



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memo

07 RM 051

Date: September 13, 2007

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Re: Wyoming Professional Teaching Standards Board

QUESTIONS

1. What is the history of the Wyoming Professional Teaching Standards Board (PTSB)?
2. What is entailed in the appeals process for teachers who are denied certification?

ANSWERS

1. The Legislature created a separate Wyoming Professional Teaching Standards Board (PTSB) in 1993 with the adoption of original House Bill 341 ('93 Laws, Ch. 217). Previously, teacher certification was conducted through the Wyoming Board of Education. Similar to most professional licensing boards, the PTSB is overseen by the Governor's office and the Legislature. The PTSB is allowed to promulgate rules and regulations for the certification of educators. They may also set fees, revoke or suspend licenses and approve professional educational programs. The statutory authorization for the PTSB can be found in W.S. 21-2-801 and 802, which is included as Attachment A.
2. According to PTSB rules and regulations, an application for certification may be denied by the PTSB if it fails to meet the requirements of W.S. 21-2-802 or any of the rules and regulations promulgated by the PTSB. According to W.S. 21-7-303(a), no person shall teach or supervise in a public school in Wyoming and receive compensation if they are not a holder of a certificate or a candidate and qualified for a certificate or permit to teach in Wyoming as per the laws of Wyoming (W.S. 21-2-802) and the rules and regulations of the PTSB.

Reasons for certification denial or suspension/revocation could include incompetence, conviction of a felony (after July 1, 1996), immorality and other reprehensible conduct or gross neglect of duty. According to PTSB rules and regulations, a written notice of the denial must be sent to the applicant stating the basis for the denial and citing the relevant statutes or rules for the denial. An applicant whose application was denied may file a petition with the PTSB asking the denial to be reconsidered. An applicant has 30 days from the applicant's receipt of the denial to petition reconsideration by the PTSB. The applicant would then provide a written presentation and possibly an oral presentation to the PTSB for purposes of reconsideration. For further details on the general regulations and due process procedures of the PTSB, see Attachment B which includes Chapters 1, 2, and 3 of the PTSB rules and regulations.

If you have any further questions, do not hesitate to contact me at 777-7881.

ATTACHMENT A

ARTICLE 8 - WYOMING PROFESSIONAL TEACHING STANDARDS BOARD

21-2-801. Creation of board; appointment and composition; terms; vacancies; expense reimbursement.

(a) The Wyoming professional teaching standards board is created to consist of thirteen (13) members appointed by the state superintendent as follows:

(i) Six (6) certified public school employee members, two (2) of which shall be classroom teachers in grades kindergarten through six (6), three (3) of which shall be classroom teachers in grades seven (7) through twelve (12) and one (1) of which shall be a certified professional employee not assigned to classroom teaching but providing auxiliary professional services such as librarian, guidance counselor or educational diagnostician;

(ii) One (1) member to be a faculty member employed in an approved teacher preparation program in Wyoming offering approved preparation programs in the district;

(iii) One (1) member to be a dean of a post-secondary education preparation program appointed from an approved teacher preparation program within Wyoming post-secondary education institutions;

(iv) One (1) member to be a community college faculty member appointed from a Wyoming community college;

(v) Three (3) members currently employed in public school administration as follows:

(A) One (1) elementary principal;

(B) One (1) secondary school principal;

(C) One (1) central office administrator.

(vi) One (1) member who is a current member of a Wyoming school district board of trustees.

(b) Board members shall be appointed to a term of four (4) years. No person shall be appointed for more than two (2) four (4) year terms. Vacancies shall be filled by the state superintendent from the appropriate group pursuant to subsection (a) of this section. Any board member may be removed as provided under W.S. 9-1-202.

(c) The members shall be paid per diem and travel expenses while attending board meetings at the same rate allowed by law for state employees. The board shall meet not less than once every three (3) months.

21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees.

(a) The board shall promulgate rules and regulations:

(i) For the certification of school administrators, teachers and other personnel to require either examination in specified subjects or the completion of courses in approved institutions, or both. However, nothing in this article shall be construed as permitting the board to impose any additional requirements beyond licensure in his own profession on any person licensed pursuant to title 33 in order for that person to practice his own profession in the schools as an employee of or contractor for a school district. Board rules and regulations shall require the following minimum qualifications and any additional qualifications for additional training in a broad general education as the board may designate:

(A) For teachers, a degree from an accredited college or university;

(B) For administrators, qualification as a teacher pursuant to subparagraph (a)(i)(A) of this section in addition to appropriate experience as a teacher and additional training in educational administration.

(ii) In addition to paragraph (a)(i) of this section, the board shall by rule and regulation provide for:

(A) Certification of teachers of the Arapahoe and Shoshoni language and in its discretion, the board may make other exceptions as to both teachers and administrators it determines necessary and proper in special circumstances;

(B) Temporary employment as instructors of persons with extensive training or experience in a particular discipline if a certified teacher is not available. Those instructors shall be monitored and supervised by certified personnel;

(C) School district establishment of courses taught primarily by electronic transmission such as broadcast through satellites which do not require the presence of a teacher

certified in the subject matter being taught by this alternative method.

(iii) Providing that business instructors may instruct classes on economic systems and institutions.

