

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

**Section 1
Types of Actions**

APPROVED August 15, 2016

- I. In order to support the mission of the Education Professional Standards Board (EPSB), the EPSB may take action against a certificate holder's certificate in an effort to either 1) ensure that a certificate holder has an understanding of an educator's professional duties and responsibilities; and/or 2) protect students, parents of students, school personnel, or school officials. The EPSB is authorized to take the actions set forth below.
 - A. **Admonishment:** an admonishment (or reprimand¹) is a formal written censure that is placed in the official file of the certificate holder. It is considered appropriate for violations of statute or law that are not serious in nature. KRS 161.120(4).
 - B. **Suspension:** a suspension is a process by which the EPSB temporarily deactivates a certificate holder's certification for a specified period of time, not to exceed two years. KRS 161.120(10). At the conclusion of the specified period of time, the EPSB is required to reactivate the certificate holder's certificate upon a demonstration that the certificate holder has complied with any reinstatement conditions that may be set forth in an agreed order or final board order. KRS 161.120(10).
 - C. **Revocation:** a revocation is a permanent forfeiture of a certificate holder's certification. The Board is required to establish the minimum period of time before an applicant can reapply for a new certificate. KRS 161.120(11). Once the period of time has expired, the EPSB may consider a former educator's re-application for certification upon demonstration by the applicant that the former educator is again fit for practice. KRS 161.120(11).
 - D. **Probationary or Supervisory Conditions:** EPSB also has the authority to impose probationary or supervisory conditions upon a certificate. KRS 161.120(1). This authority shall include the authority to require training.
 - E. **Surrender:** a surrender occurs when a certificate holder voluntarily agrees to a permanent forfeiture of the certificate holder's certificate.
- II. The EPSB may initiate any combination of the actions listed above regarding any certificate or license issued under KRS 161.010 to 161.100 for any of the reasons set forth in KRS 161.120(1).

¹ For the purpose of KRS 161.120, the EPSB considers an admonition and a reprimand to be synonymous.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 2

Intake and Review of Reports and Complaints

APPROVED August 15, 2016

- I. **Intake.** EPSB receives reports or complaints alleging conduct listed in KRS 161.120(1), KRS 161.120(2)(a) and 161.120(2)(c).
 - A. Superintendents of local school districts have a duty pursuant to KRS 161.120(2)(a) to file with EPSB reports in writing that contain the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct that might reasonably warrant action against the certificate under KRS 161.120(1).
 1. A superintendent's duty to report includes reporting those convictions committed by a certificate holder that occurred prior to the date a certificate holder's certificate was issued. KRS 161.120(2)(b).
 - a) A superintendent must submit a report to the EPSB within 30 days of the event giving rise to the duty to report. KRS 161.120(2)(a).
 - b) If the event giving rise to the duty to report relates to a certificate holder's criminal conviction then the superintendent must submit a report to the EPSB within 30 days after the superintendent or designee became aware of the criminal conviction.
 - c) The duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent. KRS 161.120(2)(a).
 - B. Pursuant to KRS 161.120(2)(c), EPSB may consider complaints or reports from any other source, but the EPSB will only accept written, signed complaints.
- II. **Review.** EPSB's Executive Director and EPSB staff will review all reports and complaints to determine whether the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) has occurred.
 - A. If the report or the complaint contains insufficient credible evidence that conduct occurred that would constitute a violation of KRS 161.120(1), EPSB staff will gather additional information or facts through public sources.
 - B. After an attempt has been made to obtain additional information or facts from public sources, EPSB's Executive Director and EPSB staff will re-evaluate the report or complaint to determine if there is sufficient credible evidence to establish that a violation of KRS 161.120(1) has occurred. If there is still

insufficient credible evidence that a violation of KRS 161.120(1) has occurred, no further action will be taken, but the report or complaint will be kept on file in the event additional information is received.

1. Reports or complaints that relate to a certificate holder where there is insufficient credible evidence that a violation of KRS 161.120(1) occurred will be kept on file for five (5) years from the date the EPSB's Executive Director and EPSB staff first evaluated the report or complaint.
2. Reports or complaints that relate to non-certificate holder will be kept on file for one (1) year after the death of that non-certificate holder.
3. Reports or complaints kept on file are not subject to disclosure pursuant to KRS 61.878(1)(h). See OAG 91-198.

III. Notice to Certificate Holder.

- A. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) has occurred, EPSB staff will open a file and assign that file a number.
 1. If multiple reports or complaints are received regarding a certificate holder before any action is taken by the Board, all of the reports and/or complaints will be consolidated into a single file;
 2. If multiple reports or complaints are received regarding a certificate holder after the Board has issued a dismissal; a deferral for training; an admonishment (and the certificate holder has not requested that the matter be referred to hearing); or an admonishment with training (and the certificate holder has not requested that the matter be referred to hearing) and the matter is otherwise closed, the reports or complaints will be given a new file number;
 3. If an additional report or complaint is received by the EPSB staff after the Board has referred the matter for Attorney Review and Investigation, , the additional report or complaint will be consolidated with the existing file; or
 4. When a complaint or report is consolidated with an existing case file, a copy of the complaint or report will be sent to the certificate holder or the certificate holder's attorney. The certificate holder or the certificate holder's attorney will be given the opportunity to submit a rebuttal.

B. When a case file is opened, the EPSB staff shall ensure that the certificate holder is served with a copy of the written complaint or report alleging violations of KRS 161.120(1) along with a Notification of Report or Complaint (Notification) to the certificate holder's last known address on file with the EPSB. The Notification shall:

1. Notify the certificate holder that EPSB has received a report or complaint pursuant to KRS 161.120(1);
2. Provide the certificate holder with a copy of the report or complaint;
3. Notify the certificate holder that the certificate holder has thirty (30) days from the date the certificate holder receives the Notification to provide EPSB with a written rebuttal.
4. Notify the certificate holder that the Board will review the report or complaint and written rebuttal to determine whether further action is necessary.
5. Notify the certificate holder that the report or complaint is deemed confidential and should not be disclosed by the certificate holder for any other purpose other than for preparing a rebuttal.
6. Notify the certificate holder that all names, addresses, and counties will be redacted in order to protect the confidentiality of the certificate holder and witnesses.

