



EDUCATION PROFESSIONAL STANDARDS BOARD

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www.epsb.ky.gov

Matthew G. Bevin
Governor

James W. Adams
Executive Director

June 30, 2017

VIA E-MAIL

Lorrie Hawkins

Lorrie.Hawkins@ky.gov

Auditor of Public Accounts

Office of Financial Audits

209 St. Clair Street

Frankfort, KY 40601

Dear Ms. Hawkins:

Pursuant to KRS 344.015 and Section 2 of 45 KAR 1:080, I am submitting the enclosed documents on behalf of the Education Professional Standards Board (EPSB) for fiscal year ending 2017. The EPSB did not receive any complaints alleging violations of Title VI of the Federal Civil Rights Act during this fiscal year. Enclosed you will find the EPSB's 2017 Title VI Implementation Plan Update, Title VI Plan Update Form, and the Title VI Compliance Status Report.

If you have any questions or need further information from the EPSB, please do not hesitate to contact me at your convenience.

Thank you,

A handwritten signature in blue ink, appearing to read "James W. Adams".

James W. Adams
Executive Director

Enclosures

- 2017 Title VI Implementation Plan Update
- 2017 Title VI Plan Update Form
- 2017 Title VI Compliance Status Report

cc: Human Rights Commission
kchr.mail@ky.gov

2017 Title VI Implementation Plan Update

(1) GLOSSARY/DEFINITIONS

“EPSB” means the Education Professional Standards Board.

“LEP” means Limited English Proficiency.

“Responsible Official” means the EPSB’s Executive Director who is responsible for overall responsibility for compliance with the provisions of Title VI.

“Title VI Compliance Official” means the EPSB’s General Counsel who is responsible for coordinating the day-to-day responsibilities associated with the Title VI Implementation Plan.

(2) OVERVIEW

The EPSB, in full collaboration and cooperation with its education partners, promotes high levels of student achievement by establishing and enforcing rigorous professional standards for preparation, certification, and responsible and ethical behavior of all certified teachers, administrators, and other school personnel in Kentucky. As an administrator of federal grant monies, the EPSB is subject to Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d). Further, the EPSB has the duty to ensure that all entities receiving federal funds through grant programs administered by the EPSB are in compliance with Title VI.

The EPSB has adopted a plan to improve access to services for persons with LEP as required by Executive Order 13166. The provisions of EPSB’s LEP plan are incorporated in this plan as though set forth fully herein.

(6) PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

The EPSB serves as an independent contractor for the National Board for Professional Teaching Standards, Inc. (NBPTS). Specifically the EPSB serves as a fiscal agent for the NBPTS in connection with Supporting Effective Educator Development (SEED) grant the NBPTS receives from the United States Department of Education.

The EPSB also serves as a sub-recipient of federal funds under the Carl D. Perkins Vocational and Technical Education Act of 2006 awarded to the Kentucky Department of Education (KDE). The EPSB uses the award to fund stipends to resource teachers and teacher educators for mentoring activities associated with occupation-based career and technical education teacher interns.

Federal Program	CFDA #	Type of Assistance	Manner of Delivery	Coverage	Potential Beneficiaries
Perkins Leadership Award	84.048	Grant provides funds to pay stipends to OCTE intern teachers	Reimbursement	Funding is made available through an MOA with the KDE	Funding is utilized to pay stipends to resource teacher/teacher educators

B. Who May File

A complaint may be filed by anyone who believes that the EPSB has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of race, color, or national origin.

The EPSB will act on a complaint by any individual if the ultimate beneficiary or participant acknowledges the substance of the complaint in writing. If the agency's Title VI Compliance Official determines independently that a violation of Title VI has occurred then final action may be taken by the EPSB without verification by the ultimate beneficiary or participant.

C. Time Period for Filing

Complaints must be filed within one hundred eighty (180) days of the activity that prompts the filing of the complaint.

