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EPSB Mission Statement:

The Education Professional Standards Board, in full collaboration and cooperation with its education partners, promotes high levels of student achievement by establishing and enforcing rigorous professional standards for preparation, certification, and responsible and ethical behavior of all professional educators in Kentucky.

EPSB Meeting Agenda

EPSB Offices

100 Airport Road, 3rd Floor, Conference Room A, Frankfort, KY 40601

February 9, 2015

Monday, February 9, 2015

9:00 AM EST Call to Order

Roll Call

Open Speak

Approval of Consent Items

- A. Approval of December 8, 2014 EPSB Minutes (**Pages 1-40**)
- B. Approval of Contract (Mr. Jimmy Adams) (**Pages 41-42**)
- C. Learning and Behavior Disorders P-12 Initial (Bachelor's Level), Alice Lloyd College (Dr. Kim Walters-Parker) (**Pages 43-46**)
- D. Offsite Campus Approval, Western Kentucky University (Dr. Walters-Parker) (**Pages 47-50**)
- E. 16 KAR 5:040. Request to Waive Requirements Pertaining to Observation of Teacher Candidates During Student Teaching, Western Kentucky University (Dr. Walters-Parker) (**Pages 51-54**)
- F. 16 KAR 5:040. Request to Waive Student Teacher Placement Requirements, Dr. Sam Evans on behalf of Anthony Echeveste, Elizabeth Isenhower, Julie Crone, and Rebecca Sledge (Dr. Walters-Parker) (**Pages 55-58**)
- G. 16 KAR 5:040. Request to Waive Student Teacher Placement Requirements, Dr. Sam Evans on behalf of Rachel Walters (Dr. Walters-Parker) (**Pages 59-62**)
- H. Remedial Ethics Training, Jefferson County Teachers Association (Ms. Alicia Sneed) (**Pages 63-64**)

Report of the Executive Director

- A. Report from the Kentucky Department of Education
- B. Report from the Council on Postsecondary Education
- C. Kentucky Rising Joint Initiative
- D. Strategic Plan Update (Mr. Adams)

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- E. Literacy Preparation Advisory Committee Update
(Dr. Walters-Parker)
- F. Council for the Accreditation of Educator Preparation
(CAEP) Reporting Data Measures (Dr. Walters-Parker)
- G. Legislative Update (Ms. Sneed)

Report of the Chair

Committee Appointments

Program and Accreditation Review Committee (PARC)

Principal Program Review Committee

Executive Director Goals

Presentations

University of Louisville and University of Kentucky Middle School
Clinical Preparation Programs

Information/Discussion Items

- A. Awarded Contracts (Mr. Adams) (**Pages 65-66**)
- B. Mid-Year Budget Report (Mr. Adams) (**Pages 67-68**)
- C. 16 KAR 1:030. Procedures for Certificate Revocation,
Suspension, Reinstatement and Reissuance, and Application
Denial, Amendment, Notice of Intent
(Mr. Gary Stephens/Ms. Cassie Trueblood) (**Pages 69-76**)
- D. Determining Probable Cause to Take Disciplinary Action
Procedure, Amendment, Notice of Intent
(Mr. Stephens/Ms. Trueblood) (**Pages 77-84**)
- E. New Policy: Policy and Procedure Development and Regulatory
Promulgation Procedure, Notice of Intent (Ms. Sneed)
(**Pages 85-88**)
- F. Progress Report of Option 6 Programs, University of the
Cumberlands (Ms. Sneed) (**Pages 89-90**)

Action Item

Kentucky Teacher Internship (KTIP) Appeals
(Ms. Donna Brockman) (**Pages 91-94**)

Waiver

16 KAR 9:080. Request to Waive Admission Requirements,
Mr. Michael Dailey (Mr. John Fields) (**Pages 95-97**)

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) and
(1) (j).*

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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: April 13, 2015
EPSB Offices

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The actions delineated below were taken in open session of the EPSB at the December 8, 2014, 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;">Education Professional Standards Board (EPSB) Summary Minutes of the Meeting EPSB Offices, 100 Airport Road, 3rd Floor Frankfort, Kentucky</p>
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Consent Item A

Call to Order

Chair Cassandra Webb called the meeting to order at approximately 9:00 a.m. EST.

Swearing In of New Board Member Designee

Board secretary Ashley Abshire swore in Cindy Parker as a designee for the Kentucky Department of Education (KDE). Cindy Parker introduced herself as the Director of the Division of Next Generation Learners at KDE.

Roll Call

The following Board members were present during the December 8, 2014, EPSB meeting: Brandy Beardsley, Ellen Blevins, Barbara Boyd, Tolya Ellis, Allen Kennedy, Marie McMillen, Mary John O’Hair, Cindy Parker, Michael Ross, Laura Schneider, Sandy Sinclair-Curry, Shannon Treece, Cassandra Webb, David Whaley, and April Wood. Anthony Strong was absent.

Board’s Mission Statement

Chair Webb reminded the Board of its mission statement by reviewing it with the Board and audience.

Open Speak

There were many requests for Open Speak.

Dennis Courtney

Mr. Dennis Courtney introduced himself as an attorney from Murray, Kentucky, who has represented teachers in Western Kentucky for more than 20 years. Mr. Courtney shared his opinion regarding allegations against teachers and said that during his course of representation he has come across a whole gamut of accusations. He stated that he believes the EPSB has moved beyond what should be done to an accused teacher by flagging his/her certificate when accused of something, and said he has represented many teachers who have tried to get jobs elsewhere and didn’t receive interviews because human resources and superintendents can see the flag in the system.

He further shared his belief that when an accusation is made these teachers are denominated as accused, and in his opinion, results with there being a cloud over their lives, which affects their lives and affects them psychologically. He said there are times when it is best if a teacher can leave a district and go somewhere else, but with a flag on his/her certificate he/she must stay in his/her district.

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Cher Caldwell

Ms. Cher Caldwell introduced herself as a teacher from Union, Kentucky. She reported that on Sunday, November 24, an article by Fox 19 news claimed that hundreds of teachers had been disciplined in Ohio and Kentucky. She stated that the video image posted online with the article and a skim through the article depicted that the teachers in the article were criminals. A link of teachers who have faced discipline in Kentucky was also posted by Fox 19. This link included teachers' names who were not criminals and, in some cases, teachers' names were included whose cases were dismissed. Ms. Caldwell stated her opinion that the reporter, Ms. Wagner, was not the only one to blame for the information to be portrayed this way. She also blamed the EPSB and asked who held the EPSB accountable for lack of discretion. Ms. Caldwell said her name was on the list posted with the Fox 19 article and shared that she was admonished for conduct unbecoming. She stated her belief that when Fox 19 included her name on a list with criminal teachers that gave the appearance she was a criminal too. She also stated her opinion that the EPSB must develop regulations that revise the basis for discipline categories to more accurately describe the accusations made and add a scale to rate the level of severity of violations, and provide the EPSB definitions for terms, such as 'admonishment', with the lists to prevent misunderstandings.

Stephen Collins

Mr. Stephen Collins reported he was from Boone County and said that many teachers have been told they were on the bad teacher list, compared to a sex offender, and broadcasted on the news. He said some teachers' cases were so minor that they received an admonishment, yet they were listed with hardened criminals in the news article. Mr. Collins stated that 'a parent with a grudge' wanted to attack him and the girls soccer coach at his school. He said he never fought the charge because he didn't think it was a serious nature. He said, unfortunately, his name was in the article so he looked like a criminal and this was not fair for an offense that was given an admonishment for him to be deemed a hardened criminal. Mr. Collins said he was told an admonishment was a good deal and he should take it, but if he had known this article would be released, he would rethink not fighting his case. He shared his belief that even the greatest of teachers make mistakes but when they get compared to criminal acts, Kentucky will lose great teachers. He expressed that the EPSB needs a better reporting system so that all teachers don't look like criminals. He further stated the EPSB needs to create a system of designation of teachers who have made minor mistakes versus criminals and a system to have infractions removed over a period of time. He said Kentucky teachers can be human and should not be subjected to public censor.

Edmundo Echeverria

Mr. Edmundo Echeverria said he came to this country 20 years ago as an immigrant and he was fortunate to receive a college education. He reported that he often times felt like a target and that parents questioned whether he could teach their children English and whether his vocabulary was sufficient for their children. He said he received an admonishment and it scared him, and that he accepted the admonishment because it would allow him to continue to teach. He stated that he came to the Board to say he felt treated unfairly. He further stated his belief that it was probably too late for his case to be treated fairly, but he wanted to make a difference for another

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teacher. He said he only had five (5) minutes to clear his name. Mr. Echeverria stated his opinion that the Board made a mistake; it should try to fix the mistake; and policies can be made.

Steve Oliverio

Mr. Steve Oliverio said that he agreed with everyone who had spoken prior to him in Open Speak. He said his situation was that he was a professional athlete for 20 years and had been teaching for 15 years. He stated his opinion that a parent, who had an agenda against him, was the reason why he ended up having a case. He explained that his name appeared on the list for something he was accused of doing, but it was a 'made up story'. He further shared that when the article was released, one of his students told him he was on the bad teacher list. He said he was admonished and being on the list affected his private business. He also reported that a news article in one of the school districts in Northern Kentucky said it was not going to hire any teacher whose records have a flag from the EPSB. According to Mr. Oliverio, he didn't do anything wrong, and, even though he's a great teacher and coach, he is blackballed and his name was on the list.

Tonya Young

Ms. Tonya Young from Northern Kentucky said her case was dismissed but her name was on the list and the news article was brought to her attention by students. She stated that people can make a complaint against you, whether it's true or not. She reported that after an accusation is made a teacher is immediately placed on administrative leave. She said her case also involved coaching and people can have 'axes to grind'. According to Ms. Young, a cloud follows her everywhere and something needs to be done. She stated her opinion that the list needed to be modified and this Board needed to take a serious look at its policies and what needs to be reported.

Teresa Burkhardt Lankford

Ms. Teresa Burkhardt Lankford stated that her name was on the list and the list was, definitely, not equitable. She also said her name was listed several times and it made it appear that she had several offenses, which she did not. She further stated she has never abused or hurt a child, yet her certificate was suspended for 45 days. Ms. Burkhardt Lankford said she has difficulty to see how a teacher who has been arrested or pushed, shoved, physically, mentally, or sexually abused a child can be admonished, yet she was suspended. She said that despite excellent references she can't find a job and her career has been ruined. She said that she has been publicly humiliated for something that occurred almost 2 years ago, and asked how that a teacher who has never had any infraction can be flagged for life for something that had no bearing in her classroom performance. She claimed the EPSB acted as a judge and jury and sentenced her to life with parole. Ms. Burkhardt Lankford expressed her opinion that something does have to be changed. She suggested the Board needed to revise its policies to be equitable to all teachers because the current system is not. She said everyone deserved to be treated fairly and she was not.

Josh Powell

Mr. Josh Powell said that in 2008 he was hired in Union County. He stated that he declined state assistance for the district and was threatened by KDE that if he didn't use the assist team that his life would be a nightmare through audits and such with the Office of Education Accountability,

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and he said that had happened. He further said that for some of the best things he has done in education he was written up for and publicly humiliated. Mr. Powell said KDE dismissed those accusations but the EPSB 'took them all on' and tried to get him to admit to things that didn't happen. He said after about \$500,000 was spent the EPSB told him if he fought at his own defense, then the EPSB would take his certificate for life. He reported that the 47- page OEA report found that he illegally certified a principal, which was a mistake made by the EPSB, and the EPSB wrote a letter acknowledging this. Mr. Powell also alleged that since then, private investigations from the EPSB office and calls with malice from Ms. Sneed have taken place. Mr. Powell stated his intention to put the Board on notice that this whole process was a violation of the constitution. According to him, the Board only receives limited information and must trust what is provided to them is accurate and precise. He said no ethical code is required under the executive branch of government, and when there is that much leeway without measures of protection then misconduct can occur and people's rights can be violated. Mr. Powell shared his belief that things should be changed and should start from ground zero, and he said he has suffered from it. He questioned what happened if the Board flagged a certificate and a teacher has not been charged with anything, and then the prosecution offered a deal. He stated his opinion that it was prosecutorial misconduct. Mr. Powell also offered to share evidence, including audios, concerning conduct of the legal office if the Board was interested.

Dennis Janes

Mr. Dennis Janes introduced himself as an attorney who has been representing educators since 1977. He said he was at the meeting for discussion items A and B, and added his opinion that there were problems with the disciplinary procedures. He shared his belief that the EPSB receives too many trivial cases and accepts complaints from anyone on anything. He also said the EPSB must filter the body of complaints and currently the EPSB doesn't do that very well. According to Mr. Janes, it takes too much time to get cases resolved and can take years to get a hearing scheduled, and those who are falsely accused are blacklisted until then, which is unfair. He also said that once someone made a mistake and had taken measures to correct his/her mistake, there was no way for him/her to cleanse his/her professional record. Mr. Janes said none of these issues were addressed in the proposed regulation to be discussed in discussion items A and B.

Ben Basil

Mr. Ben Basil introduced himself as an attorney from Louisville who has been representing teachers for three (3) years. He stated his opinion that the proposed regulations left out the following: 1) when a charge is initiated, a teacher is not notified of the direct allegation and what needs to be addressed to the Board; 2) there is no time limit for the investigation and nothing defines the scope of investigation or who should do it; 3) no requirement that the Board turn over to teachers what the Board may discover; and 4) if there is a hearing, there is no time limit for when the hearing will be.

JoEllen McComb

Ms. JoEllen McComb introduced herself as an attorney in Lexington who has practiced since 1993 representing teachers and administrators. She stated that she echoed many comments made by fellow counsel and urged the Board to proceed with all deliberate speed to promulgate a complete set of governing procedures and detailed policies from beginning to end. Ms. McComb said she agreed that the proposed regulation for consideration was inadequate and said there was

nothing binding the EPSB with timelines. She shared her opinion that the flag on teachers who have cases dismissed was a real problem. She also stated her belief that the EPSB should have a procedure for ‘cleaning up’ the record of a teacher and that the EPSB should make sure the regulations issued are complete and thorough.

