

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

16 KAR 4:060. Certificate renewals and teaching experience.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board (EPSB). KRS 161.020 provides that the validity and terms for the renewal of a certificate shall be determined by the laws and administrative regulations in effect at the time the certificate was issued. This administrative regulation establishes certificate renewal provisions and the requirements for successful teaching experience for certificate issuance and renewal.

Section 1. Certificate Renewals.

(1) If the renewal of a teaching certificate requires the completion of additional academic course work in lieu of teaching experience, the credits shall be selected from a nationally or regionally accredited postsecondary institution~~[the Planned Fifth Year Program]~~.

(2) Except as provided in KRS 161.030(3), a teaching certificate shall be issued for a duration period of five (5) years, with provision for subsequent five (5) year renewals.

(3)

(a) A certificate shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and proof of the completion of:

1. Three (3) years of successful teaching experience as established in Section 2 of this administrative regulation; or
2. At least six (6) semester hours of credit~~[or the equivalent in professional development defined in 16 KAR 8:020]~~.

(b) The requirements of this subsection shall apply to teachers who have completed the Fifth Year Program renewal requirements established in 16 KAR 8:020 and 16 KAR 2:010, Section 3.

(4) The renewal requirements shall be completed by September 1 of the year of expiration of the certificate.

(5)

(a) Upon expiration, a regular certificate shall be extended for one (1) time for the one (1) year period immediately following the expiration date if:

1. The educator submits an application to the EPSB and complies with 16 KAR 2:010, Section 3(1);

~~[a.] [Until December 31, 2014, an application for the extension is submitted using Form TC-2; or]~~

~~[b.] [Beginning January 1, 2015, an application for the extension is submitted using Form CA-2;]~~

2. The certificate holder has completed at least one-third (1/3) of the renewal requirements; and
3. The extension is requested~~[recommended]~~ by the employing school superintendent.

(b) If the requirements of paragraph (a) of this subsection are met, the remainder of the renewal requirements shall be completed within the one (1) year period of reinstatement.

- (6)
- (a) Experience in the armed forces of the United States of America shall be accepted toward the renewal of a teaching certificate in lieu of required teaching experience as established in Section 2 of this administrative regulation, if the applicant held a valid certificate prior to entering military service.
 - (b) The validity period of a certificate held by a person at the time of entry into the armed forces of the United States of America shall be extended for the same period of time for which it was valid at the time of entry, beginning from the date of discharge.
- (7) For a certificate requiring teaching experience for renewal, experience as a substitute teacher shall be accepted in lieu of required teaching experience as established in Section 2 of this administrative regulation if the holder of the certificate:
- (a) Was employed officially by the local board of education;
 - (b) Was paid through the board of education; and
 - (c) Substituted in a certified position~~[his or her certification area]~~ no less than thirty (30) teaching days per semester or sixty (60) teaching days per school year.
- (8) Work experience at the Education Professional Standards Board, Kentucky Department of Education, or other state or federal educational agency with oversight for elementary and secondary education shall be accepted toward the renewal of a teaching certificate in lieu of teaching experience as established in Section 2 of this administrative regulation.
- (9) Teaching or administrative experience at a regionally- or nationally-accredited institution of higher education in the area of educator preparation or the academic subject area for which the teacher holds certification shall be accepted toward the renewal of a teaching certificate in lieu of teaching experience as established in Section 2 of this administrative regulation.
- ~~[(10)]~~
- ~~[(a)] [Until December 31, 2014, application for certification renewal shall be made on Form TC-2.]~~
 - ~~[(b)] [Beginning January 1, 2015, application for certification renewal shall be made on Form CA-2.]~~

Section 2. Teaching Experience for Certificate Issuance and Renewal.

- (1) Teaching experience shall be in a position directly corresponding to the type of teaching certificate for which the application is being made.
- (2) A full year of experience shall include at least 140 teaching days of employment performed within the academic year.
- (3) A half year of experience shall include at least seventy (70) teaching days of employment performed within an academic semester.
- (4) The experience shall include employment on at least a half-time basis as defined in 16 KAR 7:010.
- (5) Except as provided by Section 1(7), (8), or (9) of this administrative regulation, the experience shall include employment in either a public school or a regionally- or nationally-accredited nonpublic school.
- (6) Experience as a home school teacher shall not be accepted as teaching experience.
- (7) The
 - ~~[(a)] [Until December 31, 2014, the] superintendent of the employing district or chief school officer of the employing nonpublic school shall verify teaching experience, for the certification application, Form TC-1, which is incorporated by reference in 16 KAR 2:010, for initial certification or Form TC-2 for certificate renewal.~~
 - ~~[(b)] [Beginning January 1, 2015, the superintendent of the employing district or chief school officer of the employing nonpublic school shall verify teaching experience on~~

