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Education Professional Standards Board

ELECTION OF OFFICERS PROCEDURE

Approved July 1996

Amended June 2, 1999; May 14, 2001; August 26, 2002; March 20, 2006

Pursuant to KRS 161.028, the Education Professional Standards Board (“the Board”) is required to elect a Chair from the membership. A member shall be eligible to serve no more than three, one-year terms in succession as Chair. The following procedure shall be followed regarding election of the Chair and Vice-Chair.

1. The election of the Chair and Vice-Chair shall be conducted at a regular meeting of the Board in August or later, at the discretion of the Board.
2. Nominations for Chair shall be accepted from a nominating committee appointed by the Chair or from the floor.
3. Voting shall be conducted in Open Session.
4. In case of a tie, voting among the top two candidates shall follow the first ballot when three or more candidates are nominated. When only two candidates are nominated and a tie vote is recorded, balloting shall continue until the tie is broken.
5. The nomination and election of the Vice-Chair shall be conducted in the same manner as that of the Chair.
6. Officers shall assume their duties at the September meeting following the election or at the next meeting (regular or called) of the Board if the election is conducted in September or later.
7. If an elected officer is not eligible to continue to serve, or resigns from office, an election for that office shall be conducted at the next regular meeting of the Board following notification of ineligibility or resignation. If the office vacated is that of Chair, the Vice-Chair shall assume duties and responsibilities of the Chair until an election for Chair is conducted.
8. If the term of appointment of elected Board officers expires before the annual election, the Board shall designate a member of the Board to act as Chair until the election is conducted.
9. In the event of the absence of the Chair, and the inability of the Vice-Chair to preside or the absence of the Vice-Chair, some other member of the Board shall call the meeting to order; and the Board shall immediately elect a Chair Pro-Tem to preside during that session. The office of Chair Pro-Tem shall terminate upon the return or availability of the Chair or Vice-Chair.
10. If the Board elects a Chair Pro-Tem to hold office beyond the current session (in the event that the Chair and Vice-Chair are unable to perform their duties for that length of time), notice must be given at the preceding meeting or in the call of the meeting at which such election is held.

Roles and Responsibilities of Officers and Board Members

Chair

- Encourage full participation in decision making.
- Set agenda in consultation with Executive Director.
- Conduct/chair meeting.
- Reflect decisions and policies of the Board.
- Assume leadership role in legislative effort.
- Serve as contact for other pertinent organizations, e.g., KEA, KASA, KSBA, within KDE, etc.
- Make reports at Board meetings as needed.
- Determine committee composition with consent of Board.
- Review and make suggestions on continuing needs for committees.

Vice Chair

- Assume responsibilities and assist Chair as necessary.

All Board Members

- Attend meetings regularly.
- Prepare for meetings.
- Speak with one voice on decisions and policies approved by the Board.
- Serve on committees.
- Communicate the work of the Board to constituency groups(s).
- Assist in communication process to reach Board goals.
- Model the Professional Code of Ethics for Kentucky School Certified Personnel.
- Adhere to the Professional Conduct Procedure.
- Adhere to the Code of Ethics for Education Professional Standards Board Members.

Education Professional Standards Board

PROFESSIONAL CONDUCT PROCEDURE

Approved May 14, 2001
Amended August 26, 2002

Pursuant to KRS 161.028, the Education Professional Standards Board (hereinafter “the Board”) has the authority and responsibility to oversee, evaluate, and review education curricula and various programs involving educators. In addition, the Board is empowered to establish standards and requirements for obtaining and maintaining teaching certificates, including the imposition of disciplinary action. Accordingly, the following principles of conduct are suggested both for board members and for those persons serving on committees of the Board:

- Board/committee members should be independent and impartial in rendering decisions.
- Board/committee decisions and policies should be made in open meetings, subject to those exceptions listed in KRS 61.810.
- Board/committee members should not use their position to obtain private benefits.
- Board/committee actions should promote public confidence in the integrity of the Board.
- Board/committee members should not knowingly engage or be involved in any activity that has the potential to become or to be perceived as a conflict of interest with their position on the Board/committee. If such a conflict should arise, Board/committee members should recuse themselves from any deliberations related to said activity.
- Board/committee members should voluntarily recuse themselves from any decision in which they cannot afford a fair and impartial consideration.

Procedural Matters

Terminology: ***Abstention***—the act of refraining from voting. The right of abstention may be exercised at any time. At the time of the actual vote, the member announces that he or she “abstains.” Abstentions do not affect the existence of a quorum or have any effect on the calculation of votes. In other words, the determination of a “majority” is more than half the number of members actually voting.

Recusal—the act of removing oneself from participation to avoid a conflict of interest, either by not engaging in the discussion or by physically leaving the room. At the time of the actual vote, the member announces that he or she “recuses.” A recused member cannot be considered a present voting member and therefore is not included in establishing a quorum or determining the majority

Grounds for recusal:

Having *ex parte* communications that would prejudice the proceedings.

Ex parte communication is an off-the-record communication between a decision-maker and an interested party (or one speaking on behalf of an interested party), outside the presence of the other parties to the decision, while the decision is pending. It does not include communications about routine procedural matters that do not touch on the merits of a pending case.