IV. Upon receipt of the certificate holder's rebuttal or return of the notice as undeliverable, EPSB staff shall add the case to the EPSB's Docket and prepare the file for board review by redacting all certificate holder identifiers.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 3

**Board Action on Reports and Complaints:
Informal Resolution**

APPROVED August 15, 2016

- I. In advance of each of its regularly scheduled board meetings, EPSB will receive summaries of the Reports and Complaints as well as redacted copies of the full corresponding written rebuttals for those matters it will be reviewing at the board meeting.
 - A. If an EPSB board member wants to review redacted copies of actual Reports and/or Complaints at the board meeting, the board member shall be given access to the full redacted case file on the day of the board meeting.
 - B. To the greatest extent possible, the EPSB board member wishing access to the redacted case file shall make a request to the Executive Director, EPSB in advance of the board meeting to give EPSB staff sufficient time to redact the case file.

- II. **Board Review.** At each regularly scheduled board meeting, EPSB will discuss the Reports and Complaints in closed session.
 - A. When making a determination as to how to proceed, the EPSB must consider the following factors:
 1. the seriousness of the alleged misconduct;
 2. whether the alleged misconduct was premeditated or intentional;
 3. attempted concealment of alleged misconduct;
 4. prior misconduct;
 5. whether training is appropriate to prevent further violations;
 6. whether the sanction is necessary to deter future violations;
 7. and any other relevant circumstances or facts.

 - B. **Permanent Revocation.** Permanent revocation may be warranted in some cases. Examples of some cases where permanent revocation may be warranted may include, but are not limited to, the following scenarios:
 1. engaged in any sexual contact with a student or minor;
 2. solicited any sexual contact with a student or minor;
 3. possessed or distributed child pornography;
 4. was registered as a sex offender;
 5. committed criminal homicide; or

6. transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Kentucky Revised Statutes, Chapter 218A, on school property.
7. sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for EPSB action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of Kentucky law, the EPSB may initiate action regarding the educator's Kentucky's educator certificate and impose a sanction as provided under this chapter.

III. Board Action. The Board may take board action upon confirmation that a quorum exists. If a quorum exists, the Board may take one of the following actions by majority vote:

A. Deferral. Deferral is appropriate when more information is needed before the Board can take action; the report or complaint will only be deferred until the next board meeting.

1. If, by majority vote, the EPSB decides that it would like additional information before taking any further action, the EPSB shall direct EPSB staff to gather additional information from the reporting school district and/or from public sources and bring the case back before the Board as part of the Docket.
2. EPSB staff shall either provide the additional information sought by the EPSB at the next regularly scheduled board meeting or, if the additional information is not available by the next regularly scheduled board meeting, the EPSB staff shall be prepared to update the Board as to when EPSB staff anticipates that the additional information will be received.
3. A deferral does not constitute a final action.

B. Dismissal. Dismissal is based on other factors including, but not limited to, lack of evidence, incomplete reporting, and refusal by witnesses to co-operate. A dismissal at this juncture does not prohibit the alleged conduct from being the subject of a new report or complaint brought back before the Board;

1. An Order of Dismissal constitutes final action.
2. EPSB reserves the right to review case file at a later date should additional information be received in the future.
3. Orders of Dismissal are filed as part of the Educator Disciplinary Records. Pursuant to EPSB's Records Retention Schedule, Educator Disciplinary Records must be retained one (1) year after notification of the educator's death.

C. Deferral for Training. Deferral for Training is appropriate when EPSB determines that additional professional development of a certificate holder is warranted. EPSB shall require the certificate holder to undergo specific training within a specific time period. Upon completion of training, the certificate holder will be required to present written proof of training to EPSB. The EPSB will then enter an Order of Dismissal if satisfied that the certificate holder has satisfied the training requirement.

1. If certificate holder fails to either complete training or fails to provide evidence to EPSB of completed training during the required timeframe, EPSB staff will put the case back on the Docket for possible further action by the Board.
2. Deferral for Training does not constitute final action.

D. Admonishment. The Board may issue a written admonishment to the certificate holder if the Board determines, based on the evidence, a violation has occurred, but the violation is not of a serious nature. KRS 161.120(4).

1. The EPSB staff shall send a copy of the written admonishment to the certificate holder's address on file with the EPSB.
2. Upon receipt of the written admonishment, the certificate holder may:
 - a. Accept the written admonishment;
 - b. Accept the written admonishment, but provide a response within 30 days of receipt of the admonishment and have it placed in the certificate holder's official file along with written admonishment;
or
 - c. Not accept the written admonishment and, within 30 calendar days of receipt of the admonishment, request that the matter be referred to hearing. Upon receipt of the request for hearing, the Board will set the admonishment aside and will refer the matter to a hearing.
3. Once the period of time for the certificate holder to respond has ended, the EPSB shall take one of the following actions:
 - a. If the certificate holder accepts the admonishment, the EPSB will place the admonishment and the certificate holder's response (if any) in the certificate holder's official file; or
 - b. If the certificate holder does not accept the admonishment and requests a hearing, the EPSB staff will recommend to the EPSB that the matter be referred for hearing.
4. If the certificate holder accepts the admonishment, the admonishment is considered final action.