(b) The board may enter into reciprocal agreements with other states for the purposes of granting certification pursuant to this section.

(c) The board may revoke or suspend certification for incompetency, conviction of a felony committed after July 1, 1996, immorality and other reprehensible conduct or gross neglect of duty, upon its own motion or upon the petition of any local board of trustees. Except as provided in subsection (h) of this section, no certificate shall be revoked or suspended without a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing.

(d) The board may establish reasonable fees for application and issuance of certification under this section and may require the payment of fees as a condition for issuing any certificate. The fees may include the costs associated with the criminal history background check required by paragraph (e)(ii) of this section. Fees collected by the board pursuant to this subsection shall be deposited with the state treasurer. Upon receipt, the state treasurer shall credit the revenues to a separate account. Expenditures from the account shall be for expenses incurred by the board in administering this article.

(e) For all persons seeking initial certification under this section on or after July 1, 1996:

(i) The applicant shall be required to verify under oath whether he has been convicted of a felony. The board may deny certification of any applicant who has been convicted of a felony and may annul a certificate for misrepresentation by an applicant of his criminal history. Action by the board to annul a certificate shall be taken following a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing;

(ii) The applicant shall provide to the board fingerprints and other information necessary for a criminal history record background check as provided in W.S. 7-19-201(a).

(f) Any local school board dismissing or accepting the

resignation of a person holding certification under this section shall notify the professional standards teaching board of the dismissal or resignation, if the dismissal or acceptance of the resignation was based in whole or in part upon the person's conviction of a felony.

(g) For purposes of this section:

(i) "Convicted" or "conviction" means an unvacated determination of guilt by any court having legal jurisdiction of the offense and from which no appeal is pending. Pleas of guilty and nolo contendere shall be deemed convictions for the purposes of this section. Dispositions pursuant to W.S. 7-13-301 or 35-7-1037 shall not be convictions for purposes of this section;

(ii) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year. "Felony" includes an offense committed in another jurisdiction which, if committed in this state, would constitute a felony as defined in this paragraph.

(h) The board shall establish qualifications of persons teaching driver education in a public school in this state in accordance with W.S. 21-7-303(c).

(j) Nothing in this section authorizes the board to establish qualifications of persons exempt from certification requirements pursuant to W.S. 21-7-303(b).

(k) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

ATTACHMENT B

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CHAPTER 1

GENERAL REGULATIONS

Section 1. Authority. These rules and regulations governing professional educator certification are promulgated by the Professional Teaching Standards Board pursuant to the Wyoming Administrative Procedure Act W.S. 16-3-101 through 16-3-115; W. S. 21-2-801 and 21-2-802.

Section 2. Definitions. For the purpose of these regulations the following terms shall have meanings as ascribed below:

(a) **Advanced Approved Program.** A graduate level, professional education program provided by an institution of higher learning meeting state program approval standards and accredited by the National Council for the Accreditation of Teacher Education (NCATE) or a regional accreditation association, such as the North Central Association of Colleges & Schools (NCA).

(b) **Approved Program.** Any professional education program offered by an institution of higher learning meeting Wyoming program standards. The Professional Teaching Standards Board reserves the right to review for approval any professional education program leading to possible certification in Wyoming.

(c) **Assistant Athletic Coach.** Any athletic coach other than the head athletic coach, including athletic coaches at the middle/junior high school level.

(d) **Certificate.** The document issued by the Professional Teaching Standards Board which verifies that an applicant has completed an approved program or portfolio assessment and has met the requirements of Wyoming state law and the professional educator certification regulations of the Professional Teaching Standards Board.

(e) **Classroom Teaching Experience.** Experience as a certified employee working with students on a regular basis in an appropriately licensed and/or accredited pre-school through grade 12 level or combination thereof. This experience must include the responsibility for providing daily instruction or direct service to students for a majority of the program day. Experience in a non-public school district pre-school shall not count toward the experience needed for a counselor's, principal's, or superintendent's endorsement.

(f) **Date of Application.** The date the application is received by the Professional Teaching Standards Board.

(g) **Deficiency.** The extent to which an applicant does not meet standards.

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(h) Endorsement. Certificates and Letters of Authorization shall be endorsed to indicate the grade level(s) which are appropriate to the applicant's preparation, training, and experience.

(i) Exception. A temporary suspension of the certification regulations granted by the Professional Teaching Standards Board under special circumstances at the request of the applicant. See W.S. 21-2-802 (ii) (A)

(j) Exception Authorization. The document issued by the Professional Teaching Standards Board if an exception is granted. An Exception Authorization is valid for one (1) year.

(k) Head Athletic Coach. The athletic coach for a specific sport at a high school or junior high/middle school. (One of the coaches for each interscholastic sport at the high school and junior/middle school must be a head coach.)

(l) Initial Applicant. A person applying for a Wyoming certificate for the first time or adding an endorsement not currently held.

(m) Institutional Recommendation. Verification by an institution of higher learning that the applicant has completed a program or fulfilled the knowledge, skills, or professional competencies which have been approved by the Professional Teaching Standards Board.

(n) Non-Qualified Applicant. An individual whose request for a certificate, permit, or endorsement cannot be processed within ninety (90) days after its receipt by the Professional Teaching Standards Board, because all required materials have not been received.

