

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

EDUCATION PROFESSIONAL STANDARDS BOARD

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, 2011

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
Education Professional Standards Board
(July 1, 2010 - June 30, 2011)

	<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.

**EDUCATION PROFESSIONAL STANDARDS BOARD
EDUCATION AND WORKFORCE DEVELOPMENT CABINET
TITLE IV IMPLEMENTATION PLAN UPDATE
June 30, 2011**

(1) **Glossary/Definitions**

No Change

(2) **Overview**

No Change

(3) **Scope of Title VI Applicability to Programs and Activities**

No Change

(4) **Responsible Official**

No Change

(5) **Statement of Assurance**

No Change

(6) **Identify Programs or Activities Subject to Title VI**

The Education Professional Standards Board (EPSB) administered one (1) federal program during fiscal year 2011: the Troops To Teachers (TTT) program, an ongoing federally funded program designed to transition members of the armed services to the teaching field. The EPSB was also a sub-recipient of federal funds under Carl D. Perkins Vocational and Technical Education Act of 2006 and the Institute of Education Sciences State Longitudinal Data System (SLDS) Grant.

A. Troops To Teachers:

TTT is a federally funded program through the United States Department of Education (USDOE) designed to assist with recruitment, certification, and transition of veterans into the teaching force. The agency delivers the service by statewide recruitment of veterans through attendance at job fairs and transition activities at both military bases in Kentucky. The services are delivered in a non-discriminatory manner without regard to race, sex, or national origin to all who meet the minimum requirements. Potential beneficiaries are veterans with at least six (6) years of continuous service or ten (10) years of service credible to armed service retirement, as well as a bachelor's degree and a major related to the area of certification being sought by the veteran.

B. Carl D. Perkins Vocational and Technical Education Act of 2006:

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 career and technical education students, strengthen the connections between secondary and postsecondary education, and improve state and local accountability. The EPSB utilizes the funds to support new vocational interns during the Kentucky Teacher Internship Program (KTIP), a state mandated induction and assessment program for all new teachers in Kentucky. The Perkins funds are used by the EPSB to pay the stipend for the mentor vocational teacher and the teacher educator provided to the vocational intern during the internship and to assist in the training of the KTIP committee which also consists of the intern's principal as well as the teacher educator and the mentor. The KTIP committee assists the vocational intern in pursuit of meeting the Kentucky Teaching Standards during the year long internship. The services are delivered in a non-discriminatory manner without regard to race, sex, or national origin to all new vocational teachers who meet the minimum certification requirements and are employed in a Kentucky school.

B. Institute of Education Sciences (IES) State Longitudinal Data System (SLDS) Grant

Through the IES State Longitudinal Data System (SLDS) Grant, provided by the U.S. Department of Education, Institute of Education Sciences (IES), the Kentucky Department of Education (KDE), the Council on Postsecondary Education (CPE) and the Education Professional Standards Board (EPSB) are working together to create a P-20 Shared Repository, a data warehouse of information from pre-kindergarten through college and beyond. This system will make it possible to link student, teacher, postsecondary and certification data so that informed decisions about important strategies can be formulated.

The P-20 Shared Repository and distribution of the grant funds are managed by the governing board of the P-20 Data Collaborative which consists of the Commissioner of KDE, the President of CPE, the Executive Director of EPSB and the Education and Workforce Development Cabinet Secretary, who also serves as the chair of the governing board. Staff from the three agencies and the cabinet oversees the project of merging the data and making it available for reporting, analysis, and research. The Collaborative will provide feedback to Kentucky's educational institutions and provide information to stakeholders. All services will be delivered in a non-discriminatory manner without regard to race, sex, or national origin.

(7) Complaint Procedures

Any person alleging discrimination based on race, color, or national origin has the right to file a complaint with the Education Professional Standards Board (EPSB) within 180 days of the alleged discrimination. All complaints, written or verbal, will be accepted and investigated. Complaints alleging discrimination under Title VI may be filed with

the EPSB Title VI Compliance Officer using the form attached to the Initial Plan in Appendix I. A written complaint shall be filed by hand delivery or U.S. Mail to the EPSB Title VI Compliance Officer, 100 Airport Road, 3rd Floor, Frankfort, KY 40601. Verbal complaints may be made in person or by telephone to the compliance officer. In the case of verbal complaints, the compliance officer shall capture the allegations in writing and may request confirmation of the information by the complainant.

Within seven (7) days of receipt of a complaint or information of a potential violation of Title VI, the compliance officer, or a designee, shall conduct a preliminary inquiry and provide the Executive Director with a concise statement of the nature of the complaint. If the Executive Director believes that sufficient proof exists to indicate a violation of Title VI has occurred, a full investigation shall be initiated. Within thirty (30) days of receipt of the initial complaint, the compliance officer, or a designee, shall conduct the investigation and provide to the Executive Director a final report that shall include factual findings and recommendations for specific actions to resolve the complaint.

