



1 EDUCATION AND LABOR CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 4:030. Out-of-state educator preparation.

5 RELATES TO: KRS 161.020, 161.028, 161.030, 161.124, 161.126, KRS 161.135

6 STATUTORY AUTHORITY: KRS 161.020, 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require that a
8 teacher and other professional school personnel hold a certificate of legal qualifications for the
9 respective position to be issued upon completion of a program of preparation prescribed by the
10 Education Professional Standards Board (EPSB). KRS 161.028 requires the EPSB[Education
11 Professional Standards Board] to establish the standards for obtaining and maintaining a teaching
12 certificate. This administrative regulation establishes the certification provisions for applicants
13 with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility
14 Compact.

15 Section 1. Definition. "Out-of-state educator preparation provider" means an educator
16 preparation provider located outside of the Commonwealth of Kentucky or an online educator
17 preparation provider not subject to the licensing requirements of 13 KAR 1:020 that is not
18 accredited by the EPSB. [~~Education Professional Standards Board.~~]

19 Section 2. (1) An applicant for Kentucky teacher or administrative certification whose
20 professional preparation was completed at an out-of-state educator preparation provider, excluding
21 providers that are solely online, shall have completed a program of preparation and the curriculum

1 requirements approved by the responsible state education agency for teacher or administrative
2 certification.

3 (2) An applicant for Kentucky teacher or administrative certification who completes an out-of-
4 state educator preparation program through a solely online out-of-state educator preparation
5 provider shall have:

6 (a) Completed a program of preparation that is:

7 1. Accredited or approved, as applicable, by the provider's state of origin;

8 2. Regionally or nationally accredited; and

9 3. Accredited by an educator preparation accreditor approved by the EPSB~~[the Council for~~
10 ~~Accreditation of Educator Preparation (CAEP)]~~; and

11 (b) The curriculum requirements approved by the responsible state education agency for teacher
12 or administrative certification.

13 Section 3. Teacher Certification. (1) An applicant for Kentucky teacher certification whose
14 professional preparation was completed at an out-of-state educator preparation provider shall:

15 (a) Meet the degree, academic preparation, and grade point average requirements for issuance
16 of the ~~[Possess—a]~~ teacher license or certificate equivalent to the Kentucky statement of
17 eligibility from the state, territory, or province where the applicant completed his or her
18 preparation program;

19 (b) Satisfy the degree, academic preparation, and grade point average requirements established
20 in 16 KAR 2:010;

21 (c) Provide evidence that the out-of-state license or certificate required~~[was obtained by]~~
22 completion of an approved educator preparation program and not based on the completion of a
23 written or verbal assessment; and

1 (d) Follow the procedures for certificate application established in 16 KAR 2:010.

2 (2) An applicant for Kentucky teacher certification whose professional preparation was
3 completed at an out-of-state educator preparation provider and who meets the requirements of
4 Section 2 of this administrative regulation and subsection (1) of this section shall be issued a
5 Kentucky teaching certificate or statement of eligibility established in 16 KAR 2:010 at the grade
6 range and content area corresponding to the out-of-state preparation.

7 ~~[(3)~~

8 ~~(a) Beginning July 1, 2016, in addition to any other certification renewal requirements, an~~
9 ~~applicant for Kentucky teacher middle school, high school, Grades 5-12, and Grades P-12~~
10 ~~teacher certification whose professional preparation was completed at an out-of-state educator~~
11 ~~preparation provider shall, within five (5) years of receiving certification, complete the~~
12 ~~following:~~

13 ~~1. A three (3) hour content literacy course aligned to the six (6) International Reading~~
14 ~~Association Standards 2010: Middle and High School Content Classroom Teacher and taught~~
15 ~~by faculty qualified to deliver literacy instruction; or~~

16 ~~2. Two (2) or more courses aligned to the six (6) International Reading Association Standards~~
17 ~~2010: Middle and High School Content Classroom Teacher and taught by faculty qualified to~~
18 ~~deliver literacy instruction.~~

19 ~~(b) The course or courses submitted by an applicant for Kentucky teacher middle school, high~~
20 ~~school, Grades 5-12, and Grades P-12 teacher certification whose professional preparation was~~
21 ~~completed at an out-of-state educator preparation provider shall meet the following~~
22 ~~requirements:~~

1 ~~1. The course or courses, identified in paragraph (a) of this subsection, shall be developed to~~
2 ~~ensure that each candidate demonstrates the six (6) International Reading Association~~
3 ~~Standards 2010: Middle and High School Content Classroom Teacher;~~

4 ~~2. The syllabus for each course shall be aligned to the six (6) International Reading~~
5 ~~Association Standards 2010: Middle and High School Content Classroom Teacher;~~

