

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 4:090. Reissuance, Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the amendment to 16 KAR 4:090 to align with current certification practices.

Rationale:

The proposed amendment is necessary to ensure that 16 KAR 4:090 remains in effect. The amendment also updates the regulation to align with current certification practices for the reissuance of expired certificates.

Action Question:

Should the EPSB approve the amendment to 16 KAR 4:090?

Applicable Statute or Regulation:

KRS 13A, KRS 161.028, 16 KAR 4:090

History/Background:

Existing Policy: KRS 13A.3102(1) provides that “an ordinary administrative regulation with a last effective date on or after March 1, 2013, shall expire seven (7) years after its last effective date, 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 months of the date the certification letter was filed.

The EPSB certified 16 KAR 4:090 with the intent to amend on May 5, 2024, and must file an amendment to the regulation on or before November 3, 2025. This administrative regulation establishes the reissuance requirements for a Kentucky certification that lapsed.

Summary: The amendment to 16 KAR 4:090 removes outdated language regarding candidates who have not yet received a Rank II, as it is no longer a requirement for Kentucky educators to receive their Rank II. The amendment also incorporates language allowing a district to recommend a candidate for a one-time exception to the requirement of six graduate hours. The EPSB has

approved this action for the past two school years and has received positive reviews from districts. This action is similar to the one-time exception certificate in KRS 161.030(6)(b); however, it applies to candidates who held Rank III certification at the time the certificate expired and/or had less than three years of experience. Candidates would still be required to submit an application, complete the Character and Fitness review, and pay the certification fee. A copy of the draft amendment is included for EPSB review. If the EPSB approves the amendment, staff requests that the EPSB also extend the approval of the district exception for the 2025-2026 school year.

Budget Impact: There is no budgetary impact.

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