

Agenda Book  
**EPSB Meeting Agenda**  
EPSB Offices, 100 Airport Road, Frankfort, KY 40601  
October 22, 2007

**Sunday, October 21, 2007**

**4:00 PM – 6:00 PM Decision Rules for Establishment of Cut Scores for  
New Teacher Tests**  
EPSB, Conference Room A  
NO BUSINESS WILL BE CONDUCTED

**Monday, October 22, 2007**

**9:00 AM EDT Call to Order**

**Approval of September 24, 2007 Minutes (Pages 1-22)**

**Open Speak**

**Report of the Executive Director**

- A. Report from the Kentucky Department of Education  
(Mr. Steve Schenck)
- B. Report from the Council on Postsecondary Education  
(Dr. Jim Applegate)

**Report of the Chair**

Appointment of Task Force for Preparation of Math Teachers

**Committee Reports**

**Information/Discussion Items**

- A. EPSB Procedure Manual Amendment: Disciplinary Changes  
(Ms. Alicia Sneed) (**Pages 23-26**)
- B. EPSB Procedure Manual Amendment: Cut Score Framework  
(Ms. Cindy Owen) (**Pages 27-28**)
- C. Elimination of the Use of the HOUSSE in Kentucky  
(Mr. Michael Carr, Ms. Owen) (**Pages 29-30**)
- D. ELR Report (Dr. Phillip Rogers) (**Pages 31-32**)
- E. Awarded Contracts (Mr. Gary Freeland) (**Pages 33-34**)

**Action Items**

- A. Approval of Contracts (Mr. Freeland) (**Pages 35-36**)
- B. EPSB Biennial Budget Request (Mr. Freeland) (**Pages 37-38**)
- C. 2008 Legislative Agenda (Ms. Sneed) (**Pages 39-42**)

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### **Waivers**

- A. Exceptional Children Assignment Waivers (Mr. Carr) **(Pages 43-48)**
- B. 16 KAR 3:050. Request to Waive Teaching Experience for Administrative Certification – Mr. John Michael Hardesty (Mr. Carr) **(Pages 49-52)**
- C. 16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements – Dr. Jim Cibulka on behalf of Dr. Darin Craig Schroeder (Dr. Marilyn Troupe) **(Pages 53-56)**
- D. 16 KAR 5:010. Request to Waive the Standards for Accreditation of Educator Preparation Units and Approval of Programs – Midway College (Dr. Troupe) **(Pages 57-60)**

### **Alternative Route to Certification Application**

Dr. Jean Marie Boulanger, Middle School Science, Grades 5-9  
(Mr. Carr) **(Pages 61-62)**

### **Board Comments**

*Following a motion in open session, it is anticipated that the board will move into closed session as provided by KRS 61.810 (1) (c), (1) (f), and (1) (j).*

### **Certification Review and Revocation: Pending Litigation Review**

*Following review of pending litigation, the board shall move into open session. All decisions will be made in open session.*

### **Adjournment**

Next Regular Meeting  
November 19, 2007  
EPSB Offices  
Frankfort, KY

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*The actions delineated below were taken in open session of the EPSB at the September 24, 2007 regular meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601.*

<p style="text-align: center;"><b>Education Professional Standards Board (EPSB)</b> <b>Summary Minutes of the Business Meeting</b> <b>EPSB Offices, 100 Airport Road, 3rd Floor</b> <b>Frankfort, Kentucky</b> <b>September 24, 2007</b></p>
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**Members Present:**

Jim Cibulka  
Lydia Coffey  
Frank Cheatham  
Michael Dailey (for Kevin Noland)  
John DeAtley (for Brad Cowgill)  
Sam Evans  
Jennifer Forgy  
Kristin Gregory  
Kent Juett  
Allan Paul  
Rita Presley  
Zenaida Smith  
Tom Stull  
Lorraine Williams  
Cynthia York

**Members Absent:**

Lonnie Anderson  
Rebecca Goss

**Call to Order**

Chairman Tom Stull convened the meeting at 9:15 a.m. EDT.

**Amendment of the September 24, 2007 Agenda**

*Motion made by Dr. Frank Cheatham, seconded by Ms. Kris Gregory, to amend the agenda to add Action Item, Waiver G. 16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements – Dr. William Phillips on behalf of Ms. Susan Nichole Caskey and Action Item, Waiver H. 16 KAR 2:120. Request to Waive 6 New Hours for Re-issuance of an Emergency Teaching Certificate – Mr. Steven Sharpe.*

**Vote:** *Unanimous*

**Approval of August 27, 2007 Minutes**

*Motion made by Dr. Jim Cibulka, seconded by Ms. Lydia Coffey, to approve the August 27, 2007 minutes.*

**Vote:** *Unanimous*

## Open Speak

*Ms. Kristen Eichler*

Ms. Eichler asked the board to reconsider her August EPSB meeting waiver request for initial certification in special education. She taught language arts in a resource setting for eight years and became aware of the highly qualified process when her district identified her as highly qualified in language arts. She stated that she exceeds the point requirements according to the HOUSSSE index. Based upon her credentials, which she believes meet the EPSB criteria, Ms. Eichler requested that the board grant her certification. Copies of her request and documentation were later distributed to the board members.

*Ms. Re Nea Riddle*

Ms. Riddle informed the board that she is a highly skilled educator with the Kentucky Department of Education through a Memorandum of Agreement with Laurel County Schools. According to Ms. Riddle, she was told by the principal preparation institution she attended that it would not be an obstacle to obtain a principalship certificate without a master's degree. Ms. Riddle has successfully completed the planned fifth-year program and principal portfolio and received her Rank I. Additionally, Ms. Riddle shared with the board letters of support from university faculty. She asked the board to consider her waiver request that is on the September agenda.

*Mr. Steve Sharpe*

Mr. Sharpe asked the board to consider his request on the September agenda to waive the requirement for six (6) new graduate hours for a reissuance of an emergency teaching certificate. For the past nine years, Mr. Sharpe taught on a Statement of Eligibility. He was not aware until July 2007 that his employment would be in jeopardy for the 2007 – 08 school year since a valid Statement of Eligibility alone is not sufficient credentials for his teaching position. He thanked the board for considering his request.

*Dr. William Drake (Address to board was given just prior to action item on agenda for Midway College)*

President Drake stated that he appreciated the unanimous decision from the Accreditation Audit Committee (AAC) to grant accreditation for the School for Career Development at Midway College. Dr. Drake reported that Midway College's School for Career Development is a program of high quality, meets NCATE standards, and serves nontraditional students unlike many other colleges. According to the EPSB's Quality Performance Index, Midway is ranked sixth in the state. Midway representatives disagree with the Board of Examiners (BOE) and AAC that EPSB Standards 5 and 6 were not met. Dr. Drake stated that he feels strongly that Midway representatives' documentation demonstrated that Midway College is a strong institution.

**Report of the Executive Director**

Report from the Kentucky Department of Education (KDE)

Mr. Michael Dailey reported that Steve Schenck has recovered well and is working full-time.

Report from the Council on Postsecondary Education (CPE)

There was no report from the CPE.

Report of the Chair

Mr. Tom Stull appointed the following individuals to the Continuing Education Option (CEO) Task Force:

Sam Evans, Russ Wall, Kathy Gunn, Jamie Spugnardi, Jack Moreland, Roger Wagner, Tom Schmitt, Mitzi Stephens, April Roberts, and Lena Aldridge

**Committee Reports**

Nominating Committee

On behalf of the nominating committee, Chair Kris Gregory recommended Dr. Jim Cibulka for chair and Ms. Lorraine Williams for vice chair.

**2007-071**

*Motion made by Dr. Sam Evans, seconded by Ms. Jennifer Forgy, to accept the slate from the nominating committee and elect a chair and vice chair during the September EPSB meeting.*

**Vote:** *Unanimous*

**2007-072**

*Motion made by Ms. Kristin Gregory, seconded by Mr. Kent Juett, to elect Dr. James Cibulka as chair and Ms. Lorraine Williams as vice chair for 2007 - 08.*

**Vote:** *13 – Yes*

*2 – Recuse (Dr. Cibulka, Ms. Williams)*

Evaluation of the Executive Director Committee

Dr. Evans reported that the committee planned to meet after the September EPSB meeting and review the executive director evaluations that were submitted by staff and board members. Although a narrative of 2006-08 goals and indicators was included as an attachment on the evaluation form, the goals and indicators used for the evaluation were the 2004- 06 goals and indicators. Despite the misalignment, the board agreed to proceed with the evaluation using the completed evaluation forms from staff and board members.

## **Information/Discussion Items**

### Awarded Contracts

Mr. Gary Freeland informed the board that the following contracts and amendments were completed and signed by the executive director after approval was given by the board at the August 27, 2007 EPSB meeting:

KY Department of Education for IECE Test Development: \$20,000.00

KEDC for National Board mentoring: \$38,100.00

Valerie Sanders for CEO Scoring: \$2,500.00

Anna Kostelnik for CEO Scoring: \$2,500.00

### Biennium Budget

Mr. Freeland reviewed the proposed budget with the board. Due to the early stage of development, he stated that the budget figures may look different in October when it is brought to the board for approval.

### Expense Reimbursement Procedure

To clarify the expense reimbursement procedure, Mr. Freeland requested that board members submit itemized credit card receipts (if applicable) with their travel vouchers. A notarized affidavit may be submitted if a receipt is misplaced.

### New Teacher Survey

Ms. Cindy Owen explained that the New Teacher Survey illustrates how well education preparation programs are preparing students to teach. In reviewing the results, EPSB staff found no change in the data from previous years, which indicates the instrument may need to be restructured. EPSB staff will update the survey and include clearer definitions upon changes in the Kentucky Teacher Standards. Dr. Cibulka suggested that, when revised, the survey could be used for program improvement and program approval. Ms. Williams asked for principals to be allowed to participate in the survey.

