

**EDUCATION AND LABOR CABINET**  
**Education Professional Standards Board**  
**(Amendment)**

**16 KAR 2:200. Probationary endorsement for teachers for English as a second language.**

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 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 (EPSB). This administrative regulation establishes a plan for recruiting certified classroom teachers into positions for teachers of English as a second language.

Section 1. Definition ~~[Definitions]~~.

~~[(1)] ["Qualified teacher" means a teacher who holds the appropriate certification as a teacher for English as a second language unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.]~~

~~[(2)] "Teacher for English as a second language" means a teacher who works:~~

- ~~(1) [(a)]~~ Directly with identified English as a second language pupils, in addition to the regularly assigned classroom teacher; or
- ~~(2) [(b)]~~ In a classroom made up only of properly identified English as a second language students.

Section 2.

(1) A probationary endorsement for teaching English as a second language may be issued to a candidate who:

- (a) Holds a Kentucky teaching certificate; and
- (b) Is enrolled in an EPSB approved preparation program for the endorsement for teaching English as a second language.

(2) Application for a probationary endorsement for teaching English as a second language shall be submitted to the EPSB and shall:

(a) Contain a recommendation from the educator preparation provider for the endorsement; and

(b) Be in compliance with 16 KAR 2:010, Section 3(1). ~~[If a qualified teacher is not available for the position of teacher for English as a second language as attested by the local school superintendent, the superintendent, on behalf of the local board of education, may request by filing a Form CA-EL with the Education Professional Standards Board a probationary endorsement for teaching English as a second language for a teacher who:]~~

~~[(a)] [Has a bachelor's degree;]~~

~~[(b)] [Has a valid Kentucky teaching certificate;]~~

~~[(c)] [Has completed at least one (1) year of successful teaching experience;]~~

~~[(d)] [Has been admitted to the preparation program for the endorsement for teachers for English as a second language; and]~~

~~[(e)] [Is currently enrolled in graduate studies related to the education profession.]~~

~~[(2)] [The request for the probationary endorsement shall be submitted on Form CA-EL to the Education Professional Standards Board for each teacher for English as a second language requiring the probationary endorsement.]~~

(3)

(a) The probationary endorsement for teachers for English as a second language shall be valid for a period of two (2) years from the initial request.

(b) A teacher receiving this probationary endorsement shall complete the required curriculum for recommendation for the endorsement for teacher for English as a second language within the two (2) year validity of the probationary endorsement.

(c) The probationary endorsement shall not be renewed.

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

~~{(1)} {Form CA-EL, 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: 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](mailto: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 a plan for recruiting certified classroom teachers into positions for teachers of English as a second language.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to set the certification requirements for probationary endorsements for teaching English as a second language.

**(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.

**(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 endorsement for teaching English as a second language.

**(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 endorsement upon enrollment in an approved educator preparation program for teaching English as a second language, removes the requirement that the candidate complete coursework prior to issuance of the endorsement 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 endorsements upon enrollment in an approved educator preparation program for teaching English as a second language.

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

The amendment sets the requirements for issuance of the probationary endorsement and removes the condition that the candidate have a job offer.

**(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 endorsement upon enrollment in an approved educator preparation program for teaching English as a second language.

**(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 the probationary endorsement.

**(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 endorsement. Applicants for the probationary endorsement 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 endorsement 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 the probationary endorsement for teaching English as a second language.

## 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 endorsements.

**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 endorsements.

**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 endorsements.

**Revenues:**This regulation sets the standards for the probationary endorsement for teaching English as a Second Language. 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 endorsement, districts will not have to initiate the application for the probationary endorsement.

**(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 endorsements for teaching English as a second language.

**(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 endorsements.

**Revenues:**This regulation sets the standards for the probationary endorsement for teaching English as a second language. 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 endorsements.

**(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 endorsements. While processing applications and issuing probationary endorsements 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 endorsements there will not be a negative or adverse major economic impact.