

EPSB Retreat Agenda
Education Professional Standards Board
Conference Room A
100 Airport Rd, 3rd Floor
Frankfort, KY 40601
July 20 – 21, 2014
(All Times EDT)

Sunday, July 20, 2014

4:30 pm – 7:30 pm	Committee Structures Policy Review Process/Linkages
7:30 pm – 9:30 pm	Informal Dinner at Johnny Carino's NO BUSINESS WILL BE CONDUCTED

Monday, July 21, 2014

8:30 am – 9:00 am	<i>Breakfast</i>
9:00 am – 10:30 am	Next Generation Learning/Link to NTEP - Guest Presenter Gene Wilhoit
10:30 am – 12:00 pm	Policy Review Process/Linkages (continued)
12:00 pm – 1:00 pm	<i>Lunch</i>
1:00 pm – 3:15 pm	Disciplinary Review Process
3:15 pm – 4:00 pm	Review of next steps based on retreat presentations

**EDUCATION PROFESSIONAL STANDARDS BOARD
RETREAT GUIDESHEET**

**Committee Structures
Retreat Discussion**

Retreat Discussion:

Review of the committee structure and process for identifying members to serve.

Relevant Documents, Statutes, and/or Regulations:

Excel Spreadsheet of Board appointed and regulatory required committees

Board Policy, Election of Officers, Section: *Roles and Responsibilities of Officers and Board Members, Chair.*

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

- Section 3 – Accreditation Audit Committee
- Section 6 – Content Program Review Committee
- Section 7 – Continuous Assessment Review Committee
- Section 8 – Reading Committee

Background:

At the request of the Board, EPSB staff developed an Excel spreadsheet identifying all committees required by regulation and those initiated by Board action. These committees provide constituent and stakeholder input to the board for consideration in the decision making process. Within the EPSB's Strategic Agenda, strategies and activities focus on committee structures which address Goal 4: *By September 1, 2014, the EPSB will review policies, procedures, committee structures and responsibilities, revise when necessary, and communicate findings to appropriate stakeholders.*

Board Recommendation(s)

Staff Action Steps:

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

RELATES TO: KRS 161.028, 161.030, 164.945, 164.946, 164.947, 20 U.S.C. 1021-1022h

STATUTORY AUTHORITY: KRS 161.028, 161.030

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

Section 1. Definitions. (1) "AACTE" means the American Association of Colleges for Teacher Education.

(2) "Biennial report" means the report prepared by the EPSB summarizing the institutionally-prepared annual reports for a two (2) year period.

(3) "Board of examiners" means the team who reviews an institution on behalf of NCATE or EPSB.

(4) "EPSB" means the Education Professional Standards Board.

(5) "NCATE" means the National Council for Accreditation of Teacher Education.

(6) "NCATE accreditation" means a process for assessing and enhancing academic and educational quality through voluntary peer review.

(7) "State accreditation" means recognition by the EPSB that an institution has a professional education unit that has met accreditation standards as a result of review, including an on-site team review.

Section 2. Accreditation Requirements. (1) An institution offering an educator certification program or a program leading to a rank change:

(a) Shall be accredited by the state; and

(b) May be accredited by NCATE.

(2) State accreditation shall be:

(a) A condition of offering an educator certification program or a program leading to a rank change; and

(b) Based on the national accreditation standards which include the program standards enumerated in KRS 161.028(1)(b), and which are set out in the "Professional Standards for the Accreditation of Teacher Preparation Institutions" established by NCATE. The accreditation standards shall include:

1. Standard 1 - Candidate Knowledge, Skills, and Dispositions. Candidates preparing to work in schools as teachers or other professional school personnel know and demonstrate the content, pedagogical, and professional knowledge, skills, and

dispositions necessary to help all students learn. Assessments indicate that candidates meet professional, state, and institutional standards.

2. Standard 2 - Assessment System and Unit Evaluation. The unit has an assessment system that collects and analyzes data on applicant qualifications, candidate and graduate performance, and unit operations to evaluate and improve the unit and its programs.