(o) Permit. A document issued by the Professional Teaching Standards Board verifying that an applicant meets the specified standards to perform as a school nurse, classroom substitute, athletic coach, trade and technical education instructor, intern, temporary employment, domestic teacher exchange or visiting foreign teacher.

(p) Petition of Appeal. An applicant's or certificate holder's written request to the Professional Teaching Standards Board appealing a denial for certification and/or recertification.

(q) Portfolio Assessment. Knowledge, skills, and professional competencies verified through such means as video taped segments of teaching performance, journals, transcripts, performance evaluations conducted by teams of educational professionals, and statements of beliefs and philosophy, etc.

(r) Professional Development Activity. A specific learning program

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completed during the term of a certificate or permit to improve an applicant's skills. Professional Development Activity is required to renew a certificate or permit. This requirement may be satisfied by graduate or undergraduate work in an approved program at an institution of higher learning, an activity approved by the Professional Teaching Standards Board, work that would be transferable to an approved program, a local staff development program approved by the Professional Teaching Standards Board, successful completion of

requirements for certification by the National Board for Professional Teaching Standards, an individual professional development program, or Professional Teaching Standards Board inservice workshops.

(s) Reciprocity. Agreements among states whereby professional educators may have their qualifications recognized in other states.

(t) Renewal Requirements. Successful professional development activities required during the period for which the certificate or permit is valid which allow the applicant to renew the certificate or permit for an identified period of time.

(u) Revocation. The permanent removal of a licensee's certificate by the Professional Teaching Standards Board. Revocation does not prevent a former licensee from becoming a new certificate applicant.

(v) Suspension. The temporary removal of a licensee's certificate by the Professional Teaching Standards Board. A suspension is annotated on a current certificate.

(w) Undergraduate Approved Program. The undergraduate professional education program consisting of learning experience and outcomes in general education, professional education, and a teaching field.

(x) Unqualified Applicant. An individual who does not meet Wyoming's certification regulations.

Section 3. Program Approval Standards

(a) Certificates, Endorsements and Permits

(i) The process of evaluation for a certificate or endorsement will include the following steps:

(A) Completion of an approved program.

(B) Comparison of Wyoming program approval standards to

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other state program approval standards with deficiencies noted.

(C) Analysis of an education program to Wyoming standards through portfolio analysis.

(ii) Current Valid Certificate. An educator currently holding a valid certificate will be permitted to continue to hold that certificate as long as the appropriate professional development renewal criteria are met.

(iii) Lapsed Certificate. A current certificate which has been allowed to lapse after July 1, 1992, will be void. Renewal requirements on the previous certificate must be met prior to any reinstatement. Applicants must then qualify under the latest certification regulations in effect at the time of application.

(iv) Current Endorsements. Endorsements issued prior to July 1, 1992, shall be continued on subsequent renewals.

(v) An application filed after July 1, 1992, shall be subject to the regulations as they are recorded in the year application is made.

(vi) Permits. Permits issued prior to July 1, 1992, remain in force for the term of the permit.

Section 4. Out-of-State Applicants

(a) Certification Through Reciprocity. Although certificates from other states are not directly transferable to Wyoming, the Interstate Certification Compact or any regionally based agreements will permit an education professional who has completed approved programs or has experience in another state to have his/her qualifications recognized in the State of Wyoming. Certification by another state will be recognized if the certificate is current and equivalent to any of Wyoming's certificates. Reciprocity agreements are on file with the Professional Teaching Standards Board. Applicants who are issued Wyoming certificates will be allowed five (5) years to complete specific Wyoming requirements.

(b) National Board Certification. An individual who has received National Board Certification from the National Board for Professional Teaching Standards may receive a certificate in the appropriate endorsement area(s).

(c) Experience

(i) An individual may receive a certificate with the appropriate endorsement area(s) if he/she has three (3) years of successful(k-12) classroom teaching

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or administration experience in the appropriate field verified by the following;

(A) letters of recommendation from persons responsible for the teacher's and/or administrator's evaluation,

(B) verification that the experience has been done within the last six (6) years in the appropriate elementary or secondary or k-12 level.

(C) verification that the experience was in an appropriately licensed and/or accredited k-12 level; and

(D) verification that the individual has a current valid certificate/license from another state.

Section 5. General Regulations. The general regulations that apply to all personnel holding a professional educator certificate or permit are drawn from Wyoming statutes and the regulations of the Professional Teaching Standards Board.

(a) **Certification Required.** A person may teach or provide professional services in a public school in Wyoming, and receive compensation from public funds for such services rendered, only if he/she is a certificate or permit holder or an applicant and qualified for a certificate or permit (W.S. 21-7-303).

(b) **Assignment of Certified Personnel.** School personnel to whom certificates or permits are issued under these regulations must be assigned only to those grade levels or endorsement areas for which their certificates or permits are issued or working in collaboration with colleagues who hold appropriate certificates.

(c) **Certificate or Permit Property of Applicant.** A certificate or permit is the property of the applicant to whom it is issued.

(d) **Development and Approval of New Endorsement Areas.** The Professional Teaching Standards Board reserves the right to develop additional endorsement areas to meet changing needs.

