

Temporary ESY Rules for Teacher Qualification

(Applies only to KSDE licensed staff)

FY23 (ESY 2022) through FY26 (ESY 2025)

State regulation allows reimbursement for staff who are qualified to provide services. The reason for ESY services is to ensure the provision of FAPE so that the child can make progress toward the goals specified on the child's IEP and to prevent regression, which would impede such progress.

The lack of correctly qualified special education teachers, already severe in the regular year, is even worse during ESY, when many teachers are not available. The substitute regulations refer specifically to the days of the regular school year and may not be applied to ESY. Due to KSDE's desire to have the best qualified people possible providing IEP required services during ESY, KSDE will approve teachers for reimbursement in ESY who meet the following criteria:

- Must hold licensure from KSDE appropriate for substituting for the approved time.
 - Unlicensed staff will not be approved.
 - Limited licenses are issued for specific purposes and the staff may not be used in other areas/grades with that license.
- Must have special education licensure or a waiver for special education during the current year, or within the last year. (A waiver for extension of days does not verify coursework, so does not qualify)
 - An endorsement or waiver for Gifted qualifies.
 - PE is not sufficient to qualify as special education for this purpose.
 - School counselor/psychologist is not considered to be special education licensure for this purpose.
 - A limited license would qualify for the special education training as long as the person has an esub or other appropriate licensure.

This action is intended to allow districts to employ staff with training as special education teachers in ESY, even if their training is for different grades or areas.

- Unlicensed staff are not eligible for reimbursement as professionals
- Esubs with no degree are not eligible for reimbursement in ESY.

Manual approvals for affected staff will be applied prior to the 3rd payment to allow maximum time for entry of staff and correction of position errors.