3. Standard 3 - Field Experience and Clinical Practice. The unit and its school partners design, implement, and evaluate field experiences and clinical practice so that teacher candidates and other school personnel develop and demonstrate the knowledge, skills, and dispositions necessary to help all students learn.

4. Standard 4 - Diversity. The unit designs, implements, and evaluates curriculum and experiences for candidates to acquire and apply the knowledge, skills, and dispositions necessary to help all students learn. These experiences include working with diverse higher education and school faculty, diverse candidates, and diverse students in P-12 schools.

5. Standard 5 - Faculty Qualifications, Performance, and Development. Faculty are qualified and model best professional practices in scholarship, service, and teaching, including the assessment of their own effectiveness as related to candidate performance; they also collaborate with colleagues in the disciplines and schools. The unit systematically evaluates faculty performance and facilitates professional development.

6. Standard 6 - Unit Governance and Resources. The unit has the leadership, authority, budget, personnel, facilities, and resources including information technology resources, for the preparation of candidates to meet professional, state, and institutional standards.

(3) NCATE accreditation shall not be a condition of offering an educator certification program or a program leading to a rank change.

(4) All educator preparation institutions and programs operating in Kentucky that require licensure by the Council on Postsecondary Education under KRS 164.945, 164.946, 164.947, and 13 KAR 1:020 shall:

(a) Be accredited by the state through the EPSB under this administrative regulation as a condition of offering an educator certification program or a program leading to rank change; and

(b) Comply with the EPSB "Accreditation of Preparation Programs Procedure".

Section 3. Developmental Process for New Educator Preparation Programs. (1) New educator preparation institutions requesting approval from the EPSB to develop educator preparation programs that do not have a historical foundation from which to show the success of candidates or graduates as required under Section 9 of this administrative regulation shall follow the four (4) stage developmental process established in this section to gain temporary authority to admit candidates.

(2) Stage One.

(a) The educator preparation institution shall submit an official letter from the chief executive officer and the governing board of the institution to the EPSB for review and acceptance by the board indicating the institution's intent to begin the developmental process to establish an educator preparation program.

(b) The EPSB staff shall make a technical visit to the institution.

(c) The institution shall submit the following documentation:

1. Program descriptions required by Section 11 of this administrative regulation;
2. Continuous assessment plan required by Section 11(2) of this administrative regulation; and

3. Fulfillment of Preconditions 1, 2, 3, 5, 7, 8, and 9 established in Section 9 of this administrative regulation.

(d) The EPSB shall provide for a paper review of this documentation by the Reading Committee and the Continuous Assessment Review Committee.

(e) Following review of the documentation, EPSB staff shall make an additional technical visit to the institution.

(3) Stage Two.

(a) A board of examiners team shall make a one (1) day visit to the institution to verify the paper review.

(b) The team shall be comprised of:

1. One (1) representative from a public postsecondary institution;
2. One (1) representative from an independent postsecondary institution; and
3. One (1) representative from the Kentucky Education Association.

(c) The team shall submit a written report of its findings to the EPSB.

(d) The EPSB shall provide a copy of the written report to the institution.

(e)1. The institution may submit a written rejoinder to the report within thirty (30) working days of its receipt.

2. The rejoinder may be supplemented by materials pertinent to the conclusions found in the team's report.

(f) The Accreditation Audit Committee shall review the materials gathered during Stages One and Two and make one (1) of the following recommendations to the EPSB with regards to temporary authorization:

1. Approval;
2. Approval with conditions; or
3. Denial of approval.

(4) Stage Three.

(a) The EPSB shall review the materials and recommendations from the Accreditation Audit Committee and make one (1) of the following determinations with regards to temporary authorization:

1. Approval;
2. Approval with conditions; or
3. Denial of approval.

(b) An institution receiving approval or approval with conditions shall:

1. Hold this temporary authorization for two (2) years; and
2. Continue the developmental process and the first accreditation process established in this administrative regulation.

(c) An institution denied temporary authorization may reapply.