Having a pecuniary interest in the outcome of a decision. The pecuniary interest at stake must be a direct, non-speculative interest. A past pecuniary connection with the party or the mere possibility of future pecuniary gain does not qualify. Mere general interest or participation in the field under consideration or at issue in the decision is not sufficient to require recusal.

Having a personal bias toward any party in a decision that would cause a prejudgment on the outcome of the decision. Bias is not established merely by the existence of a prior relationship. There must be facts showing involvement in matters related to the case at hand. Strong convictions or a set point of view on questions of law, policy, or general facts are not a basis for a claim of bias requiring recusal.

Having a relationship that is, or could “create a perception” of, a conflict of interest. For example, as a general rule, if the issue under consideration involves a person, agency, or institution within a board member’s sphere of influence, he or she should refrain from the discussion and recuse from the vote.

BOTTOM LINE: In determining whether to merely refrain from discussion or to physically leave the room, Board members should apply these standards: 1) If the matter pertains to the particular district or institution that the member is affiliated with, or a program that is overseen by his or her employer, the member should physically leave the room. 2) If a Board member’s presence in the room will affect the nature or course of the discussion, he or she should leave the room. These same standards would apply to Board members with intimate knowledge of a disciplinary case.

Procedures for recusal:

Voluntary withdrawal. Board members may voluntarily recuse themselves and withdraw at any time.

Withdrawal on motion. A party may move to disqualify a Board member from a decision. Upon the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a board member, the Board shall determine the matter as a part of the record and decision in the case.

Recusals shall be noted in the minutes of the Board meeting.

Education Professional Standards Board

EXPENSE REIMBURSEMENT PROCEDURE

Approved November 8, 1999

Amended March 22, 2004 (with retroactive approval from May 17, 2004)

Amended on June 18, 2007 (with retroactive approval from January 1, 2007)

Pursuant to 200 KAR 2:006 (8) (1) (h), members of the Kentucky Education Professional Standards Board (“the Board”) shall be entitled to reimbursement for actual and necessary expenses incurred when on official state business.

Requests for participation and funding to attend non-Board meetings shall be made in advance and in writing to the Chair. In considering approval, the Chair shall consider only those requests that: 1) address adopted board priorities and goals, 2) can be funded within the Board budget, and 3) demonstrate that presence at the meeting is in the interest of the Board. If approved by the Chair, the Board member shall file a written report with the Chair immediately following the approved meeting for inclusion as an information item as part of the Chair’s report at the next Board meeting.

Within provisions of IRS requirements, the following guidelines shall apply to board members carrying out Board business.

Guidelines for expenditures:

- a. Lodging shall be reimbursed at reasonable, actual expense; a receipt is required. No reimbursement shall be made for expenses incurred by or on behalf of other persons. For direct-billed lodging charges, a Board member must pay for any nights not authorized for payment. Personal incidental charges such as movies, bar tabs, etc. are not authorized and must be paid by the board member when checking out. “Direct-billed” should be written on the expense reimbursement form when hotel charges have been direct-billed.
- b. Meals shall be reimbursed at actual expense including tax and gratuities (not to exceed 20%) upon the submission of receipts. A credit card receipt shall be accepted for a meal if the receipt prepared by the establishment clearly shows that it is a receipt for a meal.
- c. Mileage claims for the use of privately-owned vehicles shall be reimbursed at the amount allowed by the state travel regulations. Reimbursement for the actual cost of commercial transportation shall be made upon submission of original receipts.
- d. When a Board member is on Board business during school hours, the cost of a substitute shall be reimbursed to the member’s district.

- e. Reimbursement may only be made upon submission of a signed Miscellaneous Expense Voucher detailing the daily incurred expenses, along with original receipts. Requests for reimbursement shall be submitted no later than 30 days after the expenses are incurred. If special circumstances exist that prevent a Board member from submitting a reimbursement form within 30 days, the member shall notify the chair and request an extension.
- f. Commercial airline travel shall be the lowest negotiated coach or tourist class. Roundtrip or other negotiated reduced-rate plane fares shall be obtained if practical. The traveler's copy of the ticket must be attached to the expense reimbursement form. No photocopies are permitted. If the ticket is direct billed or an "E"-Ticket (electronic ticket) is issued, "Direct-billed" or "E-Ticket" shall be written on the reimbursement form where the air cost would have been entered and the traveler's copy is attached.
- g. Airport parking for the period of the business trip is reimbursable (as is taxi fare should a Board member choose to not drive to the airport and park; however, taxi fare should not exceed the cost of driving and parking). Original receipts are required.
- h. Business air travel is reimbursed at coach, super-saver or other economy fares. The traveler's copy of the ticket (passenger "coupon" or red copy) must be attached to the expense reimbursement form. No photocopies are permitted. If the ticket is direct-billed or an "E"-Ticket (electronic ticket) is issued, "Direct-billed" or "E-Ticket" is written on the reimbursement form where the air cost would have been entered and the traveler's copy is attached.
- i. Travel advances are not available for travel. With adequate notice, airfare and registration may be pre-paid by the Board.
- j. Additional expenses shall be reimbursed only with prior approval of Chair.
- k. Expense reimbursement forms with questionable expenses or with expenses that exceed these guidelines will be held by staff for review by the Chair. The Chair may review the expenses with the Board member submitting the request before determining whether to approve the request.