5. The EPSB staff, a presiding administrative law judge, and the EPSB may consider any past written admonishments when seeking, recommending, or ordering sanctions based on subsequently obtained evidence of similar improper or criminal conduct by the certificate holder.
 6. The EPSB staff shall notify the reporting party.
- E. **Admonishment with Training.** The Board may issue a written admonishment with training if the Board determines, based on the evidence, a violation has occurred, the violation is not of a serious nature, and that the additional professional development of a certificate holder is warranted to prevent future violations. EPSB shall require the certificate holder to undergo specific training within a specific time period. Upon completion of training, the certificate holder will be required to present written proof of training to EPSB. If the certificate holder fails to complete the training within the specified timeframe, the EPSB may consider taking additional action. In all other respects, the process for imposition of an Admonishment with Training will be handled in the same manner as the Admonishment alone.
- F. **Referral for Attorney Review and Investigation.** Referral for Attorney Review is appropriate when the alleged conduct, should it be substantiated, would warrant sanctions. During this phase, the assigned attorney will review and evaluate the evidence; determine if more evidence is needed; and prepare a recommendation for the Board as to whether the report or complaint should be referred to hearing.
1. Assignment of Referral for Attorney Review. After the Board refers a report or complaint for attorney review and investigation, an attorney will be assigned to handle the report or complaint. The assigned attorney will be responsible for all aspects of the action through either board dismissal or conclusion of contested hearing.
 2. Notification of Referral. The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the certificate holder.
 3. Contents of Notification of Referral.
 - a. The Notice of Referral shall put the certificate holder on notice that the Board has referred the report or complaint for further review and investigation.
 - b. The Notice of Referral shall put the certificate holder on notice of the certificate holder's right to provide evidence that the certificate holder's conduct did not constitute a violation of law or ethics.
 - c. The Notice of Referral shall be sent to the certificate holder's address on file with the EPSB.

4. Review and Investigation.

- a. The EPSB staff will review the evidence contained in the investigative case file and determine what additional evidence is needed to evaluate the case.
- b. The EPSB staff will take all steps necessary to gather information or evidence necessary to evaluate case.

5. Recommendations for Resolution.

- a. Once the EPSB staff is satisfied that all information and evidence reasonably available has been collected, the EPSB staff shall:
 - a. recommend that the case be referred for hearing;
 - b. recommend that an agreed order be approved; or
 - c. recommend that the case be dismissed for lack of evidence or insufficiency of evidence.
 - b. At any point after a report or complaint has been referred for investigation and review or referred to hearing, the EPSB staff has the authority to enter into discussions with a certificate holder or a certificate holder's attorney to resolve the action by agreed order.
 - c. An agreed order is appropriate when there is sufficient evidence that could result in a finding that the alleged misconduct did occur and the certificate holder is willing to accept sanctions without going to the expense of a hearing.
 - d. All agreed orders must be approved by the majority of the Board.
6. The certificate holder has the right to request a hearing at any point after an Agreed Order has been offered and rejected.

G. Referral to Hearing. Referral to Hearing is appropriate when the Board is satisfied, based on the report provided by the EPSB staff that the alleged conduct occurred and that sanctions are warranted. Referral to Hearing is also appropriate when the certificate holder requests a hearing after receiving a written admonishment.

H. Notice of Board Action on Reports or Complaints. Once the Board has taken any of the actions set forth above, the Executive Director shall issue a Notice of Action on Report or Complaint to the certificate holder.

1. The Notice of Board Action on Reports or Complaints (Notice of Board Action) shall be signed by the Executive Director or the EPSB Board Chair.
2. The Notice of Board Action will be sent as soon as practicable to the certificate holder's address on file with the EPSB.
3. The Notice of Board Action will also be sent to the reporting party.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 4

Contested Case Process: Pre-Hearing Phase

APPROVED August 15, 2016

- I. **Referral to Hearing.** When the Board determines that the allegations warrant sanctions, the Board shall refer the matter to hearing. The administrative hearing shall be conducted in conformance with KRS Chapter 13B. KRS 161.120(5)(a).

- II. **Commencement of Disciplinary Action.** The disciplinary process begins once the Board approves and issues a Notice of Hearing and Statement of Charges and Issues prepared by the attorney assigned by EPSB staff to handle the case.
 - A. **Notice of Hearing and Statement of Charges and Issues.** The Notice of Hearing and Statement of Charges (Statement of Charges) shall inform the certificate holder of the specific reason for the proposed administrative hearing action. Specifically, the Statement of Charges should including at least the following information:
 1. Statutory or regulatory violation(s);
 2. Factual basis on which the disciplinary action is based; and
 3. Penalty sought.

 - B. The Notice of Hearing and Statement of Charges shall be sent to the certificate holder's address on file with the EPSB.

 - C. Pursuant to KRS 161.120(6), the Board may elect to conduct the disciplinary hearing before the full Board, a panel of three (3) members of the Board, or a person appointed as hearing officer by the Board pursuant to KRS 13B.030(1).
 1. If the Board elects to proceed by the appointment of a hearing officer and has not sought permission from the Office of the Attorney General to contract with a private hearing officer, EPSB staff shall request that the Office of the Attorney General appoint a hearing officer to preside over the administrative hearing.
 2. The EPSB staff will forward a copy of the Statement of Charges to the Office of the Attorney General along with a request for appointment of a hearing officer.

- D. Appointment of Hearing Officer.** Once appointed, the hearing officer shall preside over the conduct of an administrative hearing and shall regulate the conduct of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080.
- E. Location of Hearing.** Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the Education Professional Standards Board, 100 Airport Road, Frankfort, KY 40601.
- F. Right to Private Hearing.** The certified educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the certified educator fails to specifically request a private hearing, the certified educator is deemed to have waived the right to a private hearing and a public hearing will be conducted.
- G. Disclosure of Record.**
1. All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the hearing phase.
 2. Regardless of whether a certified educator elects to proceed with a private or public hearing, the recommended order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order. After the Board issues its Final Order, all records, not otherwise exempt by law, will be subject to disclosure pursuant to Kentucky's Open Record Act.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 5

Contested Case Process: Hearing Phase

APPROVED August 15, 2016

- I.** The Hearing officer shall preside over the conduct of an administrative hearing and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080(1).
- II. Right to Counsel.** Any party to an administrative hearing may participate in person or be represented by counsel. KRS 13B.080(5).
- III. Record.** The original of all filings shall be mailed to the offices of EPSB, and copies of any filed item shall be served on all parties and the hearing officer by mail. The EPSB shall stamp the time and date upon the document when the document is received. KRS 13B.080(2).

