

COMMONWEALTH OF KENTUCKY

**EDUCATION AND WORKFORCE DEVELOPMENT
CABINET**

EDUCATION PROFESSIONAL STANDARDS BOARD

Amended Title VI Implementation Plan

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

KRS 344.015

June 30, 2016

Amended Title VI Implementation Plan

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Amended Title VI Implementation Plan

(1) GLOSSARY/DEFINITIONS

“EPSB” means the Education Professional Standards Board.

“LEP” means Limited English Proficiency.

“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.

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

(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 professional educators in Kentucky. As an administrator of federal grant monies, EPSB is subject to Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d). Further, EPSB has the duty to ensure that all entities receiving federal funds through grant programs administered by EPSB are in compliance with Title VI.

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

(3) SCOPE OF APPLICABILITY TO PROGRAM AND ACTIVITIES

The EPSB affords all individuals the opportunity to benefit from programs administered by EPSB. The federal statute codified as 42 U. S. C. § 2000d and state statute KRS 344.015 provide the authority for the development of this plan and describe the extent of the authority.

- A.** Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d) provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- B.** 34 C. F. R. § 100.1, 100.2, and 100.3 implement the provisions of the federal statute.

C. KRS 344.015 § 1(2) states that each state agency shall:

- (a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:
 - 1. Be developed with the participation of protected beneficiaries; and
 - 2. Include Title VI implementation plans of any sub-recipients of federal funds through the state agency;
- (b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and
- (c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.

Title VI applies to discriminatory acts based on race, color, or national origin and specifically prohibits the exclusion of individuals or groups from participation in, or enjoying the benefits of, federal programs. Title VI does not provide relief for discrimination based on age, sex, disability, geographic location, or wealth.

(4) RESPONSIBLE OFFICIAL

The Executive Director of the EPSB is the Responsible Official who has overall responsibility for compliance with the provisions of Title VI. The General Counsel, however, shall serve as the Title VI Compliance Official who handles day-to-day responsibilities associated with the Implementation Plan, including, but not limited to, compliance activities and reporting. Inquiries related to compliance activities should be directed to:

General Counsel
Education Professional Standards Board
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 564-4606

(5) STATEMENT OF ASSURANCE

- A.** The EPSB, its staff, sub-recipients of federal funds under grants administered by EPSB, and all other parties involved with such grants are in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).
- B.** Each sub-recipient of federal funds under grants administered by EPSB shall have agreed in writing to adopt EPSB’s Title VI plan; or
- C.** If the sub-recipient's Title VI plan differs from EPSB’s plan, the sub-recipient’s Title VI plan shall be available for review from the Responsible Official and the Compliance Official.

(6) PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

EPSB administered three (3) federal programs for the fiscal year ending 2016. The Troops To Teachers (TTT) program, an ongoing federally funded program, is designed to transition members of the armed services to the teaching field. The EPSB is also a sub-recipient of federal funds under the Carl D. Perkins Vocational and Technical Education Act of 2006. Additionally, the EPSB is a fiscal site agent for the National Board for Professional Teaching Standards, Inc. (NBPTS). NBPTS received a Supporting Effective Educator Development (SEED) grant from the United States Department of Education and the EPSB is assisting the NBPTS in its implementation of the SEED grant.

Federal Program	CFDA #	Type of Assistance	Manner of Delivery	Coverage	Potential Beneficiaries
Troops to Teachers	N/A	Grant that provides funding for Program Operations, recruitment, marketing, counseling, and placement assistance for service members and veterans located in EPSB’s geographic area of responsibility	Reimbursement based on an approved budget	Funding is made available to EPSB through a Memorandum of Agreement with the Department of Defense Troops to Teachers Program	Service members and veterans located in EPSB’s geographic area of responsibility

Federal Program	CFDA #	Type of Assistance	Manner of Delivery	Coverage	Potential Beneficiaries
Perkins Leadership Award	84.048	Grant provides funds to pay stipends to Technical Education intern teachers	Reimbursement	Funding is made available through a Memorandum of Agreement with the Kentucky Department of Education	Funding is utilized to pay stipends to resource teachers and teacher educators for mentoring activities aligned to specific Kentucky Teacher Standards.
Supporting Effective Educator Development (SEED) grant	84.367	Federal Grant through the National Board for Professional Teaching Standards, Inc.	Reimbursement based on an approved budget		Kentucky Department of Education; Kentucky Association of Educators; and local school districts

A. Troops To Teachers (TTT)

TTT is a federally funded by Department of Defense (DoD) program that is managed by the Defense Activity for Non-Traditional Education Support commonly referred to as DAN TES. The DoD funds are provided by EPSB to employ one consultant who assists with the recruitment, certification, and transition of military members and military veterans into the K-12 public school teaching force by attending job fairs, education fairs, and transition activities programs hosted at major Military Installations. These services are delivered in a non-discriminatory manner without regard to race, religion, color or national origin to all who meet the minimum requirements. Potential beneficiaries are military members and military veterans with service characterized as honorable.

B. 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 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 Teacher Standards during the year-long internship. The services are delivered in a non-discriminatory manner without regard to race, color, or national origin to all new vocational teachers who meet the minimum certification requirements and are employed in a Kentucky school.

C. 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 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 confirms the information.

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, provided that no final action will be taken by the EPSB unless 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 or at the time the Title VI Compliance Official becomes independently aware of actions that may constitute a violation of Title VI, the Title VI Compliance Official shall 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.

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. 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.