~~the Form CA-1, which is incorporated by reference in 16 KAR 2:010, for initial certification or Form CA-2 for certificate renewal.]~~

~~{Section 3.} {Incorporation by Reference.}~~

~~{(1)} {The following material is incorporated by reference:}~~

~~{(a)} {"Form CA-2", 03/2014; and}~~

~~{(b)} {"Form TC-2", rev. 10/03.}~~

~~{(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.}~~

(SBE 42.821, .825, .826, .882, .887; 1 Ky.R. 495; eff. 3-12-1975; Am. 5 Ky.R. 602; eff. 3-7-1979; 11 Ky.R. 628; eff. 11-13-1984; 23 Ky.R. 3922; eff. 7-2-1997; 24 Ky.R. 1947; 2372; eff. 5-18-1998; 28 Ky.R. 248; 626; eff. 9-5-2001; recodified from 704 KAR 20:060, 7-2-2002; 38 Ky.R. 71; 481; 10-7-2011; 40 Ky.R. 2581; 2646; 41 Ky.R. 256; eff. 9-5-2014; 49 Ky.R.1810; eff. 9-5-2023.)

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: February 13, 2023

FILED WITH LRC: February 15, 2023 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April 26, 2023, 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 April 30, 2023. 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 certificate renewal provisions and the requirements for successful teaching experience for certificate renewal.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish certificate renewal provisions and the requirements for successful teaching experience for certificate renewal.

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

KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.020 and KRS 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. KRS 161.020 also requires that the validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

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

This administrative regulation sets the requirements for certificate renewal.

(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:

This amendment removes the reference to outdated applications and expands the substitute teaching experience and higher education experience that qualifies for certificate renewal.

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

This amendment is necessary to remove the reference to outdated applications and expand the substitute teaching and higher education experience that qualify for certificate renewal.

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

The amendment conforms to the authorizing statutes by setting the requirements for maintaining a teaching certificate in Kentucky.

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

This amendment will expand the experience that may count toward certificate renewal.

(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 and approved educator preparation programs, and those holding a Kentucky teaching certificate.

(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:

Districts and educator preparation providers will not have to take any action to comply with this amendment. Those wishing to renew a teaching certificate on substitute teaching experience will have to complete sixty (60) teaching days per school year for three years. Those wishing to renew on experience at the higher education level will have to be in a teaching or administrative position in the area of educator preparation or the academic subject area for which they hold certification.

(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):

Those holding Kentucky teaching certificates will have expanded options for certificate renewal through substitute teaching experience or experience at the higher education level. Expanded renewal options will result in more certified educators to fill positions at the district level. The amendment will also allow more higher education staff to renew their teaching certificates.

(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 with 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 and certification fees collected pursuant to 16 KAR 4:040.

(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:

At this time, it is not expected that an increase in fees or funding will 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:

Certification fees are established by 16 KAR 4:040. No additional fees are established by this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Education Professional Standards Board, public-school districts, and public institutions of higher education with approved educator preparation programs.

(2) Identify each state or 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.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

It is unknown how many will pursue renewal through the expanded substitute teaching and higher education experience. Applicants for renewal are required to pay the certification fee established in 16 KAR 4:040. Those fees are used to offset the costs of renewing the certificate.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

It is unknown how many will pursue renewal through the expanded substitute teaching and higher education experience. Applicants for renewal are required to pay the certification fee established in 16 KAR 4:040. Those fees are used to offset the costs of renewing the certificate.

(c) How much will it cost to administer this program for the first year?

There are no additional costs expected with this amendment.

(d) How much will it cost to administer this program for subsequent years?

There are no additional costs expected with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

At this time, it is unknown how many will pursue renewal through the expanded substitute teaching and higher education experience. Applicants for renewal are required to pay the certification fee established in 16 KAR 4:040. The certification fees collected for these applications will offset the costs of renewal.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

None anticipated.

(c) How much will it cost the regulated entities for the first year?

There are no costs created by this amendment.

(d) How much will it cost the regulated entities for subsequent years?

There are no costs created by this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] There is not an expected major economic impact from this regulation as it does not create costs for the Education Professional Standards Board or the regulated entities.