

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

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Policy on Denial or Revocation of Certification Based on Misconduct

The National Board for Professional Teaching Standards (NBPTS) reserves the right to deny certification to a candidate or to revoke NBPTS certification of a teacher for certain forms of misconduct. This policy sets forth the type of misconduct that can result in a denial or revocation of certification, and describes applicable procedures.

The purpose of this policy is to maintain the integrity of National Board Certification and to prevent any candidate from gaining an unfair advantage over others. It applies to all candidates for National Board Certification and to all teachers who hold a certificate from NBPTS as a National Board Certified Teacher.

I. Misconduct Warranting Denial or Revocation of Certification

Certification may be denied or revoked for any candidate or certificate-holder who, in the sole judgment of NBPTS:

- A. Has knowingly misrepresented or falsified material information in connection with an application, credentials, assessment documentation, or other information submitted to NBPTS or any of its agents; or
- B. Has knowingly misrepresented or falsified material information regarding his or her National Board Certification; or
- C. Has knowingly engaged in inappropriate conduct in connection with the certification process or renewal of the certification process, including but not limited to:
 - 1. Violation of confidentiality obligations imposed under applicable NBPTS policies, including sharing, publishing, electronically distributing, or otherwise disclosing or reproducing secure assessment materials or information;
 - 2. Obtaining improper access to secure assessment materials or information prior to the administration of an assessment;
 - 3. Violation of NBPTS policies that describe or limit permissible collaboration with others;
 - 4. Noncompliance with other assessment policies, procedures, or instructions;

5. Any other form of misconduct that might compromise the integrity of the certification process; or
- D. Has been convicted of a felony, has had a teaching license denied, suspended or revoked, or, in the case of an unlicensed teacher, has been fired or suspended, where the conduct leading to such an outcome has involved:
1. Child abuse;
 2. Job-related crimes;
 3. Violent crimes against persons; or
 4. Other conduct of similar severity that NBPTS determines is inconsistent with the standards required of a National Board Certified Teacher.

Any denial or revocation of certification under this policy shall be subject to the following procedures.

II. Initial Investigation

- A. A three-person Initial Review Panel (IRP) will investigate instances of possible misconduct that fall within the scope of this policy. Based upon information gathered in that investigation, the IRP will decide whether certification should be denied or revoked based on the criteria in the preceding section. The decision must be supported by at least two of the three panel members, all of whom shall be current full-time employees of NBPTS.
- B. If the IRP concludes that misconduct has occurred, it may impose appropriate sanctions, including but not limited to:
1. Denial of certification and withholding of score report, with leave to retake one or more assessment exercises;
 2. Denial of certification and withholding of score report, with exclusion from future participation in the assessment program (permanent or for a specified period of time); or
 3. Revocation of certification.
- C. A member of the IRP shall not participate in any decision where either the member or the President of the NBPTS determines that a disinterested third party could reasonably question whether the member is able to act fairly and impartially. If a member of the IRP cannot participate in a given initial review for any reason, a replacement member will be selected who is also be qualified to serve on the IRP.
- D. The IRP will notify in writing any candidate or teacher who is being investigated for possible misconduct. The notice will provide a general description

of the conduct that is the subject of the investigation and will ask the candidate or teacher to provide a written response. Candidates will be given at least fifteen (15) calendar days to provide their responses.

E. The IRP may request additional information from a candidate or teacher who is being investigated for possible misconduct. Candidates and teachers shall cooperate in good faith and on a timely basis with any such request. The IRP may also ask NBPTS staff to provide information that the IRP believes may be relevant to its investigation.

F. All decisions by the IRP will be based upon the written record. The IRP will provide a written decision to the candidate or teacher that includes a general description of the IRP's findings and the information that the IRP relied upon in making those findings. The decision will also state what sanctions, if any, the IRP has imposed in light of its findings.

G. If a candidate or teacher does not request further review of an IRP decision pursuant to the appeal process provided below, the findings and decision of the IRP will constitute the final decision of the NBPTS.

III. Appellate Review

A. A candidate or teacher may appeal a decision by the IRP by submitting a written request for further review and payment of the required fee. The appeal should be submitted to NBPTS and clearly marked "ATTENTION: CERTIFICATION APPEALS."