Thomas Haddock

Mr. Thomas Haddock said he currently serves as KEA president of Boone County and received phone calls when teachers were suspended. He shared his belief that it is sad that parents have this much power and encouraged the EPSB to make changes to policy and procedures so Kentucky doesn’t lose good teachers.

Recognition of Former EPSB Member

Chair Webb recognized Dr. Bradley Bielski for his service on the EPSB. She said he was skilled at getting to the center of an issue, taking into consideration all points of view, and had a solution that had all stakeholders in mind. She said Dr. Bielski’s departure was a loss to the Board but knows he is serving in a great capacity.

Dr. Bielski said it was a pleasure serving on the Board and doing work with NTEP and CCSSO. He wished the Board good luck in the future.

Approval of Consent Items

Chair Cassandra Webb requested that Board members identify any items on the consent agenda which they wished to discuss prior to taking final action. No items were asked to be pulled for further discussion.

2014-065

Motion made by Mr. Mike Ross, seconded by Ms. Marie McMillen, to approve the following items on the consent agenda:

October 13, 2014, EPSB Minutes

Master of Arts in Education – Teacher Leader, University of Pikeville

Moderate and Severe Disabilities Grades P-12 Initial (MAEd.), Georgetown College

Moderate and Severe Disabilities Grades P-12 Option 6 (MAEd.), Georgetown College

Vote: *Unanimous*

Dr. Kim Walters-Parker recognized representatives from University of Pikeville and Georgetown College whose program were approved.

Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

The report from KDE was in the Board folders. There were no other questions from the Board.

Report from the Council on Postsecondary Education (CPE)

The report from CPE was in the Board folders. There were no other questions from the Board.

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Strategic Plan Update

Deputy Executive Director Jimmy Adams shared some updates to Goals 1 and 2. Goals 3 and 4 had no updates since the October meeting. Ms. Marie McMillen inquired in regards to Goal 1 as to why it would be 2021 before all institutions must be state accredited and Council for the Accreditation of Educator Preparation (CAEP) accredited. She expressed her concern for this taking so long. More discussion surrounding this concern is discussed below under CAEP updates.

Snow Plans and KTIP

Executive Director Brown said that some districts had alternative snow plans approved by KDE. Staff will be coming back to the Board at a later date to discuss the alternative snow plans and the student teachers' and district teachers' schedules and how to keep the schedules consistent as the Board moves forward.

Kentucky Advisory Council on Internships (KACI) Update

Professional Learning and Assessment Director Donna Brockman introduced Dr. Sharon Brennan and Ms. Janet O'Connell who assisted in the KACI update to the Board. Dr. Brennan is the Director of Field Experiences at the University of Kentucky and Chair of KACI and Ms. O'Connell is a social studies teacher at West Jessamine High School and a member of KACI. Donna Brockman said that the pilot is going very smoothly. 21 public schools and 1 private school are part of the pilot. More information will be brought to the Board on KTIP regulation changes in February with final action anticipated at the April EPSB meeting. She said training will occur May 2015- September 2015 with full state implementation in 2016.

Dr. Sharon Brennan said that KACI meets quarterly and tries to meet a few weeks before the EPSB meets. A subcommittee of KACI also meets at least once a month. This subcommittee is currently working on documents and supplementary material so that procedurally everything is prepared for the April EPSB meeting. She said it is possible that more than 5000 educators will be trained on the new process. Principals, resource teachers, and teacher educators will all be trained. Principals will take a quiz which will show their knowledge of the new regulations, procedures, and policies. Principals will not have to do training on Teachscape. A second part of training will be largely face-to-face but an online system is also anticipated to accommodate all needs.

Ms. Janet O'Connell said that a critical part of the first pilot was to get feedback. Surveys are scheduled to follow the end of each of the three (3) cycles with the first cycle just ending and feedback beginning to be received. She said all first cycle feedback is expected to be received in January. In addition to surveys, focus groups will be held across the state for face time feedback. She said KACI is interested in feedback and seeking thoughtful solutions to ensure statewide implementation next year is successful.

Supporting Educator Effectiveness Development (SEED) Grant Update

Ms. Suzanne Farmer and Ms. Lauren Hill gave a SEED Grant Update. Ms. Suzanne Farmer is the grant manager and Ms. Lauren Hill serves as a hybrid teacher for the grant. She also works part-time as a high school English teacher. Ms. Farmer said that the National Board office released newly certified teacher numbers at the beginning of December. The press release was provided to the Board in their folders. Kentucky had approximately 200 newly certified teachers, which ranks Kentucky 6th place nationally for newly certified candidates and 9th place

for the total number of newly certified teachers in the country. Jefferson county ranks 7th in the country for the number of newly certified teachers. The goal set by the legislature is that by 2020 there is a national board certified teacher in every school. Currently 39% of schools do not have a national board certified teacher.

Ms. Lauren Hill said that she has been an educator for 24 years. She said she is looking to find ways for teachers to lead without leaving the classroom, as well as working on finding solutions to what is hampering student learning in classrooms. Ms. Donna Brockman said an article about this work was published in The Washington Post by Ms. Hill.

Dr. Mary John O’Hair thanked Ms. Farmer and Ms. Hill for their work. She said during the prior week she was at the National Board headquarters and they were speaking very highly about the work in Kentucky. Mr. Mike Ross said that he knows national board certified teachers that are about to be recertified and are having difficulty finding resources to be recertified. He said these teachers need help finding resources as this is a real issue.

Council for the Accreditation of Educator Preparation (CAEP) Update

Dr. Kim Walters-Parker introduced Jessica Hill as the new administrative specialist for the Division of Educator Preparation. She said the biggest news right now is not directly with CAEP but what’s going on around it and that is the new Title II proposed regulations which are currently under a 60-day comment period.

Drs. Kim Walters-Parker and Manish Sharma attended the first CAEP Data Initiative. Dr. Walters-Parker said she felt a lot of progress was made at this meeting. Dr. Sharma, President of KACTE, said he felt while talking to other states at the CAEP Data Initiative that are ahead of the curve in data and how they utilize data within their states, Kentucky is ahead by things accomplished in KITEP and PARC. He said his hope is efforts for institutions will not have to be duplicated if what Kentucky is doing is accepted by CAEP. Other states are interested in how Kentucky is collecting data, which is positive.

Drs. Kate Shanahan and Margaret Moore reported on the work of the Kentucky Information Technology for Educator Preparation (KITEP). KITEP is a subcommittee of KACTE. The first data institute was held on December 4, 2014, and 19 institutions and 2 state agencies attended. At the institute attendees discussed how to move forward in addressing new standards through CAEP, as well as national and state regulations and initiatives around teacher preparation and supporting quality preparation programs. Dr. Margaret Moore said that KITEP will sponsor a second data institute in the spring. They will also be presenting at the AACTE national conference in February to report on collaborative efforts that Kentucky has ongoing. She said that Kentucky is leading in many ways as part of data initiatives in meeting collaborative efforts with state agencies and setting national agenda levels.

Dr. Verna Lowe said the Program and Accreditation Review Committee (PARC) met on December 5 and was able to view the interactive web-based tool that will be used for the program review and accreditation process. PARC has been meeting for months to determine what data is needed for this tool. This tool will be a great communication tool for institutions to tell their story, show how they are being innovative, and show how they are continually improving. Institutions will only need to do annual updates with this tool, and it will be a very efficient way to prepare for accreditations. Dr. Lowe said PARC is really excited about the progress thus far.

Dr. Mary John O'Hair asked for three key points on how Kentucky is ahead of other states. Dr. Walters-Parker said we have a data system that connects P-workforce. She said we are missing some P-12 achievement data, but it is on the way and estimated to have this data within 90 days. Dr. Walters-Parker said even without the P-12 achievement data we are able to look at employment and retention of new teachers, connect to TELL survey information, etc. She said the collaboration that we have that connects all the data has already put us in position to know things about students coming into this state for employment, which is one of our major concerns. Dr. O'Hair asked the audience, specifically, if they think Kentucky is doing that yet. She said the Board would really like feedback because they want to be accurate. Dr. O'Hair said she is concerned as a Board if Kentucky has made that progress and is accurate in making that statement.

Ms. Marie McMillen asked if every university has access to the online system. Dr. Walters-Parker said yes, it is hoped they will have access in about six (6) months. Currently EPSB IT staff is making changes to what worked and did not work for the pilot of the online system. Ms. McMillen said she is concerned that this will not work similar to CIITS which was supposed to be wonderful. Dr. Walters-Parker said this is a customized program and is different than what another provider could do.

Chair Webb said she was concerned with the strategic plan. She said the Board was the visionary and felt it was far behind the institutions that are moving forward. She said in July 2013 the Board heard about CAEP standards and the Board has not moved at all. She said she is interested if we are really ahead, and then, is the Board setting the vision or sitting and waiting for everything to be done and then the Board approves it. She said she challenges the EPSB's innovativeness. Chair Webb further said she wants the Board to keep in constant communication with post-secondary. Kim said an example of moving forward is the teacher preparation feedback reports. Dr. Walters-Parker said there may be five (5) states that could put together a report like the one the EPSB completed. Dr. Walters-Parker said that CAEP has had 14 states sign partnership agreements. The accreditation handbook is not yet finished. The consensus of most states has been that until those decision rules in the handbook are in place we would be putting our institutions in a spot to sign something they or the Board can't see yet. January is the anticipated date the handbook will be approved by the CAEP Board and Dr. Walters-Parker hopes that it would be available by the CAEP Spring conference in April.

President Bob King said he was concerned that as this process is unfolding with KCEWS he wanted to know what exactly is going to be measured and reported on. Dr. Walters-Parker said that most of what is being developed thus far is defined by what CAEP and Title II requires to report. She said feedback on data to be measured and reported from the Board and institutions is welcomed.

Dr. Walters-Parker is going to report to the Board at the February EPSB meeting about the measures of data.

Report of the Chair

Report from the Committee to Review the Evaluation of the Executive Director Committee

Chair Cassandra Webb said that Board members should have received an email from Board member Anthony Strong. Ms. Webb said that she and vice-chair Mary John O'Hair will meet with Executive Director Brown within the next couple weeks to discuss goals for his evaluation,

the direction, and to meet with counsel to make sure that the procedure for his evaluation is in alignment with Mr. Brown's contract. She will then bring this information back to the Board for input.

Information/Discussion Items

16 KAR 1:030. Procedures for Certificate Revocation, Suspension, Reinstatement and Reissuance, and Application Denial, Amendment, Notice of Intent

Mr. Allen Kennedy said that flagging was an issue currently in litigation. He said that if the Board discussed anything about flagging he was going to remove himself from the discussion or anything else in the realm of litigation.

Ms. Sneed addressed the Fox 19 news report. She said the EPSB received an open records request from Wave 3 of Louisville. The EPSB was bound to release any information not exempted and EPSB staff only gave information on closed cases. What Ms. Sneed said she believed occurred was that Wave 3 shared the data with another news station and that news station without talking to the EPSB released the data.

Ms. Marie McMillen asked that the cases from the 1990s be taken to a hearing. Ms. Sneed explained this may mean the respondents don't get their certificate taken and Ms. McMillen said to still take it to a hearing.

Timelines were the first topic discussed. Ms. Sneed said that more staff would be needed if timelines were placed in regulation. Chair Webb said that before we determine more staff was needed, timelines must be established first. Ms. Cindy Parker read a letter from the Commissioner who said he was concerned with the impact the process had on teacher and administrator morale and teacher recruitment. He asked that the pending lawsuit not delay regulation changes and said the EPSB needs an external reviewer from outside Kentucky to look at the process. A document with feedback from KEA, CPE, and KDE was used as a point of reference for the timeline. It was determined that at the next meeting a draft regulation with the following timeline information be included:

- 1) Attorney investigates initial complaint and any other matters that come to light during investigation for a period of 90 days after the Board votes to hear the case with a mechanism for an extension where the circumstances require additional time.
- 2) The initial written offer of settlement must be made within (90) days of the date the EPSB voted to hear the matter with a mechanism for an extension where the circumstances require additional time such as when a criminal investigation is in pending.
- 3) Within 20 (twenty) days after a written request for hearing is received by the assigned attorney, administrative hearing charges pursuant to KRS 13B.050 shall be drafted and served on the respondent, with a copy simultaneously provided to the Administrative Hearing Division of the Attorney General with a mechanism for an extension where the circumstances require additional time such as a current criminal investigation.

President Bob King said that comments made in Open Speak made some telling recommendations to the Board. He said he was perplexed by the number and type of cases that come to the Board. He expressed his opinion concerning the time to hearing as unacceptable and that the accusation does not include specificity to charges as incomprehensible. President King agreed with the Commissioner's recommendation for the Board to have an external reviewer

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outside of Kentucky who is familiar with what goes on in other states to review the Board's disciplinary process.

Ms. Alicia Sneed stated that the types of cases brought to the Board are those determined by the general assembly or the Code of Ethics. She said the Board may want to determine specifically what they want to see, but at this point staff do not have guidelines. Ms. Sneed said she monitors what the Board dismisses so she won't bring back similar cases.

Ms. Sneed said the definition of dismissal is very broad so the Board can revisit any case. At one point the Board had the option to dismiss with or dismiss without prejudice, but in 2007 the Board asked to have only one option to dismiss and that was dismiss without prejudice.

It was determined from the remarks of Ben Basil, who spoke briefly during Open Speak and was questioned during the agenda discussion relating to discipline during the Board meeting, that teachers with complaints do not receive the section of the law they are accused of violating with the initial complaint. The Board asked legal staff to send to teachers with complaints the section of the law they are accused of violating when they send the initial complaint.

