

### **III. Can an Emergency Provisional Certificate Authorize Someone to Serve as a Superintendent?**

Your request also involves the propriety of an emergency provisional certificate issued pursuant to Idaho Code section 33-1203. As we construe your request, it presents a threshold question: whether an emergency provisional certificate provides an alternative pathway for authorization to serve as a superintendent. We conclude it does not.

Section 33-1203 provides as follows:

#### **Accredited Teacher Training Requirements.**

Except in the limited fields of trades and industries and specialists certificates of school librarians and school nurses, the state board shall not authorize the issuance of any standard certificate premised upon less than four (4) years of accredited college training, including such professional training as the state board may require, or the successful completion of a state board of education-approved registered apprenticeship program for teachers; but in emergencies, which must be declared, the state board may authorize the issuance of provisional certificates based on not less than two (2) years of college training.

First, section 33-1203 specifically contemplates provisional certificates for *teachers*. But no comparable statute exists regarding provisional certificates for administrators. Second, section 33-1203 authorizes the issuance of a provisional *certificate*. It says nothing about the *endorsement* for that certificate. And under the Board's regulations, a superintendent candidate must receive an administrator certificate with a superintendent *endorsement*. IDAPA 08.02.02.15.03. Thus, even if a superintendent candidate could receive an emergency provisional certificate, nothing in section 33-1203 appears to authorize the Board to waive the endorsement requirements for that candidate.

We understand that, historically, the Board may have approved provisional certificates for a superintendent candidate in a manner that effectively waived the endorsement requirements for that candidate. However, this practice does not appear to be consistent with the statute or the Board's regulations: the statute's explicit terms only authorize provisional certificates to be issued for teachers. And the statute does not appear to authorize the Board to waive the endorsement requirements for superintendents. This means that the State Board could face legal liability for issuing provisional certificates for administrators and superintendents. The Board should also be aware that its prior issuance of an emergency provisional certificate to a superintendent candidate could create some risk.