## **Action Items**

### Kentucky Teacher Internship Program (KTIP) Appeals

#### Mindy Burton

#### **2007-073**

*Motion made by Ms. Rita Presley, seconded by Ms. Lydia Coffey, to approve the Appeals Committee's recommendations to nullify the internship and allow the intern to repeat the internship without penalty.*

**Vote:** *Unanimous*

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Douglas Chaffin

**2007-074**

*Motion made by Ms. Coffey, seconded by Ms. Zenaida Smith, to approve the Appeals Committee's recommendation to uphold the decision of "unsuccessful" by the intern committee. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.*

**Vote:** Unanimous

Marijean Edington

**2007-075**

*Motion made by Ms. Presley, seconded by Ms. Lorraine Williams, to approve the Appeals Committee's recommendations. Procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship shall be nullified, and the intern shall be allowed to repeat the internship without penalty. The intern committee shall receive further KTIP training prior to another assignment.*

**Vote:** Unanimous

Katrina Graves

**2007-076**

*Motion made by Ms. Kristin Gregory, seconded by Mr. Kent Juett, to approve the Appeals Committee's recommendation that the decision of "unsuccessful" by the intern committee not be upheld. The Division of Certification shall issue the appropriate certificate to the teacher intern pursuant to 16 KAR 7:010 Section 9(5).*

**Vote:** Unanimous

Justin Hodge

**2007-077**

*Motion made by Ms. Coffey, seconded by Dr. Jim Cibulka, to approve the Appeals Committee's recommendation. Procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship shall be nullified, and the intern shall be allowed to repeat the internship without penalty. The entire beginning teacher committee shall be retrained in KTIP.*

**Vote:** Unanimous

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Leslie Maxwell

**2007-078**

*Motion made by Ms. Williams, seconded by Ms. Cynthia York, to approve the Appeals Committee's recommendation that the decision of unsuccessful by the intern committee not be upheld. The Division of Certification shall issue the appropriate certificate to the teacher intern pursuant to 16 KAR 7:010 Section 9(5).*

**Vote:** Unanimous

Tessa Powell

**2007-079**

*Motion made by Ms. Williams, seconded by Dr. Frank Cheatham, to approve the Appeals Committee's recommendation that the decision of "unsuccessful" by the intern committee not be upheld. The Division of Certification shall issue the appropriate certificate to the teacher intern pursuant to 16 KAR 7:010 Section 9(5).*

**Vote:** Unanimous

Emily Sautter

**2007-080**

*Motion made by Dr. Cibulka, seconded by Ms. Smith, to approve the Appeals Committee's recommendation that the decision of "unsuccessful" by the intern committee be upheld. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision of participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.*

**Vote:** Unanimous

Brian Sersaw Sr.

**2007-081**

*Motion made by Ms. Coffey, seconded by Ms. Smith, to approve the Appeals Committee's recommendation that the decision of "unsuccessful" by the intern committee be upheld. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.*

**Vote:** Unanimous



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Donald Shepherd

### **2007-082**

*Motion made by Ms. Williams, seconded by Mr. Allan Paul, that procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship shall be nullified, and the intern shall be allowed to repeat the internship without penalty. The KTIP coordinator shall receive one-on-one training, and a letter from the board shall be sent to the school district advising that it is responsible for maintaining internship records and supplying them to the board in case of a finding of unsuccessful.*

**Vote:** *Unanimous*

Leanne Webb

### **2007-083**

*Motion made by Dr. Cibulka, seconded by Ms. Gregory, that procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship shall be nullified, and the intern shall be allowed to repeat the internship without penalty.*

Discussion ensued about how to monitor situations when a resource teacher is absent for an extended period of time during the internship. Ms. Cindy Owen advised that her staff will discuss ways to monitor those situations carefully.

**Vote:** *Unanimous*

2007 Title II Report

### **2007-084**

*Motion made by Dr. Cheatham, seconded by Ms. York, to approve the 2005 – 06 Title II Report for submission to the United States Department of Education (USDOE).*

**Vote:** *Unanimous*

Campbellsville University: Accreditation of the Educator Preparation Unit and Approval of Programs

Unit Accreditation

### **2007-085**

*Motion made by Ms. Coffey, seconded by Dr. Cibulka, to accept the recommendation of the Accreditation Audit Committee (AAC) and grant accreditation for Campbellsville University.*

**Vote:** *14- Yes*

*1- Recuse (Dr. Cheatham)*

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### Program Approval

#### **2007-086**

*Motion made by Dr. Sam Evans, seconded by Ms. Rita Presley, to accept the recommendation of the AAC and grant approval for the initial and advanced level educator preparation programs at Campbellsville University.*

**Vote:** 14 – Yes  
1 – Recuse (Dr. Cheatham)

### St. Catharine College: Stage Three of the Developmental Process for New Educator Preparation Programs

#### **2007-087**

*Motion made by Ms. Williams, seconded by Dr. Cheatham, to accept the recommendation of the AAC and grant approval for temporary authorization for St. Catharine College.*

**Vote:** Unanimous

### Midway College: Accreditation of the School for Career Development

Dr. Marilyn Troupe reported that at the November 15, 2005 meeting, Midway's Women's Day College was granted continuing accreditation and the School for Career Development was granted accreditation with conditions. The Accreditation Audit Committee (AAC) and Board of Examiners (BOE) reviewed Midway's on- and off-campus sites in March 2007 upon the request of the board at the November 2005 meeting.

Dr. Cibulka asked why the AAC voted to accredit Midway's School for Career Development. Ms. Conrad stated that the AAC considered the fact that Midway serves non-traditional students who may not be able to obtain education elsewhere; therefore, the AAC recommended accreditation.

Dr. Evans explained the definition of a unit, contending that every aspect of teacher education at Midway College falls under one unit; therefore, any action taken by the board would affect Midway College's Women's Day College as well as the School for Career Development. Discussion ensued about Midway's faculty scholarly work and staffing issues. Dr. Cibulka expressed his concerns about Midway's School for Career Development. Seven (7) areas of improvement remain since the November 2005 findings, and seven (7) new areas of improvement have since been found.

#### **2007-088**

*Motion made by Dr. Evans, seconded by Ms. Coffey, not to accept the AAC recommendation but to revoke accreditation for the School for Career Development and Women's Day College at Midway College.*

Discussion ensued. Board Attorney Fleming stated that although she understood philosophically why Dr. Evans sought to take action against Midway College's entire unit, procedurally the board should not take this route, because the board had already approved accreditation for the Women's Day College.

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### **2007-089**

*Motion made by Dr. Evans, seconded by Ms. Coffey, not to accept the AAC recommendation but to revoke accreditation for the School for Career Development at Midway College.*

**Vote:** 13 – Yes  
1 – Recuse (Jennifer Forgy)  
1 – No (Tom Stull)

Dr. Sam Evans noted that his decision was not a philosophical issue but strictly an accreditation issue.

### 16 KAR 3:050. Request for Principal Certification with Completion of a Fifth-Year Program – Ms. Re Nea Riddle

Mr. Mike Carr informed that board that, in addition to her initial waiver request, Ms. Riddle also requested a waiver to add supervisor of instruction on her certificate.

### **2007-090**

*Motion made by Ms. Williams, seconded by Ms. Coffey, to deny both waiver requests.*

**Vote:** 11- Yes  
1 – No (Michael Dailey)  
2 – Recuse (Jim Cibulka and Allan Paul)

### Kentucky Teacher Internship Program (KTIP)/Interdisciplinary Early Childhood Development (IECE) Teacher Performance Assessment (TPA) Plan

### **2007-091**

*Motion made by Ms. Coffey, seconded by Dr. Cibulka, to waive the use of the IECE Observation Instrument, January 2005 edition, and allow the use of the KTIP IECE TPA IPR.*

**Vote:** Unanimous

### Using Praxis II Early Childhood Content Knowledge (0022) as an Instrument for Determining Whether an IECE Teacher is Highly Qualified

### **2007-092**

*Motion made by Dr. Evans, seconded by Mr. Michael Dailey, to approve the use of Early Childhood Content Knowledge (0022) as an instrument for determining whether an IECE teacher is highly qualified and accept the panel-recommended passing score of 165.*

**Vote:** Unanimous

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16 KAR 1:010: Standards for Certified School Personnel, Amendment, Final Action

**2007-093**

*Motion made by Dr. Cibulka, seconded by Ms. Gregory, to approve the proposed amendments to 16 KAR 1:010.*

**Vote:** *Unanimous*

The Master's and Planned Fifth-Year for Rank Change Programs: 16 KAR 2:010. Kentucky Teaching Certificates, 16 KAR 4:010. Qualifications for Professional School Positions, and 16 KAR 5:010. Standards for Accreditation of Educator Preparation Units and Approval of Programs; Amendment, Final Action. 16 KAR 8:022. Repealer for 16 KAR 8:021, Final Action

Issue 1:

*Motion made by Ms. Coffey, seconded by Ms. Jennifer Forgy, to approve the amendments to 16 KAR 2:010.*

Discussion ensued. Dr. Evans asked how the proposed regulation changes will impact physical and health education if a major is required. Mr. Mike Carr stated that both majors would be required in order to teach both physical and health education.

The motion was clarified as follows:

**2007-094**

*Motion made by Ms. Coffey, seconded by Ms. Jennifer Forgy, to approve the proposed amendment to 16 KAR 2:010. Specialties shall remain in Section 4(2)(3)(f) instead of the proposed major language.*

Dr. Evans asked EPSB staff to ensure that alternate routes to certification programs will not be affected by the regulation change.

**Vote:** *Unanimous*

Issue 2:

**2007-095**

*Motion made by Dr. Cibulka, seconded by Dr. Evans, to approve the amendments to 16 KAR 4:010.*

**Vote:** *Unanimous*

Issue 3:

Dr. Cibulka asked Dr. Troupe to clarify some of the language in 16 KAR 5:010. In Section 12 (3)(e)(b)(5), Dr. Cibulka stated that the program designs seem very specific and prescriptive. Dr. Troupe replied that this language was intended to be interpreted broadly.