(d) During the two (2) year period of temporary authorization, the institution shall:

1. Admit candidates;
2. Monitor, evaluate, and assess the academic and professional competency of candidates; and
3. Report regularly to the EPSB on the institution's progress.

(e) During the two (2) year period of temporary authorization, the EPSB:

1. May schedule additional technical visits; and
 2. Shall monitor progress by paper review of annual reports, admission and exit data, and trend data.
- (5) Stage Four.
- (a) The institution shall host a first accreditation visit within two (2) years of the approval or approval with conditions of temporary authorization.
 - (b) All further accreditation activities shall be governed by Section 9 of this administrative regulation.

Section 4. Schedule and Communications. (1) The EPSB shall send an accreditation and program approval schedule to each educator preparation institution no later than August 1 of each year. The first accreditation cycle shall provide for an on-site continuing accreditation visit at a five (5) year interval. The regular accreditation cycle shall provide for an on-site continuing accreditation visit at a seven (7) year interval.

(2) The accreditation and program approval schedule shall be directed to the official designated by the institution as the head of the educator preparation unit with a copy to the president. The head of the educator preparation unit shall disseminate the information to administrative units within the institution, including the appropriate college, school, department, and office.

(3) The EPSB shall annually place a two (2) year schedule of on-site accreditation visits for a Kentucky institution in the agenda materials and minutes of an EPSB business meeting.

(4) The EPSB shall coordinate dates for a joint state and NCATE accreditation on-site visit.

(5) At least six (6) months prior to a scheduled on-site visit, an institution seeking NCATE or state accreditation shall give public notice of the upcoming visit.

(6) The governance unit for educator preparation shall be responsible for the preparation necessary to comply with the requirements for timely submission of materials for accreditation and program approval as established in this administrative regulation.

Section 5. Annual Reports. (1)(a) Each institution shall report annually to the EPSB to provide data about:

1. Faculty and students in each approved program;
2. Progress made in addressing areas for improvement identified by its last accreditation evaluation; and
3. Major program developments in each NCATE standard.

(b)1. An institution seeking accreditation from NCATE and EPSB shall complete the Professional Educator Data System (PEDS) sponsored by AACTE and NCATE and located online at <http://www.aacte.org>. After the PEDS is submitted electronically, the institution shall print a copy of the completed report and mail it to the EPSB at 100 Airport Road, Frankfort, Kentucky 40601.

2. An institution seeking state-only accreditation shall complete the Annual State-Only Institutional Data Report online at <http://www.kyepsb.net/teacherprep/index.asp> and submit it electronically to the division contact through the EPSB Web site.

(2)(a) The EPSB shall review each institution's annual report to monitor the capacity of a unit to continue a program of high quality.

(b) The EPSB may pursue action against the unit based on data received in this report.

(3) The Accreditation Audit Committee shall submit a biennial report, based on data submitted in the annual reports, to the unit head in preparation for an on-site accreditation visit.

Section 6. Content Program Review Committee. (1)(a) The EPSB shall appoint and train a content program review committee in each of the certificate areas to provide content area expertise to EPSB staff and the Reading Committee.

(b) Nominations for the content program review committees shall be solicited from the education constituent groups listed in Section 13 of this administrative regulation.

(2)(a) A content program review committee shall review an educator preparation program to establish congruence of the program with standards of nationally-recognized specialty program associations and appropriate state performance standards.

(b) A content program review committee shall examine program content and faculty expertise.

(3) A content program review committee shall submit written comments to EPSB staff and the Reading Committee for use in the program approval process.

(4) A content program review committee shall not make any determination or decision regarding the approval or denial of a program.

Section 7. Continuous Assessment Review Committee. (1) The EPSB shall appoint and train a Continuous Assessment Review Committee to be comprised of P-12 and postsecondary faculty who have special expertise in the field of assessment.

(2) The Continuous Assessment Review Committee shall conduct a preliminary review of each institution's continuous assessment plan.

(3) The Continuous Assessment Review Committee shall meet in the spring and fall semesters of each year to analyze the continuous assessment plan for those institutions that are within one (1) year of their on-site visit.