Within five (5) days of receiving the final report, the Executive Director shall issue a decision in writing, informing the complainant whether the agency determined there was a violation of Title VI. If a violation of Title VI is confirmed, the Executive Director shall also inform the complainant of corrective actions instituted to address the violation.

If a complainant is not satisfied with the Executive Director's determination as to whether there was a violation or the corrective actions instituted, he or she may file a letter requesting further review of the allegation. The letter requesting further review shall be filed with the Executive Director by hand delivery or U.S. Mail within twenty (20) days of receipt of the decision letter. Upon receipt of the letter requesting review, the Executive Director may, if he or she believes further inquiry is necessary, appoint an independent investigator to conduct a separate investigation into the matter. If appointed, an independent investigator shall complete the investigation and issue a final report to the Executive Director within thirty (30) days. If the findings or recommendations differ from the compliance officer's report, the Executive Director shall issue his or her findings based on the evidence provided in the reports, although greater weight may be given to the independent investigator's report. The Executive Director shall issue a final decision in writing, informing the complainant of his or her findings, if made, and any additional agency corrective actions.

A complainant may withdraw his or her complaint at any point in the proceeding; however, the agency may continue to investigate the allegation if the violation is ongoing or may occur again.

All Title VI investigations shall be conducted confidentially. All findings shall be based on reliable evidence, and a violation will be found if a preponderance of the reliable evidence indicates a violation did occur.

(8) **Compliance/Noncompliance Reporting**

No Change

(9) **Agency training plan**

The Title VI Implementation Plan and the complaint procedures shall be disseminated to all EPSB employees yearly. 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.

In fiscal year 2012, an informational session regarding compliance with Title VI and the EPSB's Limited English Proficiency (LEP) plan shall be conducted at a mandatory agency wide staff meeting during spring of 2012. The EPSB's Title VI Compliance Officer 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**

The Implementation Plan shall be reviewed annually and approved by the Executive Director. The Title VI Compliance Officer shall review each section of the plan to ensure compliance with state and federal law and make recommendations for amendments to the Executive Director prior to submission of the annual update to the Auditor of Public Accounts and the Human Rights Commission pursuant to KRS 344.015(2).

The compliance officer shall submit a written report to the Executive Director yearly on the number of complaints and trainings provided to the staff. The report shall also identify any corrective actions needed by the agency to remain in compliance with Title VI. The Executive Director shall implement corrective actions in a timely manner.

(12) **Recordkeeping and reporting**

A. Complaints:

The Title VI Compliance Officer shall maintain a log of all complaints filed with the EPSB. Complaints will be logged in 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 compliance officer.

The compliance officer shall maintain copies of any complaints, investigative reports, and final actions by the agencies. These records shall be maintained indefinitely.

B. Training:

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

After review by the Executive Director, the compliance officer 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 compliance officer 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 compliance officer shall be responsible for maintaining copies of the reports.

D. Data for Title VI programs and activities for fiscal year 2011:

The EPSB received no complaints in fiscal year 2011.

Troops To Teachers (TTT) currently has 183 active teachers in the program. The demographic data for TTT is as follows:

African-American	20
Asian	1
Hispanic	13
Native American	2
Caucasian	142
Other	5

During the 2009-2010 school year, the EPSB used funds pursuant to the Carl D. Perkins Vocational and Technical Education Act of 2006 to support 108 vocational teacher interns through the Kentucky Teacher Internship Program. Below is the demographic data for the interns:

Black, not Hispanic	2
White, not Hispanic	106

In order to assist with the design of the longitudinal data system financed by the IES State Longitudinal Data System (SLDS) Grant, the EPSB convened a P20 Data Collaborative

University College Work Group. The Work Group represents 20 public and private higher education institutions and six (6) public agencies. The demographic data for P20 Work Group is as follows:

African-American	4
Asian	1
Hispanic	1
Caucasian	24

(13) Minority Representation on Planning Board or Advisory Body:

A. Board composition:

The EPSB is composed of 17 members: 15 members appointed by the Governor, the chief state school officer, and the president of the Council on Postsecondary Education. During fiscal year 2011, two (2) EPSB members were African-American and one (1) member was Hispanic. As of June 30, 2011, the current demographic make-up of the Board is two (2) African-American members, one (1) Hispanic member, and fourteen (14) Caucasian members.

B. Agency composition:

The agency currently has a staff of 37 full time employees, six (6) part-time employees, and four (4) interim employees, for a total of 47 employees. The current demographic make-up of the staff is three (3) African-Americans, one (1) Native American, two (2) Asians, and 41 Caucasians.

Plans to provide language access to Limited English Proficient Persons

The Education Professional Standards Board (EPSB) posted 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 used 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.