Mr. Mike Ross stated that it has bothered him recently that attorneys who represent teachers with cases on the other side of the issue are not involved in this process of amending the disciplinary process. He said the document brought to the Board at the last meeting was insufficient from what was asked to be brought in April.

Ms. Shannon Treece said she believes we need a filtering component on the types of cases the Board sees to shorten the process. She said there is no clarity for administrators on what to report to the EPSB.

President King said if the current statutory structure is not working sufficiently then the Board can make a recommendation to the legislature to change it. He also said that the Board needs to better define the meaning of different outcomes of cases and find a way that, if made public, it is clear that those accused teachers who have had final decisions that have been made favorable to the teacher instead of the accuser, that those decisions are made clearer.

Ms. Brandy Beardsley said it is important that a complaint continue to be allowed to be made by anyone.

The Board asked Alicia to bring back in February an information/discussion item. This item should include the following information in the draft regulation:

- 1) Attorney investigates initial complaint and any other matters that come to light during investigation for a period of 90 days after the Board votes to hear the case with a mechanism for an extension where the circumstances require additional time.
- 2) The initial written offer of settlement must be made within (90) days of the date the EPSB voted to hear the matter with a mechanism for an extension where the circumstances require additional time such as when a criminal investigation is in pending.
- 3) Within 20 (twenty) days after a written request for hearing is received by the assigned attorney, administrative hearing charges pursuant to KRS 13B.050 shall be drafted and served on the respondent, with a copy simultaneously provided to the Administrative Hearing Division of the Attorney General with a mechanism for an extension where the circumstances require additional time such as a current criminal investigation.

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4) Add a filtering component to include a subcommittee to review all received complaints

In addition to these changes to the proposed regulation, the Board wanted to include in the recommendations the need for an external reviewer on the disciplinary process, a subsection on the complaint to include the section of the law that an individual is accused of violating, ensure the code of ethics is up for review with strategic plan and that the Board review the date and see to determine when it should be brought before the Board.

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

Since this information/discussion item partially pertains to the flagging issue, Ms. Sneed will bring this item back to the Board in February with other information that is not part of the lawsuit.

New Policy: Policy and Procedure Development and Regulatory Promulgation Procedure, Notice of Intent

This item was not discussed. It will be brought back in February for discussion.

Action Items

2015 Legislative Agenda

Ms. Marie McMillen asked that the Board begin to look at what changes may need to be made to the disciplinary statutes so that they could be placed on the agenda. After discussion it was determined that since the legislative session is short and coming up in less than one month the Board can continue to look at the statutes that need to be changed and revisit for the next legislative session.

2015-066

Motion made by Ms. Brandy Beardsley, seconded by Dr. Mary John O'Hair, to approve the 2015 Legislative Agenda to support legislation which furthers the EPSB mission and goals and oppose any attempts to dilute or modify the current authority of the EPSB.

Vote: *Unanimous*

16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Amendment, Final Action

Dr. David Whaley had some questions for staff regarding testing. Ms. Donna Brockman said that the EPSB has a liaison with the Educational Testing Service (ETS) that could come to KACTE, Murray State University, and/or the EPSB to explain and answer any questions on the testing process. Dr. Whaley said that would be helpful.

2014-067

Motion made by Ms. McMillen, seconded by Ms. Laura Schneider, to approve the amendments to 16 KAR 6:010.

Vote: *Unanimous*

Waiver

16 KAR 8:030. Request to Waive Continuing Education Option Requirements, Ms. Brandy Dermitt

2014-068

Motion made by Mr. Ross, seconded by Ms. Ellen Blevins, to accept the waiver request for Ms. Brandy Dermitt to allow an extension of time for CEO work.

Vote: *Unanimous*

Alternative Route to Certification Application

Steven Rahe, Theatre, All Grades

2014-069

Motion made by Mr. Ross, seconded by Ms. Ellen Blevins, to approve the alternative route to certification application for Mr. Steven Rahe.

Vote: *Unanimous*

Board Comments

The Board had no comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
December 8, 2014**

Motion made by Ms. Marie McMillen, seconded by Ms. Sandra Sinclair-Curry, 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 Ms. Tolya Ellis, seconded by Ms. Laura Schneider, to return to open session.

Vote: *Unanimous*

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

Cassandra Webb, Michael Ross, Ellen Blevins, David Whaley, Laura Schneider, Tolya Ellis, Barbara Boyd, April Wood, Sandra Sinclair-Curry, Mary John O’Hair, and Shannon Treece.

Attorneys present were Alicia A. Sneed, Cassandra Trueblood, Whitney Crowe, Gary Stephens, Chelsea Fannin, Eric Ray, Cynthia Grohmann, and Ryan Halloran.

Initial Case Review

Case Number

Decision

1407411

Admonish (*Ms. Sinclair-Curry and Ms. Blevins dissented*)

1408500

Defer for training

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1407415	Defer for training
1407440	Hear
1408520	Defer for training
1408514	Hear
1408530	Hear
1409653	Dismissed
1408528	Dismissed
1408494	Defer for training
1410707	Dismissed
1408634	Hear
1408508	Hear
1408583	Dismissed (<i>Ms. Treece recused</i>)
1408556	Dismissed
1409667	Dismissed
1408572	Admonish (<i>Ms. Schneider recused</i>)
1408579	Dismissed
1408566	Admonish (<i>Ms. Schneider dissented</i>)
1408577	Hear
1410717	Defer for training (<i>Ms. Schneider, Ms. Treece, and Ms. McMillen dissented</i>)
1410715	Defer for training (<i>Ms. Schneider, Ms. Treece, and Ms. McMillen dissented</i>)
1408625	Hear
1408589	Hear
1409680	Dismissed
1408632	Hear
1408595	Hear
1409671	Hear
1409676	Admonish
1409689	Hear
1409682	Defer for training
1408581	Hear
1408568	Admonish
1409669	Admonish
1409691	Admonish
1409649	Hear
1408629	Hear
1408623	Hear
1409665	Hear
1409647	Hear
1408593	Hear
1408585	Defer
1408640	Dismissed
1408506	Admonish
1408502	Hear
1408558	Hear

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1408587	Hear
1408526	Hear
1408591	Dismissed
1409651	Dismissed
1409687	Hear
1408498	Dismissed
1408524	Admonish
1408533	Admonish
1408518	Admonish
1408636	Dismissed (<i>Ms. Blevins dissented</i>)
1405289	Dismissed
1309675	Dismissed
1303205	Dismissed
1310718	Dismissed
1405253	Dismissed
1406362	Dismissed
1403187	Hear
0912700	Dismissed
1006387	Dismissed
1407427	Dismissed

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
141097	Approve
141113	Deny
141111	Approve
141112	Approve
141114	Approve
141118	Approve
141124	Approve
141125	Approve (<i>Ms. Schneider dissented</i>)
141129	Deny
141135	Approve
141144	Approve
141148	Approve
141149	Approve
141152	Approve
141155	Deny
141172	Approve
141175	Approve (<i>Ms. Blevins dissented</i>)
141179	Approve
141180	Approve
14885	Approve
141101	Approve

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141115	Approve
141128	Approve
141106	Approve
141137	Approve
14100	Deny
12125	Deny
14888	Approve (<i>Ms. Boyd dissented</i>)
141173	Approve
141177	Approve
141186	Approve

Agreed Orders

Case Number

Decision

1104264 (Frances Cohn) Accept Agreed Order which states that Respondent's certificate has expired and she has no plans to return to the classroom. Should Respondent decide to return to the profession in the future, she must provide proof that she has completed all conditions from Case No. 0905287. Should Respondent fail to provide proof of the conditions, her certificate shall remain suspended until she provides proof of the conditions.

Vote: *Unanimous*

1309679 (Andrea Coleman) Accept Agreed Order which states that the Education Professional Standards Board does not permit educators to unnecessarily subject students to unjustified embarrassment and disparagement. Respondent agrees with the Board that an educator has a duty to treat all students with dignity and respect. Respondent shall comply with these standards of conduct.

Vote: *Unanimous*

1305367 (Carolyn Lewis) Accept Agreed Order which states that on or before January 1, 2015, Respondent shall provide written proof to the Board that she has successfully completed three (3) hours of Administration Code training, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

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On or before July 1, 2015, Respondent shall submit written proof to the Board that she has successfully completed a course, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board. This agreement is expressly conditioned upon Respondent agreeing to testify truthfully in any hearing involving her co-Respondents at the Board's request. Should Respondent refuse to do so at any point in the future, the Board may void this Order, reopen this case, and seek additional sanctions against Respondent's certificate.

Vote: *Unanimous*

1311836 (Donny Blankenship) Accept Agreed Order admonishing Respondent for exhibiting a lack of professional judgment in his interactions with students. A teacher in the Commonwealth of Kentucky has a duty to protect the health, safety, and welfare of students as well as a duty to refrain from subjecting students to embarrassment and disparagement. As a certified educator, Respondent must strive to uphold the responsibilities of the teaching profession by maintaining a positive learning environment for students and by treating each student with dignity and respect. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate shall be on probation for a period of eighteen (18) months and subject to the following probationary conditions:

1. Respondent has provided written proof to the Board that he has successfully completed eight (8) hours of anger management training.
2. By July 1, 2015, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of

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certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

3. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving conduct unbecoming. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

Respondent is aware that should he violate KRS 161.120, either during or following this eighteen (18) month period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1305365 (Kevin King)

Accept Agreed Order suspending Respondent's certificate for a period of fifteen (15) days from the date upon which the Board approves this agreement. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate to the EPSB by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Respondent is hereby admonished for failing to follow the administrative procedures related to student testing. Strict compliance with the *Administration Code for Kentucky's Educational Assessment Program* ensures the well-being of the students and the integrity of the testing process are maintained. The Board will not tolerate any further violations of testing procedures by Respondent.

On or before January 1, 2015, Respondent shall provide written proof to the Board that he has successfully completed three (3) hours of Administration Code training, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the

required training and provides the appropriate written proof to the Board.

On or before July 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

This agreement is expressly conditioned upon Respondent agreeing to testify truthfully in any hearing involving her co-Respondents at the Board's request. Should Respondent refuse to do so at any point in the future, the Board may void this Order, reopen this case, and seek additional sanctions against Respondent's certificate.

Vote: *Unanimous (Dr. Whaley recused)*

CF14749 (Danesia Hodges) Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

Respondent shall submit written proof to the Board that she has completed a course on professional ethics training, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge other than a minor traffic violation, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

2. Respondent shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of her

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certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Vote: *Unanimous*

140111 (Stanley Waller)

Accept Agreed Order in which Respondent voluntarily surrenders his teaching and administrative certificates. 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 his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

140128 (Howard Fabing)

Accept Agreed Order which states that Respondent shall not seek or accept any position of employment in Kentucky that requires teaching certification. Additionally, upon expiration of Respondent's certificate on June 30, 2017, 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. Should Respondent violate this agreement, Respondent's certificate shall be automatically suspended for its remainder and/or any application for certification shall be denied.

Vote: *Unanimous*

1309695 (Derek Wiggins)

Accept Agreed Order suspending Respondent's Administrative certificate for a period of thirty (30) days. Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, KY 40601. This settlement agreement is expressly conditioned upon the following:

1. On or before December 1, 2015, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of educator ethics professional

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development or training, which shall include a component on professionalism. Any expense for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

2. On or before December 1, 2015, Respondent shall submit written proof to the Board that he has completed a course, as approved by the Board, on sexual harassment awareness. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

Respondent is aware that should be violate KRS 161.120 in the future; the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1306463 (Christopher Ballard) Accept Agreed Order admonishing Respondent for making inappropriate and harassing remarks to students and for subjecting students to embarrassment. Sexual jokes and innuendo constitute sexually related behavior, and the Professional Code of Ethics for Kentucky Certified School Personnel explicitly prohibits teachers from directing such remarks towards students. The Board will not tolerate any further incidents of ethical misconduct by Respondent. Respondent's certificate, including any and all endorsements, is hereby subject to the following probationary conditions for a period of five (5) years from the date the Board accepts this Agreed Order:

1. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed a course, as approved by the Board, on appropriate workplace interactions. Any expense incurred for said training shall be paid by Respondent.
2. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by the Respondent.
3. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving conduct

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unbecoming. “Disciplinary action” is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions during the probationary period, Respondent’s certificate shall be automatically suspended for a period of thirty (30) days. If applicable, at the conclusion of the thirty (30) day suspension, Respondent’s certificate shall remain suspended until such time as the probationary conditions are met.

Respondent is aware that should he violate KRS 161.120, either during or following this five (5) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

- 1311788 (Daniel McDonald) Accept Agreed Order admonishing Respondent for violating the Professional Code of Ethics by failing to properly manage school funds. The Board reminds Respondent that he has a statutory duty to competently perform his duties and to follow all state statutes and regulations relating to schools. The Board will not tolerate incompetence or negligence on the part of certified teachers in the Commonwealth of Kentucky. Respondent’s certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years from the date the Board accepts this Agreed Order:
1. On or before July 1, 2015, Respondent shall provide written proof to the Board that he has completed a course, as approved by the Board, on the Accounting Procedures for Kentucky School Activity Funds, which is more commonly referred to as “Red Book Training.” Any expense incurred for said training shall be paid by Respondent. If Respondent fails to comply with the requirements of this paragraph on or before July 1, 2015, Respondent’s certificate and any future endorsements or new areas of certification shall be automatically suspended until Respondent submits the required written proof to the Board.
 2. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has completed twelve (12) hours of professional development and/or training, as

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approved by the Board, in teacher ethics. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to comply with the requirements of this paragraph on or before January 1, 2016, Respondent's certificate and any future endorsements or new areas of certification shall be automatically suspended until Respondent submits the required written proof to the Board.

3. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving fiscal mismanagement. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Respondent fails to comply with the requirements of this paragraph, Respondent's certificate and any future endorsements or new areas of certification shall be automatically suspended for a period of six (6) months.