D. Required Action by the EPSB

Upon receipt of the complaint by an individual, the Title VI Compliance Official shall determine if the EPSB has jurisdiction. The EPSB shall determine jurisdiction based on the following:

- Whether the Complaint is timely;
- Mootness;
- Whether the basis of the allegations involved is covered under Title VI;
- Whether the allegations involve a program or activity of the EPSB, an EPSB recipient, sub-recipient or contractor; and
- Other relevant factors.

When jurisdiction is determined, the EPSB will accept the complaint for processing. If the complaint is not accepted for processing, the EPSB will issue a letter providing an explanation as to why the EPSB lacks jurisdiction.

Once the EPSB accepts the complaint for processing, the Title VI Compliance Official will investigate and recommend specific actions to resolve the complaint within forty-five (45) days. The Title VI Compliance Official shall provide a report to the Responsible Official within that period. The complainant shall be notified in writing of the results of the investigation and any actions taken.

The EPSB shall attempt to maintain the confidentiality of the complaint and the name of the complainant. The Responsible Official shall implement corrective actions within forty-five (45) days of receipt and acceptance of a final report by the Title VI Compliance Official.

Federal Program	CFDA #	Type of Assistance	Manner of Delivery	Coverage	Potential Beneficiaries
Supporting Effective Educator Development (SEED) grant	84.367	Federal Grant through the NBPTS	Reimbursement based on an approved budget		KDE and local school districts

A. Perkins Leadership Award

In fiscal year 2007, the EPSB became a sub-recipient of funds granted to the Kentucky Education and Workforce Development Cabinet through the Carl D. Perkins Vocational and Technical Education Act of 2006. The Perkins funds provide an increased focus on the academic achievement of OCTE students, strengthen the connections between secondary and postsecondary education, and improve state and local accountability. The EPSB utilizes the funds to support new OCTE teacher interns during the Kentucky Teacher Internship Program (KTIP), a state mandated induction program for all new teachers in Kentucky.

The Perkins funds are used by the EPSB to pay the stipend for resource teachers and teacher educators who support and/or mentor OCTE teacher interns during the OCTE teacher intern's internship. The resource teachers and teacher educators deliver their services in a non-discriminatory manner without regard to race, color, or national origin to all new OCTE teachers who meet the minimum certification requirements and are employed in a Kentucky school.

B. Supporting Effective Educator Development (SEED) grant

In 2013, the EPSB was chosen as a site fiscal agent by NBPTS to implement its Supporting Effective Educator Development (SEED) grant. The United States Department of Education's SEED Grant Program provides funding for grants to national non-profit organizations to recruit, select, and prepare or provide professional enhancement activities for teachers, principals, or both.

(7) COMPLAINT PROCEDURES

A. Filing of Complaints

Complaints alleging discrimination under Title VI of the Civil Rights Act of 1964 may be filed with the EPSB's Title VI Compliance Official using the forms attached in the Appendix. Upon receipt of a written complaint, the Title VI Compliance Official shall review the complaint and shall provide within seven (7) days, a concise statement to the Responsible Official of the nature of the complaint and the steps to be taken by the agency to investigate or resolve the complaint.

If an individual refuses to submit a written complaint, the Title VI Compliance Official shall record the information orally from the individual and shall provide a copy to the individual with a request that the complainant confirm the information.

E. Withdrawal of a complaint

The complainant may withdraw his/her complaint at any time during the process by notifying in writing the office where the complaint was first filed or the Title VI Compliance Official.

F. Appeals

An individual may appeal a decision made at the local level regarding a complaint by filing the appeal with the Cabinet's General Counsel of Education and Workforce Development in Frankfort, Kentucky. This appeal opportunity constitutes the second, and last, level in the EPSB's complaint system.

When an appeal is filed, the Cabinet's General Counsel of Education and Workforce Development Cabinet will inform the EPSB's Responsible Official or designee of the appeal. The Cabinet Secretary, within seven (7) days following notification shall designate a person to review the case and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant, the alleged offender, and the initial reviewer, to determine the facts. The appeals investigation shall be conducted within forty-five (45) days. A written report shall be filed by the Cabinet's General Counsel of Education and Workforce Development with the Cabinet Secretary, and a copy of the findings will be sent to the EPSB's Responsible Official where the complaint first originated. The EPSB's Title VI Compliance Official will then inform the complainant of the findings and of any action to be taken.