IV. Pre-Hearing Process.

A. Pre-Hearing Conference. The Hearing officer shall schedule a pre-hearing conference upon reasonable notice to all parties. KRS 13B.070.

1. During the pre-hearing conference, the hearing officer will explore jurisdictional matters, mediation and settlement possibilities, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas and orders, and other matters that will promote the orderly and prompt conduct of the hearing.
2. Upon conclusion of a prehearing conference, the hearing officer shall issue a prehearing order incorporating all matters determined at the prehearing conference. If a prehearing conference is not held, the hearing officer may issue a prehearing order, based on the pleadings, to regulate the conduct of the hearing.

B. Pre-Hearing Matters and Discovery. KRS 13B.080(2) – (3).

1. The hearing officer, at appropriate stages of the proceedings, shall give all parties full opportunity to file pleadings, motions, objections, and offers of settlement. The hearing officer, at appropriate stages of the proceedings, may give all parties full opportunity to file briefs, proposed

findings of fact and conclusions of law, and proposed recommended or final orders.

2. The hearing officer may issue subpoenas and discovery orders when requested by a party or on his or her own volition. When a subpoena is disobeyed, any party may apply to the Circuit Court of the judicial circuit in which the administrative hearing is held for an order requiring obedience. Failure to comply with an order of the court shall be cause for punishment as contempt of the court.

V. Default. If a party properly served under KRS 13B.050 fails to attend or participate in a prehearing conference, hearing, or other stage of the administrative hearing process, or fails to comply with the orders of a hearing officer, the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110. KRS 13B.080(6).

VI. Hearing.

A. Burden of Proof. KRS 13B.090(7).

1. EPSB's proposed action on a certification currently held.
 - a. The EPSB has the burden of proof on any issue has the burden of going forward and the ultimate burden of persuasion as to that issue.
 - b. The EPSB must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate.
 - c. The certificate holder has the burden of asserting an affirmative defense and has the burden to establish that defense.
2. Applicant's appeal on EPSB's denial of an application of certification.
 - a. The applicant has the burden of proof and the ultimate burden of persuasion as to that issue.
 - b. The applicant must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate.
 - c. The EPSB has the burden of asserting an affirmative defense and has the burden to establish that defense.

B. Recommended Order. As appropriate, the presiding Hearing officer shall issue a Recommended Order in conformance with the requirements of KRS Chapter 13B.

1. Timeframe.

- a. The Hearing officer shall complete and submit that Recommended Order to the EPSB no later than 60 calendar days after receiving a copy of receiving the official record of the proceeding. KRS 13B.110(1).
 - b. Request for extension. If an extension of time is needed, the hearing officer may submit a request to the EPSB in accordance with KRS 13B.110.
2. Format. In addition to the requirements of KRS Chapter 13B, the Hearing officer's recommendation shall be consistent with the EPSB's policy relating to Action on an Applicant's Application for Certification or a Certificate Holder's Certification.
 - a. The hearing officer's Recommended Order shall include only those sanctions that are permitted pursuant to KRS 161.120 (1) and shall not to exceed the time limits set forth in KRS 161.120 (10) – (11).
 - b. The hearing officer shall consider the factors set forth in Procedure Section 3, IIA when recommending regarding sanctions.

VII. Filing of Exceptions. A party may file any exceptions to the Recommended Order within 15 calendar days of the date the recommended order is mailed in accordance with KRS 13B.110(7), if applicable. This time limit may not be extended and no responses to exceptions shall be considered by the EPSB.

A. Service

1. Copies to parties. Exceptions shall be served upon the other party by mail, hand-delivery, facsimile, any method or any electronic transmission agreed to by the parties; and
2. Original to agency.

B. Waiver. Any disagreement with a factual finding or conclusion of law in the recommended order not contained in an exception to the recommended order shall be waived.

C. Form of Exceptions. Each exception or reply to a finding of fact or conclusion of law should be concisely stated and should summarize the evidence in support of each exception.

1. Any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

2. In summarizing evidence, the parties shall include a specific citation to the hearing record where such evidence appears or shall attach the relevant excerpts from the hearing record.
3. Arguments shall be logical and coherent and citations to authorities shall be complete.

D. Basis for Exceptions. The following exceptions to the Recommended Order may include the following:

1. The hearing officer has made an incorrect conclusion of law;
2. the hearing officer has failed to make an essential fact finding;
3. the hearing officer applied the incorrect burden or standard of proof;
4. the findings of fact do not support the conclusions of law;
5. the hearing officer has made a finding of fact that is not supported by the preponderance of the evidence; or
6. the hearing officer recommended a sanction not permitted by law.

VIII. Disclosure.

- A. All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the hearing phase.
- B. Regardless of whether a certified educator elects to proceed with a private or public hearing, the recommended order and hearing transcript are considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 6

Contested Case Process: Post-Hearing Phase

APPROVED August 15, 2016

- I. Review of Recommended Order.** In making the final order, the EPSB shall consider the record including the Recommended Order and any exceptions to the Recommended Order. KRS 13B.120(1).

- II. Final Decisions and Orders.** After the board chair certifies that a quorum is present at an EPSB board meeting, a majority vote of the voting members present shall be required to make a final decision on the Recommended Order, Agreed Order, or request for issuance of a Default Judgment.
 - A. The EPSB may adopt an order, or it may reject or modify, in whole or in part, the recommended order submitted by the presiding hearing officer. KRS 13B.120(2).
 - B. The EPSB may remand the matter back to the hearing officer, in whole or in part, for further proceedings as appropriate. KRS 13B.120(2).
 - C. If the Final Decision differs from the recommended order, it shall include a separate statement of the findings of fact and conclusions of law. KRS 13B.120(3).