Education Professional Standards Board

PRELIMINARY CHARACTER AND FITNESS APPROVAL PROCEDURE

Approved November 16, 1998

Amended August 26, 2002

The Education Professional Standards Board (“the Board”) has an established precedent to approve Character and Fitness applications that indicate certain past misdemeanor convictions. Based upon that precedent, the Board authorizes a staff attorney to issue preliminary approval for certification under the following conditions:

- The applicant is NOT applying for an emergency certificate
- The applicant has a verified offer of employment
- The applicant has only one misdemeanor conviction
- The conviction did not involve children, firearms, or drugs (excluding marijuana)
- The conviction was more than two years ago

Legal staff will notify the applicant of the preliminary approval *contingent upon Board approval*. Each case of preliminary approval will be submitted to the Board at its next regularly scheduled meeting for review and final approval. The certificates of those applicants approved by the Board shall remain valid. The certificates of those applicants subsequently denied by the Board shall be automatically revoked and the applicant (and employing district) notified immediately by the Board legal staff. The applicant shall be entitled to appeal as set out in KRS 161.120(5)(a)2.

Education Professional Standard Board

APPROVAL OF AGREEMENTS

Approved October 23, 2006

Pursuant to KRS 161.017 (3), the Executive Director of the Education Professional Standards Board (“Board”), has the authority with approval of the Board to enter into agreements with outside parties to aid in accomplishing the duties and responsibilities of the Board. In order to facilitate the work of the Board, it is necessary for the Executive Director to enter into a variety of agreements with outside entities some of which require monetary compensation. The following procedures shall be followed concerning the execution of agreements:

Non-Financial Agreements

Prior to entering into a non-financial agreement, the Executive Director shall consult with the Board Chairperson and Vice-Chairperson. If the Chairperson and Vice-Chairperson approve of the agreement, the Executive Director shall execute the agreement and shall advise the full Board membership of the agreement at the next regularly scheduled Board meeting. If a majority of the Board objects to the terms of the agreement, the staff shall immediately initiate steps to terminate the agreement.

If after consultation, the Board Chairperson and Vice-Chairperson do not approve the agreement or deem that the agreement should be submitted to the full Board membership for prior approval, the agreement may be presented to the Board at the next regularly scheduled Board meeting for review and approval prior to its execution.

Financial Agreements

Financial agreements are any agreements in which the EPSB is required to expend funds to outside parties. Staff shall seek prior approval from the Board before the Executive Director enters into any financial agreements. The following procedures shall be followed with regard to financial agreements:

1. At a regularly scheduled Board meeting, the Director of the Division in which the work or service shall be performed or the Deputy Executive Director shall submit to the Board a request to enter into a financial agreement with an outside entity/entities. The request shall detail the following:
 - i. The purpose of the agreement including the agency goal/goals the agreement will facilitate;
 - ii. The necessity to contract with an outside entity to perform the work or service;
 - iii. The approximate cost of the agreement to the agency;
 - iv. The impact the cost of the agreement will have on the agency’s current budget allocation, if any;
 - v. What type of entity or entities will provide the work or service;

- vi. Whether this work or service must be competitively bid and if so, the selection process for the provider; and
 - vii. Whether the work or service is a singular or a continuing need.
2. Upon receiving approval of the Board, the Division Director or the Deputy Executive Director shall initiate the appropriate legal procedures under KRS Chapter 45A, the Kentucky Model Procurement Code, and KAR Title 200 to initiate the financial agreement/agreements. Upon completion of necessary legal requirements and state review process, the Executive Director shall execute the financial agreement/agreements and shall advise the Board at the next regularly scheduled meeting of the finalization of the agreement/agreements.
3. In exigent circumstances when the agency needs require that a financial agreement or agreements be initiated immediately, the Executive Director may after consultation with the Board Chairperson and Vice-Chairperson enter into a financial agreement prior to Board approval; however, at the next regularly scheduled Board meeting, the Board shall be advised of the exigent circumstances which required the immediate action in addition to the information required for pre-approval of a financial agreement. If the Board does not approve the agreement, any action taken to enter into the agreement shall immediately cease and if an agreement has been executed, staff shall immediately begin the process to terminate the agreement.

Education Professional Standards Board

CODE OF ETHICS

FOR *EDUCATION PROFESSIONAL STANDARDS BOARD* MEMBERS

Approved September 2004

ETHICAL PRINCIPLES

The principles of ethical behavior for public servants of the Commonwealth are provided in KRS 11A.005(1). Although not “public servants” as defined in KRS Chapter 11A, as members of the *Education Professional Standards Board*, we believe that our public service is for the benefit of the people of the Commonwealth. We also recognize that such public service is a public trust and that we have a duty to:

- (a) Be independent and impartial;
- (b) Make policy and decisions through established processes of government;
- (c) Not use our positions to obtain private benefits; and
- (d) Uphold the public trust in the integrity of the *Education Professional Standards Board*.

Thus, the members of the *Education Professional Standards Board* shall comply with the following minimum standards of ethical conduct.

ACCEPTANCE OF GIFTS

A member of the *Education Professional Standards Board*, his spouse, or dependent child knowingly shall not accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the *Education Professional Standards Board*, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained within this paragraph shall prohibit Education Professional Standards Board members from being compensated for services rendered or work performed, including but not limited to service in the following positions:

- Mentor for candidates pursuing National Board for Professional Teaching Standards certification;
- Cooperating teacher for student teachers;
- Resource teacher for teacher interns; or

- Mentors for teachers/administrators

Nothing contained in this paragraph shall prohibit the *Education Professional Standards Board* from authorizing exceptions to this paragraph where such exemption would not create an appearance of impropriety.