Section 6. Application For Certificate And Permit.

(a) **Application Required.** An applicant for any certificate, permit, or endorsement(s) must make application directly to the Professional Teaching Standards Board.

(b) **Application Materials.** Applicants must acquire, complete, and submit the following materials to the Professional Teaching Standards Board:

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(i) Application. The application must be properly completed, signed, and dated.

(ii) Completed fingerprint cards.

(iii) Institutional Recommendation. The institutional recommendation must appear on the application, be signed by the designated official of the institution of higher learning, and bear the official seal of the institution.

(iv) Constitutions of U.S. and Wyoming. All applicants must present documentation of successful completion of a course which provides instruction in the Constitutions of the United States of America and the State of Wyoming; or applicants may take a Professional Teaching Standards Board administered examination on the U.S. and Wyoming Constitutions. A score of seventy-five percent (75%) or better on the test(s) is required. (W.S. 21-7-304).

(v) Fees. Fees can be paid by personal check, cash, money order or cashier's check, payable to the Professional Teaching Standards Board. All materials required for certification must be received within ninety (90) days from the date of application, or an additional fee will be charged. The current fee schedule, set by the Professional Teaching Standards Board, is available from the Professional Teaching Standards Board or the administrative offices of local school districts. Fees are not refundable.

(vi) Application Materials on File. Application materials upon which certificates are issued will remain on file as long as the certificates issued are in effect.

(vii) Testing. Applicants may be required to submit a passing score on an approved PTSB test to obtain the certificate requested.

(c) Application Procedure.

(i) Application Materials. When all required application materials are received by the Professional Teaching Standards Board, they will be evaluated in accordance with the requirements of Wyoming law and the Professional Teaching Standards Board regulations for the type of certificate or permit requested.

(ii) Requirements Met. If the requirements are met, the Professional Teaching Standards Board will issue a letter of authorization valid for one year. Completed background checks and/or verification of testing must be submitted prior to the issuance of the appropriate certificate or permit.

(iii) Requirements Not Met. If the requirements are not met, the Professional Teaching Standards Board will notify the applicant that the application is

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denied. The denial notification will include the reason upon which the denial is based. Accompanying the decision notice will be information to the applicant about the applicant's due process rights and procedures for seeking an appeal or an exception before the Professional Teaching Standards Board. Due process procedures are listed in Chapter 2.

Section 7. Requirements Of Certificates And Permits. The requirements for certificates and permits outlined in these rules apply to all certificates and permits, regardless of the areas of endorsement. Specific endorsements in the teaching or education specialist areas for which the applicant is qualified will be added to the certificates and permits.

(a) Expiration Date August 31st. Renewal certificates and permits issued prior to June 30, 1995, are valid from the date of issuance until August 31st of the final year of the term for which they were issued. The school year in which the certificate or permit is issued shall be considered as the first year of the term of that certificate or permit.

(b) New Certificates and Permits Issued After July 1, 1995. New certificates and permits issued after July 1, 1995, are valid from the date when materials were received by the Professional Teaching Standards Board, and the requirements were met.

(c) Failure to Renew. A person who fails to renew his/her certificate or permit will be considered a new applicant. Reinstatement of the certificate or permit will require completion of renewal requirements on a lapsed certificate.

(d) New Applicants. A person shall be considered a new applicant when changing the type of certificate, permit, or endorsement and shall be subject to current requirements for that certificate, permit, or endorsement. All certificates and endorsements issued prior to July 1, 1992, will continue in force when properly renewed.

Section 8. Exception Authorization. A one (1) year Exception Authorization is issued for one (1) year only. To be considered for an additional one (1) year issuance of an Exception Authorization, documentation of progress toward full certification and an application for a *One Year Exception Authorization* must be submitted to the Professional Teaching Standards Board. To be eligible for an Exception Authorization, applicants must meet one of the following requirements:

(a) Applicants who have fulfilled all the application requirements for a Standard certificate except submitting a passing score on the PRAXIS. An Exception Authorization that is issued under these circumstances is non-renewable.

(b) Applicants who request Authorization in an area in which they do not meet all the requirements, including applicants meeting the criteria for temporary employment as defined by W.S. 21-2-802, (a), (ii), (B).

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(i) Eligibility:

(A) Applicants with a bachelor's degree from a regionally or nationally accredited institution of higher learning.

(B) Extensive training or experience related to the discipline he/she is to teach.

(C) The district submits a statement, signed by the superintendent, verifying that the district has conducted a customary search and that no properly certified and endorsed teacher is available.

(D) Submit a plan for obtaining full certification, attested to by the local superintendent, that includes the applicant's training, monitoring and supervision by certified personnel.

(E) Submit a plan verifying enrollment in a program from an institution of higher learning that will meet the requirements for full certification, or submit a Letter of Intent to submit a portfolio to obtain full certification or add an endorsement.

(c) Applicants who do not meet renewal or reinstatement requirements. An Exception Authorization that is issued under these circumstances is non-renewable.

(i) Eligibility:

(A) Submit a plan, attested to by the local superintendent, that includes the monitoring of the applicant by certified personnel for the purpose of assuring completion of the required renewal credits.

(B) Submit a plan documenting how the applicant will obtain full certification within one (1) year.

