

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 290 Department or Agency State Department of Education  
Rule No. 290-3-2-.31  
Rule Title: Emergency Certificate

New  Amend   
Repeal  Adopt by Reference  (Check appropriate box)

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

---

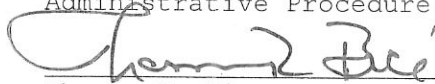
Does the proposed rule have an economic impact? No

If the proposed rule does have an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

---

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

  
\_\_\_\_\_  
Thomas R. Bice  
State Superintendent of Education

11/7/17  
\_\_\_\_\_  
DATE

APA-2  
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE:

290-3-2-.02 Basic Principles

290-3-2-.03 Professional Educator Certificate and Professional Leadership Certificate

290-3-2-.15 Preliminary Certificate Approach: For Individuals Issued a First Preliminary Certificate Beginning with the 2011-2012 Scholastic Year and Thereafter

290-3-2-.16 Preliminary Certificate Through Exception in Reading Approach **(Repeal)** Preliminary Certificate Through Exception in Educational Administration Approach: For Individuals Issued a First Preliminary Certificate Through Exception in Educational Administration Beginning with the 2014-2015 Scholastic Year and Thereafter **(New)**

290-3-2-.17 Additional Teaching Field Approach Based on a Professional Educator Certificate, Experience, and a Test Score

290-3-2-.23 Specialty Area Career and Technical Certificate in a Technical Education Program Area Approach

290-3-2-.24 Specialty Area Career and Technical Certificate in Health Science Approach

290-3-2-.25 Career and Technical Education Additional Teaching Field Approach Based on a Professional Educator Certificate, Experience, and an Occupational Proficiency Assessment

290-3-2-.26 Career and Technical Education Temporary Certificate (CTE T)

290-3-2-.28 Junior Reserve Officer Training Corps (JROTC) Certificate Approach

290-3-2-.29 Child Nutrition Program Director Certificate Approach

290-3-2-.30 Interim Certificate **(Repeal)** Additional Certification in Driver and Traffic Safety Education **(New)**

290-3-2-.31 Emergency Certificate

290-3-2-.32 Substitute Teacher License

290-3-2-.33 Renewal Requirements: Continuation or Reinstatement

290-3-2-.35 Certification Forms and Supplements

INTENDED ACTION: Repeal Rules and Adopt New Rules

SUBSTANCE OF PROPOSED ACTION:

As it pertains to Rules 290-3-2-.02, 290-3-2-.03, 290-3-2-.17, 290-3-2-.23, 290-3-2-.24, 290-3-2-.25, 290-3-2-.26, 290-3-2-.28, 290-3-2-.29, 290-3-2-.31, 290-3-2-.32, and 290-3-2-.33, to change the certificate beginning valid period to be effective on the date of issuance.

As it pertains to Rule 290-3-2-.16, to delete the Preliminary Certificate Through Exception in Reading Approach.

As it pertains to Rule 290-3-2-.16, to create an alternative certification approach for individuals who do not meet the administrative experience requirement when applying through the Certificate and Experience Reciprocity Certification Approach.

As it pertains to Rules 290-3-2-.15 and 290-3-2-.17, to delete the Driver and Traffic Safety Education certification approaches which require testing.

As it pertains to Rule 290-3-2-.30, to delete the Interim Certificate.

As it pertains to Rule 290-3-2-.30, to create a new Driver and Traffic Safety Education certification approach.

As it pertains to Rule 290-3-2-.35, to update and add new application forms.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 1:00 p.m., January 8, 2014, Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than December 30, 2013, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: January 8, 2014

CONTACT PERSON AT AGENCY: Dr. Jayne A. Meyer  
Alabama State Department of Education  
P.O. Box 302101  
Montgomery, Alabama 36130-2101  
(334) 242-9560



Thomas R. Bice  
State Superintendent of Education

NEW TEXT

SUPP. NO. 14-1  
290-3-2-.31

TEACHER CERTIFICATION

290-3-2-.31

290-3-2-.31 Emergency Certificate.

(1) **Eligibility.** The Emergency Certificate, which is valid for no more than one scholastic year, is not renewable and will not be issued to an applicant who holds a valid Alabama certificate. The Emergency Certificate is not an alternative certificate. An individual holding an Emergency Certificate cannot be deemed highly qualified.