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### **2007-096**

*Motion made by Dr. Cibulka, seconded by Dr. Cheatham, to approve the amendments to 16 KAR 5:010.*

**Vote:** *Unanimous*

Issue 4:

### **2007-097**

*Motion made by Ms. Coffey, seconded by Ms. Forgy to approve the repeal of 16 KAR 8:021.*

**Vote:** *Unanimous*

### Emergency Non-Certified Substitute Program Approvals

### **2007-098**

*Motion made by Dr. Evans, seconded by Ms. Gregory, to approve the local school districts' applications for the Emergency Non-Certified School Personnel Program, 2007 – 08 with the exception of Jefferson County, which no longer wishes to utilize emergency non-certified school personnel.*

**Vote:** *Unanimous*

### Continuing Education Option Charter and Appointments

### **2007-099**

*Motion made by Ms. Williams, seconded by Mr. Juett, to approve the recommendations for the CEO Task Force charter.*

**Vote:** *Unanimous*

### **Waivers**

16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements – Dr. Brenda Priddy on behalf of Mr. Jim Campbell

### **2007-100**

*Motion made by Dr. Cibulka, seconded by Ms. Coffey, to waive the cooperating teacher eligibility requirements for Mr. Jim Campbell for fall 2007.*

**Vote:** *13 – Yes*  
*1 – Recuse (Dr. Cheatham)*

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16 KAR 6:010. Request to Waive the Kentucky Content Assessment Requirements for Middle School and Secondary English Certification- Ms.Jamie Marsh

**2007-101**

*Motion made by Dr. Evans, seconded by Dr. Cheatham, to not accept the Praxis III English Grades 4 – 8 in place of the Praxis II Principles of Learning and Teaching: Grades 5 – 9 (0523) or Principles of Learning and Teaching: Grades 7 – 12 (0524).*

**Vote:** *Unanimous*

16 KAR 6:010. Request to Waive the Kentucky Assessment Requirement for Secondary Social Studies certification- Mr. Jeremy Thomas

**2007-102**

*Motion made by Mr. Juett, seconded by Ms. Presley, to accept the CSET Social Science I, II, and III in place of the Praxis II Social Studies: Content Knowledge (0081) and Social Studies: Interpretation of Materials (0083). Do not accept the SCET Social Science I, II, & III in place of the Praxis II Principles of Learning and Teaching: Grades 7 – 12 (0523).*

**Vote:** *Unanimous*

16 KAR 4:020. Exceptional Children Teacher Assignment Waivers

**2007-103**

*Motion made by Ms. Coffey, seconded by Ms. York, to approve the teaching assignment waivers as recommended by the Division of Exceptional Children Services (DECS) and EPSB staff.*

**Vote:** *13 – Yes*  
*1 – Recuse (Dr. Cheatham)*

16 KAR 8:020. Request to Waive the Requirements for Rank II- Edith Ballestero

Ms. Smith noted her concerns that certain populations are adversely affected by ACT requirements.

**2007-104**

*Motion made by Dr. Evans, seconded by Dr. Cibulka, to not accept a master's degree in Adult Education to satisfy the requirements as an acceptable graduate program for Rank II.*

**Vote:** *13 – Yes*  
*1 – Recuse (Ms. Zenaida Smith)*

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16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements – Dr. William Phillips on behalf of Ms. Susan Nichole Caskey

**2007-105**

*Motion made by Dr. Evans, seconded by Ms. Coffey, to waive the cooperating teacher eligibility requirements for Ms. Susan Nichole Caskey.*

**Vote:** *Unanimous*

16 KAR 2:120. Request to Waive 6 New Hours for Re-issuance of an Emergency Teaching Certificate – Mr. Steven Sharpe

**2007-106**

*Motion made by Ms. Forgy, seconded by Dr. Cibulka, to waive the requirement for six new graduate hours for a re-issuance of an emergency teaching certificate.*

**Vote-** *13 – Yes*

*1 – Recuse (Rita Presley)*

**Board Comments**

Mr. Kent Juett thanked those who worked on the Master's Redesign.

**DISCIPLINARY MATTERS:  
MINUTES OF CASE REVIEW  
September 24, 2007**

*Motion made by Dr. James Cibulka, seconded by Dr. Sam Evans, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1)(c)&(j).*

**Vote:** *Unanimous*

*Motion made by Dr. Cibulka, seconded by Ms. Kristin Gregory, to return to open session.*

**Vote:** *Unanimous*

The following board members concurred with the actions as listed below with the noted exceptions:

Tom Stull, Zenaida Smith, Sam Evans, James Cibulka, Jennifer Forgy, Frank Cheatham, Kristin Gregory, Allan Paul, Lorraine Williams, Lydia Coffey, and Michael Dailey.

Attorneys present were Alicia A. Sneed and Diane Fleming.

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**Initial Case Review**

<u>Case Number</u>	<u>Decision</u>
07-07117	Admonish
07-07134	Admonish
07-07138	Admonish
07-07129	Dismiss Without Prejudice
07-07133	Hear
07-05104	Dismiss Without Prejudice
07-07124	Admonish
07-07120	Hear
07-0599	Dismiss
07-06108	Hear
07-06109	Hear
07-06107	Hear
07-07119	Hear
07-07121	Hear
07-07122	Hear
07-07123	Hear
07-07136	Defer for proof
07-07115	Hear
07-07116	Hear
07-07118	Hear
07-06112	Hear ( <i>Ms. Coffey, recused</i> )
07-06111	Hear ( <i>Ms. Coffey, recused</i> )
07-07125	Dismiss Without Prejudice
07-07128	Hear
06-12296	Defer for proof
07-0343	Dismiss Without Prejudice

**Character/Fitness Review**

<u>Case Number</u>	<u>Decision</u>
07-140	Approve
07-141	Approve
07-142	Approve
07-143	Approve
07-144	Approve
07-146	Defer
07-147	Approve
07-149	Approve
07-137	Approve
07-150	Approve
06-064	Deny
07-114	Deny



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07-127	Deny ( <i>Mr. Paul, dissented</i> )
07-148	Approve
07-151	Approve
07-145	Approve
07-155	Approve
07-154	Approve
07-152	Approve
07-158	Approve

**Agreed Orders**

**Case Number**

**Decision**

06-09230 (Henry Thoben, Jr.) Accept Agreed Order dismissing the case without prejudice upon the condition that Respondent provides written proof to the Board that he has received 12 hours of professional development/training in the areas of supervision and classroom management, as approved by the Board no later than August 1, 2008. These 12 hours of professional development shall be in addition to any professional development/training required by statute or employment in a school district. Any expense incurred for said training shall be paid by Respondent.

Respondent agrees that should he fail to satisfy the above condition, his certificate shall be automatically suspended and remain so until Respondent provides written proof to the Board that he has met the condition. In addition, Case #06-09230 will not be dismissed without prejudice but shall be recorded as a suspension of his certificate.

**Vote: Unanimous**

06-05115 (Jeffrey Jenness) Accept Agreed Order admonishing Respondent for his failure to disclose a misdemeanor conviction on his application for certification. The Board trusts the members of its profession to act with honesty and integrity, not only in the classroom, but in all professional dealings. Respondent's certificate shall be subject to the following probationary conditions.

1. On or before January 1, 2008, Respondent shall present written evidence to the Board that he has completed twenty five hours of community service approved by the Board.

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2. Respondent shall disclose his criminal conviction on any and all future applications for employment for any position requiring certification in Kentucky. He shall also disclose his conviction on any and all future applications for certification, rank change, and/or certificate renewal in Kentucky.
3. Respondent may not apply and will not be issued any Rank changes, additional areas of certification and/or endorsements in Kentucky until June 30, 2008. By entering into this agreement, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall automatically be suspended for a period of two years and if applicable, his application for certification denied. Respondent is aware that should he violate KRS 161.120 during this period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

### **Vote:** *Unanimous*

06-07185 (Janis Preher) Accept Agreed Order admonishing Respondent for her failure to notify law enforcement and the parents of a student who was a potential victim of sexual abuse. The Board trusts the members of its profession to exhibit due diligence and exercise extraordinary care of the students entrusted to their supervision. This neglect of duty endangered not only the well-being of the student in question but failed to effectively deter future incidents.

Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of two (2) years from the date of acceptance of this Order by the Board.

1. Respondent shall complete twelve (12) hours of ethics training prior to December 31, 2007. Any expense for required training shall be born by the Respondent.
2. Respondent shall complete a Board-approved course on the recognition of, and response to, sexual offenses prior to December 31, 2007. Any expense for required training shall be born by the Respondent.
3. Respondent shall receive no further disciplinary action by any school district in the United States including, but not limited to, admonishment,

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reprimand, suspension or termination.

By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions, her certificate shall be automatically suspended for a period of one (1) year. If applicable, at the conclusion of the one year suspension, Respondent's certificate shall remain suspended until such time as conditions 1 and 2 are met.

Respondent is aware that should she violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

### **Vote:** *Unanimous*

06-05135 (Gary Sanders) Accept Agreed Order subjecting Respondent's certificate, and any future endorsements or new areas of certification, to the following probationary conditions for a period of two (2) years from the date of acceptance of this Order by the Board.

1. Respondent shall complete twelve (12) hours of ethics training prior to December 31, 2007. Any expense for required training shall be born by the Respondent.

2. Respondent shall complete a four (4) hour course in sexual harassment awareness prior to December 31, 2007. Any expense for required training shall be born by the Respondent.

3. Respondent shall receive no further disciplinary action by any school district in the United States including, but not limited to, admonishment, reprimand, suspension or termination.

By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall be automatically suspended for a period of one (1) year. If applicable, at the conclusion of the one year suspension, Respondent's certificate shall remain suspended until such time as conditions 1, 2, and 3 are met.

Respondent is aware that should he violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

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**Vote:** *Unanimous*

06-0365 (Cynthia Guinn) Accept Agreed Order suspending Respondent's teaching certificate retroactively for a period of twenty (20) days from April 1, 2006 through April 20, 2006. This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that she has received twelve (12) hours of professional development/training in ethics as approved by the Board, no later than August 1, 2008. Any expense incurred for said training shall be paid by Respondent. Failure to comply with the training requirement by August 1, 2008 will result in an automatic suspension of Respondent's teaching certificate and it will remain suspended until she completes the training requirements contained in this Agreed Order.

**Vote:** *Unanimous*

06-12285 (Steven Duncil) Accept Agreed Order permanently revoking Respondent's teaching certificate. Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Additionally, Respondent shall neither apply for nor accept any positions as a substitute teacher in the Commonwealth of Kentucky at any time in the future.

