

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

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

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

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 authorizes the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program. This administrative regulation establishes the requirements for ~~[and renewal of]~~ the professional and provisional certificate for college faculty.

Section 1. Prerequisites.

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

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

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

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

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

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

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

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

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

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

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

Section 2. Renewal.

(1) If a candidate does not complete one (1)-year of successful teaching experience during the initial provisional certificate, the candidate may apply to renew the provisional certificate.

(2) Application for renewal of the two (2)-year provisional certificate for college faculty shall be submitted to the EPSB and be in compliance with 16 KAR 2:010, Section 3(1). [Each five (5)-year renewal of the professional certificate for college faculty shall require:]

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

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

Section 3. Equivalent College Teaching Experience.

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

- (2) The ninety (90) hours of college teaching experience may:
- (a) Be accumulated at more than one (1) institution of higher education; and
 - (b) Include part-time teaching or adjunct teaching positions.
- (3)
- (a) A full-time faculty member's experience at a regionally- or nationally-accredited institution of higher education may include the following activities in lieu of regular full-time teaching experience as established in subsection (1) of this section:
 - 1. Action research;
 - 2. Service to the P-12 schools; or
 - 3. Other activities undertaken as part of a full-time faculty member's assigned responsibilities at the institution of higher education.
 - (b) The head of the faculty member's unit shall verify the validity of the experiences or responsibilities in this subsection in lieu of regular full-time teaching load on a per semester basis.

Section 4.

- (1) Upon completion of one (1) year of successful teaching experience on the provisional certificate for college faculty, the candidate may apply for the professional certificate.
- (2) Application for the professional certificate shall be submitted to the EPSB and shall:
- (a) Contain proof of successful completion of one (1) year of teaching experience;
 - (b) Contain a recommendation from the employing school district; and
 - (c) Be in compliance with 16 KAR 2:010, Section 3(1). ~~[An applicant for a professional certificate for college faculty who is not currently certified as an educator in Kentucky shall submit a national and state criminal background check performed in accordance with KRS 160.380(5)(e) within twelve (12) months prior to the date of application.]~~

~~[Section 5.] [Incorporation by Reference.]~~

~~[(1)] ["Form CA-194", 08/15, 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 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: May 31, 2024

FILED WITH LRC: May 31, 2024 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on August 27, 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 August 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 requirements for the professional and provisional certificate for college faculty.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set the certification requirements for Option 3, College Faculty Route to Teacher Certification.

(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 approved by the Education Professional Standards Board. KRS 161.048 authorizes the Education Professional Standards Board to promulgate administrative regulations establishing the standards and procedures for the Option 3 College Faculty Route Teacher Certification.

(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 Option 3 College Faculty Route to Teacher Certification.

(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 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.

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

This amendment is necessary to comply with the changes to KRS 161.030 and KRS 161.048(4) from Senate Bill 265 of the 2024 Legislative Session.

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

The amendment sets the requirements for issuance of certification under the Option 3 College Faculty Route to Teacher Certification. The amendment removes the requirement that candidates have a job offer prior to issuance and adds the requirement that candidates complete one (1) year of teaching experience and have a recommendation from the employing district prior to issuance of the professional certificate. The amendment also removes the reference to the Kentucky Teacher Internship Program.

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

This amendment will assist in establishing the requirements for the provisional and professional certificate for the Option 3 College Faculty Route to Teacher Certification.

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

171 Kentucky school districts and those pursuing the Option 3 College Faculty Route to Teacher 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:

Applicants for the Option 3 route will have to meet the requirements for issuance of the provisional certificate, then obtain one (1) year of teaching experience before applying for the professional certificates. Districts will no longer have to verify that candidates have an offer of employment but will have to provide a recommendation for those candidates that complete one (1) year of teaching experience.

(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 the provisional and professional certificate to eligible candidates.

(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 certification through the Option 3 College Faculty Route

to Teacher Certification.

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, KRS 161.048.

(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 certificates under the Option 3 route.

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.

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 fees established in this regulation.

Revenues:This regulation sets the standards for certification under the Option 3 route to certification. It will not generate revenues for districts.

Cost Savings:There are no cost savings expected with this amendment.

(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 certification under the Option 3 College Faculty Route to Teacher Certification.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for applicants to comply with this amendment.

Revenues:This regulation sets the standards for certification under the Option 3 route. It will not generate revenue for applicants.

Cost Savings:There is no expected cost savings since there are no fees created or reduced by this regulation.

(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. No fees are established or increased in this regulation, and there are no fees for two (2) year provisional certificates. While processing applications and issuing 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 established or increased by this regulation, 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 established or increased by this regulation, there will not be a negative or adverse major economic impact.