Respondent is aware that should he violate KRS 161.120, either during or following this three (3) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF14890 (Cyle Swartz)

Accept Agreed Order which states that Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate and upon providing proof that she has complied with the following condition:

Prior to being issued any teaching and/or administrative certification in the Commonwealth of Kentucky, Respondent shall provide written proof to the Board that she has completed a course, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by Respondent.

In order to maintain or obtain any certificate in the future, Respondent shall comply with the following:

1. Respondent shall not be convicted of nor enter a guilty or no contest plea to any further criminal charge(s) other than minor traffic violations. Failure to comply with this

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condition will result in Respondent's certificate being automatically suspended for further action by the Board.

2. Respondent shall submit a current criminal background check, as prepared by the Administrative Office of the Courts, to the Board with any application for renewal of her certification(s) and/or for additional certification(s). Any expense for the criminal background check shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Respondent is aware that should she violate KRS 161.120, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF141031 (Adrian Bates)

Accept Agreed Order Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate and upon providing proof that she has complied with the following condition:

Prior to being issued any teaching and/or administrative certification in the Commonwealth of Kentucky, Respondent shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall provide written evidence to the Board that she has complied with the assessment process and has successfully completed any and all treatment recommendations. Any expense for the assessment, treatment, and/or written reports shall be paid by Respondent.

In order to maintain or obtain an Emergency Substitute Teaching Certificate in the future, Respondent shall comply with the following:

1. Respondent shall maintain a current address on file with the Education Professional Standards Board. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board.

2. Respondent shall remain actively enrolled in a teacher education program and shall continue advancing towards completing a degree in education. Failure to complete a degree in education by January 1, 2017 will result in the denial of all applications for Emergency Substitute

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Teaching Certificate submitted by Respondent or on her behalf after that date.

3. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board.

4. Respondent shall submit a current criminal background check, as prepared by the Administrative Office of the Courts, to the Board with any application for Emergency Substitute Teaching Certificate. Any expense for the criminal background check shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for Emergency Substitute Teaching Certificate submitted by Respondent or on her behalf.

Vote: *Unanimous*

1111858 (Carol Prater)

Accept Agreed Order admonishing Respondent for neglecting her duty as an educator. Students should receive course credit only when they have ethically met all course requirements. School districts should receive credit only for those students actually in attendance. Poor record keeping and failures in oversight are detrimental to student and district welfare regardless of whether such failures are intentional or inadvertent.

This agreement is conditioned on the following.

1. Respondent agrees that she will not accept any position requiring administrative certification for the life of her certificate.

2. Respondent agrees that prior to returning to any position requiring teaching certification, she will submit written proof to the Board that she has completed twelve (12) hours of professional development/training, approved by the Board and at her own expense, in ethics.

If Respondent violates either of these conditions, her certificate shall be automatically suspended for a period of two (2) years and the Board may seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

07-09169 (Wayne Wigginton) Accept Agreed Order suspending Respondent's certificate for a period of two (2) years beginning July 1, 2012. Respondent shall surrender the original and all copies of

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this certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport, Road, Third Floor, Frankfort, Kentucky 40601.

Upon reinstatement, Respondent's certificate, including any future endorsements or new areas of certification, shall be subject to the following probationary conditions.

1. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development/training, approved by the Board and at his own expense, in the areas of sexual harassment and ethics.

2. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has completed six (6) hours of professional development/training, approved by the Board and at his own expense, in effective classroom management strategies.

3. For the life of Respondent's certificate, including any future endorsements, new areas of certification, and/or renewals, Respondent shall not be disciplined by any school district for conduct in violation of KRS 161.120 and/or 16 KAR 1:020. Discipline shall be defined as a reprimand, admonishment, suspension, or termination upheld by either the tribunal or arbitration process, if requested.

Should Respondent fail to comply with any of these probationary conditions, the Board shall automatically suspend Respondent's certificate for a period of two (2) years and may seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

1308597 (Kristina Mudd)

Accept Agreed Order suspending Respondent's certificate for a period of forty five (45) days beginning June 16, 2014. Respondent shall surrender the original and all copies of this certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

From the date of acceptance of this Order by the Board, Respondent's certificate shall be subject to the following probationary conditions.

1. Respondent shall submit to random drug testing. Testing shall be administered by a provider approved by the Board and performed for the remainder of the

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2014/2015 school year. Any expense for each drug test shall be paid by Respondent. If any drug test is positive for any illegal substances or byproducts of illegal substances, Respondents' certificate shall be automatically suspended for a period of two (2) years and subject to additional sanction by the Board pursuant to KRS 161.120.

2. On or before February 1, 2015, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of ethics training, approved by the Board and at her own expense. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended and remain so until this condition is met.

3. For the life of her certificate, Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s), misdemeanor or felony, related to and/or involving the use of alcohol or controlled substances. Should Respondent violate this condition, her certificate shall be automatically suspended for a period of two (2) years and subject to additional sanction by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1211637 (Jessica Jackson) Accept Agreed Order which states that by May 1, 2015, Respondent shall provide written proof to the Board that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on acceptable use of technology, as approved by the Board. Any expenses required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, her certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

CF141040 (Deilia Butler) Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as

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approved by the Board, and shall present written evidence to the Board that she has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that she has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from her counselor to the Board until such time as the counselor releases her from treatment. Any expense for the treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent's certificate being automatically suspended until Respondent is in compliance.

2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use and/or possession of any controlled substance or alcohol. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

3. Respondent shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of her certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Vote: 10-1 (*Ms. McMillen dissented*)

1304285 (Frederick Cox)

Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher. The Board reminds Respondent of his duty to refrain from subjecting students to

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embarrassment or disparagement and of his duty to exemplify behaviors which maintain the dignity and integrity of the profession. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training in the area of educator ethics, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.
2. Respondent shall not receive any disciplinary action involving conduct unbecoming a teacher from any school district in which he is employed. If Respondent fails to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition.

Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Ms. Wood recused)*

1304296 (Jessica Bryant)

Accept Agreed Order suspending Respondent's certificate for a period of ten (10) days. Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

At the conclusion of the ten (10) day suspension period,

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reinstatement of Respondent's certificate shall be subject to the following condition:

1. Respondent shall provide written proof to the Board that she has been evaluated by a Kentucky licensed or certified physician and is fit to return to the classroom, presents as capable of fulfilling her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. Any expense incurred for said evaluation, treatment and/or reports shall be paid by Respondent.

Upon reinstatement, Respondent's certificate, including any and all endorsements, shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before December 1, 2015, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics professional development or training, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to complete this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

2. Respondent shall not receive any disciplinary action involving neglect of duty from any school district in which she is employed. If Respondent fails to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1309659 (Belinda Martin) Accept Agreed Order admonishing Respondent for fiscal

mismanagement, specifically for failing to follow proper accounting procedures regarding the requisition and purchase of goods or services, and the handling of cash. The Board reminds Respondent that she has a statutory duty to competently perform her duties and to follow all state statutes and regulations relating to schools. Furthermore, as an administrator Respondent is responsible for ensuring that her staff follows all state statutes and regulations relating to schools. The Board will not tolerate any further incidents of misconduct from Respondent. Upon acceptance of this agreement by the Board, Respondent shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics professional development or training, with a focus on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, her certificate shall be automatically suspended until such condition is satisfied.

2. On or before January 1, 2016, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of professional development or training on the “Accounting Procedures for Kentucky School Activity Funds,” commonly known as Redbook, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, her certificate shall be automatically suspended until such condition is satisfied.

3. Respondent shall not receive any disciplinary action involving school finance from any school district in which she is employed. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

“Disciplinary action” is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new

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disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1312870 (John Guthrie)

Accept Agreed Order admonishing Respondent for exhibiting a lack of professional judgment in his interactions with students. The Board reminds Respondent that as a certified teacher, it is his responsibility to set and maintain appropriate boundaries with his students, and to always be mindful of their reaction to his teaching methods in order to promote a positive learning environment for all. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of educator ethics professional development or training, which shall include a component on appropriate teacher/student boundaries, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.
2. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has successfully completed a course, as approved by the Board, on sexual harassment awareness. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.
3. Respondent shall not receive any disciplinary action involving inappropriate teacher/student boundaries from any school district in which he is employed. Should Respondent fail to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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“Disciplinary action” is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1206318 (Adam Cross)

Accept Agreed Order admonishing Respondent for failing to uphold the dignity and integrity of the teaching profession. The Board reminds Respondent that the principal of a school must create and foster an environment in which staff can work together effectively. He must strive to uphold the responsibilities of his profession by maintaining a positive environment for all. The Board expects Respondent to uphold the Professional Code of Ethics and will tolerate no further incidents of misconduct by Respondent.

Upon acceptance of this agreement by the Board, Respondent’s certificate shall be on probation for a period of five (5) years and subject to the following probationary conditions:

1. By April 1, 2015, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on professionalism, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent’s certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.
2. By April 1 of each year of the probationary period, Respondent shall submit written proof to the Board that he has successfully completed a course on sexual harassment awareness training, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent’s certificate shall be automatically suspended

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until Respondent completes the required training and provides the appropriate written proof to the Board.

3. During the probationary period, Respondent shall not receive any disciplinary action from any school district in which he is employed. “Disciplinary action” is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Respondent’s certificate shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120. Respondent is aware that should he violate KRS 161.120, either during or following this five (5) year probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

120147 (Nicole Martin)

Accept Agreed Order which states that Respondent’s Kentucky teaching certificate has expired. Should Respondent decide to renew her certificate in the future, she shall comply with the following condition:
At the time of renewal, Respondent shall provide written proof that she has completed twelve (12) hours of Board-approved professional development/training in the area of ethics. Should Respondent violate this condition, her certificate shall be suspended and shall remain so until she has provided proof of the training.

Vote: *Unanimous*

1211741 (Kendra Baker)

Accept Agreed Order admonishing Respondent for failing to provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practices known to the educator. The Board reminds Respondent that she must instruct students according to the curriculum of the district, and that she may never use her personal views to unfairly influence or coerce students. Furthermore, the Board reminds Respondent of her duty to respect the individual beliefs of her students, their parents, and the community. The Board will not tolerate any future incidents of misconduct from Respondent.
On or before September 1, 2015, Respondent shall submit written proof to the Board that she has completed twelve

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(12) hours of professional development or training in the area of educator ethics, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, her certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF141088 (Jacob Dowdy)

Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from his counselor to the Board until such time as the counselor releases him from treatment. Any expense for the treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent's certificate being automatically suspended until Respondent is in compliance.

2. Respondent shall not be convicted of nor enter a guilty or

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no contest plea to any criminal charge(s) involving the use and/or possession of any controlled substance or alcohol. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

3. Respondent shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on his behalf.

Vote: *Unanimous*

CF14717 (Shelley Stacy)

Reject Agreed Order which states as follows: Upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate; however any and all certificates issued to Respondent by the Board shall be subject to the following probationary conditions:

1. Respondent shall have no further criminal convictions. If Respondent is convicted of any crime other than a minor traffic violation, any and all certificates issued to Respondent shall be automatically permanently revoked. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed.
2. Respondent shall submit a state criminal background records report to the Board by June 30th for a period of four (4) years from the date of acceptance of this order by the Board. Any expense for the state criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report by the due date, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met.
3. On or before January 1, 2016, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the

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Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by the Respondent. Should Respondent fail to complete the required training on or before January 1, 2016, any and all certificates issued to her shall be automatically suspended until such training is completed and the appropriate written proof is provided to the Board.

4. Respondent shall submit a state and federal criminal background records report to the Board with any application for renewal of a certificate and/or for additional certification(s). Any expense for the state and federal criminal background records report shall be paid by Respondent. If Respondent fails to submit the required reports with her application for renewal or additional certification, renewal of her certificate or the additional certification shall be denied.

Respondent is aware that should she violate any provision of KRS 161.120 in the future, the Board shall initiate a disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1403179 (Benny Patrick)

Accept Agreed Order reminding Respondent that as an administrator, he is to ensure that each member of the profession is accorded just and equitable treatment in their professional rights and responsibilities. A school district is not only a place of learning for students, but a place of employment for adults. As an administrator, Respondent must ensure that school district employees are not subjected to harassment at the work place.

Additionally, Respondent shall complete the following conditions:

1. Respondent shall provide written proof that he has received six (6) hours of professional development/training in the area of sexual harassment awareness training, as approved by the Board, no later than July 1, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

2. Respondent shall provide written proof that he has received six (6) hours of professional development/training in the area of employment rights, as approved by the Board,

no later than July 1, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

3. Respondent shall provide written proof to the Board that he has received six (6) hours of professional development/training in the area of ethics, as approved by the Board, no later than July 1, 2016. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2016, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

4. For a period of five (5) years from the date of acceptance of this order by the Board, Respondent shall provide written proof by September 1 of each year that he serves as a superintendent that he has provided annual training to all school district employees on sexual harassment awareness and any board policies regarding sexual harassment complaint and investigation procedure. If Respondent is not serving as a superintendent, he shall file a letter with the Board by September 1 of each year stating that he is not serving as a superintendent. If Respondent fails to satisfy this condition, any and all certificates issued to Respondent will automatically be suspended until the appropriate written proof is provided to the Board.

5. If Respondent serves as a superintendent, Respondent shall appoint a member of the school district staff to serve as a sexual harassment ombudsman. The sexual harassment ombudsman shall act as an independent auditor of all sexual harassment complaints in the district. The ombudsman shall ensure that all grievances and complaints filed under the school district's sexual harassment complaint and investigation policy are fully investigated in compliance with the policy. The ombudsman shall independently review all investigations under the school district's sexual harassment complaint and investigation policy to confirm there was no bias towards either the complainant or the alleged perpetrator. The ombudsman shall file his or her findings regarding each investigation with Respondent and the school district's counsel. The ombudsman shall file a report with the Board by June 30 of each year for five (5) years following the acceptance of this order by the Board enumerating any complaints or

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grievances filed in the school district and whether the investigative findings indicated violations of school district policies. Additionally, the ombudsman shall independently survey the school district staff via a secure electronic means to ensure anonymity for the staff regarding workplace conditions and whether co-workers are in compliance with school district policies regarding sexual harassment by May 15 of each year for five (5) years following the acceptance of this order by the Board. The results of the survey shall be included in the ombudsman's June 30 report to the Board.