**Vote:** *Unanimous*

06-11258 (Rhett Miller) Accept Agreed Order dismissing the case without prejudice. Should the Board receive any future reports alleging that Respondent has violated KRS 161.120, the Board may automatically reopen this case and pursue disciplinary sanctions.

**Vote:** *Unanimous*

07-0227 (Karen Lenz) Accept Agreed Order subjecting Respondent's certificate, and any future endorsements or new areas of certification, to the following probationary conditions for a period of two (2) years from the date of acceptance of this Order by the Board.

1. Respondent shall complete twelve (12) hours of

## Agenda Book

ethics training prior to July 31, 2008. Any expense for required training shall be born by the Respondent.

2. Respondent shall complete four (4) hours of sensitivity training on special needs student issues prior to July 31, 2008. Any expense for required training shall be born by the Respondent.

3. Respondent shall receive no further disciplinary action by any school district in the United States including, but not limited to, admonishment, reprimand, suspension or termination.

By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions, her certificate shall be automatically suspended for a period of one (1) year. If applicable, at the conclusion of the one year suspension, Respondent's certificate shall remain suspended until such time as conditions 1 and 2 are met.

Respondent is aware that should she violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

07-0459 (Larry Fredricksen) Accept Agreed Order dismissing the case without prejudice.

Respondent agrees that prior to returning to a certified teaching position, he will present written proof to the Board that he has successfully completed six hours of training, approved by the Board and at his own expense, in the areas of effective classroom management and motivation techniques. Should the Board learn that Respondent has violated this condition, it shall automatically suspend Respondent's certificate for one year with reinstatement conditioned upon successful completion of training.

**Vote:** *Unanimous*

06-09241 (Mickey Wilson) Accept Agreed Order revoking Respondent's certificate. Respondent shall surrender the original and all copies of his certificate immediately, by first class mail or personal delivery to the Education Professional

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Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Respondent shall neither apply nor be issued a teaching certificate in the Commonwealth of Kentucky for a period of five (5) years from the date of acceptance of this Order by the Board.

At the conclusion of the five year period, issuance of any certificate to Respondent, or on his behalf, is expressly conditioned upon Respondent providing, in addition to proof of any academic requirements, written evidence to the Board that he has successfully completed twelve (12) hours of professional development/training, approved by the Board, in the areas of appropriate teacher/student boundaries, sexual harassment and ethics. Any expense for this training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his application for certification shall be denied.

### **Vote:** *Unanimous*

- 06-11259 (Michael Fraliex) Accept Agreed Order admonishing Respondent for failing to follow appropriate procedures with regard to fundraising, failing to report the theft and vandalism of school equipment in a timely manner, and misrepresenting his absence from work. As a teacher and coach, Respondent is a role model to both his students and community. He must be trustworthy, efficient and honest in his dealings with his students, players, peers and employers. The Board reminds Respondent that it is his responsibility to continually strive to uphold the dignity and integrity of the teaching profession. Respondent's certificate is subject to the following probationary conditions for two years from the date of acceptance of this Order by the Board.
1. Respondent shall not participate, at any level, in any school or athletic fundraisers.
  2. Respondent shall follow established school policies and procedures with regard to absences and personal days.
  3. Respondent shall follow establish school policies and procedures with regard to the possession, care, and upkeep of school and/or athletic property and equipment.
- Should Respondent violate any of these conditions, his certificate shall be automatically suspended for a

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period of two years. Should Respondent's conduct also constitute a violation of KRS 161.120, the Board may open a new case and seek additional disciplinary sanctions.

**Vote:** *Unanimous*

07-0598 (Melissa Melugin) Accept Agreed Order permanently revoking Respondent's certificate. Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future.

Respondent shall surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

*Motion made by Dr. Cheatham, seconded by Ms. Smith, to adjourn the meeting.*

**Vote:** *Unanimous*

Meeting adjourned at 5:20 p.m.

Next Meeting:           October 22, 2007  
                                  9:00 AM  
                                  EPSB Board Room  
                                  Frankfort, Kentucky





**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item A**

**Information Item:**

Amendment to EPSB's Determining Probable Cause to Take Disciplinary Action Procedure, Notice of Intent

**Applicable Statutes and Regulation:**

KRS 161.028, KRS 161.120, 16 KAR 1:020, 16 KAR 1:030

**Applicable Goal:**

Goal III: Every credentialed educator exemplifies behaviors that maintain the dignity and integrity of the profession by adhering to established law and EPSB Code of Ethics.

**Background:**

At the May 14, 2007 board meeting, the Education Professional Standards Board (EPSB) piloted using "deferral for training" as a new probable cause decision in disciplinary cases. The EPSB has been using this decision when the evidence presented indicates that the Respondent would benefit from remedial training. Consideration of the case is deferred in order to offer the Respondent an opportunity to complete the suggested training. If the Respondent provides written proof to the board that he or she has successfully completed the recommended training, the board shall dismiss the case without prejudice.

This option offers the Respondent the chance to finalize his or her disciplinary matter in an efficient manner without an admission or finding of any wrongdoing. The Respondent may choose not to accept this opportunity, in which case the legal staff would return the matter to the disciplinary docket for further deliberation by the EPSB.

In order to formalize this option, the EPSB's Determining Probable Cause to Take Disciplinary Action Procedure must be amended. Currently, the EPSB has the option to dismiss without prejudice, dismiss, admonish, or refer a case to a hearing. This addition will be a fourth option that the EPSB can utilize when the misconduct in the allegations is not serious enough to warrant suspension and the evidence is not clear that the misconduct did indeed take place.

This procedure has not been modified since 2002, so the legal staff has also made suggested amendments so that the policy more accurately reflects the EPSB's current practices. The staff also recommends that the EPSB review whether members wish to continue with two (2) separate designations for dismissal: dismiss (with prejudice) and dismiss without prejudice. Currently, the policy allows the EPSB to dismiss a disciplinary case with prejudice, which means that no further action may be taken on this complaint; however, KRS 161.120(9) states "the board may reconsider, modify, or

## Agenda Book

reverse its decision on any disciplinary action.” The EPSB may wish to combine the two types of dismissals currently used into one probable cause determination so that past complaints may be used in any future disciplinary hearing.

**Contact Person:**

Ms. Alicia A. Sneed, Director  
Division of Legal Services  
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**Executive Director**

**Date:**

October 22, 2007

**Education Professional Standards Board**

**DETERMINING PROBABLE CAUSE TO TAKE DISCIPLINARY ACTION  
PROCEDURE**

*APPROVED AUGUST 26, 2002*

**(Proposed Amendments October 22, 2007)**

Pursuant to KRS 161.120(1), the Education Professional Standards Board (hereinafter “the board”) may take disciplinary action against certified educators. Superintendents have a duty to report misconduct within 30 days of the incident and may be subject to disciplinary action for failing to so report. In addition, other sources may submit complaints to the board’s legal staff. Legal staff shall initiate a disciplinary case when the allegation in the report or complaint establishes an act prohibited by KRS 161.120(1).

Upon opening a disciplinary case, the legal staff sends the educator (“respondent”) a copy of the complaint received, and he or she is advised in writing of the right to submit any rebuttal material within 30 days. The respondent also has the ability to request a delay in submitting a rebuttal. (This is frequently the case when an employment tribunal or concurrent civil or criminal trial is involved.) Board policy is to authorize legal staff to grant such requests at their discretion and for good cause.

Following receipt of a rebuttal or the expiration of the time limit for its submission, the initial case is presented by legal staff [~~a staff attorney~~] at the next regularly scheduled board meeting. At that time, if the board does not request further information, it makes one of the following “probable cause” determinations:

Dismiss (with prejudice): The merits of the case have been considered and form the basis of the dismissal. No further action may be taken on this complaint.

Dismiss without prejudice: The dismissal is not based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc. Subsequent action on this complaint is not prohibited.

Deferral for training: The evidence presented to the board indicates that the Respondent would benefit from remedial training. The board shall defer consideration of this case in order to offer the Respondent an opportunity to complete the suggested training. If the Respondent provides written proof to the board that he or she has successfully completed the recommended training, the board shall dismiss the case without prejudice.

Admonish: The evidence presented to the board provides a clear indication that the alleged misconduct did in fact occur; however, it is not serious enough to warrant a suspension of the certificate. The board issues a written admonishment to the educator with a copy to his or her superintendent.

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Refer to Hearing: The evidence, if true, would indicate that punitive action should be taken against the certificate. The staff shall further investigate the allegations and proceed [~~Staff then proceeds~~] toward an administrative hearing in accordance with KRS 13B.

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information Item B**

**Information Item:**

Cut Score Framework

**Applicable Statute or Regulation:**

KRS 161.030

16 KAR 6:010 Sections 2 & 3

**Applicable Goals:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Background:**

Each time a test is presented to the Education Professional Standards Board to be considered as a requirement for teacher certification, a cut score is recommended along with the test. A teacher achieving a certain cut score indicates that the test-taker has demonstrated at least a minimum level of content knowledge necessary for successful performance as a teacher.

Recommended cut scores are determined solely by the combined professional judgment of Kentucky educators through the validation process (Standard Setting Study), which includes a thorough review of the test. In an effort to be consistent, since May 1999, the staff has applied the following rules to each cut score recommendation brought before the board:

Accept the recommendation of the validation panel unless:

- a. The recommendation falls below the current passing score, or
- b. The recommendation falls below the Southern Regional Education Board (SREB) average, or
- c. The recommendation and SREB score fall below the 15<sup>th</sup> national percentile, or
- d. The recommendation exceeds the 25<sup>th</sup> national percentile.

Having observed the application of these decision rules across time, staff would like the board to consider adopting a *Cut Score Framework* to be applied prior to the presentation of a recommended cut score to the board. In this case, the framework would govern normal operations but might be suspended in special circumstances.

A *Cut Score Framework* would enable staff to present to the board more consistent cut scores in a more efficient manner. Knowing that agreed-upon conventions to setting potential cut scores have been followed, the board can focus its concerns on the impact of cut scores rather than the consistency of the methodology. This proposal offers the following advantages:

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- A *Cut Score Framework* would offer consistency across content areas to cut score recommendations.
- The *Cut Score Framework* could be revisited on a pre-set schedule or upon request by the Board.
- Ongoing research would ensure that the *Cut Score Framework* remains reasonable.