(4) The Continuous Assessment Review Committee shall provide technical assistance to requesting institutions in the design, development, and implementation of the continuous assessment plan.

Section 8. Reading Committee. (1) The EPSB shall appoint and train a Reading Committee representative of the constituent groups to the EPSB.

(2) The Reading Committee shall conduct a preliminary review of accreditation materials, annual reports, and program review documents from an educator preparation institution for adequacy, timeliness, and conformity with the corresponding standards.

(3) For first accreditation, the Reading Committee shall:

(a) Review the preconditions documents prepared by the institution; and

(b) Send to the EPSB a preconditions report indicating whether a precondition has been satisfied by documentation. If a precondition has not been met, the institution shall be asked to revise or send additional documentation. A preconditions report stating that the preconditions have been met shall be inserted into the first section of the institutional report.

(4) For continuing accreditation and program approval, the Reading Committee shall:

(a) Determine that a submitted material meets requirements;

(b) Ask that EPSB staff resolve with the institution a discrepancy or omission in the report or program;

(c) Refer an unresolved discrepancy or omission to the on-site accreditation team for resolution; or

(d) Recommend that the evaluation and approval process be terminated as a result of a severe deficiency in the submitted material.

(5) The EPSB shall discuss a recommendation for termination with the originating institution. The institution may submit a written response which shall be presented, with the Reading Committee comments and written accreditation and program, by EPSB staff for recommendation to the full EPSB.

Education Professional Standards Board

ELECTION OF OFFICERS PROCEDURE

Approved July 1996

Amended June 2, 1999; May 14, 2001; August 26, 2002; March 20, 2006

Pursuant to KRS 161.028, the Education Professional Standards Board (“the Board”) is required to elect a Chair from the membership. A member shall be eligible to serve no more than three, one-year terms in succession as Chair. The following procedure shall be followed regarding election of the Chair and Vice-Chair.

1. The election of the Chair and Vice-Chair shall be conducted at a regular meeting of the Board in August or later, at the discretion of the Board.
2. Nominations for Chair shall be accepted from a nominating committee appointed by the Chair or from the floor.
3. Voting shall be conducted in Open Session.
4. In case of a tie, voting among the top two candidates shall follow the first ballot when three or more candidates are nominated. When only two candidates are nominated and a tie vote is recorded, balloting shall continue until the tie is broken.
5. The nomination and election of the Vice-Chair shall be conducted in the same manner as that of the Chair.
6. Officers shall assume their duties at the September meeting following the election or at the next meeting (regular or called) of the Board if the election is conducted in September or later.
7. If an elected officer is not eligible to continue to serve, or resigns from office, an election for that office shall be conducted at the next regular meeting of the Board following notification of ineligibility or resignation. If the office vacated is that of Chair, the Vice-Chair shall assume duties and responsibilities of the Chair until an election for Chair is conducted.
8. If the term of appointment of elected Board officers expires before the annual election, the Board shall designate a member of the Board to act as Chair until the election is conducted.
9. In the event of the absence of the Chair, and the inability of the Vice-Chair to preside or the absence of the Vice-Chair, some other member of the Board shall call the meeting to order; and the Board shall immediately elect a Chair Pro-Tem to preside during that session. The office of Chair Pro-Tem shall terminate upon the return or availability of the Chair or Vice-Chair.
10. If the Board elects a Chair Pro-Tem to hold office beyond the current session (in the event that the Chair and Vice-Chair are unable to perform their duties for that length of time), notice must be given at the preceding meeting or in the call of the meeting at which such election is held.

Roles and Responsibilities of Officers and Board Members

Chair

- Encourage full participation in decision making.
- Set agenda in consultation with Executive Director.
- Conduct/chair meeting.
- Reflect decisions and policies of the Board.
- Assume leadership role in legislative effort.
- Serve as contact for other pertinent organizations, e.g., KEA, KASA, KSBA, within KDE, etc.
- Make reports at Board meetings as needed.
- Determine committee composition with consent of Board.
- Review and make suggestions on continuing needs for committees.

