

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

16 KAR 2:170. Probationary certificate for middle school teachers.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.020, 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualifications for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board (EPSB). KRS 161.028 requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. This administrative regulation establishes the probationary certificate for middle school teachers and the requirements for issuance and renewal of this certificate.

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

~~Section 2.~~ Requirements for Issuance of the Probationary Certificate for Middle School Teachers, Grades Five (5) Through Nine (9).

(1) A one (1) year probationary certificate for middle school teachers may be issued to a candidate who:

(a) Holds a Kentucky teaching certificate; and

(b) Is enrolled in an EPSB approved middle school preparation program for the content area or areas for which certification is sought.

(2) Application for a probationary certificate for middle school teachers shall be submitted to the EPSB and shall:

(a) Contain a recommendation from the educator preparation provider for the content area or areas of the probationary certificate for middle school teachers; and

(b) Be in compliance with 16 KAR 2:010, Section 3(1). ~~[If a qualified teacher is not available for the position of middle school teacher at the grade level and content area necessary as attested by the local superintendent, the superintendent may request a one (1) year probationary certificate for a teacher who:]~~

~~[(a)] [Holds at least a valid Kentucky teaching statement of eligibility or Kentucky teaching certificate issued by the Education Professional Standards Board;]~~

~~[(b)]~~

~~[1.] [Has a cumulative grade point average of at least 2.5 on a 4.0 scale; or]~~

~~[2.] [Has a grade point average of at least 3.0 on a 4.0 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework;]~~

~~[(c)] [Has an offer of employment from a Kentucky school district or accredited nonpublic school in grades five (5) through nine (9) in a content area or areas;]~~

~~[(d)] [Has enrolled in an approved middle school preparation program for the content area or areas for which certification is sought; and]~~

~~[(e)] [Has successfully completed at least twelve (12) semester credit hours of content coursework in each content area for which certification is sought.]~~

~~[(2)] [Application shall be made on Form CA-MG.]~~

~~[(3)] [Compliance with the requirements established in subsection (1)(d) and (e) of this section shall be verified by submission of a curriculum contract completed by the teacher education institution with a middle school preparation program, approved pursuant to 16 KAR Chapter 5, in the content area or areas for which certification is sought.]~~

(3)

(a) ~~[(4)] [(a)]~~ Upon completion of all requirements established in this section, the applicant shall be issued a probationary certificate for middle school teachers in the content area or areas as recommended by the educator preparation provider valid for one (1) year.

(b) The probationary certificate shall be valid for teaching grades five (5) through nine (9) in the content area or areas indicated on the face of the certificate.

Section 2. ~~[Section 3.]~~ Requirements for Renewal of a Probationary Certificate for Middle School Teachers, Grades Five (5) Through Nine (9).

(1) A candidate shall be eligible for renewal of the probationary certificate for middle school teachers upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and recommendation from the educator preparation provider based on continued enrollment and progress towards the completion of the preparation program. ~~[The first renewal of the probationary certificate for middle school teachers shall be for one (1) year based upon:]~~

~~[(a)] [Evidence of employment in a Kentucky school district or nonpublic school in grades five (5) through nine (9) in the content area or areas indicated on the initial probationary certificate;]~~

~~[(b)] [Completion of at least six (6) semester hours or its equivalent from the middle school preparation program, approved pursuant to 16 KAR Chapter 5, as indicated on the teacher's curriculum contract; and]~~

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

~~[(2)]~~

~~[(a)] [Subsequent one (1) year renewals of the probationary certificate for middle school teachers shall require at least six (6) semester hours or its equivalent of additional credit from the middle school preparation, approved pursuant to 16 KAR Chapter 5, program as indicated on the teacher's curriculum contract.]~~

(2) ~~[(b)]~~ The probationary certificate for middle school teachers may be renewed for a maximum of two (2) times after the initial issuance.

(3) Upon successful completion of all program requirements for the middle school preparation program, approved pursuant to 16 KAR Chapter 5, including successful completion of all required assessments established in 16 KAR 6:010, a professional certificate for teaching middle school established in 16 KAR 2:010 and valid for five (5) years shall be issued.

(4) Program requirements for completion of the middle school preparation program while serving on the probationary certificate for middle school teachers shall not include student teaching.

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

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

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: April 8, 2024

FILED WITH LRC: May 15, 2024 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 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 July 31, 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

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the probationary certificate for middle school teachers and the requirements for issuance and renewal of this certificate.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set the certification requirements for probationary certificates for middle school teachers.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 161.020, 161.028 and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation delineates the certification requirements for the probationary certificate for middle school teachers.

(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 proposed amendment streamlines the language in the regulation to make clear that any Kentucky certified teacher is eligible for a probationary certificate upon enrollment in an approved educator preparation program for middle school teachers, removes the requirement that the candidate complete coursework prior to issuance of the certificate and removes the reference to an outdated application form.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to allow candidates to be issued probationary certificates upon enrollment in an approved educator preparation program for middle school teachers

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment sets the requirements for issuance of the probationary certificate, removes the condition that the candidate have a job offer, and removes references to the Kentucky Teacher Internship Program.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment streamlines the language in the regulation to make clear that any Kentucky certified teacher is eligible for a probationary certificate upon enrollment in an approved educator preparation program for middle school teachers.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

171 Kentucky school districts, 31 institutions of higher education with an approved educator preparation program, and those pursuing probationary certification.

(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:

This amendment will not require any additional actions from the regulated entities. It removes the reference to an outdated application form and removes the requirements that an applicant possess a job offer or complete coursework prior to issuance of the probationary certificate. Applicants for the probationary certificate will have to enroll in an approved educator preparation program. Institutions of higher education will have to verify enrollment.

(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.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance will result in issuance of a probationary certificate to eligible candidates sooner.

(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 establishes any fees or directly or indirectly increases 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 teachers seeking probationary certification for teaching middle school.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.020, KRS 161.028, KRS 161.030.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Education Professional Standards Board.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are expected to be needed since the systems and staff are already in place for processing applications and issuing probationary certificates.

Revenues:The amendment to this administrative regulation is not expected to generate any revenue during the first year as this regulation does not create fees and there are no fees associated with probationary certificates.

Cost Savings:No cost savings are expected with this amendment.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues and cost savings are not expected to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Public-school districts.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for districts as there are no costs associated with the probationary certificates.

Revenues:This regulation sets the standards for the probationary certificate for middle school teachers. It will not generate revenue for districts.

Cost Savings:There may be some cost savings in the form of staff time, since applicants no longer have to have an offer of employment prior to issuance of the probationary certificate, districts will not have to initiate the application for the probationary certificate.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Applicants for probationary certificates for teaching middle school.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for applicants as there are no costs associated with the probationary certificates.

Revenues:This regulation sets the standards for the probationary certificate for middle school teachers. It will not generate revenue for applicants.

Cost Savings:There is no expected cost savings since there has never been a fee to applicants for probationary certificates.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact as a result of the proposed amendments to this regulation. There is no financial cost to districts or applicants for probationary teaching certificates. While processing applications and issuing probationary teaching certificates does require staff time and resources from the Education Professional Standards Board, the amendments can be carried out by the existing staff and systems.

(b) Methodology and resources used to determine the fiscal impact:

The methodology and resources used to determine that there is no fiscal impact, is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees created for districts or applicants, it was determined there is no fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

There is not an expected major economic impact from this regulation as it does not create additional costs for the Education Professional Standards Board or the regulated entities.

(b) The methodology and resources used to reach this conclusion:

The methodology and resources used to determine this is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees for probationary certificates there will not be a negative or adverse major economic impact.