6 ~~3. The assessments, including any scoring instruments, developed for each course shall be~~
7 ~~aligned to the six (6) International Reading Association Standards 2010: Middle and High~~
8 ~~School Content Classroom Teacher to demonstrate the candidate's competency to provide~~
9 ~~classroom instruction aligned to each standard; and~~

10 ~~4. The faculty assigned to teach each course aligned to demonstrate the six (6) International~~
11 ~~Reading Association Standards 2010: Middle and High School Content Classroom Teacher~~
12 ~~shall be qualified to teach a course aligned to the six (6) International Reading Association~~
13 ~~Standards 2010: Middle and High School Content Classroom Teacher.]~~

14 Section 4. Administrative Certification. (1) An applicant for Kentucky administrative
15 certification whose professional preparation was completed at an out-of-state educator preparation
16 provider shall:

17 (a) Meet the degree, academic preparation, and grade point average requirements for issuance
18 of the [Possess-an] administrative license or certificate equivalent to the Kentucky
19 corresponding statement of eligibility or administrative certificate from the state, territory, or
20 province where the applicant completed his or her preparation program;

21 (b) Satisfy the degree, academic preparation, and grade point average requirements for the
22 administrative certificate established in 16 KAR Chapter 3;

1 (c) Provide evidence that the out-of-state license or certificate required~~[was obtained by]~~
2 completion of an approved educator preparation program consisting of a minimum of thirty
3 (30) post Masters' graduate-level hours in school administration; and

4 (d) Follow the procedures for certificate application established in 16 KAR Chapter 3.

5 (2) An applicant for Kentucky administrative certification whose professional preparation was
6 completed at an out-of-state educator preparation provider and who meets the requirements of
7 Section 2 of this administrative regulation and subsection (1) of this section shall be issued a
8 Kentucky administrative certificate or statement of eligibility established in 16 KAR Chapter 3
9 corresponding to the out-of-state preparation.

10 (3) An applicant for Kentucky principal certification who was admitted to a principal preparation
11 program located outside the Commonwealth of Kentucky prior to January 1, 2012 and who
12 completes the program prior to January 31, 2014 shall be exempt from subsection (1)(c) of this
13 section.

14 Section 5. (1) An out-of-state applicant shall be subject to the testing and internship
15 requirements of KRS Chapter 161 and the corresponding~~[implementing]~~ administrative
16 regulations of the EPSB~~[Education Professional Standard Board]~~ in KAR Title 16.

17 (2) An out-of-state applicant shall be subject to the certificate issuance, recency, reissuance,
18 renewal, and rank change provisions of KRS Chapter 161 and KAR Title 16.

19 ~~[Section 6. Incorporation by Reference. (1) "The Standards for Reading Professionals—Revised~~
20 ~~2010", 2010, is incorporated by reference.~~

21 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~
22 ~~the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky~~
23 ~~40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.]~~

2/12/24
Date


Justin Mitchell, Board Chair
Education Professional Standards Board

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April 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 April 30, 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

16 KAR 4:030

Contact Person: Todd Allen, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the certification provisions for applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the certification provisions for applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(c) How this administrative regulation 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 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 EPSB to establish the standards for obtaining and maintaining a teaching certificate. This administrative regulation establishes the certification provisions for applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(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 applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(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 updates Section 2 of the regulation to reflect the EPSB's recognition of multiple national educator preparation accreditors. It amends Section 3 and Section 4 of the regulation to remove the requirement that the applicant possess the out-of-state certificate but requires that they meet the preparation requirements for the out-of-state certificate. It also strikes language in Section 3 that adds an additional renewal requirement on out-of-state prepared applicants.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the certification provisions for applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment provides for issuance of a certificate for applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(d) How the amendment will assist in the effective administration of the statutes: The amendments to Section 3 and 4 of the regulation will make it easier for an out -of-state prepared educator to obtain

Kentucky certification by replacing the requirement that they hold the out-of-state certificate, which often requires completion of the state's certification assessments, with the requirement that they meet the preparation requirements for the out-of-state certificate.

(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 applicants with out-of-state educator preparation who do not qualify for the Interstate Teacher Mobility Compact.

(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 school districts. Candidates for certification who completed out-of-state educator preparation programs will no longer have to show that they obtained the out-of-state certification, but simply that they met the education and preparation requirements for the out-of-state certificate.

(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 approval of a Kentucky certificate for an out-of-state prepared educator.

(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 established any fees or directly or indirectly increased 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 out-of-state prepared educators.

FISCAL NOTE

16 KAR 4:030

Contact Person: Todd Allen, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

(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 EPSB and public-school districts.

(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? The amendment to this administrative regulation is not expected to generate any revenue during the first year.

(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? The amendment to this administrative regulation is not expected to generate any revenue during subsequent years.

(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: The EPSB is not imposing or collecting any fees under this administrative regulation. Certification fees are established in 16 KAR 4:040.

(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 additional costs for the EPSB or the regulated entities.