- III. Timeframe.** When using the services of a hearing officer, the Board shall render a final decision within 90 calendar days after the hearing officer submits a recommended order to the Board unless the matter is remanded back to the hearing officer for further proceedings. KRS 13B.120(4).

- IV. Signature Authority.** The EPSB may delegate to the chair the authority to sign on behalf of a majority of the EPSB board members a decision made or order issued under this section.

- V. Disclosure of Contested Case File After Final Decision Issued.** Regardless of whether a certified educator elected to proceed with a public or private hearing, the Contested Case Record including, but not limited to, the Final Decision, the Recommended Order, and the hearing transcript, is subject to disclosure upon the Board's issuance of its final appealable order unless specifically closed by the hearing officer pursuant to a provision of law.

- VI. Redaction.** Prior to the public disclosure of the Contested Case Record in accordance with KRS 61.805, et seq., EPSB staff shall ensure that any information otherwise prohibited by

disclosure by law or regulation is redacted.

VII. Administrative Finality.

- A. In accordance with KRS Chapter 13B, Final Decisions issued by the EPSB shall be subject to judicial review by the Franklin Circuit Court. KRS 161.120 (10).
- B. A petition for judicial review shall not automatically stay a Final Decision pending the outcome of the review unless a stay is ordered by the Franklin Circuit Court. KRS 13B.140(4).

VIII. Motions to Reconsider, Modify, or Reverse. Under exceptional circumstances, the Board may reconsider, modify, or reverse its decision on any disciplinary matter upon a motion by one of the parties or on its own volition. KRS 161.120(9).

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 7

Procedure for the Suspension, Surrender, or Revocation of a Certificate

APPROVED August 15, 2016

- I. When the Board issues an order of suspension, surrender, or revocation, the EPSB staff shall mail a copy of the Final Decision to the educator's address on file with the Education Professional Standards Board.
- II. A record of the board action suspending or revoking a certificate shall become part of the educator's official records maintained by EPSB staff.
- III. Immediately following the issuance of the Board's Final Decision, the EPSB staff shall notify, as applicable, the reporting district, the employing school district, and the reporting party of the action taken.
- IV. EPSB staff will also ensure that the suspension, surrender, or revocation is noted on the EPSB website. The period of suspension shall only be noted on the website while the certificate is suspended.
- V. EPSB staff will also ensure that the information is provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion in The NASDTEC Clearinghouse. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 8

Procedure for the Reinstatement of a Suspended Certificate

APPROVED August 15, 2016

- I. Reinstatement of a suspended certificate for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5)
 - A. A certificate that has been suspended by the Education Professional Standards Board shall not be reinstated until the certificate holder has met all conditions and requirements ordered by the Education Professional Standards Board.
 - B. If a certificate lapses during a period of suspension, at the end of the suspension period and upon completion of all conditions and requirements ordered by the Education Professional Standards Board, the certificate holder shall apply for the renewal of the certificate and shall meet all educational requirements for renewal of the certificate.
 - C. The burden to reinstate certificate that has been suspended is on the certificate holder.
 - D. Conditions.
 1. When the terms of the suspension did not include conditions:
 - a. The EPSB staff will reinstate the certificate and remove the reference to the suspension from to the EPSB website.
 - b. The EPSB staff will notify the certificate holder in writing to the home address on file with the EPSB that the certificate has been reinstated.
 - c. The EPSB will notify the school district that employs the certificate holder.
 2. When the terms of the suspension included conditions:
 - a. The burden to reinstate the certificate holder's certificate is on the certificate holder.
 - b. The EPSB staff will review the file to determine if the certificate holder has submitted evidence demonstrating that the conditions of suspension were met.
 - c. The EPSB staff will reinstate the certificate after the suspension period is concluded and remove from any reference to the suspension from EPSB's website once the certificate holder has provided evidence that the conditions of suspension have been met.

- E. The record of suspension as well as reinstatement of the certification shall become part of the educator's official certification records, but the suspension will not be noted on any future certificate issued to the certificate holder.
- II. Reinstatement of a suspended certificate for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5).
- A. In addition to conditions for reinstatement or reissuance set forth above, the certificate holder shall, at the certificate holder's own expense, provide written evidence that the certificate holder has submitted to a drug test administered by a drug testing facility approved by the Education Professional Standards Board within thirty (30) days of reinstatement or submission of an application for reissuance of the certificate.
 - B. The certificate holder shall arrange for the drug testing facility to send the results of the drug test directly to the Education Professional Standards Board.
 - C. A certificate holder subject to the terms of this subsection may petition the Education Professional Standards Board to approve a drug testing facility of the certificate holder's choice.
 - 1. Petition to Approve Drug Testing Facility. The petition shall contain the following information:
 - a. The drug testing facility's name and location;
 - b. The name and telephone number for the director of the facility;
 - c. The method of test specimen collection;
 - d. The drug testing facility's method of assuring identity of the test subject;
 - e. Procedures for testing specimens, including forensic testing methods; and
 - f. Chain of custody protocols.
 - 2. The Drug Testing Facility must test at a minimum the following controlled substances:
 - a. Marijuana;
 - b. Cocaine;
 - c. Opiates;
 - d. Amphetamines;
 - e. Phencyclidine;
 - f. Morphine;
 - g. MDMA (Ecstasy);
 - h. Methadone;
 - i. Benzodiazepines;
 - j. Barbiturates; and
 - k. Oxycodone.
 - D. If the results of the drug test indicate drug use by the certificate holder, the certificate shall not be reinstated or reissued.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION**

Section 9

Procedure for the Reissuance of a Certificate After Surrender or Revocation

APPROVED August 15, 2016

- I. When surrender or revocation was for a reason other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the following conditions apply:
 - A. The former certificate holder must complete the same application that all educators in Kentucky must complete to obtain certification;
 - B. The former certificate holder bears the burden of proving that the certificate holder is fit for practice.
 - C. The former certificate holder must satisfy all current educational requirements for the certificate sought.
 - D. The Education Professional Standards Board may include terms and conditions that the Board reasonably deems appropriate as a condition of reissuance in accordance with KRS 161.120(11)(b) if reissuing the certificate.