DISCLOSURE OF CONFLICTS OF INTEREST

A member of the *Education Professional Standards Board* shall disclose to the other members of the *Education Professional Standards Board* any direct or indirect interest in any undertaking that puts his personal interest in conflict with that of the *Education Professional Standards Board*. This disclosure shall be made in writing or shall be recorded in the minutes of a formal meeting. A member who is required to publicly disclose a direct or indirect interest shall abstain from all decisions concerning his interest, if the decision would affect him as a member of a business, profession, occupation, or group in a manner different from other members of the business, profession, occupation, or group.

CONTRACTS/AGREEMENTS

No member of the *Education Professional Standards Board* shall himself or through a business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council, or committee of which he is a member. This prohibition shall not apply to purchases that are available on the same terms to the general public or which are made at public auction.

Adopted: _____

Chair: _____

Executive Director: _____

Education Professional Standards Board

MEETING POLICY

**Approved March 5, 2012
Amended June 23, 2014**

In accordance with KRS 61.820, the Education Professional Standards Board shall meet the second Monday of each February, April, June, August, October, and December. The agenda shall be electronically available to the public 5 days prior to the meeting date.

The agenda book, misconduct docket, and all relevant support materials for each meeting shall be made electronically available to the board ten (10) days prior to the meeting date. Additional review materials including a disciplinary docket addendum may be supplied electronically to the board four (4) days prior to the meeting.

A board member who wishes to receive all or part of the meeting materials in a paper format shall make a written request to the executive director.

At the discretion of the executive director, additional materials may be provided to the board on the day of the meeting.

A board member who does not have access to a home computer may request an agency laptop for use to prepare for meetings. If a board member uses an agency laptop, the board member shall be subject to the agency's acceptable use policy.

Board members are responsible for maintaining the confidentiality of any board materials provided to them.

Education Professional Standard Board

Evaluation of the Executive Director Procedure

**Approved September 25, 2006
Amended August 27, 2007**

1. Copies of the Evaluation of the Executive Director of the Education Professional Standards Board will be mailed by the chair of the evaluation committee to all members of the Board and each member of the staff at their home address by September 1. Evaluation forms for Board members and members of the staff will be different colors. The mailing will include a stamped return envelope to the home/workplace of the committee chair.
2. The evaluation forms shall be returned to the chair of the evaluation committee by September 15.
3. The envelopes containing the evaluation forms will be opened in the presence of committee members.
4. Information from the evaluation forms will be tallied and summarized in a manner for presentation to the Board.
5. The evaluation process shall be conducted in closed executive sessions and shall include an interview with the Executive Director.
6. A copy of the written evaluation shall be delivered to the Executive Director. He/She shall have a right to make a written response to the evaluation. This response shall be a permanent attachment to the evaluation. Within thirty (30) days of the delivery of the written evaluation to the Executive Director, the Board shall meet with him in closed executive session to discuss the evaluation.
7. In the event that the Board determines that the performance of the Executive Director is unsatisfactory in any respect, the Board shall describe in writing, in reasonable detail, specific instances of unsatisfactory performance. The evaluation shall include recommendations for improvement in all instances in which the Board deems performance to be unsatisfactory.

Education Professional Standards Board

WAIVER REQUEST PROCEDURE

**Approved September 28, 1998
Amended August 14, 2000; August 26, 2002**

Pursuant to KRS 161.028(1)(r), the Education Professional Standards Board (hereinafter “the Board”) has been given the authority to waive regulatory requirements. (Statutory requirements cannot be waived.) The following procedure shall be followed for any request for waiver.

1. All requests for waiver shall be submitted in writing to the Board’s Executive Director at least 30 days before the next regularly scheduled board meeting. Each waiver request shall set forth all facts to support the extraordinary circumstances necessary for waiver and shall stipulate the specific regulation for which waiver is requested.
2. The waiver request, along with all supporting documentation, shall be included in the agenda materials for the next Board meeting. The waiver request agenda item shall be assigned to a Board committee for initial review and recommendation.
3. The Executive Director shall send a letter to the applicant notifying him/her of the date, time, and location of the Board meeting at which his/her request will be considered. The Board, including members of the Board committee, will have sole discretion in determining whether or not the applicant may address the Board.
4. At the Board meeting, during open session, committee members shall consider the request for waiver, along with any attached supporting documentation. Subsequently, the committee shall make a recommendation to the Board. The Board shall vote in open session on the committee’s recommendation and render a final decision.
5. The Executive Director shall notify the applicant in writing of the decision of the Board.
6. A disability as defined in the Americans with Disabilities Act of 1990, 42 USC 12101, may form the basis for a waiver request. For more information, please contact the Board’s Section 504/ADA Coordinator, Brenda Allen, at 1024 Capital Center Drive, Suite 225, Frankfort, KY 40601.

Education Professional Standards Board

**WAIVER OF ASSIGNMENT REQUIREMENTS
FOR TEACHERS OF EXCEPTIONAL CHILDREN
(16 KAR 4:020, Section 4)
PROCEDURE**

**Approved May 8, 2000
Amended August 26, 2002**

If a school district must request a waiver pursuant to the above referenced regulation, the district shall adhere to the following requirements.

