

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 4:030, Out-of-State Educator Preparation, Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the amendments to 16 KAR 4:030.

Rationale:

The proposed amendment is necessary to ensure that 16 KAR 4:030 remains in effect. The amendment also updates the regulation to reflect current practices of the EPSB.

Action Question:

Should the EPSB approve the proposed amendment to 16 KAR 4:030?

Applicable Statute or Regulation:

KRS 13A.3102, KRS 13A.3104, KRS 161.028, KRS 161.030, 16 KAR 4:030

History/Background:

Existing Policy: KRS 13A.3102(2) provides that “An ordinary administrative regulation with a last effective date before March 1, 2013, shall expire on March 1, 2020, except as provided by the certification process in KRS 13A.3104.” KRS 13A.3104 sets forth the certification process that an agency must follow to avoid the expiration of an administrative regulation. This process requires the agency to review the administrative regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation and file a letter with the regulations compiler prior to the expiration date, stating whether the administrative regulation shall be amended or remain in effect without amendment. If the certification letter states that the administrative regulation will be amended, the EPSB must file an amendment to the administrative regulation within eighteen (18) months of the date the certification letter was filed.

The EPSB certified 16 KAR 4:030 with the intent to amend on September 8, 2022, and must file an amendment to the regulation on or before March 8, 2024. This administrative regulation establishes the certification provisions for applicants with out-of-state educator preparation.

Summary: The proposed amendments to 16 KAR 4:030 are made to align with current practices of the EPSB. Section 2 of the regulation is amended to reflect the EPSB’s recognition of multiple national educator preparation accreditors. Section 3 and Section 4 of the regulation are amended 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. The EPSB has consistently approved requests to waive this regulatory provision to allow those who completed an out-of-state preparation program and meet the qualifications for the out-of-state certificate other than taking

that state's certification assessment, to qualify for the Kentucky certificate. Finally, the amendment also strikes language in Section 3 that would add an additional renewal requirement on out-of-state prepared applicants that is inconsistent with the Interstate Teacher Mobility Compact. A copy of the proposed amendment is included for EPSB review.

Budget Impact: There is no budgetary impact.

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