

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

16 KAR 4:090. Reissuance.

RELATES TO: KRS 161.020, ~~[161.027,]~~ 161.028, 161.030, ~~[161.046,]~~ 161.048, 161.053

STATUTORY AUTHORITY: KRS 161.020, 161.028, 161.030

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require the Education Professional Standards Board (EPSB) to promulgate administrative regulations establishing requirements and standards for obtaining and maintaining certification~~[and for approval of an education preparation provider]~~. This administrative regulation establishes the reissuance requirements for a Kentucky teaching certificate ~~[certification]~~ that has lapsed.

Section 1.

(1)

~~[(a)] [If a certificate has lapsed as a result of the applicant's failure to meet the renewal requirements, the certificate shall be reissued at a later date for a one (1) year period if the applicant completes at least six (6) semester hours of graduate credit applicable toward the planned fifth year program.]~~

~~[(b)] [The applicant shall complete an additional nine (9) semester hours of credit applicable toward the planned fifth year program by September 1 of the year of expiration to qualify for extending the certificate for the remaining four (4) years of the first five (5) year renewal period.]~~

~~[(c)] [At the end of the renewal period established in paragraph (b) of this subsection, the applicant shall have completed a planned fifth year program that meets the requirements of 16 KAR 8:020 to qualify for the next five (5) year renewal. After the renewal period established in this paragraph, the regular renewal schedule of three (3) years of successful teaching experience with evidence of continuing growth documented in a portfolio as required by 16 KAR 4:060 or six (6) semester hours of additional graduate credit each five (5) year period shall apply.]~~

~~[(2)] [An applicant who has already completed the planned fifth year program and] An applicant whose certificate lapses shall have the certificate reissued for a subsequent five (5) year period upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and proof of the completion of~~[after completing]~~ another six (6) semester hours of graduate credit.~~

(2) An applicant whose certificate has lapsed may qualify for a one-time exception of the six (6) semester hours of graduate credit if the applicant submits a recommendation from a superintendent of a Kentucky school district.

(3) The ~~[the]~~ certificate shall be issued for a five (5) year period and subject to the renewal requirements in 16 KAR 4:060.~~[schedule of three (3) years of successful teaching experience or completion by September 1 of the year of expiration of at least six (6) semester hours of additional credit for each five (5) year period.]~~

~~[(3)] [Successful teaching experience shall be in a position directly corresponding to the type of certificate for which the application is being made, and employment shall be at least on a half-time basis.]~~

~~[(a)] [A full year of experience shall include at least 140 days of employment performed within the academic year.]~~

~~[(b)] [A half year of experience shall include at least seventy (70) days of employment performed within an academic semester.]~~

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

AMBER SNELL, Board Chair

APPROVED BY AGENCY: October 21, 2025

FILED WITH LRC: October 30, 2025 at 11:48 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 26, 2026, at 10:00 AM, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. 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

Subject Headings:Education Professional Standards, Education, Licensing.

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the qualifications for certification of teachers of occupation-based career and technical education and implements the testing requirements of KRS 161.030.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to provide minimum requirements for obtaining occupation-based career and technical education certification.

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

KRS 161.020, 161.028, and 161.030 require the Education Professional Standards Board to promulgate administrative regulations establishing requirements and standards for obtaining and maintaining certification. This administrative regulation establishes the reissuance requirements for a Kentucky teaching certificate that has lapsed.

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

This regulation provides applicants and districts with the minimum requirements for occupation-based career and technical education 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 amendment to 16 KAR 4:090 removes outdated language regarding candidates who have not yet received a Rank II. The amendment also incorporates language allowing a district to recommend a candidate for a one-time exception to the requirement of six graduate hours.

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

The amendment is necessary to remove the language regarding candidates who have not yet received their Rank II. The amendment is also necessary to allow districts to recommend qualifying candidates for a one-time exception for the reissuance requirements.

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

KRS 161.020 and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. This administrative regulation establishes the reissuance requirements for a Kentucky teaching certificate.

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

This amendment provides applicants and districts with the minimum requirements for reissuance of an expired certificate. It also creates a path for certificate

reissuance for candidates who have not completed additional graduate coursework.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? It does not.

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

Those affected by this administrative regulation include 171 Kentucky public school districts and teachers with an expired certificate

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

Teachers with a lapsed certificate will have to complete six hours of graduate credit or have a district recommend them for a one-time exception.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There is no anticipated cost to comply with this regulation or amendment for districts. There may be costs to applicants who pursue certificate reissuance through additional graduate coursework; however, there are no fees established by this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Compliance with this regulation will ensure teachers with a lapsed certificate are able to have their teaching certificate reissued.

(6) 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 as staff and structures are already in place to reissue certificates.

(b) On a continuing basis:

There are no expected continuing costs with this amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

General fund.

(8) 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.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering was not appropriate as this administrative regulation applies equally to all districts and teachers with an expired certificate.

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, and KRS 161.030.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(1) provides that certificates shall be issued in accordance with the administrative regulations of the Education Professional Standards Board

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

The Education Professional Standards Board and the Kentucky Department of Education.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:There are no additional expected expenditures for the state during the first year as the systems and staff are already in place for processing applications and reissuing teaching certificates that have lapsed.

For subsequent years:There are no additional expected expenditures for the state during subsequent years as the systems and staff are already in place for processing applications and reissuing teaching certificates that have lapsed.

2. Revenues:

For the first year:The amendment to this administrative regulation is not expected to generate any revenue during the first year as this regulation does not create fees.

For subsequent years:The amendment to this administrative regulation is not expected to generate any revenue during subsequent years as this regulation does not create fees.

3. Cost Savings:

For the first year:No cost savings are expected with this amendment.

For subsequent years:No cost savings are expected with this amendment.

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

Kentucky public school districts.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:There are no expected expenditures for districts as there are no fees established in this regulation.

For subsequent years:There are no expected expenditures for districts as there are no fees established in this regulation.

2. Revenues:

For the first year:This regulation sets the standards for certification reissuance for teachers with a lapsed certificate. It will not generate revenue for districts.

For subsequent years:This regulation sets the standards for certification for teachers with a lapsed certificate. It will not generate revenue for districts.

3. Cost Savings:

For the first year:No cost savings are expected with this amendment.

For subsequent years:No cost savings are expected with this amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

Teachers who have allowed their certificate to expire.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:There may be expenditures for applicants in completing the six hours of graduate credit, but there are no fees established in this regulation.

For subsequent years:There may be expenditures for applicants in completing the six hours of graduate credit, but there are no fees established in this regulation.

2. Revenues:

For the first year:This regulation sets the standards for certification reissuance for teachers with a lapsed certificate. It will not generate revenue for applicants.

For subsequent years:This regulation sets the standards for certification reissuance for teachers with a lapsed certificate. It will not generate revenue for applicants.

3. Cost Savings:

For the first year:There may be some cost savings for applicants recommended by a district as they will have a one-time exemption from renewal requirements.

For subsequent years:There may be some cost savings for applicants recommended by a district as they will have a one-time exemption from renewal requirements.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(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. While processing applications and issuing certificates does require staff time and resources from the Kentucky Department of Education and the Education Professional Standards Board, the amendments can be carried out by the existing staff and systems.

(b) 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.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

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.