(d) Applicants who are assigned to teach outside of their endorsement area.

(i) Eligibility:

(A) The applicant must hold a current Wyoming teaching certificate.

(B) The district is required to submit a statement, signed by the local superintendent, verifying that the district has conducted a customary search and that no properly certified and endorsed teacher is available.

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(C) Submit a plan, attested to by the local superintendent, that includes the applicant's training, monitoring and supervision by certified personnel.

Section 9. Types Of Certificates And Permits. The Professional Teaching Standards Board is authorized to issue one (1) type of certificate and five (5) types of permits. Each is issued for a specified period of time. A certificate or permit allows the holder to serve in specified position(s) in the public schools of the state.

(a) Standard Certificate. A Standard Certificate is issued for a period of up to five (5) years. It lists the endorsement(s) by grade levels in which the applicant is authorized to teach, counsel, work with students, or administer.

(b) Permits.

(i) School Nurse Permit.

(ii) Classroom Substitute Permit.

(iii) Trade and Technical Education Instructor Permit.

(iv) Athletic Coaching Permit.

(v) School Nurse Substitute Permit.

(vi) One (1) Year Permits:

(A) Internship Permit.

(B) Visiting Foreign Teacher Permit.

(C) Domestic Teacher Exchange Permit.

(D) Consultant Specialist Permit.

(vii) Driver Education Permit

Section 10. Effective Date of Rules and Regulations. Unless otherwise indicated in the regulations, any changes in these regulations, promulgated by the Professional Teaching Standards Board pursuant to the Wyoming Administrative Procedures Act (W.S. 16-3-101 through 16-3-115, and W.S. 21-2-801 and 21-2-802), are effective upon the date filed with the Secretary of State.

CHAPTER 2

DUE PROCESS PROCEDURES

Section 1. Authority These rules are promulgated by the Wyoming Professional Teaching Standards Board pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101, et seq., and W.S. 21-2-801 and 21-2-802.

Section 2. Definitions. All of the definitions set forth in the Wyoming Administrative Procedure Act are herein incorporated by reference.

Section 3. Denial. An application for a certificate will be denied by the Professional Teaching Standards Board if it fails to meet the requirements of W.S. 21-2-802 or of these rules. An application will also be denied for grounds which would justify suspension or revocation according to W.S. 21-2-802 or these rules, whether or not such action has been taken in Wyoming or elsewhere. The board may deny certification of any applicant who has been convicted of a felony and may annul a certificate for misrepresentation by an applicant of his/her criminal history.

(a) **Notice.** The Professional Teaching Standards Board will provide written notice by certified mail, return receipt requested, of a denial to the applicant stating the basis for the denial and citing the relevant statutes or rules under which the action is taken.

(b) **Individual Appeal of Denial or Annulment.** An applicant whose application has been denied may file a petition with the Professional Teaching Standards Board asking that the matter be reconsidered. In addition to making a written presentation to the Professional Teaching Standards Board, he/she may ask to make an oral presentation.

(c) **Time.** From receipt of written notice of denial by the Professional Teaching Standards Board, an applicant has thirty (30) days within which to file a petition with the Professional Teaching Standards Board. No request or petition received by the Professional Teaching Standards Board more than thirty (30) days after the applicant's receipt of notice of denial will be considered. Upon timely receipt of the written request to present his/her case directly to the Professional Teaching Standards Board, the Professional Teaching Standards Board will add the matter to the agenda of a future meeting and promptly notify the applicant, certificate or permit holder by certified mail, return receipt requested. The meeting chosen should be at least fifty-five (55) days from the receipt of the written request to allow the applicant, or certificate or permit holder at least thirty (30) days to prepare. All papers to be submitted to the Professional Teaching Standards Board must be received by the Professional Teaching Standards Board at least (20) days before the meeting at which the matter is to be considered.

(d) **Supporting Documentation.** The petition filed by an applicant must include the following when appropriate to applicant's situation:

(i) Name, mailing address, and telephone number at which applicant may be reached in the succeeding three (3) months;

(ii) Copies of past and present certifications held;

- (iii) A copy of his/her current employment contract and information about present and future employment plans;
 - (iv) Statements from the board of trustees and superintendent seeking to employ the candidate, if any;
 - (v) Information concerning the alleged deficiency or grounds cited for denial;
 - (vi) Copies of pertinent statutes or regulations from other states under which disciplinary action has been taken against the applicant or which pertain to any other basis for denial; and
 - (vii) Copies of the charges and final orders in disciplinary actions and the indictments or information, verdicts, judgments, and sentences of applicants with criminal convictions.
- (e) Procedure For Petition. Petition may be in the form of a letter to the Professional Teaching Standards Board stating the remedy sought from the Professional Teaching Standards Board, and include the supporting documentation described in(d).

Section 4. Actions Which May Result in Suspension or Revocation.