Vice Chair

- Assume responsibilities and assist Chair as necessary.

All Board Members

- Attend meetings regularly.
- Prepare for meetings.
- Speak with one voice on decisions and policies approved by the Board.
- Serve on committees.
- Communicate the work of the Board to constituency groups(s).
- Assist in communication process to reach Board goals.
- Model the Professional Code of Ethics for Kentucky School Certified Personnel.
- Adhere to the Professional Conduct Procedure.
- Adhere to the Code of Ethics for Education Professional Standards Board Members.

August 2013 - Update

Purpose: Offer advice and recommendations to the Education Professional Standards Board regarding the Kentucky Teacher Internship Program and the Kentucky Principal Internship Program. Terms will be on a two and three year rotation.

Profession	Association	Type	*Reappointment	Years	Term Expires
Teacher					
Nicholas Barton	Franklin County Early Learning Village	IECE	22-May-12	3	22-May-15
Melanie Robbins	Shelby County	Middle School	22-May-12	3	22-May-15
Janet O'Connell	Jessamine County	High School	22-May-12	3	22-May-15
Principal					
Demetria Ann Choice	Christian County	High School	1-Aug-11	3	1-Aug-14
Rhonda Callaway	Crittenden County	High School	*8/1/2011	3	1-Aug-14
Billy Parker	Madison County	Elementary	1-Aug-13	3	1-Aug-16
Superintendent					
Roger Wagner	Pike County		22-May-12	3	22-May-15
Randy McCallon	Carlisle County		22-May-12	3	22-May-15
Richard "Rich" Crowe	Frankfort Indp Schools		*3/5/2012	3	5-Mar-15
Kentucky Education Association					
LuAnn Asbury			*3/1/2013	3	1-Mar-16
Workforce Investment Department					
Vickie Staley	Workforce Investment		*8/1/2011	3	1-Aug-14
Joyce Stubbs	Technical Ed/Morehead		1-Aug-13	3	1-Aug-16
Interdisciplinary Early Childhood Education					
Megan Purcell	Eastern Kentucky University	University	*18-May-09	3	18-May-15
Central Office					
Aimee Webb	Jefferson County		*8/1/2011	2	1-Aug-13
Non-Public School					
Judy Thomas	Archdiocese of Louisville		*3/5/2012	2	5-Mar-14
Kentucky Department of Education					
Felicia Cumings-Smith	Educator Quality & Diversity		*8/1/2011	3	1-Aug-14
Teacher Educators					
Sharon Brennan	University of Kentucky	University	*3/5/2012	2	5-Mar-14
Richard Roberts	Western Kentucky University	University	*3/5/2012	2	5-Mar-14
Beverly Ennis	Campbellsville University	University	1-Aug-11	3	1-Aug-14
Administrator Educators (Vacant)					
Education Professional Standards Board					
Marie McMillen	Teacher/South Marshall Middle		01-Aug-13	2	1-Aug-15
KTIP District Coordinator					
Jeff Castle	Jessamine County	District	1-Aug-13	3	1-Aug-16

Accreditation and Audit Committee

Following an on-site accreditation visit, the Accreditation Audit Committee (AAC) reviews the Board of Examiners (BOE) report, institutional response (Rejoinder) to the BOE report, and annual data reports. The committee then makes recommendations regarding accreditation status of the institutional unit for educator preparation as well as for approval of the individual programs of preparation to the Education Professional Standards Board (EPSB). All members of the AAC have completed the Board of Examiners training on the NCATE standards, policies, and procedures. The AAC is also responsible for completing the biennial review of each institution's annual report.