6. Respondent shall not have any substantiation that he has violated his employing school district's sexual harassment policies. If a grievance or complaint against Respondent is substantiated, Respondent shall immediately notify the Board and Respondent's administrative and teaching certificate shall be immediately suspended and a disciplinary case initiated by the Board. Respondent's administrative and teaching certificate shall remain suspended until resolution of the Board's disciplinary actions.

7. Respondent shall not take any adverse employment actions toward the complainants to retaliate for their complaints herein. In the event Respondent takes any future employment actions involving the said complainants, or other employees, Respondent shall demonstrate by clear and convincing evidence that such action was taken for legitimate non-discriminatory, non-retaliatory reasons. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1310733 (Claudette Herald) Accept Agreed Order which states that Respondent has corrected the violations listed in the Office of Education Accountability's June 21, 2013 report. Additionally, Respondent agrees to complete professional development/training in the areas of appropriate management of certified school personnel and the Kentucky Department of Education's current graduation requirements as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Upon receipt of proof by the Board that Respondent has completed the above training, Case No. 1310733 shall be dismissed.

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Vote: *Unanimous*

Motion made by Ms. McMillen, seconded by Dr. O'Hair, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 3:30 p.m.

Next Meeting: February 9, 2015
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item B

Action Item

EPSB staff requests authorization for 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)

Applicable Goal

Goal 5: 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) authorize the executive director to enter into the specified contracts 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."

We are requesting approval to enter into a Memorandum of Agreement (MOA) with the Kentucky Virtual Campus (KYVC) at the Council for Postsecondary Education. This agreement is to establish the services and costs for KYVC to operate as an eLearning Application Service Provider allowing EPSB to provide online courses and professional development on KyEducators.org. The fee for service is based on an estimated number of enrollment seats for a year. This is a one year agreement beginning July 1, 2015, and continuing through June 30, 2016.

- Approximate cost of the contract: \$15,000
- Impact on budget: This MOA does not affect general fund expenditures because it will be charged to the agency restricted funds for the CEO program. The cost of the contract is paid through fees collected from CEO candidates and general funds.
- Type of entity providing service: State agency
- Bidding process: Not required to bid
- Singular vs. continuing service: Continuing

Alternative Actions

1. Approve the contract and authorize the executive director to execute this agreement.
2. Do not approve the completion of this agreement and instruct staff to cease related activity and distribution of funds.
3. Request further review of the agreement before completion.

Staff Recommendation

Alternative 1

Rationale

This contract is necessary for allowing EPSB to continue training and testing on KyEducators.org.

Contact Person:

Mr. Jimmy Adams
Deputy Executive Director
(502) 564-4606
E-mail: Jimmy.Adams@ky.gov

Date:

February 9, 2015

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item C

Action Item:

Alice Lloyd College: Learning and Behavior Disorders Grades P-12 Initial (Bachelor's Level)

Applicable Statutes and Regulation:

KRS 161.028; KRS 161.048

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 EPSB approve the following educator preparation program addition?

ALICE LLOYD COLLEGE

7.0 EXCEPTIONAL CHILDREN

Learning and Behavior Disorders Grades P-12 Initial (Bachelor's Level)

Background:

The proposed Learning and Behavior Disorders P-12 (LBD) program at Alice Lloyd College will be a dual certification program only. Candidates must become eligible for certification in either Elementary P-5, Middle School 5-9, English 8-12, Mathematics 8-12, Social Studies 8-12, or Biological Science 8-12 in addition to completing the LBD P-12 certification program. Courses and assessments in the program are aligned with the Kentucky Teacher Standards as well as the Council for Exceptional Children Beginning Teacher Standards.

The program will be delivered via campus-based, face-to-face courses. There are 18 hours of coursework that are specifically targeted for teaching exceptional children. These courses address assessment, methodologies, processes, programs, procedures, and behavior management in exceptional education. Each course requires 15 hours of field experiences (total of 90 hours) in special education settings at the elementary, middle, and high school levels. During the practicum experience (semester before student teaching) candidates will be required to spend half of the semester in LBD classrooms.

The program requires the admission criteria outlined in 16 KAR 5:020 and requires passing grades in all coursework with a cumulative 2.75 GPA and a 2.75 GPA in the academic major, successful field and student teaching experiences, and a demonstration of attainment of all required standards. Candidates must obtain passing scores on each applicable Praxis II test in order to be admitted to the student teaching experience. Candidates will be required to complete a student teaching experience in both the regular classroom as well as in the special education setting that is appropriate for the placement.

Groups/Persons Consulted:

Content Area Program Reviewers
Reading Committee

Alternative Actions:

1. Approve the proposed Learning and Behavior Disorders Grades P-12 preparation program addition.
2. Do not approve the proposed Learning and Behavior Disorders Grades P-12 preparation program addition.

Committee Recommendation:

Alternative 1

Rationale:

The proposed educator preparation programs follow the appropriate regulations (16 KAR 5:010) outlining requirements for program approval as established by the EPSB.

Contact Person:

Dr. Kim Walters-Parker, Director
Division of Educator Preparation
(502) 564-4606
E-mail: Kim.Walters-Parker@ky.gov

Date:

February 9, 2015

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

Section 22. Program Approval Action Outside the First or Regular Continuing Accreditation Cycle. (1) Approval of a program shall be through the program process established in Section 11 of this administrative regulation except that a new program not submitted during the regular accreditation cycle or a program substantially revised since submission during the accreditation process shall be submitted for approval by the EPSB prior to admission of a student to the program.

(2) For a new or substantially revised program, the EPSB shall consider a recommendation by staff, including review by the Continuous Assessment Review Committee, Content Program Review Committee, and the Reading Committee.

(3) A recommendation made pursuant to subsection (2) of this section shall be presented to the full EPSB.

(4) Program approval decision options shall be:

(a) Approval, with the next review scheduled during the regular accreditation cycle unless a subsequent substantial revision is made;

(b) Approval with conditions, with a maximum of one (1) year probationary extension for correction of a specified problem to be documented through written materials or through an on-site visit. At the end of the extension, the EPSB shall decide that the documentation supports:

1. Approval; or

2. Denial of approval; or

(c) Denial of approval, indicating that a serious problem exists which jeopardizes the quality of preparation of school personnel.

(5) The EPSB shall order a review of a program if it has cause to believe that the quality of preparation is seriously jeopardized. The review shall be conducted under the criteria and procedures established in the EPSB "Emergency Review of Certification Programs Procedure" policy incorporated by reference. The on-site review shall be conducted by EPSB staff and a Board of Examiners team. The review shall result in a report to which the institution may respond. The review report and institutional response shall be used by the Executive Director of the EPSB as the basis for a recommendation to the full EPSB for:

(a) Approval;

(b) Approval with conditions; or

(c) Denial of approval for the program.

(6) If the EPSB denies approval of a program, the institution shall notify each student currently admitted to that program of the EPSB action. The notice shall include the following information:

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

(b) A student who does not meet the criteria established in paragraph (a) of this subsection shall transfer to a state approved program in order to receive the certificate or advancement in rank.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item D

Action Item:

Western Kentucky University request to offer programs at one off-site campus

Applicable Statutes and Regulation:

KRS 161.028; KRS 161.048

16 KAR 5:010, Section 28

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 EPSB approve Western Kentucky University's request to establish one off-site campus?

Background:

Regulation 16 KAR 5:010 Standards for Accreditation of Educator Preparation Units and Approval of Programs was revised in 2007 to require EPSB approval for off-site campuses established by educator preparation institutions. The regulation requires educator preparation institutions to seek approval from the EPSB before establishing off-site campuses.

Western Kentucky University (WKU) is requesting permission to establish an off-site campus using Somerset Community College to deliver its Middle School Math, Grades 5-9 and Middle School Science, Grades 5-9 programs. Teacher candidates in these programs have a major in their content area and another major in Science and Mathematics Education (SMED). The programs will build on the associate degree program at Somerset Community College in a 2+2 configuration. Upper level coursework from WKU will be delivered to candidates at the Somerset campus through Interactive Video Services (IVS) format in the same manner that coursework is delivered to the three regional campuses associated with WKU at Elizabethtown, Owensboro, and Glasgow. Some part-time faculty may be hired to teach selected courses on site and some coursework may be available online. The majority of instruction will be delivered through IVS. WKU will be employing a master teacher on a part-time basis to serve as the facilitator for the SMED coursework and will provide supervision for the clinical component of the program. As the program grows, the position will move to full-time. Supplies and resources associated with the SMED coursework will be made available to candidates.

Additional documentation is included on the secure website.

Alternative Actions:

1. Approve the Western Kentucky University request to establish one off-site campus.
2. Modify and approve the Western Kentucky University request to establish one off-site campus.
3. Do not approve the Western Kentucky University request to establish one off-site campus.

Staff Recommendation:

Alternative 1

Rationale:

Western Kentucky University can provide the necessary resources, advisement, and faculty to support the additional off-site campus. Candidates will have full access to instructional and technological resources.

Contact Person:

Dr. Kim Walters-Parker, Director
Division of Educator Preparation
(502) 564-4606
E-mail: Kim.Walters-Parker@ky.gov

Date:

February 9, 2015

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

Section 28. Approval of Off-site and On-line Programs. (1) Institutions in Kentucky with educator preparation programs shall seek approval from the Education Professional Standards Board before offering courses or whole programs at an off-campus site.

(a) The institution shall submit a written request to the board to begin offering courses at the off-site location describing the location and physical attributes of the off-campus site, resources to be provided, faculty and their qualifications, and a list of courses or programs to be offered.

(b) The off-site location shall be approved by the board before the institution may begin offering courses at the location.

(2)(a) Until May 31, 2008, initial and continuing on-line educator preparation programs shall be regionally or nationally accredited and accredited or approved, as applicable, by the program's state of origin.

(b) Beginning June 1, 2008, initial and continuing on-line educator preparation programs originating from outside Kentucky shall be regionally accredited, accredited or approved, as applicable, by the program's state of origin, and accredited by NCATE.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item E

Action Item:

Request to waive language in 16 KAR 5:040 pertaining to observation of teacher candidates during student teaching.

Applicable Statutes and Regulation:

KRS 161.028
16 KAR 5:040

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 waive language in 16 KAR 5:040 Section 5 (3) pertaining to observation of teacher candidates during the student teaching experience for Western Kentucky University's Library Media Specialist P-12 initial certification program?

Background:

Western Kentucky University operates an approved program leading to initial certification as a Library Media Specialist Grades P-12. In accordance with 16 KAR 5:040, this program places the candidate in a classroom under the supervision of a cooperating teacher. Section 5 of the regulation indicates that the student teacher will receive periodic and regular on-site observations and critiques of the actual teaching situation a minimum of four (4) times to be completed by the university supervisor. The regulation is interpreted to require that the university supervisor is present in the classroom to conduct the observation of the candidate practicing instruction in the classroom.

Teacher candidates enrolled in the WKU program are from various parts of the state and an effort is made to identify an appropriate student teaching placement in close proximity to their homes to reduce the financial burden. Currently the student teachers are observed by the university supervisor on-site a minimum of four times during LME 592 Internship in Library Media Education. The waiver request would reduce the on-site observations and critiques to two visits with the remaining two observations and critiques being conducted digitally. WKU will use live video stream using Skype or Adobe Connect with the student teacher completing a lesson with the university supervisor watching. Following the live video lesson, the student teacher, cooperating teacher and university supervisor will hold a video conference to discuss the lesson.

WKU is requesting a waiver of this provision of 16 KAR 5:040 to allow the university faculty member to observe the candidate through the use of a video camera placed in the classroom and remotely controlled by the university faculty member. All four of the required observations will occur with two of the four to be conducted via distance technologies.

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Alternative Actions:

1. Approve the proposed waiver of 16 KAR 5:040 Section 5 (3).
2. Do not approve the proposed waiver of 16 KAR 5:040 Section 5 (3).

Contact Person:

Dr. Kim Walters-Parker, Director
Division of Educator Preparation
(502) 564-4606
E-mail: Kim.Walters-Parker@ky.gov

Date:

February 9, 2015

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 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 cooperating teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 1. Definition. "Cooperating teacher" means a teacher employed in a public school or a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association 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) The cooperating teacher, whether serving in a public or nonpublic school, shall have:

(a) A valid teaching certificate or license for each grade and subject taught; and

(b) At least three (3) years of teaching experience as a certified educator.

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

(3) The district and educator preparation program shall select teachers to be cooperating teachers who demonstrate the following:

(a) Effective classroom management techniques that promote an environment conducive to learning;

(b) Best practices for the delivery of instruction;

(c) Mastery of the content knowledge or subject matter being taught;

(d) Aptitude and ability to contribute to the mentoring and development of a preservice educator;

(e) Usage of multiple forms of assessment to inform instruction; and

(f) Creation of learning communities that value and build upon students' diverse backgrounds.

(4) An educator preparation program shall give a teacher who holds a teacher leader endorsement pursuant to 16 KAR 5:010, Section 12(3), priority consideration when selecting a cooperating teacher.

(5) Beginning September 1, 2013, prior to student teacher placement, a cooperating teacher shall receive training approved by the Education Professional Standards Board and provided at no cost to the cooperating teacher by the educator preparation institution which shall include the following components:

(a) Basic responsibilities of a cooperating teacher;

(b) Best practice in supporting the student teacher; and

(c) Effective assessment of the student teacher.