- (a) A certificate or permit may be suspended or revoked for the reasons stated in W.S. 21-2-802.
- (b) For purposes of these rules and for clarification of W.S. 21-2-802(c), the following applies:
 - (i) incompetencies include, but are not limited to, a judicial declaration of legal incompetency or habitual use of drugs and alcohol.
 - (ii) immorality includes, but is not limited to, misdemeanor convictions for sexual misconduct and/or an immoral act or engaging in any type of sexual relationship with a student.
 - (iii) reprehensible conduct includes, but is not limited to, providing false information to the Board, violation of the Board's rules and regulations, diversion of school or district funds for personal use or having a license or certificate disciplined by other jurisdictions.
 - (iv) gross neglect of duty includes, but is not limited to, student abandonment or breach of contract with a school district.

Section 5. Information and Complaint

- (a) Information. If any information concerning a possible violation of the act or rules is received or obtained by a board member or members of the staff, the Board may, on its own motion, initiate proceedings under the Act and in accordance with the Wyoming Administrative Procedure Act. Certificate and permit holders will be notified of the proceedings initiated by the Board under this section.
- (a) Complaint: In order for entities other than the Board to initiate a disciplinary action against a

certificate or permit holder, a written complaint shall be submitted to the Board office. Nothing in the section shall be construed to prohibit the Board or the Board's staff from filing a written complaint. The written complaint should provide the following information, as may be applicable:

- (i) The name and address of the complainant;
- (ii) The name, address, and telephone number of the district superintendent, chairman of the board of trustees, and anyone else designated to be the contact person for the district;
- (iii) The name, address, and telephone number of counsel who will represent the district, if any;
- (iv) The name, address, and telephone number of the certificate or permit holder against whom the charges are made;
- (v) The dates of his/her employment by the district, the positions held, and a copy of his/her contract;
- (vi) The statutory and regulatory grounds alleged to have been violated;
- (vii) The specific conduct alleged to constitute the violation;
- (viii) Any disciplinary action taken by the district or a prior employer based on this or similar conduct;
- (ix) Any pending criminal charges or convictions entered and a copy of the indictment or information, verdict, judgement, and sentence entered;
- (x) The remedy sought from the Professional Teaching Standards Board; and
- (xi) The name, address, and telephone number of all anticipated witnesses as well as the probable subject matter of their testimony ;and
- (xii) The signature and address of the person or persons making the complaint and telephone numbers.

Section 6. Review of Written Complaint.

(a) The Board shall consider the written complaint to determine if further investigation is deemed necessary. If further investigation is deemed necessary the Board shall assign an investigation committee comprised of one or two Board members or other individuals. In addition, the Board may hire an independent investigator to conduct the investigation. Certificate or permit holders will be advised of the investigation, the names of the committee members and the nature of the complaint.

- (i) The committee members so appointed shall not take part in the consideration of any contested case.

(ii) Members of the committee shall not by this rule be barred from attending any disciplinary hearing.

Section 7. Investigations and Board Action. The investigation committee shall investigate written complaints set for further investigation or proceedings initiated by the Board on its own motion.

(a) Upon completion of the investigation, the committee shall prepare an investigative report for the purpose of anticipation of hearings.

(b) Upon completion of the investigation, the committee may:

(i) prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;

(ii) recommend to the Board that an advisory letter be issued to the certificate or permit holder;

(iii) recommend the Board accept an offer of conditional terms for settlement;
or

(iv) recommend to the Board that the complaint be dismissed.

(c) The Board may resolve a complaint at any time by:

(i) sending an advisory letter to the certificate or permit holder;

(ii) accepting a voluntary surrender of a certificate or permit;

(iii) accepting conditional terms for settlement;

(iv) dispensing with it in an informal manner; or

(v) dismissal.

Section 8. Service of Notice and Opportunity to Show Compliance.

(a) Prior to commencement of formal proceedings, the Board shall give notice by mail to the licensee, certificate or permit holder of the facts or conduct which warrant the intended action. The notice shall give the certificate or permit holder an opportunity to show compliance with all lawful requirements for retention of the license or certificate within ten (10) days of receipt of this notice. Such notice shall be sent to the individual's last known address by certified mail with return receipt requested.

Section 9. Formal Hearing Procedures.

(a) Formal proceedings for a hearing before the Board regarding action against a licensee, certificate or permit holder shall be commenced by notice and complaint issued by the Board, served in person, or by certified mail to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. Notice shall contain at least:

- (i) the name and address of the respondent;
- (ii) a statement, in ordinary and concise language, of the nature of the complaint filed with the Board, and the facts upon which the complaint is based, as well as the specific statutory provision(s) or the Board rules and regulations involved;
- (iii) the time, place, and nature of the hearing;
- (iv) that the hearing is being held pursuant to the Board's authority under W.S. 21-2-802; and
- (v) the licensee, certificate or permit holder shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.

Section 10. Docket

- (a) When formal proceedings are initiated the case shall be assigned a number and entered upon a docket provided for such purpose.
- (b) There shall be established a separate file for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence, and exhibits pertaining thereto, and all such items shall be noted with the docket number assigned, and the date of filing.

Section 11. Continuance. For good cause shown, extension and continuance may be granted or denied at the discretion of the Board or its chairman or hearing officer.

Section 12. Default. The Board may enter an order based on the allegations in a complaint in any case where the respondent has not answered in writing before the hearing, or in any case in which the respondent or the respondent's representative has not appeared at a scheduled hearing of which the respondent had notice.