In light of the advantages listed above, the staff recommends that the board adopt the following *Cut Score Framework*:

Accept the recommendation of the validation panel if it falls within the following parameters:

- between the 15th – 25th percentiles, inclusive
- greater than or equal to the current cut score
- comparable to the SREB average cut score

### **Contact Person:**

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E-mail: cindy.owen@ky.gov

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**Executive Director**

### **Date:**

October 22, 2007

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item C**

**Information Item:**

Phase-out of the HOUSSE Index for use with Kentucky teachers in determining Highly Qualified Teacher status

**Applicable Statutes and Regulations:**

Elementary and Secondary Education Act of 2001

KRS 161.020, 161.028, 161.030

KAR Title 16

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Background:**

In response to federal No Child Left Behind (NCLB) legislation, EPSB adopted (June 2003) its version of the HOUSSE (High Objective Uniform State Standard of Evaluation) Index primarily to allow veteran teachers to demonstrate Highly Qualified Teacher (HQT) status in cases where the teachers' date of certification preceded the state requirement for a content area assessment or to determine HQT status for K-8 certified teachers. The content area assessment is the current federal standard for proving competency in the area of certification for determining HQT status. The HOUSSE Index, via the Highly Qualified Teacher Calculator on the EPSB website, allows veteran teachers to use a combination of prior course work, professional development activities, awards or achievements, and experience to achieve HQT status in lieu of successful completion of a Praxis content area test, which is required of all new Kentucky teachers.

At the outset of NCLB, all states were to have every teacher "highly qualified" by June 30, 2006. No state has achieved this status; however, Kentucky reported a 98% HQT rate in the latest reporting period, with most cases of non-HQTs being in special education positions. Because of Kentucky's progress, the state was permitted to continue the use of HOUSSE during the 2006-07 school year; however, the US Department of Education is still strongly encouraging states to phase out HOUSSE as soon as possible, with allowable exceptions for its use with teachers teaching multiple subjects in special education and those in eligible "rural" districts. (Kentucky has 13 small districts so designated.) In the most recent NCLB plan submitted to USDOE by the Kentucky Department of Education, the state committed to discussing the phase out of HOUSSE by bringing the item for consideration by EPSB.

Should the board decide to phase out HOUSSE, all current veteran Kentucky teachers would still be "highly qualified" so long as they teach in the subject areas they have taught during the time HOUSSE has existed in the state. It is imperative that all teachers

## Agenda Book

make a copy of their HQT verification via the EPSB website and maintain this for their records before the Housse calculator is removed from this website.

If Housse is eliminated in Kentucky, any veteran out-of-state teacher moving into Kentucky to teach would have to verify HQT status via other means. Staff is proposing that the accepted means would be as follows:

*Any out-of-state teacher moving into Kentucky to teach shall verify the subject matter competence requirement of HQT status using the following criteria:*

*Successfully completing in each academic subject the teacher teaches:*

- *an undergraduate major, graduate degree, or coursework equivalent to an undergraduate major as shown on the face of the college or university transcript, **OR***
- *National Board certification, **OR***
- *full state certification (at least two years of certified teaching experience) and the appropriate content area test(s) required in the state where certification was held, **OR***
- *the Kentucky certification test(s) in accordance with 16 KAR 6:010 (PRAXIS II)*

In addition to the above criteria, it should also be noted that some states issue official documentation of HQT status for specific subject areas. Staff believes that such documentation should also be given consideration in Kentucky should the Housse Index be eliminated here.

The proposed plan is being presented for the board's consideration at this time, and it will be placed on the November agenda for possible final action.

### **Contact Person:**

Mr. Michael Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

### **Date:**

October 22, 2007



**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item D**

**Information Item:**

Education Leadership Redesign (ELR) Report to the Education Interim Joint Committee

**Applicable Statutes and Regulation:**

KRS 161.028

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

Goal 4: Every credentialed educator participates in a high quality induction into the profession and approved educational advancement programs that support effectiveness in helping all students achieve.

Goal 5: Every credentialed educator is provided a safe and supportive school environment and culture that is conducive to effective teaching and increased student achievement.

**Background:**

The 2006 General Assembly passed House Joint Resolution 14 (HJR14) which instructed the executive director of the EPSB, in cooperation with the president of CPE and the Commissioner of Education, to convene a task force to present recommendations on the redesign of Kentucky's system for preparing and supporting principals. A copy of the report has been sent under separate cover.

**Contact Person:**

Dr. Phillip S. Rogers  
Executive Director  
E-mail: phillip.rogers@ky.gov  
Phone: (502) 564-4606

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**Executive Director**

**Date:**

October 22, 2007

Agenda Book

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item E**

**Information Item:**

To inform the EPSB about contracts and amendments which were signed by the executive director since the previous EPSB board meeting.

**Applicable Statutes and Regulation:**

KRS 161.028 (1) (v) (d)  
KRS 161.017 (3)

**Applicable Goal:**

Goal 6: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state, and agency policies.

**Background:**

KRS 161.028 (1) (v) authorizes the EPSB to enter into contracts and KRS 161.017 (3) stipulates that with board approval the executive director may enter into agreements "...to enlist assistance to implement the duties and responsibilities of the board." The EPSB approved procedures for seeking approval and authorization for entering contractual agreements at the October 23, 2006 EPSB meeting.

The following contract was completed and signed by the Executive Director after approval was given by the Board at the August 27, 2007 board meeting.

SREB	Dr. Kathy O'Neill - ELR Consulting	Sept 2007 – June 2008	\$20,000
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**Groups/Persons Consulted:**

N/A

**Contact Person:**

Mr. Gary W. Freeland  
Deputy Executive Director  
(502) 564-4606  
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**Executive Director**

**Date:**

October 22, 2007

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item A**

**Action Item**

Request approval to authorize the executive director to enter into contracts to conduct normal business operations

**Applicable Statutes and Regulation**

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

KRS 164.772 (4)

**Applicable Goal**

Goal 6: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statues, regulations, and established federal, state, and agency policies.

**Issue**

Should the Education Professional Standards Board (EPSB) authorize the executive director to enter into the specified contract to conduct normal business operations?

**Background**

KRS 161.028 (1) (v) authorizes the EPSB to enter into contracts and KRS 161.017 (3) stipulates that with board approval the executive director may enter into agreements "...to enlist assistance to implement the duties and responsibilities of the board." The EPSB approved procedures for seeking approval and authorization for entering financial agreements at the October 23, 2006 EPSB meeting.

**Purpose of the contracts:**

1. Pursuant to KRS 164.772 (4) which states "A licensing agency shall not issue or renew a license of any person who is in default of the repayment obligation under any financial assistance program in KRS Chapters 164 and 164A ...." Because of this requirement EPSB must enter into a memorandum of agreement with KHEAA in order to share data between the organizations. The sharing of data through technology services will provide EPSB with the information and notification when certified personnel become delinquent on repayment obligations. This MOA establishes the responsibilities of each agency and the terms that are agreed upon by both parties. This is not a financial agreement because the MOA does not require an exchange of funds for the services that are provided.
  - Approximate cost of the contract: \$0.00
  - Impact on budget: Not Applicable
  - Type of entity providing service: Another state agency
  - Bidding process: Not applicable

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- Singular vs. continuing service: Continuing

### **Alternative Actions**

1. Authorize the executive director to enter into these contracts and modifications described above.
2. Modify and approve the contracts separately.
3. Do not approve the contracts and modifications.

### **Staff Recommendation**

Alternative 1

### **Rationale**

These are routine and necessary expenditures.

### **Contact Person:**

Mr. Gary Freeland  
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(502) 564-4606  
E-mail: garyw.freeland@ky.gov

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**Executive Director**

### **Date:**

October 22, 2007

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item B**

**Action Item**

Approval of the EPSB FY2009 -2010 biennial budget

**Applicable Statutes and Regulation**

KRS 161.028

**Applicable Goal**

Goal 6: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state, and agency policies.

**Issue**

Should the Education Professional Standards Board (EPSB) approve the FY 2009-2010 biennial budget request?

**Background**

The EPSB budget request booklets must be submitted to the Education Cabinet on October 24, 2007 and then forwarded to the Governor's Office of Policy and Management (GOPM) for review and approval by those agencies. Based on the previous discussions with the EPSB and other information provided by the GOPM, the budget request has been developed in line with the priorities and guidelines provided. The budget request documents are too voluminous to provide an entire set for each board member; however, key information will be presented to provide a clear understanding of additional funding requests, capital project requests, priorities, and other information that will be submitted.

A worksheet of the biennial budget has been provided under separate cover. Copies of the complete budget request documents will be available for any board members who want to review them.

**Alternative Actions**

1. Approve the 2009-2010 biennial budget request.
2. Modify and approve the 2009-2010 biennial budget request.
3. Do not approve the 2009-2010 biennial budget request.

**Staff Recommendation**

Alternative 1

**Rationale**

The proposed 2009-2010 biennial budget is aligned with both the EPSB Goals and the funding priorities discussed during recent budget work sessions.

**Contact Person:**

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**Executive Director**

**Date:**

October 22, 2007



Agenda Book  
**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item C**

**Action Item:**

2008 Legislative Agenda

**Applicable Statute:**

KRS 161.048

**Applicable Goals:**

All Goals.

**Issue:**

Should the Education Professional Standards Board approve the 2008 Legislative Agenda?

**Background:**

The General Assembly will meet for its regularly scheduled 60-day Session beginning in January 2008. Prior to the commencement of legislative session, the Board customarily prepares with the aid of staff a legislative agenda designed to promote the Board's mission. Staff utilizes the final legislative agenda to prepare proposed bills for statutory amendments and to advance the Board's goals when working with legislators.

During this legislative session, the General Assembly will be required to pass the 2008-2010 budget for the Commonwealth. During the October 24, 2007 board meeting, the Board will review and approve the EPSB's 2008-2010 budget request. In combination with that request, staff recommends including in the legislative agenda a request for budgetary language that will allow the EPSB to receive an emergency budget allocation as part of the 2008 Legislative Agenda, as well as language in the next biennium budget designating the Kentucky Teacher Internship Program (KTIP) as a "necessary governmental expense" so that the program may be properly funded for the future.

