

Professional Teaching Standards Board

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Date: April 9, 2012
To: Superintendents, HR Directors, and Principals
From: Teresa L. Sexton, PTSB Executive Director
Re: Statute Changes, Clarification of Exception Authorization Requirements, and Updates on Processing Times

PTSB Statute Changes

HEA42 (HB108)

During the 2012 legislative session, the Wyoming State Legislature passed a bill that provides for significant revisions to the Professional Teaching Standards Board's (PTSB) Practice Act (W.S. 21-2-802). The statute changes ultimately help to ensure greater procedural safety measures are in place for the criminal background check process of Wyoming educators. Previously, as many of you may already know, PTSB's statute had a limitation in the fingerprinting and background check process which precluded us from waiting until an applicant's background check was received and reviewed before issuing that applicant's license or permit. The Board believed that this procedural loophole was the result of an outdated statute and could potentially put student safety at risk. While we consider this legislation to be a critical component of ensuring that no teacher with a questionable background would be issued a license and allowed into the classroom, for districts, this new law means that more aggressive planning may be in order when hiring new employees for the coming school year. Because a license may no longer be issued until PTSB receives and reviews the applicant's criminal background report, processing times will likely be longer than in the past.

Fingerprinting at Renewal Not Required

While there was some discussion about whether or not to implement mandatory re-fingerprinting at the time of license renewal, this provision was tabled and may be taken up by the Board at a later date. Therefore, districts do not need to be concerned, at this time, that renewal applicants will be affected. **Renewal applicants will not be required to be re-fingerprinted.**

Outline of Criminal Background Review Process

When PTSB receives an application for an initial or reinstatement License, Permit, or Exception Authorization, fingerprint cards are immediately sent to the Wyoming Division of Criminal Investigation (DCI) for processing. PTSB has no control over how long it will take for DCI to process and return a criminal background report to our office. However, the following guidelines may help districts and applicants determine how long to expect for a background check to be fully completed. These are estimated times.

- If an applicant has never been arrested or fingerprinted, PTSB will receive the DCI report in one to three weeks.
- If an applicant has a criminal record of any kind (a "hit"), it will delay processing (this can range anywhere from a conviction for a minor in possession or writing a bad check to serious felony offenses). DCI must further investigate and track down documentation for these applicants which, by default, takes longer. PTSB typically receives these reports in three to six weeks.
- If, upon review of the criminal background report, the Board determines that an applicant has a history that may be considered cause for denial of an application, that applicant is referred to the Application Review Committee. In order to ensure that these applicants receive full due process rights, these cases may take months to resolve.

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Exception Authorizations

During the February 28th PTSB meeting of the Board, it was determined that there were two specific provisions of the enacted rules for Exception Authorizations which had not been included on the Exception Authorization application and may, therefore, be causing some confusion about actual requirements. The Attorney General's office advised that clarification of these requirements on the PTSB application was immediately necessary. Accordingly, the Exception Authorization application language has been revised to accurately reflect the PTSB Rules and Regulations (Chapter 5) governing Exception Authorizations. The changes you will see on the application are as listed below. The current version of the application is located on our website and must be used when applying for an EA.

1) Verification of Customary Search and Applicant Supervision Form

The Verification of Customary Search and Applicant Supervision application will now reflect the language of the PTSB Rules and Regulations Chapter 5 (b) (iv) (A). The language on the form will include the following revision:

“A customary search has been conducted and no properly licensed and qualified educator is available.”

This will replace the language that previously read: “the district has conducted a customary search and was unable to find a licensed teacher who was better qualified for the position”

2) Proof of evidence of extensive training and experience related to the discipline in which licensure is being sought

Previously, this requirement stated in PTSB Rules and Regulations Chapter 5 (b) (iii) was not specifically listed on the application. That oversight has been remedied, and the language has been added to the application packet.

Please note that neither of these items represents a Rule Change of any kind. Both changes are merely to the application language and have been made in an effort to provide greater clarity by more accurately reflecting Chapter 5 Rules.

Exception Authorizations and Special Education Assignments

Recently, an issue arose that brought to the attention of the Wyoming Department of Education (WDE) the potential of districts to be out of compliance with the federal Individuals with Disabilities Education Act (IDEA). PTSB continues to work closely with WDE to ensure districts do not receive contradicting information about licensure and assignment of educators on Exception Authorizations in Special Education.

Exception Authorizations in Special Education do not meet the highly qualified requirement of the IDEA; there is no provision in the law or its implementing Federal Regulations permitting waiver of the highly qualified requirement on a temporary basis. However, at present PTSB will continue to grant EAs in Special Education while it is working with WDE to determine future feasibility of providing Special Education EAs or whether it is more appropriate to develop an alternative route to licensure that aligns with the Federal Regulations. This is a temporary agreement between PTSB and WDE to accommodate district needs until a more permanent solution can be determined. Applicants will need to meet all listed EA requirements for approval.

Additionally, the recent Superintendent's Memo from WDE clarifying the ways districts are allowed to use EAs in Special Education is a critical resource for districts as educators on EAs in Special Education will not have autonomy in the classroom. PTSB encourages districts to work closely with WDE if it is necessary for your district to hire an educator who must be placed on an Exception Authorization in Special Education.

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Processing Times and Renewals

Since 2009, PTSB has seen a 27% increase in application submissions and a 21% increase in professional development workshop approval requests. In the month of January 2012 alone, we processed 130 more applications than in January of 2009. These dramatically increased workloads have, unfortunately, already impacted our application turn-around times, and we are currently at 4-6 weeks to complete evaluation and processing of applications. It is unclear to what extent this will contribute to any further delays caused by new fingerprinting laws; however, in anticipation of these two issues, PTSB has proactively revised several internal processes in an effort to minimize compounding delays. We are confident that overall turn-around times will remain at three to six weeks, depending on how quickly we receive an applicant's DCI report. Nonetheless, this will be a time of transition, and we appreciate the support and patience of districts and applicants during this transitional year.

In addition to changes in our internal processes, our office is attempting to further mitigate the impact on our service by strongly encouraging eligible educators to renew their licenses or permits online. Educators who renew online receive their license/permit as early as one week after submitting their online renewal application. Recently, PTSB started an email campaign to ask renewal candidates to renew online. We are asking for district assistance in this effort by requesting that they also encourage their educators who are up for renewal to complete the online renewal application instead of the paper application.

Educators are eligible to renew online if:

- **They have 5 PTSB Workshop credits (10 credits for those with Professional Licenses) on file with PTSB** – a link to detailed instructions on how to create their PTSB Profile so they may check their PTSB Workshop credits can be found in the "Account Login" box on our homepage at ptsb.state.wy.us.
- **They do not currently hold a nursing or coaching endorsement on their license or permit.**
- They have never had a professional license revoked, suspended, restricted, conditioned, refused or disciplined.
- They have never voluntarily surrendered any professional license or allowed one to lapse or expire.
- They have never resigned a teaching position at the request of an employer or while under investigation by an employer.
- They have never been investigated for an alleged violation of any state licensing/regulatory provision, rule or law.
- They have never been convicted of any crime for which they were arrested and fingerprinted.

IMPORTANT: Due to significant changes in the PTSB statute and in the clarification of Exception Authorization requirements, absolutely no outdated applications will be accepted by our office. Please encourage all applicants to go online to print out the appropriate application packet. The most current, and only acceptable application, can be found online at our website at ptsb.state.wy.us.