- II. When surrender or revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the former certificate holder must comply not only with the requirements set forth above for reissuance of certification after revocation for all other offenses, the former certificate holder will also have to submit to drug testing as set out in the procedures for suspension resulting from illegal use of controlled substances.

- III. Regardless of the reason for the revocation, the revocation will be noted on the certificate that is issued and will remain on the EPSB website.

- IV. The record of surrender or revocation as well as reissuance shall become part of the educator's official certification records.

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 1:030. Procedures for educator certificate surrender, revocation, suspension,
5 reinstatement, and reissuance, and for application denial.

6 RELATES TO: KRS 161.028(1), 161.120, 218A.010(5)

7 STATUTORY AUTHORITY: KRS 161.028(1), 161.175(2)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the
9 Education Professional Standards Board to establish standards and requirements for obtaining
10 and maintaining an educator's [~~a teaching~~] certificate. KRS 161.175(2) authorizes the Education
11 Professional Standards Board to promulgate administrative regulations requiring an educator [~~a~~
12 ~~teacher~~] whose certificate has been suspended or revoked by the Education Professional
13 Standards Board because the educator [~~the teacher~~] engaged in misconduct involving the illegal
14 use of controlled substances to submit to drug testing. This administrative regulation identifies
15 the conditions for initiating a disciplinary action against an educator's [~~a teaching or~~
16 ~~administrative~~] certificate and establishes procedures for certificate reinstatement, reissuance,
17 and application denial.

18 Section 1. Purpose. (1) In order to support the mission of the Education Professional
19 Standards Board (EPSB), the EPSB may take action against an educator's certificate in an
20 effort:

1 (a) To ensure that an educator has an understanding of an educator’s professional duties and
2 responsibilities; and

3 (b) To protect students, parents of students, school personnel, or school officials. (2) The
4 board may take action against any certificate issued under KRS 161.010 to 161.100 for any of
5 the reasons set forth in KRS 161.120(1).

6 Section 2. Complaints and Reports. (1) A complaint may be made by any person,
7 organization, or entity. The complaint shall be in writing and shall be signed by the person
8 offering the complaint. The complaint shall be sent to the offices of the EPSB. The complaint
9 shall contain:

10 (a) The name, phone number, and address of the person making the complaint, and the name
11 of the educator against whom the complaint is made. If known, the person making the
12 complaint shall include the address of the school district where the educator works; and

13 (b) A clear and concise description of the issues of fact.

14 (2) A report shall be sent to the EPSB by superintendents of local school districts pursuant to
15 KRS 161.120(2)(a).

16 (a) A superintendent’s duty to report shall include the reporting of criminal convictions
17 discovered by the district pursuant to KRS 160.380 even if the conviction occurred prior to the
18 date the educator’s certification was issued.

19 (b) The superintendent or the superintendent’s designee shall have thirty (30) days from the
20 date that superintendent receives notice of the criminal conviction to report that criminal
21 conviction to the EPSB pursuant to KRS 161.120(2)(a).

22 (3) EPSB staff shall do an initial review of all complaints and reports to determine whether
23 there is sufficient credible evidence that a violation of KRS 161.120(1) may have occurred. If

1 the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1)
2 may have occurred, EPSB staff shall open a file and assign that file a number.

3 (a) The ESBP staff shall send a copy of these complaints and reports by certified mail to the
4 educator's address on file with EPSB.

5 (b) The educator shall have the right to file a rebuttal with the EPSB within thirty (30)
6 calendar days from the date the educator receives the complaint or report from the EPSB.

7 (c) Upon receipt of the educator's rebuttal or return of the notice as undeliverable, EPSB staff
8 shall add the case to the EPSB's docket and prepare the file for board review by redacting all
9 educator's identifiers.

10 (d) The board shall determine whether the nature and quality of the alleged violation warrants
11 dismissal, training, admonishment, further investigation, or initiation of a hearing.

12 (e) In making its determination, the board shall consider if the allegation, if proven, would
13 warrant sanction by the board.

14 (f) When making a determination as to the level of sanctions warranted, the board shall
15 consider the following factors:

- 16 1. The seriousness of the alleged violation;
- 17 2. Whether the alleged violation was premeditated or intentional;
- 18 3. Whether an attempt to conceal the alleged violation was made;
- 19 4. Whether there were any prior violations;
- 20 5. Whether training is appropriate to prevent further violations;
- 21 6. Whether the sanction is necessary to deter future violations; or
- 22 7. Other relevant circumstances or facts.

1 (4)(a) If the board determines that sanctions are warranted, the board shall refer the matter to
2 hearing.

3 (b) If the board refers the matter to hearing, the board shall, by majority vote, approve
4 the issuance, a Notice of Hearing and the Statement of Charges. The Statement of Charges shall
5 include specific reasons for the board's proposed action, including the:

6 1. Statutory or regulatory violation;

7 2. Factual basis on which the disciplinary action is based; and

8 3. Penalty sought.

9 (c) The parties may agree to resolve the matter informally at any time. Any agreement to
10 resolve the matter informally shall be memorialized in an Agreed Order and approved by the
11 board. The Agreed Order shall be signed by the educator, the educator's attorney, and the board
12 chair.

13 (d) The EPSB staff shall initiate the hearing process within thirty (30) days after the board
14 refers the matter to hearing.

15 Section 3. (1) The hearing shall be held in accordance with KRS Chapter 13B.

16 (2) Either party may be entitled to a reasonable continuance of the hearing date for good
17 cause.

18 (3) The educator has the right to request a private in person hearing.

19 (a) The educator shall waive the right to an in person hearing if the educator fails to
20 specifically make the request for an in person hearing in writing.

21 (b) Even if the educator elects to proceed with a private hearing, the hearing transcript for
22 that private hearing shall be subject to disclosure after the board issues its final decision unless
23 exempt from disclosure by law.