In addition to the budgetary language, the agenda contains a proposal to amend KRS 161.048(6), the alternative certification route known as Troops to Teachers. The proposed amendments would broaden the scope of the program to include armed forces reservists, mirroring recent amendments to the federal authorizing statute.

Finally, the legislative agenda includes opposing any change to the EPSB's current statutory authority so that the current direction of the EPSB to improve teacher quality may continue.

**Alternative Actions:**

1. Approve the 2008 Legislative Agenda.
2. Modify and approve the 2008 Legislative Agenda.
3. Do not approve the 2008 Legislative Agenda.

**Staff Recommendation:**

Alternative 1

**Rationale:**

This agenda was created after soliciting input from board members and the staff and accurately reflects the current legislative needs of the agency.

**Contact Person:**

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Director of Legal Services  
(502) 564-4606  
E-mail: alicia.sneed@ky.gov

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**Executive Director**

**Date:**

October 22, 2007

**EPSB 2008 LEGISLATIVE AGENDA**

- Support a fiscal year 2008 budget increase to the Kentucky Teacher Internship Program (KTIP) to secure appropriate funding for the 2007-2008 interns.
- Support the EPSB's 2008-2010 budget request including a request to designate KTIP as a necessary governmental expense to ensure future funding for the program no matter the number of interns.
- Amend KRS 161.048(6), the Troops to Teachers alternative certification route, so that it is in line with the federal authorizing statute. This change will allow veterans with extensive guard or reserve duty to participate in this alternative certification route.
- Oppose any attempt to dilute or modify the current authority of the EPSB.

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver A**

**Action Item:**

Exceptional Children Teacher Assignment Waivers

**Applicable Statute and/or Regulation:**

16 KAR 4:020, Section 4

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board (EPSB) approve the teaching assignment waivers as recommended by the Division of Exceptional Children Services (DECS) and EPSB staff?

**Background:**

In May 2000, the EPSB approved the Waiver of Assignment Requirements for Teachers of Exceptional Children (16 KAR 4:020, Section 4) Policy and Procedure (copy attached). Staff and DECS recommend that the following assignment waivers be approved:

<b>Bardstown Independent</b> Amy Gjerstad	<b>Current Certification</b> FMD	<b>Assignment</b> LBD
<b>Bath County</b> Charlys Holbrook Desirae Prater	<b>Current Certification</b> FMD FMD	<b>Assignment</b> LBD LBD
<b>Burgin Independent</b> Jackie Robinson	<b>Current Certification</b> LBD	<b>Assignment</b> FMD
<b>Franklin County</b> Bart Spears Dennis Ledford	<b>Current Certification</b> LBD LBD	<b>Assignment</b> FMD FMD
<b>Henderson County</b> Susan McVicar Pam Hancock	<b>Current Certification</b> LBD LBD	<b>Assignment</b> FMD FMD
<b>Ohio County</b> Corrie Raymond	<b>Current Certification</b> LBD	<b>Assignment</b> FMD

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**Powell County**  
Malena Hall

**Current Certification**  
LBD

**Assignment**  
FMD

**Alternative Actions:**

1. Approve staff recommendations
2. Modify and approve staff's recommendations
3. Do not approve staff's recommendations

**Staff's Recommendations:**

Alternative 1

**Rationale:**

Approval is in keeping with the enabling legislation and all DECS recommendations have been reviewed by staff.

**Contact Person:**

Mr. Michael Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

**Date:**

October 22, 2007

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## 16 KAR 4:020. Certification requirements for teachers of exceptional children.

RELATES TO: KRS 157.200, 157.250, 161.020, 161.028(1), 161.030, 161.100, 20 U.S.C. 1221(e), 1400-1419

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a)

NECESSITY, FUNCTION, CONFORMITY: KRS 161.020 and 161.028 require the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate for all public school positions, including those for teaching exceptional children. This administrative regulation establishes the certification requirements for teachers of exceptional children.

Section 1. Certification Requirements for Assignment of Special Education Personnel. (1) Mild mental disability (MMD). A teacher holding the following certification shall be assigned to serve pupils with mild mental disabilities at any grade level:

- (a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or
- (b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(2) Orthopedic impairment (OI).

(a) A teacher holding the following certification shall be assigned to serve pupils with orthopedic impairments at any grade level:

- 1. Certification for orthopedically handicapped or physically handicapped, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
- 2. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)2 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(3) Other health impairment (OHI).

(a) A teacher shall be assigned to serve pupils identified as other health impaired at any grade level based upon the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as other health impaired shall possess a certificate for teaching exceptional children.

(4) Specific learning disability (LD). A teacher holding the following certification shall be assigned to serve pupils with learning disabilities at any grade level:

- (a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or
- (b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(5) Developmental delay (DD). A teacher holding the following certification shall be assigned to serve pupils with developmental delay at any grade level:

- (a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or
- (b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(6) Emotional-behavioral disability (EBD).

(a) A teacher holding the following certification shall be assigned to serve pupils identified as emotional-behavioral disabled at any grade level:

- 1. Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12);
- 2. Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
- 3. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)6 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(7) Functional mental disability (FMD). A teacher holding the following certification shall be assigned to serve pupils with functional mental disabilities at any grade level:

- (a) Certification for trainable mentally handicapped, grades K-12;
- (b) Certification for teaching the trainable mentally retarded, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12);

(c) Certification for teaching the severely and profoundly handicapped at any grade level; or

(d) Certification for teaching the moderately and severely disabled, grades P-12.

(8) Multiple disabilities (MD).

(a) A teacher shall be assigned to pupils at any grade level who have multiple disabilities consistent with the nature of each of the student's different disabilities and based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils with multiple disabilities shall possess a certificate for teaching exceptional children.

(9) Deaf-blindness.

(a) A teacher shall be assigned to serve pupils identified with deaf-blindness at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with deaf-blindness shall possess a certificate for teaching exceptional children.

(10) Autism.

(a) A teacher shall be assigned to serve pupils identified with autism at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with autism shall possess a certificate for teaching exceptional children.

(11) Traumatic brain injury (TBI).

(a) A teacher shall be assigned to serve pupils identified as having a traumatic brain injury at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as having a traumatic brain injury shall possess a certificate for teaching exceptional children.

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(12) Hearing impaired (HI). A teacher holding the following certification shall be assigned to serve pupils with hearing impairments at any grade level:

(a) Certification for teaching the hard of hearing, deaf, or hearing impaired, grades K-12, one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

(b) Certification for teaching the hearing impaired, grades P-12.

(13) Visually impaired (VI). A teacher holding the following certification shall be assigned to serve pupils with visual impairments at any grade level:

(a) Certification for teaching the partially seeing, blind, or visually impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

(b) Certification for teaching the visually impaired, grades P-12.

(14) Communication disorders. A teacher holding the following certification shall be assigned to serve pupils who have been identified as needing instruction for speech or language disorders at any grade level:

(a) Certification for speech and hearing, grades one (1) through twelve (12);

(b) Certification for speech and communication disorders, grades K-12; or

(c) Certification for communication disorders, grades P-12.

Section 2. Certification Requirements for Assignment of Interdisciplinary Early Childhood Education Teachers for the Provision of Special Education Services. (1) A teacher holding the following qualifications shall be assigned to serve birth to primary pupils who have been identified as needing special education services:

(a) Certification for interdisciplinary early childhood education offered under 16 KAR 2:140 and 16 KAR 2:040;

(b) Exemption identified in 16 KAR 2:040; or

(c) Qualifications set forth in 704 KAR 3:410, Section 7(1)(a).

(2) A special education teacher identified in Section 1 of this administrative regulation shall not be precluded from providing services in the teacher's certification area to birth to primary pupils with disabilities if that certification is valid for the primary ages.

Section 3. Probationary and Emergency Provisions. (1) If no regularly certified teacher as delineated in Sections 1 and 2 of this administrative regulation is available to provide the special education services, the local district may employ a teacher certified on a probationary status under 16 KAR 2:160.

(2) If no probationary certified special education teacher is available, the district may employ a teacher certified on an emergency status under the requirements of KRS 161.100 and 16 KAR 2:120.

Section 4. Waiver Requests for Teacher Assignment. (1) Local school districts which need to assign teachers to teach classes or pupils, with the exception of pupils receiving services for communication disorders, not consistent with the above criteria shall request a waiver for the teacher assignment through the Kentucky Department of Education, Office of Special Instructional Services, Division of Exceptional Children and be approved by the Education Professional Standards Board.

(2) The Education Professional Standards Board and Department of Education shall give consideration for this approval based on information provided by the local school district in its request. The request shall:

(a) Be made prior to September 15 or within fifteen (15) school days of the need for assignment if it occurs after September 15 of the school year for which a waiver is requested; and

(b) Include:

1. The teacher's name, school assignment, certificate number, class plan assignment, and current certification;

2. A listing of pupils currently served by category of exceptionality;

3. A listing of pupils the district is requesting to be served by exceptionality; and

4. Any other relevant information which the district wishes to have considered in the decision-making process.

(3) Following consideration by the Department of Education and approval by the Education Professional Standards Board, the local district shall be promptly notified of the decision on the waiver request.

(4) The assignment shall not exceed the length of the school year for which it was initiated. (26 Ky.R. 2124; Am. 27 Ky.R. 405; eff. 8-14-2000; recodified from 704 KAR 20:740, 7-2-200)



**Education Professional Standards Board**

**WAIVER OF ASSIGNMENT REQUIREMENTS  
FOR TEACHERS OF EXCEPTIONAL CHILDREN  
(16 KAR 4:020, Section 4)  
PROCEDURE**

**Approved May 8, 2000  
AMENDED AUGUST 26, 2002**

If a school district must request a waiver pursuant to the above referenced regulation, the district shall adhere to the following requirements.

1. *The district shall complete the attached application form and mail directly to the Kentucky Department of Education's Division of Exceptional Children Services (KDE/DECS).*
2. KDE/DECS will review the waiver request and recommend to the Education Professional Standards Board ("the Board") that the request be approved or denied.

The Board's staff will accept the recommendation of KDE/DECS and notify the school district of approval/denial of waiver.

Upon notification, the school district superintendent may appeal the decision to the Board by resubmitting to the Executive Director the original waiver materials with a cover letter requesting full Board review of the waiver request.

