

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Consent Item:

Expiration of 16 KAR 4:080. Out of State Recency

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the expiration of 16 KAR 4:080.

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 The requirements contained in this regulation are out of date and do not align with the Interstate Teacher Mobility Compact.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 expiration 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.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.” 16 KAR 4:080 will expire on November 3, 2025.

Summary: The EPSB approved the repeal of 16 KAR 4:080. However, due to pending litigation involving changes to the administrative regulation process from House Bill 6 of the 2025 Legislative Session, staff held off on filing the repealer until the litigation was resolved. Without further action, the regulation is set to expire on November 3, 2025. Since the expiration will have the same effect as repealing the regulation, staff recommends allowing the regulation to expire.

Budget Impact: There is no budgetary impact.

Contact Person:

Cassie Trueblood, Counsel and Policy Advisor
Office of Educator Licensure and Effectiveness
(502) 564-4606
Email: cassie.trueblood@education.ky.gov