Section 13. Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing. A Board member may serve as the hearing officer. If the case is heard before the Board, the chairman may preside.

Section 14. Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 15. Subpoenas.

- (a) A Board member or its hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence, and shall have the power to administer oaths.
- (b) Service of a subpoena must be made at the expense of the party applying for it and shall be

made in the manner provide by law for service of subpoenas in civil actions.

Section 16. Witnesses.

- (a) All persons testifying at any hearing before the Board shall stand and be administered a standard oath.
- (b) No testimony will be received from a witness except under oath or affirmation.
- (c) The party calling a witness shall bear the costs associated with the witness's appearance.
- (d) The Board and hearing officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by a particular witness.

Section 17. Representation

- (a) Any respondent may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming, or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.
- (b) A request for withdrawal from representation shall be made by the attorney in writing to the Board.
- (c) In any case before the Board, an appearance in person or the filing of an answer shall constitute an appearance of record by an attorney.
- (d) A representative of the Attorney General's office may present to the Board all matters in a contested case.

Section 18. Prehearing Conference.

- (a) At a time on or before the day of any hearing, the hearing officer may direct the parties to appear before the Board to consider:
 - (i) the simplification of the issues;
 - (ii) the necessity of desirability of amending the pleadings;
 - (iii) the possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;
 - (iv) formulating procedures to govern the hearing; or
 - (v) such other matters as may aid in the disposition of the case.
- (b) Such conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties and limitation of the

issues to those undisposed of by admission or agreements of counsel and the parties.

Section 19. Order of Procedure at Hearing. The following activities will occur in substantially the following order during the hearing.

- (i) Opening announcements are made by the hearing officer, including case name and docket number, the issues to be considered, parties and counsel present, and subpoenas issued.
- (ii) Witnesses should be identified and sworn.
- (iii) Opening statements may be made at the discretion of the hearing officer. In cases of certificate denial, the applicant should go first. In disciplinary cases, the school district or Director of the Professional Teaching Standards should go first.
- (iv) Presentation of Evidence. The same order of presentation as above will be followed with each party and the hearing officer having the opportunity to cross-examine the other parties witnesses. Rebuttal evidence may be presented.
- (v) Exhibits offered in evidence by the applicant, or certificate or permit holder will be marked with the letters of the alphabet. Those offered by the school district or Director will be marked numerically.
- (vi) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless for good cause shown the hearing officer reopens them.

Section 20. Decisions.

- (a) Proposed Decisions:
 - (i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law and order after the hearing and before the deadline announced in the hearing's closing announcements.
 - (ii) At the discretion and direction of the Board, the hearing officer shall file proposed findings of fact, conclusions of law and order.
- (b) Final Decisions: Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and be based exclusively upon the evidence in the record and matters officially noted. All final decisions issued by the Board will be served to all parties by certified mail with proof of receipt.

Section 21. Appeals to District Court. Appeals from Board decision shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.

Section 22. Transcript in Case of Appeal. In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath

of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.

CHAPTER 3

CERTIFICATE REQUIREMENTS

Section 1. Standard Teaching Certificate Requirements. The applicant shall hold a bachelor's degree and have an Institutional Recommendation from an institution of higher learning that has been approved by the Professional Teaching Standards Board.

OR

A bachelor's degree and a portfolio approved by the professional teaching standards board.

Section 2. Grade Levels of Standard Teaching Certificate. The qualified applicant will be issued one or more of the following:

(a) Pre-School Years (3 to Age 5) The applicant shall have completed an approved professional education program or an approved portfolio designed to prepare teachers for pre-school settings.

(b) Elementary Grades (k-6). The applicant shall have completed an approved professional education program or an approved portfolio designed to prepare teachers for elementary school settings. The elementary level also satisfies the elementary endorsement.

(c) Middle Level Grades (5-8). The applicant shall have completed an approved professional education program or an approved portfolio designed to prepare teachers for a middle school setting. The middle school may include any grades 5-8 in a formal organization.

(d) Secondary Grades (7-12). The applicant shall have completed an approved professional education program or an approved portfolio designed to prepare teachers for secondary school settings. The applicant shall also satisfy the requirements for one or more of the teaching endorsements outlined in this document.

(d) Grades k-12. The applicant shall have completed an approved professional education program designed to prepare teachers for k-12 school settings or an approved portfolio. The applicant shall also satisfy the requirements for one or more of the teaching endorsements outlined in this document.

Section 3. Endorsements. Endorsement(s) for which an applicant qualifies will appear on the Standard Certificate. As determined by the program approval standards, the endorsement(s) will allow the teacher to provide instruction in the classroom, or the administrator or pupil personnel person to provide services in the area(s) identified on the certificate. Teaching endorsements are valid at the level for which they are issued.

Section 4. General Education Program Approval. The general education component shall include a well-planned sequence of courses and experiences offered in liberal arts and other general studies. A graduate from an NCATE or regionally accredited institution shall be considered to have met the general education requirements.

Section 5. Professional Education Program Approval.