(6) Beginning September 1, 2013, educator preparation programs shall maintain a pool of cooperating teachers who have met the requirements of this section.

(7) Beginning September 1, 2013, each educator preparation institution shall file an electronic report with the Education Professional Standards Board every semester which identifies the following:

(a) Each candidate at the educator preparation institution enrolled in student teaching;

(b) The candidate's assigned school;

(c) The cooperating teacher assigned to each candidate;

(d) The cooperating teacher's area of certification;

(e) The cooperating teacher's years of experience as a certified or licensed educator; and

(f) The date the cooperating teacher completed the training required in subsection (5) of this section.

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 by reference in 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 include a tuberculosis (TB) risk assessment, 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.

(3) Beginning September 1, 2013, prior to admission to student teaching, each teacher candidate shall complete a minimum of 200 clock hours of field experiences in a variety of primary through grade 12 (P-12) school settings which allow the candidate to participate in the following:

(a) Engagement with diverse populations of students which include:

1. Students from a minimum of two (2) different ethnic or cultural groups of which the candidate would not be considered a member;

2. Students from different socioeconomic groups;

3. English language learners;

4. Students with disabilities; and

5. Students from across elementary, middle school, and secondary grade levels;

(b) Observation in schools and related agencies, including:

1. Family Resource Centers; or

2. Youth Service Centers;

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- (c) Student tutoring;
- (d) Interaction with families of students;
- (e) Attendance at school board and school-based council meetings;
- (f) Participation in a school-based professional learning community; and
- (g) Opportunities to assist teachers or other school professionals.

(4) The educator preparation program shall require the candidate to submit a record of all clinical hours for review and confirmation that the candidate has fulfilled the field experiences required in subsection (3) of this section.

(5) The educator preparation program shall maintain electronic records that confirm that all candidates enrolled in student teaching after September 1, 2013, have fulfilled the field experiences required in subsection (3) of this section.

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

Section 5. University Supervisor. (1) The university 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 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 university 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.

(5) The educator preparation program shall select a clinical faculty member to serve as a university supervisor who demonstrates the following:

- (a) Effective classroom management techniques that promote an environment conducive to learning;
- (b) Best practices for the delivery of effective instruction;
- (c) Dispositions that contribute to the mentoring and development of a preservice educator;
- (d) Knowledge and skills in the use of formative and summative assessments; and
- (e) The ability to participate in a community of professionals committed to supporting the effective instructional practice of each student teacher.

(6) Beginning September 1, 2013, university supervisors shall receive training approved by the Education Professional Standards Board and provided at no cost to the university supervisor by the educator preparation institution which shall include the following components:

- (a) Basic responsibilities of a university supervisor;
- (b) Best practice in supporting the student teacher; and
- (c) Effective assessment of the student teacher.

(7) Beginning September 1, 2013, educator preparation programs shall maintain a pool of clinical faculty members who have met the requirements of this section.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference in 16 KAR 5:010, the educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall not be placed in a setting that is not consistent with his or her planned certification content and grade range.

(3) Beginning September 1, 2013, the student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Beginning September 1, 2013, each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program.

(a) Candidates pursuing a primary through grade 12 certificate shall have their student teaching balanced between an elementary school placement and middle school or high school placement.

(b) Candidates pursuing an elementary certificate shall have their student teaching balanced between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

(c) Candidates seeking dual certification in either middle school or secondary content areas shall have equal placements in both content areas.

(5) Beginning September 1, 2013, the educator preparation program shall support the student teacher's placement and classroom experiences by:

- (a) Cooperating with the district in determining the specific placement of the student teacher;
- (b) Collaborating with the district to provide necessary program resources and expertise;
- (c) Using multiple performance assessments to document the student teacher's ability to support learning for all P-12 students;
- (d) Requiring the use of technology by the student teacher to:
 - 1. Enrich the learning of P-12 students; and
 - 2. Support the student teacher's professional growth and communication; and
- (e) Providing opportunities for the student teacher to:
 - 1. Engage in extended co-teaching experiences with an experienced teacher;
 - 2. Engage in reflective self-assessment that informs practice;
 - 3. Maintain regular professional conversations with experienced teachers other than the cooperating teacher;...

**Education Professional Standards Board
Staff Note**

Consent Item F

Action Item:

Waiver of the Student Teacher Placement

Applicable Statues and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:040, Section 6(4)(a)

Application 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.

Issues:

Should the EPSB grant a waiver of the student teacher placement requirement that candidates pursuing a primary through grade 12 certificate must have placements balanced between an elementary and middle or high school placement?

Background:

Dr. Sam Evans, Dean, Western Kentucky University College of Education & Behavioral Sciences, is requesting a waiver of Regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the spring 2015 semester. Four Western Kentucky University (WKU) student teachers seeking certification in Spanish P-12 need to have their entire placement with a secondary teacher. There is no foreign language program for elementary schools in the Warren County/Bowling Green School area.

Candidate	Certification Sought	Prospective Cooperating Teacher	Placement School
Anthony Echeveste	Spanish P-12	Mrs. Doris Poole	Greenwood High School
Elizabeth Isenhower	Spanish P-12	Mr. Don Holland	Warren East High School
Julie Crone	Spanish P-12	Ms. Jana Schultz	Ohio County High School
Rebecca Sledge	Spanish P-12	Ms. Emili Terry	Greenwood High School

The student teachers will be expected to gain multi-grade level experiences through ESL experiences. A principal in each of the placement schools has written a letter in support of the waiver request, providing positive evidence of each prospective cooperating teacher’s success in the classroom. Copies of those letters and letters of request from WKU were sent under separate cover. A copy of the regulation is attached to this request.

Alternative Actions:

1. Approve the waiver request of 16 KAR 5:040, Section 6 (4)(a).
2. Deny the waiver request of 16 KAR 5:040, Section 6 (4)(a).

Staff Recommendation

Alternative Action 1

Contact Person:

Dr. Kim Walters-Parker, Director
Division of Educator Preparation
(502) 564-4606
E-mail: Kim.Walters-Parker@ky.gov

Date:

February 9, 2015

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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 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 cooperating teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference in 16 KAR 5:010, the educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall not be placed in a setting that is not consistent with his or her planned certification content and grade range.

(3) Beginning September 1, 2013, the student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Beginning September 1, 2013, each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program.

(a) Candidates pursuing a primary through grade 12 certificate shall have their student teaching balanced between an elementary school placement and middle school or high school placement.

(b) Candidates pursuing an elementary certificate shall have their student teaching balanced between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

(c) Candidates seeking dual certification in either middle school or secondary content areas shall have equal placements in both content areas.

(5) Beginning September 1, 2013, the educator preparation program shall support the student teacher's placement and classroom experiences by:

(a) Cooperating with the district in determining the specific placement of the student teacher;

(b) Collaborating with the district to provide necessary program resources and expertise;

(c) Using multiple performance assessments to document the student teacher's ability to support learning for all P-12 students;

(d) Requiring the use of technology by the student teacher to:

1. Enrich the learning of P-12 students; and

2. Support the student teacher's professional growth and communication; and

(e) Providing opportunities for the student teacher to:

1. Engage in extended co-teaching experiences with an experienced teacher;

2. Engage in reflective self-assessment that informs practice;

3. Maintain regular professional conversations with experienced teachers other than the cooperating teacher;

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

6. Engage in collegial interaction and peer review with other student teachers.

(6) The educator preparation program shall use the Kentucky Teacher Internship Program Teacher Performance Assessment tasks established in 16 KAR 7:010, Section 2, or a variation of these tasks to meet the requirement specified in subsection (5) of this section.

(7) A student teacher shall not have responsibility for the supervision or instruction of P-12 students without the direct supervision of a certified educator.

(8) A student teacher shall not be employed within the school in which he or she is assigned concurrent with student teaching....

**Education Professional Standards Board
Staff Note**

Consent Item G

Action Item:

Waiver of the Student Teacher Placement

Applicable Statues and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:040, Section 6(4)(a)

Application 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.

Issues:

Issue 1: Should the EPSB grant a waiver of the student teacher placement requirement that candidates pursuing a primary through grade 12 certificate must have placements balanced between an elementary and middle or high school placement?

Issue 2: Should the EPSB grant a waiver of the student teacher placement requirement that cooperating teachers must have three years of teaching experience as a certified educator?

Background:

Dr. Sam Evans, Dean, Western Kentucky University College of Education & Behavioral Sciences, is requesting a waiver of Regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the spring 2015 semester.

A Western Kentucky University (WKU) student teacher seeking certification in Spanish P-12 and French P-12 needs to have two placements, each with a secondary teacher. There is no foreign language program for elementary schools in the Warren County/Bowling Green School area. This request is for Rachel Walters to be assigned to Ms. Susan Buelow, Spanish teacher at Franklin-Simpson High School, and Mr. Adam Spinks, French teacher at Warren East High School. Ms. Walters will be expected to gain multi-grade level experience through ESL experiences.

Ms. Buelow meets all the requirements to be a cooperating teacher, and a letter of support for her service was provided by Franklin-Simpson High School Assistant Principal Mark Dobbs. Mr. Spinks does not meet the three-year teaching requirement to be a cooperating teacher. There is, however, a shortage of French programs in the Warren County/ Bowling Green area, and a letter of support from Warren East High School Principal Nicole Clark for Mr. Spinks’s service attested to his competence as a classroom teacher of French. In addition, Mr. Spinks is a graduate of WKU, and WKU faculty end to his ability to supervise a student teacher.

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Copies of the principals' letters and letters of support from Dr. Evans were sent under separate cover. A copy of the regulation is attached to this request.

Alternative Actions:

Issue 1

1. Approve the waiver request of 16 KAR 5:040, Section 6 (4)(a).
2. Deny the waiver request of 16 KAR 5:040, Section 6 (4)(a).

Issue 2

1. Approve the waiver request of 16 KAR 5:040, Section 6(4)(a).
2. Deny the waiver request of 16 KAR 5:040, Section 6(4)(a).

Recommended Action

Issue 1: Alternative Action 1

Issue 2: Alternative Action 1

Contact Person:

Dr. Kim Walters-Parker, Director
Division of Educator Preparation
(502) 564-4606
E-mail: Kim.Walters-Parker@ky.gov

Date:

February 9, 2015

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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 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 cooperating teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference in 16 KAR 5:010, the educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall not be placed in a setting that is not consistent with his or her planned certification content and grade range.

(3) Beginning September 1, 2013, the student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Beginning September 1, 2013, each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program.

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(b) Candidates pursuing an elementary certificate shall have their student teaching balanced between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

(c) Candidates seeking dual certification in either middle school or secondary content areas shall have equal placements in both content areas.

(5) Beginning September 1, 2013, the educator preparation program shall support the student teacher's placement and classroom experiences by:

(a) Cooperating with the district in determining the specific placement of the student teacher;

(b) Collaborating with the district to provide necessary program resources and expertise;

(c) Using multiple performance assessments to document the student teacher's ability to support learning for all P-12 students;

(d) Requiring the use of technology by the student teacher to:

1. Enrich the learning of P-12 students; and

2. Support the student teacher's professional growth and communication; and

(e) Providing opportunities for the student teacher to:

1. Engage in extended co-teaching experiences with an experienced teacher;

2. Engage in reflective self-assessment that informs practice;

3. Maintain regular professional conversations with experienced teachers other than the cooperating teacher;

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

6. Engage in collegial interaction and peer review with other student teachers.

(6) The educator preparation program shall use the Kentucky Teacher Internship Program Teacher Performance Assessment tasks established in 16 KAR 7:010, Section 2, or a variation of these tasks to meet the requirement specified in subsection (5) of this section.

(7) A student teacher shall not have responsibility for the supervision or instruction of P-12 students without the direct supervision of a certified educator.

(8) A student teacher shall not be employed within the school in which he or she is assigned concurrent with student teaching....

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item H

Action Item:

Board approval for Jefferson County Teachers Association (JCTA) to provide remedial ethics training for educators with disciplinary cases before the EPSB.

Applicable Statute:

KRS 161.028, KRS 161.120, KRS 161.175

Applicable Goals:

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.

Issue:

Should the Education Professional Standards Board approve JCTA to provide remedial training/professional development for individuals with disciplinary cases before the EPSB?

Background:

Pursuant to its authority under KRS 161.120(1), the EPSB “may . . . impose probationary or supervisory conditions upon . . . any certificates” issued by the agency. In recent years, the EPSB has used this tool to rehabilitate or remediate educators who are brought before the board for misconduct by ordering the educators to attend specific professional development or training in hopes of preventing further incidents of misconduct. In addition, at the November 19, 2007 board meeting, the EPSB amended its probable cause policy to include “deferral for training,” which will be used as a diversionary option for educators who are brought before the board for minor offenses.

JCTA is requesting Board approval to provide remedial ethics training to educators. Enclosed under separate cover is JCTA’s request to be approved by the Board and the program information for review.

Alternative Actions:

1. Approve JCTA to provide remedial classroom management training.
2. Do not approve JCTA to provide remedial classroom management training.

Staff Recommendation:

Alternative 1

Rationale

Staff has reviewed JCTA's submission proposal and found that the program will address the needs of the educators referred to ethics training. In addition, having an additional pre-approved provider for ethics training will assist educators deferred for training or ordered to remedial training to complete this condition in a timely manner.

Contact Person:

Ms. Alicia A. Sneed
Director of Legal Services
(502) 564-4606
E-mail: Alicia.Sneed@ky.gov

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item A

Information Item:

To inform the EPSB about contracts which were signed by the executive director since the prior EPSB board meeting

Applicable Statutes and Regulation:

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

Applicable Goal:

Goal 5: 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) (d) 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 following contracts were updated to reflect the actual amounts for the current fiscal year. These contracts were signed by the executive director after approval was given by the board at a previous meeting.