1. The district shall complete the attached application form and mail directly to the Kentucky Department of Education's Division of Exceptional Children Services (KDE/DECS).
2. KDE/DECS will review the waiver request and recommend to the Education Professional Standards Board ("the Board") that the request be approved or denied.

The Board's staff will accept the recommendation of KDE/DECS and notify the school district of approval/denial of waiver.

Upon notification, the school district superintendent may appeal the decision to the Board by resubmitting to the Executive Director the original waiver materials with a cover letter requesting full Board review of the waiver request.

Upon receipt of the appeal letter and accompanying documentary evidence, the action will be placed on the agenda for the next regularly scheduled Board meeting. The Executive Director will notify the superintendent of the Board's action.

Education Professional Standards Board

**WAIVER OF SIX ADDITIONAL HOURS FOR PROGRAM COMPLETERS
LACKING A PASSING PRAXIS SCORE
PROCEDURE**

Approved August 26, 2002

Pursuant to KRS 161.100 and 16 KAR 2:120, the Education Professional Standards Board (“the Board”) issues emergency certificates to applicants when no qualified teachers are available for a vacant position. Applicants for emergency certification must have a minimum of a bachelor’s degree. Emergency certificates are valid for one-year and are renewable with the completion of six (6) semester hours credit toward an educator preparation degree.

However, emergency certificates may also be issued to education program completers who have not yet passed the required PRAXIS assessments. In these cases, the renewal requirement of six (6) additional semester hours is illogical because the applicants have completed all required education coursework. Accordingly, for education preparation program completers, the Board will issue an emergency certificate for one additional year without any requirement of additional hours, pending a successful score on the applicable PRAXIS assessment.

All subsequent certificate renewals shall require the completion of six (6) additional semester hours.

Education Professional Standards Board

**ROUNDING POLICY FOR GRADE POINT AVERAGE TABULATION
PROCEDURE**

**Approved November 19, 2001
Amended August 26, 2002**

Pursuant to KRS 161.028, the Education Professional Standards Board (“the Board”) is required to establish the standards for obtaining and maintaining a certificate. The Board has adopted minimum grade point average (GPA) requirements for admission to educator preparation, entrance to student teaching, and certificate application. These requirements are reflected in Title 16 of the Kentucky Administrative Regulations. For purposes of tabulating a GPA to meet these requirements, the Board directs staff to use the following procedures:

A 2.450 GPA shall be rounded up to a 2.5. All GPAs between a 2.450 and 2.499 shall be rounded up to a 2.5.

A 2.950 GPA shall be rounded up to a 3.0. All GPAs between a 2.950 and 2.999 shall be rounded up to a 3.0.

GPA shall be rounded up by 5/100 of a point when favorable to the teacher candidate or certificate applicant.

Education Professional Standards Board

VIOLATIONS OF THE ADMINISTRATION CODE FOR KENTUCKY'S EDUCATIONAL ASSESSMENT PROGRAM-- COMMONWEALTH ACCOUNTABILITY TESTING SYSTEM (CATS) PROCEDURE

Approved August 26, 2002

Pursuant to KRS 161.120(1)(n), the Education Professional Standards Board ("the Board") is empowered to take disciplinary action against a certificate holder for violations of the Administration Code in administering the CATS. In cooperation with the Division of Management Assistance (DMA) at the Kentucky Department of Education, the Board has developed the following procedure for addressing CATS violations:

- 1) DMA receives all initial reports of testing/administrative errors.
- 2) If test scores were not affected by the error, DMA conducts a cursory investigation and may or may not recommend training. The incident is reported to the Board but no action is taken by staff.
- 3) If test scores *were* affected by the error, DMA conducts an in-depth investigation and determines whether the violation was intentional or unintentional. If the error was unintentional and the first such violation by the teacher:
 - a) DMA advises the superintendent by letter to be mindful of the legal duty to report to the Board;
 - b) Board staff receives a copy of DMA's letter to the superintendent;
 - c) Board staff enters the educator's name into its own CATS database;
 1. The district assessment coordinator (DAC), the superintendent, and the educator are all sent a letter advising that the Board has received the DMA report and will close its case upon receipt of proof of three hours DMA or equivalent training.
 2. If such proof is not received within 60 days, a warning letter will be sent;
 3. After 90 days, a regular disciplinary case will be opened pursuant to KRS 161.120
 - d) Board staff will report all "repeat offenders" to the Board.
- 4) If the DMA investigation determines that the violation *was* intentional, DMA sends a letter to the district advising the superintendent to report to the Board and also notifies

Board staff directly. Staff then opens a regular disciplinary case and it proceeds toward a probable cause determination.

- 5) Violations by administrators and multiple violations by teachers will be reviewed by the Board to determine if further action is necessary under KRS 161.120.

Education Professional Standards Board

CHARACTER AND FITNESS APPLICATIONS PROCEDURE

Approved August 26, 2002

Pursuant to KRS 161.028(1)(a), the Education Professional Standards Board (“the Board”) is responsible for establishing standards and requirements for obtaining and maintaining a certificate. Accordingly, all applicants for initial certification and renewal are required to submit a Character and Fitness application. Therein, the applicant is asked several questions pertaining to past convictions or disciplinary action in relation to past employment. Any “yes” answer requires that the Board approve the application. All such applications are submitted to Legal Services staff and a summary of the self-reported details is prepared and presented at the next regularly-scheduled board meeting.