(2) **Limitations on Issuance.**

(a) An individual who holds a valid Alabama certificate is not eligible to receive an Emergency Certificate.

(b) An Emergency Certificate is issued only for a single teaching field or area of instructional support.

(c) An Emergency Certificate will not be issued for driver and traffic safety education, school psychometry, or school psychology.

(d) When issued, an Emergency Certificate expires June 30 of the scholastic year for which it was issued. It will not be continued, renewed, reinstated, or reissued.

(e) An individual who has held one Emergency Certificate is not eligible to receive another Emergency Certificate in any teaching field or area of instructional support.

(3) **Requirements.** The Emergency Certificate shall be issued only in cases of emergency when an individual who holds a valid Alabama certificate is not available and when all of the following requirements have been met:

(a) A recommendation on Form EMG from a superintendent or administrator who wishes to employ the applicant in the area for which the certificate is sought.

(b) An earned bachelor's degree from a regionally accredited senior institution.

(c) Completion of all requirements on Form EMG.

(d) A criminal history background check as required by the Alabama Child Protection Act of 1999, as amended, and Rule 290-3-2-.02(9).

(4) **Degree Level.** An Emergency Certificate will be issued only at the bachelor's degree level.

(5) **Valid Period.** The valid period of the Emergency Certificate shall be no more than one scholastic year (July 1 to June 30). The Emergency Certificate will be valid from the date the certificate is issued through June 30 of the scholastic year for which it is issued. The Emergency Certificate shall not be continued, renewed, reinstated, or reissued.

**Author:** Dr. Thomas R. Bice.

**Statutory Authority:** Ala. Const. Amend. 284, Ala. Code §§16-3-11, 16-23-1 and 16-23-2 (1975).

**History:** Adopted new, 8-4-08, effective 9-18-08; repealed and adopted; emergency Rule to repeal filed 11-14-13; repealed and adopted new \_\_\_\_\_, effective \_\_\_\_\_.

SUPP. NO. 10-4  
290-3-2-.31

TEACHER CERTIFICATION

290-3-2-.31 History

290-3-2-.31 Emergency Certificate.

(1) **Eligibility.** The Emergency Certificate, which is valid for one year and is not renewable, will not be issued to an applicant who holds a valid Alabama certificate. The Emergency Certificate is not an alternative certificate. An individual holding an Emergency Certificate cannot be deemed highly qualified.

(2) **Limitations on Issuance.**

(a) An individual who holds an Alabama certificate is not eligible to receive an Emergency Certificate.

(b) An Emergency Certificate is issued only for a single teaching field or area of instructional support.

(c) An Emergency Certificate will not be issued for driver and traffic safety education, school psychometry, or school psychology.

(d) When issued, an Emergency Certificate expires June 30 of the scholastic year for which it was issued. It will not be continued, renewed, reinstated, or reissued.

(e) An individual who has held one Emergency Certificate is not eligible to receive another Emergency Certificate in any teaching field or area of instructional support.

(3) **Requirements.** The Emergency Certificate shall be issued only in cases of emergency when an individual who holds a valid Alabama certificate is not available and when all of the following requirements have been met:

(a) A recommendation from a superintendent or administrator who wishes to employ the applicant in the area for which the certificate is sought.

(b) An earned bachelor's degree from a regionally accredited senior institution.

(c) Completion of all requirements on Supplement EMG.

(d) A criminal history background check as required by the Alabama Child Protection Act of 1999, as amended, and Rule 290-3-2-.02(9).

(4) **Degree Level.** An Emergency Certificate will be issued only at the bachelor's degree level.

(5) **Valid Period.** The valid period of the Emergency Certificate shall be one scholastic year (July 1 to June 30), and it shall not be continued, renewed, reinstated, or reissued.

**Author:** Joseph B. Morton.

**Statutory Authority:** Ala. Const. Amend. 284, Ala. Code §§16-3-11, 16-23-1 and 16-23-2 (1975).

**History:** Adopted new, 8-4-08, effective 9-18-08; repealed and adopted new, 12-9-10, effective 1-14-11.