1 (c) All hearings shall be conducted in the office of the Education Professional Standards
2 Board, 100 Airport Road, Frankfort, Kentucky 40601 unless a new location is agreed upon by
3 the parties.

4 (4) The hearing officer's recommended order shall include a discussion of the factors set
5 forth in Section 2, subsection (3)(f) of this administrative regulation when recommending
6 sanctions.

7 (5) A party may file any exceptions to the recommended order within fifteen (15) calendar
8 days after receiving the recommended order.

9 (a) This time limit shall not be extended and no responses to exceptions shall be considered
10 by the board.

11 (b) Any disagreement with a factual finding or conclusion of law in the recommended order
12 not contained in the exceptions shall be waived.

13 Section 4. Final Decision. (1) In making its final decision, the board shall consider the
14 record including the recommended order and any exceptions filed.

15 (2) After the board chair certifies that a quorum is present, a majority of the voting members
16 present shall be required to make a final decision on the recommended order, Agreed Order, or
17 request for the issuance of an Order of Default Judgment.

18 (3) The board may delegate to the board chair the authority to sign a decision made or order
19 issued under this section on behalf of a majority of the board members.

20 Section 5. Procedure for Suspension, Surrender, or Revocation of a Certificate. (1) When
21 the board issues a final decision, the EPSB staff shall mail a copy of the final decision to the
22 educator using the address the educator provided to the Education Professional Standards Board.

1 (2) A record of board action shall become part of the educator’s official records maintained
2 by EPSB staff.

3 (3) Immediately following the issuance of the board’s final decision, the EPSB staff shall
4 notify the reporting parties of the action taken.

5 (4) EPSB staff shall also ensure that the suspension, surrender, or revocation is noted on
6 EPSB’s Web site.

7 (5) EPSB staff shall also ensure that the information is provided to the National
8 Association of State Directors and Teacher Education and Certification (NASDTEC) for
9 inclusion in the NASDTEC Clearinghouse. The Clearinghouse is a searchable database
10 administered by NASDTEC relating to educator certification and discipline.

11 Section 6. Procedure for Reinstatement of a Suspended Certificate. (1) Reinstatement of a
12 suspended certificate for reasons other than misconduct involving the illegal use of controlled
13 substance as defined in KRS 218A.010(5).

14 (a) A certificate that has been suspended by the EPSB shall not be reinstated until the
15 certificate holder has met all conditions and requirements ordered by the EPSB.

16 (b) If a certificate lapses during a period of suspension, the certificate holder shall apply for
17 renewal of the certificate at the end of the suspension period. The board shall renew the
18 certification if the certificate holder has met all educational requirements for renewal and has
19 completed all of the conditions and requirements ordered by the board.

20 (c) The burden to initiate the process to reinstate a suspended certificate shall be on the
21 certificate holder.

22 1. When the suspension does not include conditions, the EPSB staff shall remove all
23 references of the suspension from the Web site at the conclusion of the suspension period.

1 2. When the suspension includes conditions, the certificate holder shall provide the EPSB
2 proof that all conditions have been met.

3 a. The EPSB shall reinstate the certificate at the conclusion of the suspension period once
4 the EPSB receives evidence from the certificate holder demonstrating that the conditions of
5 suspension were met;

6 b. The EPSB shall remove from its Web site any reference to the suspension once the
7 certificate holder has provided evidence that the conditions of suspension have been met.

8 (d) The record of suspension as well as reinstatement of the certification shall become part of
9 the educator's official certification records, but the record of suspension shall not be referenced
10 on any certificate subsequently issued to the certificate holder.

11 (2) Reinstatement of a suspended certificate for misconduct involving the illegal use of
12 controlled substance as defined in KRS 218A.010(5).

13 (a) In addition to conditions for reinstatement of a suspended certificate established in
14 Section 6(1) of this administrative regulation, the certificate holder shall provide written
15 evidence that the certificate holder has submitted to a drug test at the certificate holder's own
16 expense administered by a drug testing facility approved by the board within thirty (30) days of
17 reinstatement or submission of an application for reissuance of the certificate.

18 (b) The certificate holder shall arrange for the drug testing facility to send the results of the
19 drug test directly to the EPSB.

20 (c) A certificate holder subject to the terms of this subsection may petition the EPSB to
21 approve a drug testing facility of the certificate holder's choice.

22 1. Petition to Approve Drug Testing Facility. The petition shall contain the following
23 information:

- 1 a. The drug testing facility's name and location;
- 2 b. The name and telephone number for the director of the facility;
- 3 c. The method of test specimen collection;
- 4 d. The drug testing facility's method of assuring identity of the test subject;
- 5 e. Procedures for testing specimens, including forensic testing methods; and
- 6 f. Chain of custody protocols.
- 7 2. The drug testing facility must test at a minimum for the following named controlled
- 8 substances:
- 9 a. Marijuana;
- 10 b. Cocaine;
- 11 c. Opiates;
- 12 d. Amphetamines;
- 13 e. Phencyclidene;
- 14 f. Morphine;
- 15 g. MDMA (Ecstasy);
- 16 h. Methadone;
- 17 i. Benzodiazepines;
- 18 j. Barbiturates; and
- 19 k. Oxycodone.
- 20 (d) If the results of the drug test indicate illegal drug use by the certificate holder, the
- 21 certificate shall not be reinstated or reissued.

1 Section 7. Procedure for Reissuance of a Certificate after Revocation. (1) When revocation
2 was for reasons other than misconduct involving the illegal use of controlled substance as
3 defined in KRS 218A.010(5), the conditions established in this subsection shall apply.

4 (a) The former certificate holder shall complete the same application that all educators in
5 Kentucky must complete to obtain certification.

6 (b) The former certificate holder shall bear the burden of proving that the certificate holder is
7 fit for practice.

8 (c) The former certificate holder shall satisfy all current educational requirements for the
9 certificate sought.

10 (d) The Education Professional Standards Board may include terms and conditions that the
11 board reasonably deems appropriate as a condition of reissuance in accordance with KRS
12 161.120(11)(b) if reissuing the certificate.

