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License Restoration Policy 5.500 & Rule 0520-02-03-.09

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**The Background:**

This policy and rule change is necessary to bring the State Board's policy and rule with regard to license restoration up to date with the State Board's longstanding practice of handling license restoration and to provide further clarity to educators, administrators and the public regarding the process of license restoration.

The proposed rule change deletes a confusing phrase contained in section (3)(b) of the rule (0520-02-03) on Restoration of Licenses.<sup>1</sup> The only change to the proposed rule since first reading is the inclusion of the language "and forwarded to the State Board counsel" at the end of the second to last sentence in paragraph (3)(b).

The current rule language states that applications for restoration shall be made to the Office of Educator Licensing "and shall be voted on at a regularly scheduled meeting of the State Board of Education." The quoted language is proposed to be deleted since not all license restoration applications are voted on by the State Board. For example, if the State Board staff review committee recommends that a person's license not be reinstated, and the person asks for a hearing on that decision, the appeal goes directly to an Administrative Law Judge acting on behalf of the State Board, and is not brought for a vote before the full State Board.

In an effort to further clarify how the license restoration process works, the proposed policy change clarifies the difference between restoration after suspension and restoration after denial or revocation of a license. The policy change also puts into policy additional detail regarding the restoration application process. Because the State Board's current policy on license denial, formal reprimand, suspension and revocation in 5.501 contains considerable detail as to the process, State Board staff thought it prudent to include a similar level of detail in the license restoration policy.

The only change to the policy since first reading is the addition of clarifying language in the fourth paragraph on page one which specifies that an application for restoration is received "from the Office of Educator Licensing and forwarded to Board Counsel."

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<sup>1</sup> This reference is to the new Educator Licensure Rule passed by the State Board, set to go into effect June 1, 2015.

**The Fiscal Analysis Impact:**

This item has no financial impact on an LEA.

**The Recommendation:**

SBE staff recommends adoption of this item on final reading.