Name	Representing	Re-Appointment	Term Expires
Susan Compton	Superintendents	Sep-12	Nov-15
Zella Wells	Superintendents	Sep-12	Nov-15
Judi Conrad	Parents	Sep-12	Nov-15
Joy Gray	Teachers	Sep-12	Jan-15
Tim Watkins	Teachers	Mar-12	Jan-15
Shirley Nelson	Independent IHE	Mar-12	Jan-15
Jack Rose	Public IHE	Sep-12	Nov-15

Continuous Assessment Review Committee (CARC)

This committee is charged to review the Continuous Assessment Plans submitted with the institutions' program review documents. CARC's comments from the review are incorporated into the feedback institutions receive from the Reading Committee concerning their programs. CARC provides technical assistance and facilitates communication about continuous assessment. The committee is composed of assessment experts representing both public and independent institutions of higher education, public school teachers, and a representative from the Kentucky Department of Education.

Name	Representing	Appointed/Re-Appointed
Renee Campoy	Murray State University	September 2009-2012*
Paul Erickson	Eastern Kentucky University	September 2009-2012*
Leone Kinne	Northern Kentucky University	September 2009-2012*
Ann Larson	University of Louisville	September 2009-2012*
Tony Norman	Western Kentucky University	September 2008-2011*
Jason Reeves	Union College	August 2008-2014
Charles Roberts	Midway College	September 2010 - 2013
Manish Sharma	Thomas More College	August 2011 - 2014

*Appointments continued to present due to PARC review of program approval process

Committee to Ensure an Ethical Educator Workforce (CEEEW)

The committee was developed to conduct a system-wide evaluation of disciplinary adjudications, the character and fitness review process, misconduct reporting procedures, promotion of the Professional Code of Ethics for Kentucky Certified School Personnel, and the collection of data related to the EPSB's disciplinary functions.

Name	Representing	Appointed
Barbara Boyd	EPSB	Jan-13
Mike Ross	EPSB	Jan-13
Sandy Sinclair-Curry	EPSB	Jan-13
Zenaida Smith	EPSB	Jan-13
Mark Wacsicko	EPSB	Jan-13
Mary Ruble	KEA	Jan-13
Wilson Sears	KEA	Jan-13
Wayne Young	KASA	Jan-13

Committee to Review Cut Scores

The Committee to Review Cut Scores was established to review the current cut score framework and present recommendations to the board.

Name	Representing	Appointed
Tony Norman	WKU	Mar-11
Mark Wasicsko	NKU	Mar-11
Gary Schroeder	UK	Mar-11
Paul Erickson	EKU	Mar-11
Reneee Campoy	MuSU	Mar-11
Corrie Orthober	Bellarmino	Mar-11
Verna Lowe	Asbury	Mar-11
Gary Pate	UCumberlands	Mar-11
John DeAtley	CPE	Mar-11

This committee completed its work.

Exceptional Children Committee

The Program and Certification Review Committee of Teachers of Exceptional Children Committee (TECC) review and recommend revisions to the EPSB's program approval and certification processes for Teachers of Exceptional Children: Special Education. This committee's work addresses recent legislation, specifically the DRAFT OEA report presented to the EAARS committee in November 2011, *Appropriate Identification and Service of Students with Disabilities in Kentucky: Special Education Eligibility, Funding, and Personnel Training* (November 2011), changes in national accreditation procedures, and a desire to improve efficacy of special education teachers.