(9) AGENCY TRAINING PLAN

This Amended Title VI Implementation Plan shall be disseminated to all EPSB employees annually. The Implementation Plan and all Plan Updates shall be located in electronic form on the agency's public server so that all employees have access to the information. Each division director or supervisor is responsible for educating his or her staff on compliance with Title VI and ensuring that each employee is complying with the tenets of Title VI.

An informational session regarding compliance with Title VI and the EPSB's LEP plan shall be conducted at a mandatory agency wide staff meeting each year. The EPSB's Title VI Compliance Official will conduct additional trainings for divisions and for individual staff members at the request of either division directors or staff.

(10) EVALUATION PROCEDURES OF TITLE VI PLAN

A. Goals

The EPSB is an equal opportunity employer, seeking to encourage broad representation of minorities and women in the workplace. The EPSB monitors the number of minorities who are employed by the EPSB and maintains statistical information by EEOC category. A summary of this information is also provided to the Auditor of Public Accounts and the Kentucky Human Rights Commission as part of the Implementation Plan. The report includes the total number of employees in each EEOC category and the number of minorities.

As an agency with under 250 full-time employees (that have no Federal Affirmative Action reporting requirements), the EPSB will comply the Executive Branch Affirmative Action Plan.

B. Plan Deficiencies, Updates and Corrective Procedures

The EPSB will annually review the Title VI Plan and provide updates, corrections or changes to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 of each year.

(12) RECORD KEEPING AND REPORTING

A. Complaints

The Title VI Compliance Official shall maintain a log of all complaints filed with the EPSB. Complaints will be logged on the date of receipt or, in the case of verbal complaints, upon the date of the interview. Copies of the complaint form shall be available electronically on the EPSB's website, www.epsb.ky.gov, or may be requested from the Title VI Compliance Official.

The Title VI Compliance Official shall maintain copies of any complaints, investigative reports, and final actions by the agencies. These records shall be maintained for a period of five years.

B. Training

The Title VI Compliance Official shall maintain records verifying that each employee is notified annually of the Title VI implementation plan, the complaint procedures, and his or her duty under the law.

C. Reports

The Title VI Compliance Official shall maintain copies of the Title VI Implementation Plan and any and all updates. The Title VI Compliance Official shall be responsible for disseminating the Implementation Plan and any updates to the staff.

After review by the Responsible Official, the Title VI Compliance Official shall annually file a Title VI update with the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1 of each year.

Progress reports and data shall be provided to the Title VI Compliance Official annually by the staff member responsible for maintaining data regarding Title VI programs. These reports shall include the percentage of protected parties participating in the program. The Title VI Compliance Official shall be responsible for maintaining copies of the reports.

D. Data for Title VI programs and activities for fiscal year ending 2017

The EPSB received one complaint in fiscal year ending 2017, but the EPSB was without jurisdiction to process the complaint so the EPSB returned the complaint to the complainant along with an explanation as to why the EPSB was without jurisdiction to process the complaint.

Agency-wide annual calendar includes agency wide training session each year.

There are a total of 66 vocational teacher interns through the Kentucky Teacher Internship Program and 25 teacher educators. The demographic data for the interns and the teacher educators are as follows:

Interns	
Ethnicity not specified	2
White, not Hispanic	64
TOTAL	66
Teacher Educators	
Ethnicity not specified	3
White, not Hispanic	21
American Indian or Alaskan Native	1
TOTAL	25

During fiscal year 2015, the EPSB initiated its implementation of the National Board for Professional Teaching Standards, Inc. (NBPTS) Supporting Effective Educator Development (SEED) grant from the United State Department of Education (USDOE). The purpose of the grant is to increase the number of NBPTS certified teachers in Kentucky. SEED funds have been used to employ educators. There are a total of ninety-eight (98) individuals have been employed and their demographic data is below:

African American	2
Caucasian	94
American Indian / Alaska Native	1
Other	1
TOTAL	98

(13) MINORITY REPRESENTATION ON PLANNING BOARD OR ADVISORY BODY:

A. Board composition:

Before June 2, 2017,

Pursuant to KRS 161.028, the EPSB was composed of seventeen (17) members. Of those members, fifteen (15) members were appointed by the Governor along with two ex-officio members (Kentucky's chief state school officer and the president of the Council on Postsecondary Education). As of June 1, 2017, the make-up of the Board was one (1) African-American member and sixteen (16) Caucasian members.