In evaluating Character and Fitness applications, there are no grounds for automatic denial of *certification*. However, KRS 160.380(3) prohibits a superintendent from *hiring* a violent offender or a person convicted of a felony sex crime.

The Board considers, among other things, the nature of the offense, if any children or minors were involved, if any violence or drugs were involved, how long ago the event occurred, the age of the applicant at the time of the offense, and if any terms of a sentence or probation were fulfilled. The Board then determines whether to approve or deny the application. (The Board may also ask for additional information before making its decision.)

The applicant is advised of the Board decision by letter. In the event the application is denied, the applicant is further advised of his or her right to a hearing pursuant to KRS 161.120(5)(a)2. If an applicant exercises that right, the case proceeds along the same course as a disciplinary case, culminating in Findings of Fact, Conclusions of Law, and a Final Order.

Education Professional Standards Board

DETERMINING PROBABLE CAUSE TO TAKE DISCIPLINARY ACTION PROCEDURE

Amended November 19, 2007

(Approved August 26, 2002)

Pursuant to KRS 161.120(1), the Education Professional Standards Board (hereinafter “the Board”) may take disciplinary action against certified educators. Superintendents have a duty to report misconduct within 30 days of the incident and may be subject to disciplinary action for failing to so report. In addition, other sources may submit complaints to the Board’s legal staff. Legal staff shall initiate a disciplinary case when the allegation in the report or complaint establishes an act prohibited by KRS 161.120 (1).

Upon opening a disciplinary case, the legal staff sends the educator (“respondent”) a copy of the complaint received and he or she is advised in writing of the right to submit any rebuttal material within 30 days. The respondent also has the ability to request a delay in submitting a rebuttal. (This is frequently the case when an employment tribunal or concurrent civil or criminal trial is involved.) Board policy is to authorize legal staff to grant such requests at their discretion and for good cause.

Following receipt of a rebuttal or the expiration of the time limit for its submission, the initial case is presented by legal staff at the next regularly scheduled board meeting. At that time, if the Board does not request further information, it makes one of the following “probable cause” determinations:

Dismiss: The complaint against the educator shall be dismissed. The dismissal may not be based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc.; therefore, subsequent action on this complaint is not prohibited.

Deferral for training: The evidence presented to the Board indicates that the Respondent would benefit from remedial training. The Board shall defer consideration of this case in order to offer the Respondent an opportunity to complete the suggested training. If the Respondent provides written proof to the Board that he or she has successfully completed the recommended training, the Board shall dismiss the case.

Admonish: The evidence presented to the Board provides a clear indication that the alleged misconduct did in fact occur; however, it is not serious enough to warrant a suspension of the certificate. The Board issues a written admonishment to the educator with a copy to his or her superintendent.

Refer to Hearing: The evidence, if true, would indicate that punitive action should be taken against the certificate. Legal staff shall further investigate the allegations and proceed toward an administrative hearing in accordance with KRS 13B.

Education Professional Standards Board

ACCREDITATION OF PREPARATION PROGRAMS PROCEDURE

**Approved November 8, 1999
Amended August 26, 2002**

Pursuant to KRS 161.028, the Education Professional Standards Board (hereinafter “the Board”) is required to approve and evaluate college and university programs for the preparation of teachers and other professional school personnel. The Board has adopted and implemented this accreditation process through 16 KAR 5:010. The Board interprets its responsibility under the statute and regulation to apply to all teacher preparation programs operating in Kentucky regardless of the geographical location of the parent institution. This interpretation corresponds with the licensure policy of the Council on Postsecondary Education (hereinafter “CPE”).

The CPE’s licensure policy for “nonpublic” colleges is governed by KRS 164.945 to 164.947. The definition of “college” under this statute range includes those “private colleges located outside of Kentucky but which operate in Kentucky, and public colleges located outside of Kentucky but which operate in Kentucky.” The CPE has promulgated administrative regulation 13 KAR 1:020, Licensing of private colleges, to implement the requirements of these statutes. This regulation sets forth the following general requirements:

- 1) A college that offers courses or conducts academic programs in Kentucky shall be licensed.
- 2) An out-of-state college shall be licensed separately for each instructional site in Kentucky.
- 3) A college that awards a diploma, associate degree, baccalaureate degree, master’s degree, doctoral degree, or other degree, whether the degree is earned or honorary, shall be licensed. If a college’s program also is required to be licensed or approved by another state agency as well as the Council on Postsecondary Education, the executive director shall attempt to coordinate the licensing function with that agency.

(Note: It has been the stated and applied policy of the CPE that it will not approve a teacher education program that has not first been approved by the Board.)

Accordingly, the Board interprets the language in 16 KAR 5:010(2) requiring accreditation of all “Kentucky Institution(s)” as “a condition of offering a teacher licensure or certification program or a program leading to rank change” to include all teacher preparation programs operating in Kentucky that require licensure by the CPE.