Professional education includes foundations of education, methods and materials of teaching, and school-based experiences that support the development of knowledge, competencies and dispositions required in the teaching profession. A major purpose of the professional education component is to develop the prospective teacher's ability to facilitate student growth, learning and achievement. The prospective teacher understands and can apply knowledge and theories related to the appropriate disciplinary areas; child and adolescent development; teaching and learning processes; instructional materials including applications of technology; social interactions in classroom, school, and community contexts; historical perspectives of schooling in the U.S.; and the broader issues of the profession as they relate to society and the functions of schools. The term all students refers to all children who receive an education in any American public school.

Individuals adding an endorsement by the alternative route of a portfolio must address (a) Standard I (i)(iv)(vii) and (b) Standard II (i) and (ii).

(a) Standard I. Teaching and Learning. The teacher candidate demonstrates the following knowledge, competencies and dispositions:

(i) Academic Discipline. The teacher candidate understands the central concepts within the discipline(s) he or she teaches, as stated in the Professional Teaching Standards Board program standards; is competent in selecting subject matter that addresses the curriculum and standards at the school district, state and national levels; and believes all students' lives are enhanced through gaining knowledge of the academic discipline.

(ii) Student Learning. The teacher candidate understands all children have similar patterns of learning, and these patterns vary individually within the areas of cognitive, social, emotional and physical development; is competent in using developmental theories to provide appropriate learning opportunities to influence all students' learning; and is respectful of all students' diverse developmental levels.

(iii) Students' Diversity. The teacher candidate understands how all students differ in their approaches to learning; is competent in creating instructional opportunities that are adapted to all students' diverse life experiences and developmental levels; and believes all students benefit from a mutually respectful learning community.

(iv) Instruction to Students. The teacher candidate is knowledgeable about instructional strategies used to encourage all students' development of critical thinking and problem solving skills and achievement of performance standards; is competent in developing instructional strategies which incorporate technology, multimedia, commercial/teacher/student materials and collaboration; and believes appropriate learning experiences enhance all students' opportunities to learn.

(v) Classroom Environment. The teacher candidate is knowledgeable about classroom management theories which encourage individual and group motivation to learn; is competent in facilitating a positive classroom environment while collaborating with parents, education professionals and support staff; and is respectful of our democratic society's support of public education and seeks to achieve equity for all children.

(vi) Language and Communication. The teacher candidate is knowledgeable about the connections between a student's use of language and his/her success in learning; is competent in developing all students' language skills and communication techniques across the curriculum; and models effective language skills and communication techniques.

(vii) Planning Instruction. The teacher candidate is knowledgeable about his/her academic discipline's curriculum and school district, state and national standards; is competent in designing, implementing, evaluating and refining the plan so all students are successful in learning the required curriculum and standards; and believes that all students can perform at increasingly higher levels and individually challenging expectations should be set by the teacher.

(viii) Student Assessments. The teacher candidate is knowledgeable about multiple methods of formative and summative assessment for assessing all students' development of critical thinking and problem solving skills and achievement of standards; is competent in using assessments' results as a guide to plan instruction; and believes a variety of appropriate assessments can accurately evaluate all students' knowledge level of understanding and their ability to meet standards.

(ix) Professional Qualities. The teacher candidate understands the profession's history and moral expectations; is competent in using reflection and self-assessment to enhance his/her teaching and actively seeks opportunities for professional growth; and models respect for all students, parents and colleagues.

(x) Community Participant. The teacher candidate is knowledgeable about all students and parental rights within the federal, state and local legal responsibilities and legislation; is competent in fostering relationships between colleagues, parents and community relationships to promote all students' learning and development; and advocates for all students, believing he or she has some responsibility to insuring the success of the community's educational system.

(b) Standard II. Teaching Experiences. The teacher candidate has numerous opportunities to observe, interact with and instruct students for his/her selected age group and subject areas.

(i) Supervised Experiences. The teacher candidate has observed a variety of education settings with students of all ages, grades and diversity; and has utilized a variety of educational theories to identify his/her knowledge, competencies and dispositions of the professional education standards.

(ii) Professional Experiences. The teacher candidate documents teaching students in the appropriate age group for the academic subjects corresponding to his/her endorsement level and area; shows documents evidence of proficiency in compliance to Standard I: Teaching & Learning; and documents teaching experience for a sufficient length of time of no less than eight consecutive weeks.

Section 6. Teaching Field or Field of Study Program Approval. The teaching major or field of study shall consist of a carefully planned pattern of courses and experiences designed to produce a strong academic background and competencies necessary for successful teaching at the particular grade levels for which each program is designed.

(a) Standard I. The teaching field or field of study shall be based upon statements of program objectives and competency expectations for classroom teaching related to the public school curriculum. These statements shall reflect analysis of current theory, research, practices and recommendations the professional organizations representing the teaching field found in public school.

(b) Standard II. Each teaching field or field of study shall require study and experience designed to develop an understanding of the sequential nature of the knowledge and skills, as well as competence in the methodologies needed to teach the subject matter. The program shall take into account diverse student learning styles and cultural backgrounds.

(c) Standard III. The program shall require students to demonstrate competence in understanding their teaching fields or fields of study. Competency shall be measured in the following ways:

(i) academic achievement in the field of study;

(ii) assessment of demonstrated professional skills including the ability to integrate a field of study with other fields of study;

(iii) evaluation of the ability to apply a knowledge base in a variety of ways under actual conditions of professional practice.