

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 1:030. Procedures for Educator Certificate Surrender, Revocation, Suspension, Reinstatement, and Reissuance, and for Application Denial, Emergency and Ordinary Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the emergency and ordinary amendment and accompanying ordinary amendment to 16 KAR 1:030 to comply with the amendments to KRS 161.120 in House Bill 300.

Rationale:

House Bill 300 from the 2024 legislative session amends KRS 161.120 to impose strict timelines on the review and processing of complaints of educator misconduct. This includes the requirement that staff for the EPSB conduct an initial review of a completed complaint within thirty (30) calendar days of receipt to determine whether there is sufficient evidence that a violation has occurred. The bill also provides for the dismissal of complaints that are not reviewed by the EPSB in the timelines prescribed by the bill. The proposed amendment to 16 KAR 1:030 is necessary to comply with the requirements of House Bill 300 and provide additional clarity.

Action Question:

Should the EPSB approve the emergency and ordinary amendment to 16 KAR 1:030?

Applicable Statute or Regulation:

KRS 13A, KRS 13B, KRS 161.028, KRS 161.120, KRS 161.175, KRS 218A.010, 16 KAR 1:030

History/Background:

Existing Policy: During the 2024 legislative session, the General Assembly passed House Bill 300 and the Governor signed it into law on April 18, 2024. This legislation, which is slated to become effective on July 15, 2024, amends the process by which the EPSB handles complaints against certificate holders under KRS 161.120. 16 KAR 1:030 is the regulation that governs procedures for certificate revocation, suspension, reinstatement, reissuance, and application denial.

KRS CH 13A.190 allows for the promulgation of an emergency administrative regulation to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the requirements for certification under this route are expected to remain in statute. The ordinary administrative regulation is identical to this emergency administrative regulation.

Summary: The proposed amendment to 16 KAR 1:030 includes changes to the existing language to comply with the requirements of House Bill 300 as well as to the formatting and order of sections. Sections were added to address the handling of complaints received prior to July 15, 2024, and those received on or after July 15, 2024. Additionally, updates were made regarding the notices to complainants to comply with House Bill 300. A copy of the proposed amendment is included for EPSB review.

Budget Impact: There are costs associated with hiring two additional staff members and updating the Kentucky Educator Credentialing System (KECS). Projected costs for the first year are \$226,509 and \$197,529 for subsequent years.

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