B. All appeals must be submitted within twenty (20) calendar days of the candidate's or teacher's receipt of the IRP's written decision. If an appeal is not timely, it will not be considered and the decision of the IRP will be final.

C. In order to have a decision by the IRP overturned, a candidate must provide substantial evidence that the IRP made a clear error in its fact findings. Candidates should be as specific as possible in describing any such alleged error and should provide whatever supporting documentation they would like to submit.

D. Appeals will be decided by an Appellate Review Panel (ARP). The ARP shall consist of three persons, each of whom shall be appointed by the Certification Council of NBPTS to serve three (3)-year terms and shall not serve more than two (2) consecutive three (3)-year terms. All ARP members shall be "teaching professionals" defined as persons who spend half or more of their work time in direct contact with PreK - 12 children in a teaching capacity, or in serving as mentors or coaches to teachers and their students in an instructional setting. The majority of the ARP members shall be National Board Certified Teachers. No panel member may serve more than two consecutive three-year terms. A member of the ARP may resign at any time by notifying the Certification Council of NBPTS in writing. Such resignation shall take effect at the time specified by the resigning member, or, if no time is specified, on receipt by the Certification Council of the

notice of resignation.

E. Action by the ARP shall be by majority vote, with at least two supporting votes required for any decision. The ARP may meet in person, by telephone, or by videoconferencing.

F. A member of the ARP shall not participate in any decision where either the member or the Certification Council of NBPTS determines that a disinterested third party could reasonably question whether the member is able to act fairly and impartially. If one or more members of the ARP cannot participate in a given appeal, the Certification Council shall appoint one or more persons on an interim basis if necessary for the appeal to be decided, provided that any replacement member must also be qualified to serve on the ARP.

G. The ARP may request additional information from a candidate or teacher who is appealing a decision by the IRP. Candidates and teachers shall cooperate in good faith and on a timely basis with any such request. The ARP may also ask NBPTS staff to provide information that the ARP believes may be relevant to an appeal.

H. In almost all instances, the ARP will decide the appeal on the basis of the written record. The ARP may, in its sole discretion, schedule an oral hearing if it believes that a hearing is warranted, to be held at a time and place to be determined by the ARP.

I. Absent unusual circumstances, the ARP will decide all appeals within ninety (90) calendar days after it receives a candidate's appeal letter. Requests by the ARP for additional information might result in a longer decision period.

J. After reviewing a candidate's appeal letter, supporting documentation, and any other information that the ARP deems relevant to the appeal, and conducting any hearing that the ARP believes to be warranted, the ARP shall provide the candidate with written notice of the ARP's decision. If the ARP overturns the decision of the IRP in any respect, the written notice shall so state and shall inform the candidate of the ARP's findings and the relief that will be provided.

K. If the ARP overturns the IRP in any respect, it may provide the following relief:

1. Withdrawal of the denial or revocation of certification; or
2. Removal of any limitations on the individual's right to retake one or more assessments or to participate prospectively in NBPTS certification programs; or
3. Such other relief as the ARP deems to be warranted.

L. If the ARP affirms the decision of the IRP, the written notice shall so state and shall briefly describe the information considered by the ARP and the reasons for its findings.

M. The decision of the ARP shall constitute the final decision of NBPTS and shall not be subject to any further internal appeal or judicial challenge by the candidate.

N. Upon the conclusion of any appeal, or the expiration of the appeal period, the name of any teacher found to have engaged in misconduct will be removed from all NBPTS official listings of National Board Certified Teachers.

IV. Filing Fee

A. NBPTS shall establish a filing fee that must be paid by candidates or teachers who appeal a decision by the IRP. The amount of the filing fee will be published on the NBPTS website or otherwise made available to candidates. NBPTS may revise the amount of that fee from time to time.

B. If the ARP concludes that a candidate has substantially prevailed in appealing a decision by the IRP, the filing fee paid by the candidate or teacher will be reimbursed.

V. Notice to Legitimately Interested Third Parties

In the interest of protecting the integrity of the teaching profession and National Board Certification, NBPTS reserves the right, at its sole discretion, to provide legitimately interested third parties with the following information regarding teachers whose certification has been revoked by NBPTS:

1. Teacher name, last-known address and last-known school
2. Action taken by NBPTS, and date of that action

VI. Reports to NBPTS Board

The NBPTS Board of Directors shall be informed of all instances in which a certification is denied or revoked under this policy.