Education Professional Standards Board

EMERGENCY REVIEW OF CERTIFICATION PROGRAMS PROCEDURE

Approved August 26, 2002
Amended September 22, 2003

Pursuant to KRS 161.028(1), the Education Professional Standards Board (“the Board”) has the authority to discontinue approval of educator preparation programs whose graduates do not perform according to criteria set by the Board. If the criteria set forth below is met, the following two-phase procedure will be used to conduct an emergency review of a program to determine if the deficiencies can be corrected or if the Board should take action to discontinue its approval.

Criteria:

A certification program¹ is subject to emergency review if any one or more PRAXIS (or state²) assessments required for that respective certification evidence a pass rate below 80 percent, effective with the 2003-04 Title II Report.³ (The current 70 percent pass rate will be used for the 2002-03 Title II Report.) For cells of less than 10 persons, an aggregate of program completer data from the past three years may be used to determine the need for an emergency review.

Procedure:

Phase One: The Executive Director is authorized by the Board to notify an institution that one or more of its certification programs is/are subject to emergency review. Within 30 working days of this notification, the institution submits to the Executive a written narrative, which may, at the Executive Director’s discretion, address one or more of the following questions *specific to the program(s) under review*:

- a) Why is (are) the PRAXIS (or state) pass rate(s) so low? (NCATE Standard 1⁴)
- b) What commonalities exist among students in this program who have failed the PRAXIS (or state) assessments? (NCATE Standard 1)
- c) What is being done to provide remedial help for students who fail the assessments? (NCATE Standard 1)

¹ “Program” is defined as a certification area, e.g., English, math, guidance counseling. “Program” should not be confused with “unit,” which is defined as the entire education department and is reviewed during an accreditation visit.

² A state exam currently exists for Interdisciplinary Early Childhood Education certification.

³ Pursuant to October 2002 action of the National Council for Accreditation of Teacher Education’s (NCATE’s) Unit Accreditation Board, effective 2003.

⁴ NCATE. “Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education,” 2002 Edition.

- d) How are students advised regarding their entrance into and successful completion of the certification program(s), including their need to pass the PRAXIS (or state) assessment(s)? (NCATE Standard 1)
- e) How is course content aligned with the PRAXIS (or state) assessments and the Kentucky Board of Education's Core Curriculum? (NCATE Standard 1)
- f) How are students prepared to take the PRAXIS (or state) assessments? (NCATE Standards 1 & 2)
- g) What are the entrance requirements for the certification program(s)? (NCATE Standards 1 & 2)
- h) How many students have been admitted to the certification program(s) for each of the last five years, and how many have successfully completed the program(s) for the same time period? (NCATE Standards 1 & 2)
- i) What have been the PRAXIS (or state) scores for program completers for the last five years, if available? (NCATE Standards 1 & 2)
- j) What field experiences are provided in the program(s)? (NCATE Standard 3)
- k) What faculty (e.g., number, qualifications, full-time/part-time) are assigned to the program(s), and what professional development is provided for them? (NCATE Standard 5)
- l) What financial resources support the program(s)? (NCATE Standard 6)
- m) What will be done to improve the PRAXIS (or state) assessment pass rate(s) so that at least 70 percent of program completers are successful, and what will be the timeframe within which this will be accomplished? (NCATE Standard 1)
- n) What follow-up, if any, has been done with graduates of the program(s)? (NCATE Standard 1)
- o) What is/are the subsequent PRAXIS pass rate(s)?
- p) Any other relevant questions as determined by the Executive Director.

The Executive Director reviews the institution's submission and (1) accepts the institution's documentation and plan for improvement, (2) requests a modification in the documentation and/or plan for improvement, or (3) assigns the institution to Phase Two. The Executive Director then makes a report to the Board.

Phase Two: The Executive Director is authorized by the Board to send a team composed of Board of Examiner members and EPSB staff to do an emergency review of the certification program(s) pursuant to 16 KAR 5:010. The team makes recommendations to the Board regarding technical assistance needed in the areas addressed in Phase One, and the institution may respond to the recommendations if it so chooses. The Board reviews the recommendations, modifying them if necessary, and forwards the recommendations to the institution for implementation as the institution deems appropriate. The Board also informs the institution of the timeframe within which the certification program's(s') PRAXIS (or state) assessment pass rate(s) will be expected to reach at least the 80 percent level. Subsequently, staff reports to the Board regarding the institution's progress.

Education Professional Standards Board

RECOGNITION OF INSTITUTIONAL ACCREDITING AGENCIES PROCEDURE

Approved May 19, 2003

Pursuant to KRS 161.028, the Education Professional Standards Board (hereinafter “the Board”) is required to approve and evaluate college and university programs for the preparation of teachers and other professional school personnel and to establish standards and requirements for obtaining and maintaining teaching certificates. To that end, the Board adopts the following procedure with regard to institutional accrediting agencies and candidates from institutions accredited by a national accrediting agency.

1. All institutions authorized by the Board to offer educator preparation programs in Kentucky should be regionally accredited by one of the regional accrediting commissions recognized by the USDOE. This is in keeping with NCATE requirements.
2. Candidates applying for certification who have graduated from an educator preparation program at a nationally accredited institution should be reviewed by the board on a case-by-case basis. EPSB staff should seek the opinion of Council on Postsecondary Education (public institutions) or Association of Independent Kentucky Colleges and Universities (independent institutions), as well as the opinion of the respective institution’s home state, for inclusion in the Board’s review materials.