As of June 2, 2017,

Pursuant to the Governor's Executive Order 2017-334, the EPSB is now composed of fifteen (15) members. Of those members, thirteen (13) members are appointed by the Governor along with two ex-officio members (Kentucky's chief state school officer and the president of the Council on Postsecondary Education). As of June 2, 2017, the demographic make-up of the board is one (1) African-American member and fourteen (14) Caucasian members.

B. Agency composition:

As of June 30, 2017 the agency has a staff of 30 full-time employees, five (5) interim employees, and twelve (12) contract employees, for a total of 47 employees. The current demographic make-up of the staff is one (1) African-American, five (5) Asians, and forty-one (41) Caucasians.

Plans to provide language access to Limited English Proficient Persons

The EPSB posts complaint filing procedures for teacher disciplinary cases and Professional Code of Ethics for Kentucky Certified School Personnel on the EPSB website, www.epsb.ky.gov, in Spanish as well as English. The EPSB uses educators and interpreters to assist in translating the documents and to ensure the quality of the final translations prior to posting the information on the website.

The EPSB trains its receptionists to respond appropriately to telephone inquiries from persons with limited English proficiency. The Board contracts with interpreters on an as-needed basis to supply assistance in communicating with persons with limited English proficiency. In order to better serve the public, the Board shall continue to actively pursue bilingual candidates for future employment vacancies within the agency.

**Commonwealth of Kentucky
Auditor of Public Accounts
Title VI of the Federal Civil Rights Act
Implementation
“Initial Plan and “Plan Update” Form”**

Initial Plan

Plan Update

AGENCY: Education Professional Standards Board

DATE: June 30, 2017

Pursuant to KRS 344.015 and Section 2 of 45 KAR 1:080, state agencies receiving federal funds shall prepare and submit an annual Title VI plan update to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter. Please complete the following information when submitting annual plan updates.

Check the corresponding sections of the plan that the agency is:

- (1) Required to update; and/or
- (2) Amending.

Please include the updated wording under the applicable sections listed below in your Plan Update.

The following sections are required to be updated annually: (6), (7), (9), (10), (12) and (13). Please attach a Plan Update detailing updates or changes from the prior year Plan – do not submit your entire plan once it is on file with the Auditor’s Office.

- (1) Glossary/Definitions
- (2) Overview
- (3) Scope Of Title VI Applicability To Programs And Activities
- (4) Responsible Official
- (5) Statement Of Assurance
- (6) Identify Programs Or Activities Subject To Title VI
- (7) Complaint Procedures
- (8) Compliance/Noncompliance Reporting
- (9) Agency Training Plan
- (10) Evaluation Procedures Of Title VI Plan
- (11) Public Notice And Outreach
- (12) Recordkeeping And Reporting
- (13) Minority Representation On Planning Board Or Advisory Body

NOTE: This form **DOES NOT** substitute for the actual **update** that may need to be completed.

Title VI Compliance Status Report

2017

(July 1, 2016 - June 30, 2017)

- | | <u>Yes</u> | <u>No</u> |
|--|-------------------------------------|--------------------------|
| 1. Services from this facility are provided to clients without regard to race, color, or national origin. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An employee has been appointed to serve as Title VI Coordinator for this agency. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Minorities are represented on the advisory board if at least 5% of the population in the geographic service area are minority persons. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. A written procedure exists for hearing and reviewing Title VI complaints. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Records are maintained regarding all alleged cases of discrimination. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. New employees are clearly informed about their responsibilities to clients under Title VI. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

NOTE: This form **DOES NOT** substitute for the **actual update** that may need to be completed