Upon receipt of the appeal letter and accompanying documentary evidence, the action will be placed on the agenda for the next regularly scheduled Board meeting. The Executive Director will notify the superintendent of the Board's action.

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver B**

**Action Item:**

Request for Waiver of Teaching Experience for Administrative Certification

**Applicable Statute or Regulation:**

16 KAR 3:050, Section 5 (b.)

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board waive the requirement for three years of teaching experience for principal certification?

**Background:**

Mr. John Michael Hardesty is requesting a waiver of the three years of classroom teaching experience required as a prerequisite to add the Instructional Leadership—School Principal, All Grades Statement of Eligibility to his qualifications. Mr. Hardesty completed the principal preparation program at Spalding University in 2006, and EPSB received a recommendation for the statement of eligibility as well as transcripts showing coursework completion and validation of successful passage of assessments needed for this credential. However, these materials were returned to Spalding because Mr. Hardesty did not meet the teaching experience requirement.

Mr. Hardesty asserts that Spalding admitted him to its principal preparation program under the understanding that he would gain his credential via the alternative certification route; however, Spalding is not approved for such program.

**Alternative Actions:**

1. Approve the waiver request
2. Do not approve the waiver request

**Contact Person:**

Mr. Michael Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

**Date:**

October 22, 2007

## Agenda Book

### 16 KAR 3:050. Professional certificate for instructional leadership - school principal, all grades.

RELATES TO: KRS 161.020, 161.027, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.027, 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that a teacher or other professional school personnel hold a certificate of legal qualification for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.027 specifically requires a preparation program for principals. A teacher education institution shall be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the preparation and certification program for school principals, at all grade levels.

Section 1. Definitions. (1) "Level I" means the standards-based program of studies designed for minimal preparation to serve in the position of instructional leadership - school principal.

(2) "Level II" means the standards-based program of studies to attain the first five (5) year renewal of the certificate for the position of instructional leadership - school principal.

Section 2. Conditions and Prerequisites. (1) The provisional and professional certificate for instructional leadership - school principal shall be issued to an applicant who has completed an approved program of preparation and requirements, including assessments.

(2) The provisional and professional certificate for instructional leadership - school principal shall be valid for the position of school principal or school assistant principal for all grade levels.

(3) Prerequisites for admission to the program of preparation for the provisional and professional certificate for instructional leadership - school principal shall include:

(a) Qualification for a Kentucky classroom teaching certificate;

(b) Successful completion of a generic test of communication skills, general knowledge, and professional education concepts approved by the Education Professional Standards Board as a condition for the issuance of a Kentucky classroom teaching certificate or other test authorized for this purpose by the appropriate state agency recognized by the Education Professional Standards Board through contract with the Interstate Agreement on Qualification of Educational Personnel; and

(c) Successful completion of the Kentucky Teacher Internship Program, as provided in 16 KAR 7:010, or two (2) years of successful teaching experience outside the state of Kentucky.

Section 3. Kentucky Administrator Standards for Preparation and Certification. (1) The approved program of preparation for the provisional certificate for instructional leadership - school principal shall:

(a) Include a master's degree in education; and

(b) Be designed to:

1. Address recommendations of relevant professional organizations including:

a. The National Policy Board for Educational Administration;

b. The University Council for Educational Administration;

c. The National Council of Professors of Educational Administration;

d. The National Association of Secondary School Principals;

e. The Collaborative for Technology Standards for School Administrators; and

f. The American Association of School Administrators; and

2. Prepare a candidate for the position of School Principal as specified in the standards included in "Interstate School Leaders Licensure Consortium Standards for School Leaders" and "Technology Standards for School Administrators".

(2) The Interstate School Leaders Licensure Consortium Standards for School Leaders are as follows:

(a) School leader standard 1. A school administrator is an instructional leader who promotes the success of all students by facilitating the development, articulation implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(b) School leader standard 2. A school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(c) School leader standard 3. A school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(d) School leader standard 4. A school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(e) School leader standard 5. A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner; and

(f) School leader standard 6. A school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

(3) The Technology Standards for School Administrators are as follows:

(a) Technology standard 1. Leadership and vision. Educational leaders inspire a shared vision for comprehensive integration of technology and foster an environment and culture conducive to the realization of that vision.

(b) Technology standard 2. Learning and teaching. Educational leaders ensure that curricular design, instructional strategies, and learning environments integrate appropriate technologies to maximize learning and teaching.

(c) Technology standard 3. Productivity and professional practice. Educational leaders apply technology to enhance their professional practice and to increase their own productivity and that of others.

(d) Technology standard 4. Support, management, and operations. Educational leaders ensure the integration of technology to support productive systems for learning and administration.

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(e) Technology standard 5. Assessment and evaluation. Educational leaders use technology to plan and implement comprehensive systems of effective assessment and evaluation.

(f) Technology standard 6. Social, legal, and ethical issues. Educational leaders understand the social, legal, and ethical issues related to technology and model responsible decision-making related to these issues.

Section 4. Assessment Prerequisites for the Provisional Certificate for Instructional Leadership - School Principal. An applicant for certification as a school principal, including vocational principal, shall attain the specified minimum score on the assessments required by 16 KAR 6:030.

Section 5. Statement of Eligibility for Internship. (1) A statement of eligibility for internship for the provisional certificate for instructional leadership - school principal shall be issued for a five (5) year period to an applicant who:

(a) Has successfully completed an approved program of preparation;

**(b) Has three (3) years of full-time teaching experience; and**

(c) Has successfully completed the appropriate assessment requirements for the school principal certification or qualifies for a one (1) year period of completion of assessments under KRS 161.027(6).

(2) Application shall be made on Form TC-1.

Section 6. (1) A professional certificate for instructional leadership - school principal, level I, shall be issued upon successful completion of the principal internship as provided in KRS 161.027 and 16 KAR 7:020.

(2) The renewal of the professional certificate for instructional leadership - school principal, level I, shall require a recommendation from the approved recommending authority regarding the successful completion of an approved level II program. The certificate shall be valid for five (5) years.

(3) In addition to the requirements of KRS 161.027(9), each subsequent five (5) year renewal of the professional certificate for instructional leadership - school principal, level II, shall require:

(a) Successful completion of two (2) years of experience as a school principal within the preceding five (5) years; or

(b) If the applicant has not successfully completed the two (2) years of experience:

1. Completion of three (3) semester hours of additional graduate credit directly related to the position of school principal for each required year of experience the applicant has not completed; or

2. Successful completion of forty-two (42) hours of approved training selected from programs approved by the Kentucky Effective Instructional Leadership Training Program provided in KRS 156.101.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Interstate School Leaders Licensure Consortium Standards for School Leaders, 1996, the Council of Chief State School Officers";

(b) "Form TC-1, rev. 10/02 "; and

(c) "Technology Standards for School Administrators", 2001, Collaborative for Technology Standards for School Administrators.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Drive, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained from the Council of Chief State School Officers, Attn: Publications, One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431. (23 Ky.R. 2365; Am. 2735; eff. 1-9-97; 24 Ky.R. 177; 575; eff. 9-4-97; 25 Ky.R. 619; 1046; eff. 11-5-98; 27 Ky.R. 862; 1476; eff. 12-21-2000; 28 Ky.R. 2079; 2348; eff. 5-16-02; Recodified from 704 KAR 20:710; 30 Ky.R. 1327; 1760; eff. 1-23-04.)

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver C**

**Action Item:**

Waiver of the Cooperating Teacher Eligibility Requirements

**Applicable Statutes and Regulation:**

16 KAR 5:040, Section 2(c, d)

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

**Issue:**

Should the Education Professional Standards Board grant a waiver of the cooperating teacher eligibility requirements?

**Background:**

Dr. James Cibulka, Dean, College of Education, University of Kentucky (UK), is requesting a waiver of 16 KAR 5:040, Section 2 (c, d), which requires cooperating teachers to have at least three (3) years of teaching experience on a Professional Certificate and to have taught in their present school system for at least one year immediately prior to being assigned a student teacher on behalf of Dr. Darin Craig Schroeder. The request is for spring 2008.

This request is made in order to arrange placements for prospective student teachers in the Secondary School Math program at UK. Dr. Schroeder has 1.5 years experience as a teacher and 1.5 years experience as a high school substitute teacher. He holds a master's degree with Rank II certification in mathematics and physics (grades 8-12), a Rank I, and an earned doctorate. Currently, Dr. Schroeder is teaching high school mathematics in the Jessamine County school district. His principal states that he would be an excellent mentor for student teachers. Dr. Schroeder meets the requirements of the regulation except for having the requisite 3 years of teaching experience and having taught in the Jessamine County school district for one year prior to being assigned a student teacher.

A copy of Dr. Cibulka's letter and other supporting documentation including the pertinent part of the regulation are included under separate cover.

**Alternative Actions:**

1. Approve the waiver request
2. Deny the waiver request

**Contact Person:**

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**Executive Director**

**Date:**

October 22, 2007



# Agenda Book

## 16 KAR 5:040. Admission, placement, and supervision in student teaching.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that an educator preparation institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 requires that a certificate shall be issued to a person who has completed a program approved by the Education Professional Standards Board. KRS 161.042 requires the Education Professional Standards Board to promulgate an administrative regulation relating to student teachers, including the qualifications for supervising teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 1. Definition. "Cooperating teacher" or "supervising teacher" means a teacher employed in a school in Kentucky who is contracting with an educator preparation institution to supervise a student teacher for the purpose of fulfilling the student teaching requirement of the approved educator preparation program.

Section 2. Cooperating Teacher Eligibility Requirements. (1) Except as provided in subsection (2) of this section, the cooperating teacher, whether serving in a public or nonpublic school, shall have:

- (a) A valid Kentucky teaching certificate for each grade and subject taught;
- (b) Attained Rank II certification;

- (c) At least three (3) years of teaching experience on a Professional Certificate; and
- (d) Taught in the present school system at least one (1) year immediately prior to being assigned a student teacher.

(2) If a cooperating teacher has not attained Rank II certification, the teacher shall have attained a minimum of fifteen (15) hours of approved credit toward a Rank II within a minimum period of five (5) years.

