisional certificate for college faculty shall be valid for teaching the content**  
4 **area and grade range indicated on the face of the certificate.**

5 [~~(a) An eligible candidate who meets the requirements of KRS 161.048(4)[(a) and (b)] shall be~~  
6 ~~issued a statement of eligibility for the professional certificate for college faculty valid for five~~  
7 ~~(5) years.~~

8 [~~(b) Application for the statement of eligibility for the professional certificate for college faculty~~  
9 ~~shall be made on Form CA-194.~~

10 [~~(2) Upon confirmation of employment in an assignment for the grade level and specialization~~  
11 ~~identified on the statement of eligibility, a provisional teaching certificate shall be issued.~~

12 [~~(3) Upon successful completion of the Kentucky Teacher Internship Program as provided in KRS~~  
13 ~~161.030 and 16 KAR 7:010, the professional certificate for college faculty shall be issued for an~~  
14 ~~additional four (4) years.]~~

15 Section 2. Renewal. **(1) If a candidate does not complete one (1) year of successful teaching**  
16 **experience during the initial provisional certificate, the candidate may apply to renew the**  
17 **provisional certificate.**

18 **(2) Application for renewal of the two (2) year provisional certificate for college faculty**  
19 **shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1).** [~~Each~~

20 ~~five (5) year renewal of the professional certificate for college faculty shall require:~~

21 [~~(1) Three (3) years of successful classroom teaching experience; or~~

22 [~~(2) Six (6) semester hours of additional graduate credit.]~~

23 Section 3. Equivalent College Teaching Experience.

1 (1) Ninety (90) semester credit hours taught at the postsecondary level at a regionally- or  
2 nationally-accredited institution of higher education shall be accepted as the equivalent of five  
3 (5) years of full-time teaching experience.

4 (2) The ninety (90) hours of college teaching experience may:

5 (a) Be accumulated at more than one (1) institution of higher education; and

6 (b) Include part-time teaching or adjunct teaching positions.

7 (3)

8 (a) A full-time faculty member's experience at a regionally- or nationally-accredited institution  
9 of higher education may include the following activities in lieu of regular full-time teaching  
10 experience as established in subsection (1) of this section:

11 1. Action research;

12 2. Service to the P-12 schools; or

13 3. Other activities undertaken as part of a full-time faculty member's assigned responsibilities  
14 at the institution of higher education.

15 (b) The head of the faculty member's unit shall verify the validity of the experiences or  
16 responsibilities in this subsection in lieu of regular full-time teaching load on a per semester  
17 basis.

18 Section 4.(1) **Upon completion of one (1) year of successful teaching experience on the**  
19 **provisional certificate for college faculty, the candidate may apply for the professional**  
20 **certificate.**

21 **(2) Application for the professional certificate shall be submitted to the EPSB and shall:**

22 **(a) Contain proof of successful completion of one (1) year of teaching experience;**

23 **(b) Contain a recommendation from the employing school district;**

1 and

2 (c) Be in compliance with 16 KAR 2:010, Section 3(1).

3 [~~An applicant for a professional certificate for college faculty who is not currently certified as an~~  
4 ~~educator in Kentucky shall submit a national and state criminal background check performed in~~  
5 ~~accordance with KRS 160.380(5)(c) within twelve (12) months prior to the date of application.~~

6 ~~Section 5. Incorporation by Reference.~~

7 ~~(1) "Form CA-194", 08/15, is incorporated by reference.~~

8 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~  
9 ~~the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky~~  
10 ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~