13 (2) If revocation was for misconduct involving the illegal use of controlled substance as
14 defined in KRS 218A.010(5), the former certificate holder shall:

15 (a) Comply with the requirements established in Section 6(1) of this administrative regulation
16 for reissuance of certification after revocation for all other offenses; and

17 (b) Submit to drug testing as established in Section 6(2) of this administrative regulation for
18 the suspension resulting illegal use of controlled substances.

19 (3) Regardless of the reason for the revocation, the revocation shall be noted on the
20 certificate that is issued and shall remain on the EPSB Web site.

21 ~~Section 8. [Initiating Disciplinary Action Against a Certificate. The Education Professional~~
22 ~~Standards Board may initiate disciplinary action against a Kentucky teaching or administrative~~
23 ~~certificate upon receipt from any source of a report or complaint which contains allegations that~~

1 an individual who holds a Kentucky teaching or administrative certificate has engaged in
2 conduct listed in KRS 161.120(1).

3 ~~Section 2. Reinstatement and Reissuance of Certificate. (1)(a) A certificate that has been~~
4 ~~suspended by the Education Professional Standards Board shall not be reinstated until the~~
5 ~~certificate holder has met all conditions and requirements ordered by the Education Professional~~
6 ~~Standards Board.~~

7 (b) ~~If a certificate lapses during a period of suspension, at the end of the suspension period~~
8 ~~and upon completion of all conditions and requirements ordered by the Education Professional~~
9 ~~Standards Board, the certificate holder shall apply for renewal of the certificate and shall meet all~~
10 ~~educational requirements for renewal of the certificate.~~

11 (2) ~~An individual whose certificate has been revoked shall complete the "Application for~~
12 ~~Kentucky Certification or Change in Salary Rank", Form TC-1, incorporated by reference in 16~~
13 ~~KAR 2:010, prior to the reissuance of the certificate.~~

14 (3) ~~The burden of proving suitability for reissuance of a revoked certificate shall rest on the~~
15 ~~applicant seeking reinstatement.~~

16 (4) ~~If reissuing a certificate, the Education Professional Standards Board may include terms~~
17 ~~and conditions that the board reasonably deems appropriate as a condition of reissuance in~~
18 ~~accordance with KRS 161.120(11)(b).~~

19 (5) ~~An applicant for reissuance of a revoked certificate shall satisfy all current educational~~
20 ~~requirements for the certificate.~~

21 (6)(a) ~~If a certificate is suspended or revoked because the certificate holder engaged in~~
22 ~~misconduct involving the illegal use of a controlled substance as defined in KRS 218A.010(5), in~~
23 ~~addition to conditions for reinstatement or reissuance, the certificate holder shall at the certificate~~

1 ~~holder's own expense provide written evidence that the certificate holder has submitted to a drug~~
2 ~~test administered by a drug testing facility approved by the Education Professional Standards~~
3 ~~Board within thirty (30) days of reinstatement or submission of an application for reissuance of~~
4 ~~the certificate.~~

5 (b) ~~If the results of the drug test indicate drug use by the certificate holder, the certificate~~
6 ~~shall not be reinstated or reissued.~~

7 (c) ~~The certificate holder shall arrange for the drug testing facility to send the results of the~~
8 ~~drug test directly to the Education Professional Standards Board.~~

9 (d) ~~A drug test conducted under this subsection shall at a minimum test for the following~~
10 ~~controlled substances:~~

11 ~~1. Marijuana;~~

12 ~~2. Cocaine;~~

13 ~~3. Opiates;~~

14 ~~4. Amphetamines;~~

15 ~~5. Phencyclidine;~~

16 ~~6. Morphine;~~

17 ~~7. MDMA (Ecstasy);~~

18 ~~8. Methadone;~~

19 ~~9. Benzodiazepines;~~

20 ~~10. Barbiturates; and~~

21 ~~11. Oxycodone.~~

22 (e)1. ~~A certificate holder subject to the terms of this subsection may petition the Education~~
23 ~~Professional Standards Board to approve a drug testing facility of the certificate holder's choice.~~

- 1 ~~2. The petition shall contain the following information:~~
- 2 ~~a. The drug testing facility's name and location;~~
- 3 ~~b. The name and telephone number for the director of the facility;~~
- 4 ~~c. The method of test specimen collection;~~
- 5 ~~d. The drug testing facility's method of assuring identity of the test subject;~~
- 6 ~~e. Procedures for testing specimens, including forensic testing methods; and~~
- 7 ~~f. Chain of custody protocols.~~

8 ~~Section 3.] Denial of Application for a Certificate. If the Education Professional Standards Board~~
9 ~~denies an individual's application for a Kentucky [teaching or administrative] certificate pursuant~~
10 ~~to this administrative regulation, the applicant [individual] may file an appeal in accordance with~~
11 ~~KRS 161.120(5)(a)2.~~

12 _____
13 Date
14
15

Anthony Strong, Chair
Education Professional Standards Board

1 PUBLIC HEARING AND PUBLIC COMMENT PERIOD

2
3 A public hearing on this administrative regulation shall be held on October 21, 2016, at 1:00 p.m.
4 at 100 Airport Road, Third Floor, Frankfort, Kentucky 4060. Individuals interested in being
5 heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of
6 their intent to attend. If no notification of intent to attend the hearing was received by that date,
7 the hearing may be cancelled. This hearing will not be made unless a written request for a
8 transcript is made. If you do not wish to be heard at the public hearing, you may submit written
9 comments on the proposed administrative regulation. Written comments shall be accepted until
10 October 31, 2016 at 11:59 p.m. Send written notification of intent to be heard at the public
11 hearing or written comments on the proposed administrative regulation to the contact person.

12 CONTACT PERSON: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor,
13 Frankfort, Kentucky 40601, LisaK.Lang@ky.gov, telephone number (502) 782-2147, and
14 facsimile (502) 564-7080.
15