Vendor Name	Services	Service Period	Contract Amount
EKU	KTIP	July 1, 2014 through June 30, 2015	\$81,267.00 (an increase of \$13,939.00 from original contract)
KSU	KTIP/CTE	July 1, 2014 through June 30, 2015	\$2,005.00 (an increase of \$1,203.00 from original contract)
MoSU	KTIP/CTE	July 1, 2014 through June 30, 2015	\$5,213.00 (an increase of \$2,005.00 from original contract)
MuSU	KTIP	July 1, 2014 through June 30, 2015	\$64,435.00 (an increase of \$2,235.50 from original contract)
NKU	KTIP/CTE	July 1, 2014 through June 30, 2015	\$76,796.00 (an increase of \$4,865.50 from original contract)
UK	KTIP/CTE	July 1, 2014 through June 30, 2015	\$2,807.00 (an increase of \$1,604.00 from original contract)

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Vendor Name	Services	Service Period	Contract Amount
WKU	KTIP	July 1, 2014 through June 30, 2015	\$106,252.00 (an increase of \$4,734.00 from original contract)
WKU	KTIP/CTE	July 1, 2014 through June 30, 2015	\$6,817.00 (an increase of \$802.00 from original contract)

Groups/Persons Consulted

Donna Brockman, EPSB Division of Professional Learning and Assessment

Contact Person:

Mr. Jimmy Adams
Deputy Executive Director
502-564-4606
Email: Jimmy.Adams@ky.gov

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item B

Information Item:

A report on the year-to-date financial performance of the agency's programs and operations through December 31, 2014

Applicable Statutes and Regulation:

KRS 161.017 (1) (c)

Applicable Goal:

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state and agency policies.

Background:

The state fiscal year begins July 1 and ends June 30.

Groups/Persons Consulted

None-All information was produced from information maintained in the eMARS financial system and analysis by Jimmy Adams.

Contact Person:

Mr. Jimmy Adams
Deputy Executive Director
502-564-4606
E-mail: Jimmy.Adams@ky.gov

Date:

February 9, 2015

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item C

Information Item:

16 KAR 1:030. Procedures for certificate revocation, suspension, reinstatement and reissuance, and application denial. Amendment, Notice of Intent

Applicable Statutes and Regulations:

KRS Chapter 13A; KRS Chapter 13B; KRS 161.028; KRS 161.120; KRS 161.175; 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 April 28, 2014, Board meeting a motion passed to establish regulations for the disciplinary process and procedures pertaining to the statutes related to discipline by the EPSB. In order to facilitate a discussion regarding changes to the regulation promulgated to enforce disciplinary procedures, staff has proposed an amendment to 16 KAR 1:030 that incorporates parts of the current disciplinary system. When the regulation was last amended in 2007, redundant language that was added to KRS 161.120 was removed, but language from the EPSB's disciplinary policy was not added. This proposed amendment specifically incorporates the process currently in practice with the addition of a proposed review committee. It also proposes timelines for resolving cases and promulgates the Board's disciplinary decisions into regulations.

Contact Person:

Mr. Gary Stephens, Staff Attorney
Division of Legal Services
(502) 564-4606
E-mail: GaryA.Stephens@ky.gov

Ms. Cassie Trueblood, Staff Attorney
Division of Legal Services
(502) 564-4606
E-mail: Cassie.Trueblood@ky.gov

Date:

February 9, 2015

1 **16 KAR 1:030. Procedures for certificate revocation, suspension, reinstatement and**
2 **reissuance, and application denial.**

3 RELATES TO: KRS 161.028(1), 161.120, 218A.010(5)

4 STATUTORY AUTHORITY: KRS 161.028(1), 161.175(2)

5 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the Education
6 Professional Standards Board to establish standards and requirements for obtaining and
7 maintaining a teaching certificate. KRS 161.175(2) authorizes the Education Professional
8 Standards Board to promulgate administrative regulations requiring a teacher whose certificate
9 has been suspended or revoked by the Education Professional Standards Board because the
10 teacher engaged in misconduct involving the illegal use of controlled substances to submit to
11 drug testing. This administrative regulation identifies the conditions for initiating a disciplinary
12 action against a teaching or administrative certificate and establishes procedures for certificate
13 reinstatement, reissuance, and application denial.

14 Section 1. Initiating Disciplinary Action Against a Certificate. (1) The Education
15 Professional Standards Board may initiate disciplinary action against a Kentucky teaching or
16 administrative certificate upon receipt from any source of a report or complaint which contains
17 allegations that an individual who holds a Kentucky teaching or administrative certificate has
18 engaged in conduct listed in KRS 161.120(1).

19 (2) The report or complaint shall be reviewed by a committee of the Education
20 Professional Standards Board. The committee shall consist of three teacher representatives of the
21 Education Professional Standards Board who shall determine whether to initiate a disciplinary
22 action.

1 (3) Upon initiating a disciplinary action against a Kentucky teaching or administrative
2 certificate, the Education Professional Standards Board shall send a copy of the report or
3 complaint to the certificate holder.

4 (4) The certificate holder shall have thirty (30) days from receipt of the report or
5 complaint to submit a written rebuttal to the allegations.

6 (5) At the conclusion of the thirty (30) day rebuttal period or upon receipt of the rebuttal,
7 whichever occurs first, the complaint or report shall be prepared for initial review by the
8 Education Professional Standards Board at its next regularly scheduled meeting.

9 (6) At the initial review of the disciplinary action, the Education Professional Standards
10 Board shall review a summary of the complaint or report and a copy of the rebuttal. The
11 summary and the rebuttal shall be redacted to remove proper names of persons and places to
12 ensure the certificate holder's confidentiality during the initial review.

13 (7) At the conclusion of the initial review, the Education Professional Standards Board
14 may take the following actions:

15 (a) Defer consideration of the disciplinary case until a future meeting for further
16 information;

17 (b) Dismiss the disciplinary case;

18 (c) Defer consideration of disciplinary case until a future meeting to give the certificate
19 holder an opportunity to complete remedial training or counseling in exchange for a dismissal of
20 the disciplinary case;

21 (d) Admonish the certificate-holder in accordance with KRS 161.120(4); or

22 (e) Order an investigation into the allegations found in the complaint or report.

1 (8) If other allegations of misconduct arise during the investigation into the allegations
2 found in the complaint or report, they may be investigated without further action by the
3 Education Professional Standards Board.

4 (9) If the Education Professional Standards Board orders an investigation into the
5 allegations, the investigation must be completed within ninety (90) days. If the investigation is
6 not completed within ninety (90) days, the case must be brought back before the Education
7 Professional Standards Board with a memo explaining why the investigation has not been
8 completed, and requesting an extension of time to complete the investigation.

9 (10) At the conclusion of the investigation:

10 (a) If there is no credible evidence that the allegations of misconduct occurred, the
11 disciplinary case shall be presented to the Education Professional Standards Board at its next
12 regularly scheduled meeting to be dismissed; or

13 (b) If there is credible evidence that an individual who holds a Kentucky teaching or
14 administrative certificate has engaged in conduct listed in KRS 161.120(1), the disciplinary case
15 shall be prepared for a hearing in accordance with KRS 161.120 (5)(a).

16 (c) The respondent may make a written request for a hearing. Education Professional
17 Standards Board Legal Staff must prepare and file administrative charges within twenty (20)
18 days of the receipt of the request. If the investigation is not completed, the charges must be filed
19 within twenty (20) days of the conclusion of the investigation.

20 Section 2. Reinstatement and Reissuance of Certificate. (1)(a) A certificate that has been
21 suspended by the Education Professional Standards Board shall not be reinstated until the
22 certificate holder has met all conditions and requirements ordered by the Education Professional
23 Standards Board.

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1 (b) If a certificate lapses during a period of suspension, at the end of the suspension
2 period and upon completion of all conditions and requirements ordered by the Education
3 Professional Standards Board, the certificate holder shall apply for renewal of the certificate and
4 shall meet all educational requirements for renewal of the certificate.

5 (2) An individual whose certificate has been revoked shall complete the Form CA-1,
6 [~~"Application for Kentucky Certification or Change in Salary Rank", Form TC-1,~~] incorporated
7 by reference in 16 KAR 2:010, and pay all applicable fees in accordance with 16 KAR 4:040
8 prior to the reissuance of the certificate.

9 (3) The burden of proving suitability for reissuance of a revoked certificate shall rest on
10 the applicant seeking reinstatement.

11 (4) If reissuing a certificate, the Education Professional Standards Board may include
12 terms and conditions that the board reasonably deems appropriate as a condition of reissuance in
13 accordance with KRS 161.120(11)(b).

14 (5) An applicant for reissuance of a revoked certificate shall satisfy all current
15 educational requirements for the certificate.

16 (6)(a) If a certificate is suspended or revoked because the certificate holder engaged in
17 misconduct involving the illegal use of a controlled substance as defined in KRS 218A.010(5), in
18 addition to conditions for reinstatement or reissuance, the certificate holder shall at the certificate
19 holder's own expense provide written evidence that the certificate holder has submitted to a drug
20 test administered by a drug testing facility approved by the Education Professional Standards
21 Board within thirty (30) days of reinstatement or submission of an application for reissuance of
22 the certificate.

1 (b) If the results of the drug test indicate drug use by the certificate holder, the certificate
2 shall not be reinstated or reissued.

3 (c) The certificate holder shall arrange for the drug testing facility to send the results of
4 the drug test directly to the Education Professional Standards Board.

5 (d) A drug test conducted under this subsection shall at a minimum test for the following
6 controlled substances:

- 7 1. Marijuana;
- 8 2. Cocaine;
- 9 3. Opiates;
- 10 4. Amphetamines;
- 11 5. Phencyclidine;
- 12 6. Morphine;
- 13 7. MDMA (Ecstasy);
- 14 8. Methadone;
- 15 9. Benzodiazepines;
- 16 10. Barbiturates; and
- 17 11. Oxycodone.

18 (e)1. A certificate holder subject to the terms of this subsection may petition the
19 Education Professional Standards Board to approve a drug testing facility of the
20 certificate holder's choice.

21 2. The petition shall contain the following information:

- 22 a. The drug testing facility's name and location;
- 23 b. The name and telephone number for the director of the facility;

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- 1 c. The method of test specimen collection;
- 2 d. The drug testing facility's method of assuring identity of the test subject;
- 3 e. Procedures for testing specimens, including forensic testing methods; and
- 4 f. Chain of custody protocols.

5 Section 3. Denial of Application for a Certificate. If the Education Professional Standards
6 Board denies an individual's application for a Kentucky teaching or administrative certificate
7 pursuant to this administrative regulation, the individual may file an appeal in accordance with
8 KRS 161.120(5)(a)2.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item D

Information Item:

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

Applicable Statutes and Regulations:

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

Applicable Goal:

Goal 3: Every credentialed educator exemplifies behaviors that maintain the dignity and integrity of the profession by adhering to established law and EPSB Code of Ethics.

Issue:

Should the EPSB approve the proposed amendments to the EPSB's Determining Probable Cause to Take Disciplinary Action Procedure contained in the EPSB's Policy and Procedure Manual?

Background:

At the April 28, 2014, Board meeting a motion passed to establish regulations for the disciplinary process and procedures pertaining to the statutes related to discipline by the EPSB. In order to facilitate a discussion regarding changes to the disciplinary system, staff has provided an amendment to the Determining Probable Cause to Take Disciplinary Action Procedure that incorporates a part of the process not clearly stated in the current edition, the standard for opening a case. Staff has been using this standard to initiate disciplinary matters, but this proposed amendment will specifically delineate the standard of proof. This proposed amendment will also incorporate the proposed changes to the review of complaints and opening of disciplinary cases.

To provide historical information, staff has also provided two previously proposed draft amendments to the current policy that were considered by the Board. The proposed amendments were either pulled from consideration prior to final action by the Board or passed for consideration by the Board at first reading. These are provided for Board members to review, in order to facilitate discussions regarding any other changes to the policy that members might want to propose.

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Agenda Book

Date:

February 9, 2015

Education Professional Standards Board
DETERMINING PROBABLE CAUSE TO TAKE DISCIPLINARY ACTION
PROCEDURE
Amended November 19, 2007
(Approved August 26, 2002)

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~~ A committee of the Board shall initiate a disciplinary case when the allegation in the report or complaint contains credible evidence which establishes an act prohibited by KRS 161.120 (1).

Upon opening a disciplinary case, the Board’s 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 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: The complaint against the educator shall be dismissed. The dismissal may not be based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc.; therefore, 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.

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.

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

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Education Professional Standards Board

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

**(Amended November 19, 2007)
(Approved August 26, 2002)**

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 initiating a disciplinary case, a notice that a complaint is pending for the Board’s review shall appear on the Board’s website with access limited to school district administrators. ~~Upon opening a disciplinary case,~~ The legal division staff shall send ~~[sends]~~ the educator (“respondent”) a copy of the complaint received by certified mail and advise the respondent ~~[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 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: The complaint against the educator shall be dismissed. The dismissal may not be based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc.; therefore, 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.

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. Legal staff shall further investigate the allegations and proceed toward an administrative hearing in accordance with KRS 13B.

If an agreed order or final order issued by the Board suspends or revokes a respondent's certificate, the respondent shall surrender his or current certificate to the Division of Legal Services. Upon reinstatement or reissuance of the certificate, the period of suspension and revocation shall be noted on the certificate. Suspension and revocation periods shall also be noted on the Board's website.

Education Professional Standards Board
DETERMINING PROBABLE CAUSE TO TAKE DISCIPLINARY ACTION
PROCEDURE
Amended November 19, 2007
(Approved August 26, 2002)

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 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: The complaint against the educator shall be dismissed. The dismissal may not be based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc.; therefore, subsequent action on this complaint is not prohibited; or

The Board without making a determination of whether the allegations contained in the complaint are true believes that either remedial training obtained by the respondent or the local employment discipline issued in this matter was appropriate. If the Board receives further complaints against the respondent, 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.

