

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Information Item:

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

Rationale:

The proposed amendment to the Procedures Relating to EPSB Action on an Educator'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.

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 Policy and 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: (1) removes language that is already stated in the EPSB's statutes and administrative regulations; (2) adds further clarity to the new requirements of KRS 161.120 post HB 300; (3) provides information regarding the new notice process via the Kentucky Educator Certification System (KECS) portal; (4) adds clarifying sections 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, Character and Fitness, Appeals, the EPSB's probationary process, motions to reconsider and drug testing. The amended procedures are included for EPSB review.

Budget Impact: Additional staff are needed to comply with the updated timelines. The registers for a Staff Attorney II and Administrative Assistant III have been issued.

Contact Person:

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