(8) COMPLIANCE/NONCOMPLIANCE REPORTING

EPSB shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance. As part of EPSB's process of monitoring of a sub-recipient's compliance with contractual obligations under grant agreements, EPSB endeavors to monitor and review a sub-

recipient's efforts to adhere to EPSB's plan, and to review any Title VI complaints filed against the entity. Upon a finding by EPSB of noncompliance, EPSB shall take the following actions with regard to:

A. Processing

The Title VI Compliance Official shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.

B. Reporting

The Title VI Compliance Official shall notify the sub-recipient or employee found to be in noncompliance, in writing within 45 days of the Title VI Compliance Official's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.

C. Resolution

EPSB shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the Title VI Compliance Official will notify the Responsible Official, in writing, of the recommended corrective action.

D. Enforcement of corrective actions

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action. Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by EPSB shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the grant.

E. Monitoring of programs

EPSB shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by EPSB to be in non-compliance with Title VI. For a period of three years following a finding of non-compliance, those sub-recipients shall be required to submit an annual report detailing the steps taken by the sub-recipient to ensure compliance with Title VI.

(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.

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 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 request 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.

(11) PUBLIC NOTICE AND OUTREACH

Two groups of people receive notification: 1) agency employees and, 2) sub-recipients of grants administered by the EPSB.

Agency employees will receive a copy of the implementation plan and the complaint procedures during initial orientation; agency employees will receive annual agency training regarding the updates to the implementation plan and complaint procedures. Title VI posters will also be displayed in a prominent location within the EPSB's staff office.

Sub-recipients of grants administered by the EPSB will be notified of Title VI requirements at the time of the grant award, including the nondiscrimination policy, and of programs and services. The agency contact person and the procedures for filing complaints are provided to each sub-recipient; the Title VI Compliance Official is identified in Section 4 of this plan.

The EPSB will make sub-recipients aware of the provisions of Executive Order 13166, August 11, 2000, and of the need to make programs and services available to individual participants with Limited English Proficiency (LEP).

The EPSB will also include a statement that programs are available to all persons without regard to race, color or national origin on its website.

The EPSB maintains data on participants in its grant programs and is able to identify geographic areas where LEP services may be needed. EPSB will provide written materials to sub-grantees requesting assistance for LEP individuals and work with individual partners where other services such as interpreters are required.

The EPSB will monitor the number of requests it receives to ensure that it is aware of and addresses the needs of participants.

(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 2016

The EPSB received no complaints in fiscal year ending 2016.

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

Troops To Teachers (TTT) currently employs one consultant who is a Caucasian.

Perkins Leadership Award has 59 vocational teacher interns through the Kentucky Teacher Internship Program. The demographic data for these interns is as follows:

Black	2
Caucasian	57

5. SEED Grant

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. 73 individuals have been employed and their demographic data is below:

African American	01
Caucasian	72

(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. As of June 30, 2016, the current demographic make-up of the Board is one (1) African-American member and fifteen (15) Caucasian members. There is one (1) vacancy on the board.

B. Agency composition:

As of June 30, 2016 the agency has a staff of 28 full-time employees, five (5) interim employees, and twelve (12) contract employees, for a total of 45 employees. The current demographic make-up of the staff is one (1) African-American, six (6) Asians, and 38 Caucasians.

Plans to provide language access to Limited English Proficient Persons

The Education Professional Standards Board (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.

APPENDIX

**COMMONWEALTH OF KENTUCKY
Education Professional Standards Board
TITLE VI COMPLAINT FORM**

Title VI of the 1964 Civil Rights Act states “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and return to:

EPSB, General Counsel Office, Title VI Compliance Official, 100 Airport Road, 3rd Floor, Frankfort, KY 40601. You can reach the Title VI Coordinator Monday–Friday from 7:30 am-3:30 pm at 502-564-5845, ext. 22147 or lisak.lang@ky.gov.

Note: To protect your rights, your complaint must be filed within 180 days of the occurrence. Failure to file within 180 days may result in dismissal of complaint.

1. Complainant's Name _____
2. Address _____
3. City, State and Zip Code _____
4. Telephone (home) _____ (business) _____ (cell) _____
5. Email _____
6. Person discriminated against (if someone other than complainant)
Name _____
Address _____
City, State and Zip Code _____
7. What was the discrimination based on? (check all that apply)

<input type="checkbox"/> Race/Color	<input type="checkbox"/> Low Income	<input type="checkbox"/> Disability
<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender	<input type="checkbox"/> Limited English Proficiency
<input type="checkbox"/> Religion	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Age	<input type="checkbox"/> Gender Identity	
7. Date of alleged discrimination: _____

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TITLE VI COMPLAINT FORM**

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8. Describe the alleged discrimination. Explain what happened and whom you believe was responsible. (For additional space, attach sheets of paper or use back of the form.)

9. Have you filed this complaint with any other federal, state or local agency; or with any federal or state court?

10. Do you need any special accommodations for communication regarding this complaint? (mark all that apply)

- Braille Large Print Audio
- Sign Language Interpreter (specify language) _____
- Language Interpreter (specify language) _____
- Other _____

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11. How can this complaint be resolved (how can the problem be corrected)?

Please sign below. Attach any documents you believe supports your complaint. Include the names, addresses, email contact, and telephone numbers of witnesses.

Signature

Date:_____

If you wish to file your complaint with a federal agency, please mail your complaint forms to the following address:

**Philadelphia Office
Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323**

**Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov**