

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

16 KAR 4:081. Repeal of 16 KAR 4:080

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the repeal of 16 KAR 4:080 to align with current certification practices.

Rationale:

The EPSB has consistently approved waivers of 16 KAR 4:080 for individual applicants. The requirements contained in this regulation are out of date and do not align with the Interstate Teacher Mobility Compact.

Action Question:

Should the EPSB approve the repeal of 16 KAR 4:080?

Applicable Statute or Regulation:

KRS 13A.310, KRS 161.028, 16 KAR 4:080

History/Background:

Existing Policy: KRS 13A.310 provides a promulgating body with the authority to repeal an administrative regulation if it is desired that the regulation no longer be effective. 16 KAR 4:080 sets the requirements for the recency of preparation for out-of-state applicants.

Summary: 16 KAR 4:080 was promulgated when all Kentucky certified educators were required to obtain Rank II within the first ten years of their education career. The regulation requires that “out-of-state applicants for initial Kentucky certification shall have prepared as a teacher or completed six (6) semester hours of graduate credit within the five (5) years preceding their application.” The regulation does create an exemption for out-of-state applicants who qualify for Rank II and completed two years of successful teaching experience in the last ten years. In 2023, Kentucky adopted the Interstate Teacher Mobility Compact which allows candidates with an eligible certificate from one member state to qualify for an equivalent certificate in another member state without having to complete additional preparation or testing requirements.

The EPSB has seen a number of requests to waive 16 KAR 4:080 and has approved these requests for individual applicants. Districts, especially our border districts, have indicated that this regulation is a burden when trying to hire out-of-state certified teachers.

A draft repealer of 16 KAR 4:080 is included for EPSB review. If the EPSB approves the repealer, staff also requests that the EPSB waive 16 KAR 4:080 to allow certification staff to issue certificates to out-of-state candidates while the repealer completes the legislative process.

Budget Impact: There is no budgetary impact.

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