

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:

Procedures Relating to EPSB Action on a Certificate Holder's Certification, Amendment

Staff Recommendation:

The Education Professional Standards Board (EPSB) should approve the amendments to the procedures to align with KRS 160.145 and the amendments to KRS 161.120 from Senate Bill 181 of the 2025 Legislative Session.

Rationale:

Senate Bill 181 of the 2025 Legislative Session becomes effective on June 27, 2025. The proposed amendment to the Procedures Relating to EPSB Action on a Certificate Holder's Certification is necessary to align with KRS 160.145 and the amendments to KRS 161.120 contained in the bill.

Action Question:

Should the EPSB approve the amended procedures?

Applicable Statute or Regulation:

KRS 160.145, 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 and 2024.

Summary: The proposed amendment to the procedures addresses the provisions of Senate Bill 181 that impact the educator case process. Specifically, the bill contains the following:

- Notify the Education Professional Standards Board, which shall promptly investigate all allegations received under this subsection and proceed with appropriate disciplinary actions in accordance with KRS 161.120 [KRS 160.145(7)(a)2.a.i.]
- If the complaint alleges unauthorized electronic communication as defined in KRS 160.145, sexual contact, or other sexual misconduct, the identity of a complainant that is not the superintendent and any identifying information of the minor involved in the complaint shall remain confidential. [KRS 161.120(2)(a)1.]
- When a complaint alleges unauthorized electronic communication, as defined in KRS 160.145, sexual contact, or other sexual misconduct, the board staff shall have one

hundred twenty (120) days to conduct the initial review required by subparagraph 1. of this paragraph; [KRS 161.120(2)(a)2.]

The procedures have been amended accordingly and are included for EPSB review. If a case is initiated against an educator based on a complaint of unauthorized electronic communication, sexual contact, or other sexual misconduct, the identity of a complainant that is not the superintendent and any identifying information of the minor involved in the complaint will have to be shared with the named educator; however, that information will be redacted when responding to Open Records Requests. That information will also remain confidential if the complaint does not result in a case. A disclaimer will be added to the website and complaint form.

Budget Impact: There are no expected costs at this time.

Contact Person:

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