Education Professional Standards Board (EPSB)

GUIDELINES FOR SUBMITTING AN APPLICATION TO PROVIDE AN ALTERNATIVE ROUTE TO CERTIFICATION INSTITUTE (OPTION 7)

Approved June 14, 2004

Background

The 2004 Kentucky General Assembly enacted HB 152, amending KRS 161.048 to add an Option 7 Alternative Route to Certification. The provisions of Option 7 are as follows:

- ✓ Allows a person in a field other than education to receive a one-year temporary provisional teaching certificate (elementary, middle, and/or secondary) renewable for a maximum of two years, if he/she has met the following conditions:
 - 1) Holds a bachelor's degree with a declared academic major in the area of certification and a cumulative grade-point-average of 3.0, or a professional or graduate degree in a field related to the area of certification.
 - 2) Has a minimum score of 500 on the verbal section and a minimum score of 4 on the analytical writing section of the Graduate Record Exam (GRE); in addition, candidates for math/science certification shall have a minimum score of 450 on the quantitative section of the GRE. (Candidates who have professional degrees are exempt from this requirement.)
 - 3) Passes written tests designated by the EPSB for content knowledge in the area of certification (e.g., Praxis).
- ✓ Mandates that the candidate receiving the temporary provisional teaching certificate complete prior to receiving the certificate or during the first year of the certificate:
 - 1) For elementary teaching, the equivalent of a 240-hour institute, based on 6-hour days for 8 weeks. "The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management."

- 2) For middle and secondary teaching, the equivalent of a 180-hour institute, based on 6-hour days for 6 weeks. The content "shall include research-based teaching strategies, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management."
- ✓ Mandates that the candidate participate in the Kentucky Teacher Internship Program (KTIP), after successful completion of which the candidate receives a professional certificate.
 - ✓ Mandates that all institute providers and content must be approved by the EPSB.

Who may submit an application?

Pursuant to KRS 161.028, Section 1b, colleges, universities, and school districts (including cooperatives) may submit applications to provide one or more institutes. All institutes must undergo a program review (refer to Program Review Contents below) and be accredited by the EPSB. (Applicants not already accredited by the EPSB should contact Dr. Marilyn Troupe, Director, Division of Educator Preparation, EPSB, for more information.)

What should be addressed in the application?

- a) Applicant contact information
- b) Person in charge contact information
- c) Description of institute (e.g., when offered, methods of delivery)
- d) **Program Review Contents**
 - Conceptual Framework/Philosophy (*Not required if applicant is already accredited by the EPSB*)
 - Continuous Assessment Plan
 - of institute
 - of candidate (*The EPSB requires that candidates pass the Praxis "Principles of Teaching and Learning" exam by the end of the institute; Candidate dispositions also must be addressed*)
 - Curriculum (*Must align with the requirements delineated in HB 152 -- see above; Must also show alignment with New Teacher Standards, integration of cultural/ethnic diversity, literacy, and technological themes, and inclusion of the Kentucky Board of Education's P-12*)

Learner Goals and Academic Expectations, the Core Content and the Commonwealth Accountability Testing System, and the Program of Studies; Note resources used, such as KY Educators.org modules)

- Institute Faculty (*Name, highest degree, areas of specialization, responsibilities in the institute, and relationship to the applicant; Do not send vitae*)
- Entrance and Exit Criteria
- Copy of Curriculum Contract (*Provided to candidate; Must include at a minimum:*
 - *Name of institute and resulting certification with appropriate grade level noted*
 - *Candidate's name*
 - *Institute curricular requirements*
 - *Institute exit requirements (e.g., PLT)*
 - *Verification that the Professional Code of Ethics has been reviewed*
 - *Verification that the KTIP requirement has been reviewed*
 - *Candidate's and advisor's dated signatures*

e) Cost of institute

Where can the New Teacher Standards, the Professional Code of Ethics, and more information about KTIP, alternative routes, and the EPSB be found?

Please visit the EPSB's web site at <http://kyepsb.net>.

When should applications be submitted?

Applications may be submitted at any time.

To whom should applications or questions be directed?

Dr. Marilyn Troupe, Director
Division of Educator Preparation
Education Professional Standards Board
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 564-2106
marilyn.troupe@ky.gov

Education Professional Standards Board

Cut Score Framework Procedure

Approved January 9, 2012

Pursuant to KRS 161.030, certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification.

16 KAR 6:010 requires that the Education Professional Standards Board (EPSB) select the appropriate assessments and passing scores required prior to teacher certification.

The cut score framework is a set of guidelines that shall be applied to cut scores recommended by validation panels and shall govern normal operations.

The Cut Score Framework is as follows:

Since Kentucky teacher educators and classroom teachers have participated in all multi-state SSS for Kentucky certification tests, the recommendation was made to use the multi-state SSS cut scores if they equate to the 25th percentile. If the cut scores are below the 25th percentile, the scores could be raised.

If a score falls below the 25th percentile, the cut score could be increased within two standard errors of measure (SEM) of the established score. This allows EPSB staff members flexibility to recommend a higher cut score while maintaining legal defensibility. EPSB staff recommends changing the Cut Score Framework as follows:

- Utilize the multi-state standard setting study values as the cut score
- If the cut score falls below the 25th percentile, increase the cut score within 2 SEM to ensure legal defensibility.