

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action Item:**

Procedures Relating to EPSB Action on an Educator's Certification, Amendment

#### **Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve the amendments to the procedures to align with the amendments to KRS 161.120 in House Bill 300 and the resulting amendments to 16 KAR 1:030.

#### **Rationale:**

The proposed amendment to the Procedures Relating to EPSB Action on a Certificate Holder's Certification is necessary to provide further clarification regarding the EPSB's processes related to educator cases and appeals, and to streamline staff processes in an effort to improve efficiency based on the increased timelines created by House Bill 300 of the 2024 legislative session.

#### **Action Question:**

Should the EPSB approve the amended procedures?

#### **Applicable Statute or Regulation:**

KRS 161.028, KRS 161.120, 16 KAR 1:020, 16 KAR 1:030

#### **History/Background:**

**Existing Policy:** In 1998, the EPSB began compiling policies and procedures to fill in gaps of applicable statutes and administrative regulations and to ensure consistent action. In the years since, various amendments have been made to the EPSB's Policy and Procedures Manual. In 2007, the EPSB created procedures titled Determining Probable Cause to Take Disciplinary Action. In 2017, the EPSB approved the Procedures Relating to Board Action on an Educator's Certification to set forth a comprehensive set of procedures regarding proceedings relating to certification. The EPSB further amended these procedures in 2021.

**Summary:** The proposed amendment adds further clarity to the new requirements of KRS 161.120 as amended by House Bill 300. It provides information regarding notices via the Kentucky Educator Credentialing System (KECS) portal and adds clarifying language on electronic service, rebuttal extensions, staff initial review of complaints, staff follow up review of complaints, Potential Resolution Conference procedures, the closed session review docket, filing a recommendation for a sanction ("administrative charges"), potential Board sanctions, the EPSB's probationary process, motions to reconsider and drug testing. The procedures were presented to the EPSB at the June meeting. In subsequent meetings with the KECS vendor, it was determined that certain system updates included in the first draft of the procedures would not be available. Additionally, portions on Character and Fitness, admonishment appeals, and the fit for duty packets were removed from the current version of the procedures to allow staff additional time to develop. The amended procedures are included for EPSB review.

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

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