(3) Teachers assigned to a teaching position on the basis of a probationary or emergency certificate issued by the Education Professional Standards Board shall not be eligible for serving as a cooperating teacher.

(4) In selecting a cooperating teacher, the district shall give consideration to the following criteria:

- (a) A demonstrated ability to engage in effective classroom management techniques that promote an environment conducive to learning;
- (b) An ability to model best practices for the delivery of instruction;
- (c) A mastery of the content knowledge or subject matter being taught;
- (d) The demonstration of an aptitude and ability to contribute to the mentoring and development of a preservice educator;
- (e) An ability to use multiple forms of assessment to inform instruction; and
- (f) An ability to create a learning community that values and builds upon students' diverse cultures.

Section 3. Admission to Student Teaching. In addition to the appropriate sections of the National Council for Accreditation of Teacher Education (NCATE) standards which are incorporated under 16 KAR 5:010, each educator preparation institution shall determine minimum standards for admission to student teaching which shall include the procedures established in this section. Admission to student teaching shall include a formal application procedure for each teacher candidate.

(1) A record or report from a valid and current medical examination, which shall have included a tuberculosis test, shall be placed on file with the admissions committee.

(2) Prior to and during the student teaching experience, the teacher candidate shall adhere to the Professional Code of Ethics for Kentucky School Personnel established in 16 KAR 1:020.

Section 4. Teacher-student Ratio. The ratio of student teachers to cooperating teachers shall be one (1) to one (1).

Section 5. College Supervisor. (1) The college supervisor shall make periodic observations of the student teacher in the classroom and shall prepare a written report on each observation and share it with the student teacher.

(2) The observation reports shall be filed as a part of the student teacher record and also used as a validation of the supervisory function.

(3) A student teacher shall receive periodic and regular on-site observations and critiques of the actual teaching situation a minimum of four (4) times excluding seminars and workshops.

(4) The college supervisors shall be available to work with the student teacher and personnel in the cooperating school regarding any problems that may arise relating to the student teaching situation.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference under 16 KAR 5:010, the educator preparation institution shall provide an opportunity for the student teacher to assume major responsibility for the full range of teaching duties in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. In placing the student teachers in classroom settings, the educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide experiences, situations, and challenges similar to those encountered by first year teachers.

(2) Each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of twelve (12) weeks, full day, or equivalent, in school settings that correspond to the grade levels each and content area of the student teacher's certification program.

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver D**

**Action Item:**

Midway College request a waiver of 16 KAR 5:010, Section 19 (5) (a)

**Applicable Statutes and Regulation:**

KRS 161.028 and 030  
16 KAR 5:010

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

**Issue:**

Should the Education Professional Standards Board (EPSB) grant Midway College's request to waive 16 KAR 5:010, Section 19 (5) (a) Standards for accreditation of educator preparation units and approval of programs?

**Background:**

On September 24, 2007, the EPSB voted to revoke accreditation for the School for Career Development (SCD) at Midway College. September 26, 2007, a certified letter was sent to Midway College stating the decision of the board and informing the College of the responsibility to the candidates currently enrolled in SCD.

*"Pursuant to 16 KAR 5:010 Section 19 (5) (a), the Midway College School for Career Development shall inform students currently admitted to any certification or rank program of the following:*

- 1. A student recommended for certification or advancement in rank within the twelve (12) months immediately following the denial or revocation of state accreditation and who applies to the EPSB within the fifteen months immediately following the denial or revocation of state accreditation shall receive the certificate or advancement in rank; and*
- 2. A student who does not meet the criteria established in subparagraph 1 of this paragraph shall transfer to a state accredited education preparation unit in order to receive the certificate or advancement in rank."*

Midway College has requested a waiver of Section 19 (5) (a) of the regulation to allow students the opportunity to complete the program to which they are currently admitted. The College stated that because of geographic location a large number of students will not be able to complete the program within the twelve month limit. This could cause an economic hardship for students that may effect current employment and/or family

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commitments. Midway is also concerned about the negative impact on the various communities' ability to attract new teachers. Midway did not feel that transferring to other colleges was a viable option for their students.

Midway College questions the inclusion of the evening campus program and the *Online* program as part of the original accreditation decision dated November 16, 2005. The letter stated "Accreditation with Conditions for the School for Career Development off-campus programs". Staff felt it was clear that any program that was not part of the Women's Day College was housed in the SCD. In this context off-campus programs is a universal term. Midway did not mention this concern during the technical assistance visit December 2006, pre-visit January 2007 or the actual visit March 2007 when both the Online and evening campus programs were reviewed.

Staff is not aware of Midway's claim of being ranked sixth (excellent) in the state in the latest published Quality Performance Index (QPI) and ranked seventh (excellent) in the 2006-07 tabulated but unpublished QPI as the EPSB does not rank colleges or universities. The Kentucky Educator Preparation Program (KEPP) Report Card that includes the QPI was developed to address program qualities identified by Kentucky stakeholders, the federal government in the Title II Report, and accreditation standards. In recent years concerns have developed that call into question the validity of the index as an effective measure of quality. In June 2007, the board voted to waive the QPI for 2006-07 at the request of the Educator Preparation Program Quality Measurement Committee appointed May 2007 to review and redesign the accountability system used to measure the quality and effectiveness of all educator preparation units accredited in Kentucky. The KEPP report card continues to be posted with the exclusion of the QPI for 2006-07.

### **Alternative Actions:**

1. Approve the waiver request.
2. Modify the waiver request.
3. Do not approve the waiver request.

### **Contact Person:**

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**Executive Director**

### **Date:**

October 22, 2007

## Agenda Book

### **16 KAR 5:010. Standards for accreditation of educator preparation units and approval of programs.**

RELATES TO: KRS 161.028, 161.030, 164.945-164.947, 20 U.S.C. 1021-1030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate and for programs of preparation for teachers and other professional school personnel, and KRS 161.030(1) requires all certificates issued under KRS 161.010 to 161.126 to be issued in accordance with the administrative regulations of the board. This administrative regulation establishes the standards for accreditation of an educator preparation unit and approval of a program to prepare an educator...

Section 19... (d) Revocation of accreditation. Following a comprehensive site visit that occurs as a result of an EPSB decision to accredit with probation or to accredit with conditions, this accreditation decision indicates that the unit does not meet one (1) or more of the NCATE standards, and has pervasive problems that limit its capacity to offer quality programs that adequately prepare candidates. Accreditation shall be revoked if the unit:

1. No longer meets preconditions to accreditation, such as loss of state approval or regional accreditation;

2. Misrepresents its accreditation status to the public;

3. Falsely reports data or plagiarized information submitted for accreditation purposes; or

4. Fails to submit annual reports or other documents required for accreditation.

(5) Notification of EPSB action to revoke continuing accreditation or deny first accreditation, including failure to remove conditions, shall include notice that:

(a) The institution shall inform students currently admitted to a certification or rank program of the following:

1. A student recommended for certification or advancement in rank within the twelve (12) months immediately following the denial or revocation of state accreditation and who applies to the EPSB within the fifteen (15) months immediately following the denial or revocation of state accreditation shall receive the certificate or advancement in rank; and

2. A student who does not meet the criteria established in subparagraph 1 of this paragraph shall transfer to a state accredited education preparation unit in order to receive the certificate or advancement in rank; and (b) An institution for which the EPSB has denied or revoked accreditation shall seek state accreditation through completion of the first accreditation process. The on-site accreditation visit shall be scheduled by the EPSB no earlier than two (2) years following the EPSB action to revoke or deny state accreditation.

# Agenda Book

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Alternative Route to Certification Application**

**Action Item:**

Alternative Route to Certification Application

**Applicable Statutes and Regulation:**

KRS 161.028, 161.030, 161.048  
16 KAR 9:010

**Applicable Goal:**

Goal II: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board approve the alternative route to certification application?

**Background:**

The following individual is requesting certification on the basis of exceptional work experience:

**Dr. Jean Marie Boulanger, Middle School Science, Grades 5-9**

The application will be sent under separate cover.

**Alternative Actions:**

1. Approve the alternative route to certification application
2. Modify and approve the alternative route to certification application
3. Do not approve the alternative route to certification application

**Contact Person:**

Mr. Michael Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

**Date:**

October 22, 2007

## Agenda Book

### **16 KAR 9:010. Professional certificate for exceptional work experience, limited to secondary education.**

RELATES TO: KRS 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 establishes the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program. This administrative regulation establishes the requirements for issuance and renewal of a professional certificate for secondary education based on exceptional work experience.

Section 1. Definitions. (1) "Exceptional work experience" means a person with recognized superiority as compared with others in rank, status, and attainment or superior knowledge and skill in comparison with the generally accepted standards in the area in which certification is sought.

(2) "Secondary education" means the area in which certification is sought in a subject taught in grades 9 - 12 in a Kentucky school.

Section 2. Verification of exceptional qualifications of an applicant for certification, in a field of endeavor taught or service practiced in a public school of Kentucky, shall include:

(1) Sufficient documentation that demonstrates to the local school district and the Education Professional Standards Board that an applicant is one who has exceptional work experience as defined in Section 1 of this administrative regulation and has talents and abilities commensurate with the new teacher standards, established in 16 KAR 1:010;

(2) Documentation of achievement that may include advanced degrees earned, distinguished employment, evidence of related study or experience, publications, professional achievement, or recognition attained for contributions to an applicant's field of endeavor; and

(3) Recommendations from professional associations, former employers, professional colleagues, or any other individual or group whose evaluations shall support exceptional work in the field.

Section 3. Certification Requirements. An eligible candidate who meets the requirements of KRS 161.048(1) and character and fitness review established in KRS 161.040 shall be issued the provisional certificate, limited to secondary education and valid for one (1) year. Upon successful completion of the Kentucky Teacher Internship Program as established in KRS 161.030(5) to (8), the professional certificate, limited to secondary education, shall be issued and shall be valid for an additional four (4) years.

Section 4. Renewal Requirements. Each five (5) year renewal of the professional certificate identified in Section 3 of this administrative regulation shall meet the renewal requirements established in 16 KAR 4:060. (25 Ky.R. 1283; Am. 1602; eff. 1-19-99; recodified from 704 KAR 20:720, 7-2-2002.)