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. Legal staff shall further investigate the allegations and proceed toward an administrative hearing in accordance with KRS 13B.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item E

Information Item:

New Policy: Policy and Procedure Development and Regulatory Promulgation Procedure, Notice of Intent

Applicable Statutes and Regulation:

KRS 161.028, KRS Chapter 13A

Applicable Goal:

All Goals

Issue:

Should the EPSB approve the proposed Policy and Procedure Development and Regulatory Promulgation Procedure to be added to the EPSB's Policy and Procedure Manual?

Background:

Attached is an initial draft of a policy/procedure requested by the Board to guide the Board's development of future policies, procedures, and regulations. The attached draft procedure establishes the development of ad hoc committees and task forces when requested by the Board to study a specific issue, mandates specific guidelines for committee and task force membership, and requires that all new policy and regulations as well as amendments have at least two readings prior to approval.

This is an initial draft of the policy that the Board has been discussing in its work sessions and at its retreat. This draft incorporates the current procedure used by the Board and staff, so the Board may want to discuss further changes and request more information be included in the procedure.

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Date:

February 9, 2015

**Education Professional Standards Board
POLICY AND PROCEDURE DEVELOPMENT AND REGULATORY
PROMULGATION PROCEDURE**

In order to fulfill its statutory duties pursuant to KRS 161.028(1), Board members, members of the public, and staff may present issues to the Education Professional Standards Board (Board) for review. Additionally, the Board may be directed to study specific issues or promulgate regulations by act of the General Assembly. Upon identification of issues within its statutory authority, the Board may choose to delegate the review and investigation of the issues presented to a standing committee if the subject matter of the issue is germane to the standing committee's original jurisdiction or to create an ad hoc committee or task force to study and investigate the issue.

The Board shall adopt a guiding character for any ad hoc committee or task force which clearly defines the purpose of the committee or task force, establishes the timeline for the committee to complete its review and investigation, and describes the membership of the committee or task force. The membership of the committee or task force shall consist of individuals with expertise in the area to be studied from P-12 schools, educator preparation programs, and stakeholder groups. Additionally, the Board shall strive to ensure that the membership of all committees is geographically and ethnically diverse. Stakeholder groups include, but are not limited to, Kentucky Education Association, Kentucky Association of School Administrators, Kentucky Association of School Superintendents, Kentucky Association of School Boards, Pritchard Committee, Kentucky Parent Teacher Association, Kentucky Chamber of Commerce, Kentucky Department of Education, Council on Postsecondary Education, and educator specialty associations.

An ad hoc committee or taskforce shall report any findings and recommendations to the Board. The Board may adopt or modify and adopt the recommendations. Upon adoption of the recommendations, staff shall develop an implementation schedule for the recommendations for the Board's approval. If applicable, procedures or regulations shall be drafted for review and adoption by the Board.

Policy and procedures shall be developed to guide the Board and direct the staff on issues regarding internal management and the establishment of procedures or processes. An initial policy/procedure or an amendment to a policy/procedure shall be presented to the Board as an information item, initially. The Board may continue to review the item on its information agenda, if necessary, to finalize the policy/procedure or to take testimony from stakeholders. The Board shall not approve any policy/procedure or an amendment to a policy/procedure until it has had two readings before the Board and has been published as an action item to give notice and an opportunity for review by stakeholders.

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Regulations shall be developed in accordance with KRS Chapter 13A. A new regulation or a regulatory amendment shall be presented to the Board as an information item, initially. The Board may continue to review the item on its information agenda, if necessary, to finalize the regulation or to take testimony from stakeholders. The Board shall not approve any regulation or an amendment to a regulation until it has had two readings before the Board and has been published as an action item to give notice and an opportunity for review by stakeholders. Upon approval by the Board, the regulation or regulation amendment shall be filed in accordance with KRS Chapter 13A. During the promulgation process, the Director of Legal Services is designated to assist the Regulations Complier with any technical amendments to ensure the regulation or regulation amendment complies with the requirements of KRS Chapter 13A.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item F

Information Item:

University of the Cumberland: Progress Report of Option 6 Programs

Applicable Statute and Regulation:

KRS 161.028, 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.

Background:

At the August 2014 Board meeting the EPSB accepted three recommendations from the Accreditation Audit Committee regarding the University of the Cumberland. The first recommendation was for the EPSB to grant accreditation. The second recommendation was for approval of the Option 6 programs. The third recommendation was for the University of the Cumberland to provide a progress report on the Option 6 programs. This program report is available in the Document Library on the website.

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Date:

February 9, 2015

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item

Action Item:

Kentucky Teacher Internship Program (KTIP) Appeals

Applicable Statutes and Regulation:

KRS 161.030

16 KAR 7:010, Section 8

Applicable Goal:

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.

Issue:

Should the Education Professional Standards Board approve the recommendations of the Kentucky Teacher Internship Program (KTIP) Appeals Committee?

Background:

Pursuant to Section 8 of 16 KAR 7:010, a teacher intern may appeal the decision of the beginning teacher committee. Appeals by teacher interns must be reviewed by a committee of four persons—one teacher, one principal, one teacher educator, and the Executive Director of the EPSB or his/her designee. The Appeals Committee reviews the written appeal by the teacher intern, all beginning teacher committee reports, any additional documentation that accompanied the final report, any written responses from the members of the beginning teacher committee, and all other relevant information requested by the Appeals Committee.

The Appeals Committee may recommend that the EPSB uphold the final decision of the internship as unsuccessful, not uphold the final decision of the internship as unsuccessful, or nullify the final decision because of procedural errors, allowing the intern two additional opportunities to successfully complete the internship.

The recommendations made by the Appeals Committee will be sent under separate cover.

Alternative Actions:

1. Approve the Appeals Committee recommendations.
2. Do not approve the Appeals Committee recommendations.

Staff Recommendation:

Alternative Action 1

Rationale:

The EPSB considers the Appeals Committee's recommendations, reviews the records, and issues a final decision on each case. The Appeals Committee followed proper review procedures under the guidance of an EPSB attorney, and the staff believes the recommendations are sound.

Agenda Book

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February 9, 2015

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16 KAR 7:010. Kentucky Teacher Internship Program.

RELATES TO: KRS 156.101, 161.028, 161.030, 161.048, 161.095

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(5) requires that all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. This administrative regulation establishes the requirements for the Kentucky Teacher Internship Program.

Section 8. Appeals. (1)(a) If a Beginning Teacher Committee finds that a teacher intern was unsuccessful, the Education Professional Standards Board shall notify the teacher intern by certified mail to the last known address of the teacher intern.

(b) To appeal the decision, the teacher intern shall file a written notice of appeal within thirty (30) calendar days of the date the written notice of finding of unsuccessful completion of the internship is received by the teacher intern. If the teacher intern fails to maintain a current address with the Education Professional Standards Board or refuses to claim the certified mail, the teacher intern shall file a written notice of appeal within thirty-five (35) days of the date the notice is mailed to the teacher intern's last known address.

(c) If a written notice of appeal is not received within the timeline established in paragraph (b) of this subsection, the Beginning Teacher Committee's decision shall be final.

(2)(a) Appeals by teacher interns shall be reviewed by a committee of four (4) persons. The appeals committee shall include:

1. One (1) teacher;
2. One (1) principal;
3. One (1) teacher educator; and
4. The Executive Director of the Educational Professional Standards Board, or his or her designee.

(b) The appeals committee members shall be chosen from a pool of committee candidates appointed annually by the Education Professional Standards Board.

(c) An appeals committee member shall not take part in a decision in which the member has an interest or is biased.

(3)(a) The appeals committee shall review the written appeal by the teacher intern, all beginning teacher committee reports, any additional documentation that accompanied the final report, and any written responses from the members of the beginning teacher committee.

(b) The appeals committee shall base its recommendation upon the following requirements:

1. Evidence of the teacher intern's ability to meet the requirements of the Kentucky Teacher Standards;
2. Appropriate documentation of the instructional setting and outside normal working hours spent by the resource teacher in assisting the teacher intern as specified in KRS 161.030(7);
3. Assignment of beginning teacher committee members in accordance with legal requirements;
4. Compliance with the requirements for the timing, content, reporting, and signing of teacher intern performance records, meeting and observation forms, and resource teacher time sheets; and
5. Agreement between teacher intern performance records, professional growth plans, beginning teacher committee meeting reports, the teacher performance assessment, and the final decision of the committee.

(4) The appeals committee shall make a recommendation to the Education Professional Standards Board on the appeal within sixty (60) days following the receipt of the appeal, unless good cause exists for additional time. The Education Professional Standards Board shall issue a final decision in each appeal reviewed by the appeals committee. The Education Professional Standards Board may consider the appeals committee recommendation and the records reviewed by the appeals committee in issuing its decision.

(5) If the decision of the beginning teacher committee is not upheld, the Education Professional Standards Board shall issue the appropriate certificate to the teacher intern.

(6) If the decision of the beginning teacher committee is upheld, the Education Professional Standards Board shall issue another Statement of Eligibility for Internship, unless:

(a) The teacher intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program; or

(b) The period of validity of the statement of eligibility has expired.

(7) If, during the appeal process, it becomes evident that the beginning teacher committee has committed some procedural violation during the internship which makes it impossible to determine if the teacher intern has in fact been unsuccessful, the Education Professional Standards Board may nullify the internship and allow the teacher intern to repeat the internship without penalty.

(8) If the teacher intern is not satisfied with the decision of the board based on the recommendation of the appeals committee, the teacher intern may request a formal hearing under the provisions of KRS Chapter 13B. The request shall be filed in writing with the Executive Director of the Education Professional Standards Board within fifteen (15) calendar days of the date the board's decision is received by the teacher intern.

(9) In notifying the teacher intern of the board's decision, the Education Professional Standards Board shall send the decision of the board by certified mail to the last known address of the teacher intern. If the teacher intern fails to maintain a current address with the Education Professional Standards Board, or refuses to claim the certified mail, the request for a hearing shall be filed in writing with the Executive Director of the Education Professional Standards Board within (20) calendar days of the date the board's decision is mailed to the teacher intern by certified mail.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver

Action Item:

Request to waive teaching experience requirement for Supervisor of Instruction Alternative Certification

Applicable Statutes and Regulation:

16 KAR 9:080 Section 2 (3) and 16 KAR 3:020 Section 2 (2)(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 that an applicant for an alternative certification administrator program meet the experience requirements set forth for traditionally certified administrators?

Background:

Mr. Michael Dailey is requesting a waiver of the three years of classroom teaching experience required as a prerequisite for admission to the Instructional Leadership—Supervisor of Instruction alternative certification program. He holds a Standard Certificate for School Social Worker and served in this position for twelve years. He also has fourteen years of education and educational leadership experience through the Kentucky Department of Education.

Mr. Dailey was in the process of being admitted to the ECU alternative certification program for Supervisor of Instruction during the fall of 2013. At that time, universities could admit alternate certification candidates without requiring three years of teaching experience. Due to a delay in receipt of his transcript, formal admission to the program did not happen until December of 2013. Revisions to 16 KAR 9:080 went into effect on December 6, 2013. EPSB Admissions data shows that ECU fully admitted Mr. Dailey to the Option 6 program on December 11, 2013.

Alternative Actions:

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

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Date:

February 9, 2015

Agenda Book

16 KAR 9:080. University-based alternative certification program.

RELATES TO: KRS 156.111, 160.345(2)(h), 160.380(5)(c), 161.027, 161.028(1)(k), (s), (t), 161.030(10), 161.048

STATUTORY AUTHORITY: KRS 161.027(1), 161.048(1)(d), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048(1)(d) and (7) require the Education Professional Standards Board to promulgate administrative regulations establishing the standards and procedures for a university alternative certification option for teacher and administrator certification. This administrative regulation establishes the requirements for entry and completion of the teacher and administrator university-based alternative certification options, the responsibilities of the employing school or school district, and the responsibilities of the approved college or university alternative program.

Section 2. Admission Requirements. (1) An applicant for an alternative certification teacher program shall meet the admission standards for an initial certification program established in 16 KAR 5:020.

(2) An applicant for an alternative certification administrator program shall meet the admission standards for the corresponding administrator certification program established in 16 KAR Chapter 3.

(3) An applicant for any alternative certification teacher or administrator program shall meet all certification requirements for the corresponding certificate established in 16 KAR Chapter 2 or 3 except completion of the corresponding educator preparation program and the required assessments.

16 KAR 3:020. Certification for supervisor of instruction.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the preparation and certification program for supervisor of instruction at all grade levels.

Section 2. (1) The professional certificate for instructional leadership - supervisor of instruction, shall be issued in accordance with the pertinent Kentucky statutes and administrative regulations of the Education Professional Standards Board to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010.

(2) As prerequisites for the Level I program of preparation for the initial professional certificate for instructional leadership - supervisor of instruction, the candidate shall:

(a) Have been admitted to a preparation program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010;

(b) Have completed three (3) years of full-time teaching experience;

(c) Have completed the master's degree; and

(d) Qualify for a Kentucky teaching certificate.

(3) Application for the professional certificate for instructional leadership - supervisor of instruction shall be made on Form TC-1.

(4) The initial professional certificate for instructional leadership - supervisor of instruction shall be:

(a) Issued for a duration period of five (5) years upon the successful completion of a Level I program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010; and

(b) Renewed subsequently for five (5) year periods.

1. The first renewal shall require the completion of a Level II program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010.

2. Each five (5) year renewal thereafter shall require the completion of:

a. Two (2) years of experience as a supervisor of instruction;

b. Three (3) semester hours of additional graduate credit or the equivalent related to the position of supervisor of instruction; or

c. Forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Instructional Leadership Training Program.

(5) If a lapse in certification occurs for lack of completion of the Level II preparation, the certification may be reissued for a five (5) year period upon successful completion of the Level II preparation, but for lack of the renewal requirements, the certificate may be reissued after the completion of an additional six (6) semester hours of graduate study or the equivalent appropriate to the program.