Name	Representing	Appointed
Denise Bailey	Branch Manager, Diverse Learners, KDE	Sep-12
Mike Carr	Director, Division of Certification, EPSB	Sep-12
Kim Caudill	Spe. Ed. Teacher, Franklin County	Sep-12
Johnny Collett	Director, Division of Learning Services, KDE	Sep-12
Belva Collins	KACTE Representative, UK Spec Ed. Chair	Sep-12
Teresa Combs	Director of Legal and Adm Training Services, KSBA	Sep-12
Harriett Dawson	Human Resources Specialist, Jefferson County	Sep-12
Alice Gabbard	Senior Director, KY Center for Mathematics	Sep-12
Shannon Gilkey	Senior Associate, Academic Affairs, CPE	Sep-12
Arden Goodman	Pres. KY Council for Exceptional Children and Assistant Director of Spec. Edu, Scott County	Sep-12 Sep-12
George Hruby	Exe. Director, Collab. Cnt. For Literacy Dev., UK	Sep-12
Anita Jones	Facutly, Georgetown College	Sep-12
Harold Kleinert	Exe. Dire. Human Dev. Institute, University Center for Excellence in Dev. Disabilities, UK	Sep-12 Sep-12
Jim Knoll	Dep. Chair for Early Childhood, Elem and Spec Edu Morehead State	Sep-12 Sep-12
Mike Ross	EPSB Teacher Member, Mason County	Sep-12
Terry Scott	Faculty, Department of Spe. Edu. UL	Sep-12
Amy Shutt	Principal, Daviess County	Sep-12
Rhonda Simpson	KY CASE Pres and Dir. Of Spe. Edu, Green County	Sep-12
Larry Taylor	Director, Exeptional Children Services, OVEC Sp. Ed	Sep-12
Monica Tharp	Director, Spec. Edu, Bullitt County	Sep-12
Kennedy Turner	ECE Teacher, Jefferson County	Sep-12
Mike Waford	Exe. Director, Kentucky Center for Instructional Discipline	Sep-12

Kentucky Teacher Standards Review Committee

The release of the Interstate Teacher Assessment and Support Consortium (InTASC) Model Core Teaching Standards resulted in the established committee to review the Kentucky Teacher Standards.

Name	Representing	Appointed
Ann Larson	UL	Jan-11
Alesa Walker	MuSU	Jan-11
Sharon Brennan	UK	Jan-11
Jim Simpson	Georgetown	Jan-11
Dee Jones	CKEC	Jan-11
Todd Warren	WKEC	Jan-11
Terri-Cox Crucey	NKEC	Jan-11
Robin Chandler	KDE	Jan-11
Donna Brockman	KDE	Jan-11
John DeAtley	CPE	Jan-11
Mary Ann Blankenship	KEA	Jan-11
Sylvia Carter	NBCT, RTI Coodinator Morgan County	Jan-11
Lou Ann George	Teacher, Washington County	Jan-11
Eric Shields	NBCT, Franklin County	Jan-11
Paul Gray	NBCT, Hardin County	Jan-11
Blain Click	Principal, Estill County	Jan-11
Chuck Abell	Principal, Spencer County	Jan-11
Martha Collier	Principal, Burgin Independent	Jan-11
Elaine Farris	Superintendent, Clark County	Jan-11

Literacy Committee

The Literacy Preparation Advisory Committee is charged with reviewing the literacy instruction preparation currently provided in Kentucky's educator preparation programs for middle school, high school, and P-12 initial certification areas; examining relevant research and information related to best practices in literacy preparation; and then making recommendations to the EPSB regarding literacy instruction preparation.

Name	Representing	Appointed
Sue Cain	Coordinator: College Readiness, CPE	Aug-12
Ron Chi	Adminstrator, Fayette County	Aug-12
Dorie Combs	Faculty, ECU	Aug-12
Robert Cooter	Dean, Bellarmine	Aug-12
Todd Hamilton	Faculty, Georgetown	Aug-12
Cindy Heine	Prichard Committee	Aug-12
George Hruby	Executive Director, Coll. Center Literacy Dev, UK	Aug-12
Marie McMillen	EPSB/Teacher Marshall County	Aug-12
Dan Orman	Assistant Super, Oldham County	Aug-12
Brenda Overturf	Literacy Consultant, Literacy Perspectives	Aug-12
Cindy Parker	Literach Coordinator, KDE	Aug-12
Pamela Petty	WKU Center for Literacy	Aug-12
Terry Rhodes	HS Curriculum Specialist, Montgomery County	Aug-12
Felicia Smith	Associate Commissioner, KDE	Aug-12
Joyce Stubbs	Facutly, Morehead	Aug-12
Roger Williamson	Teacher, Belfry Area Technology Center	Aug-12
Dale Winkler	Exe. Dire, CTE, KY Edu. And Workforce Devl. Cabinet	Aug-12

Master's Review Committee

The Master's Redesign Committee was charged with developing programs for rank change so that they are not only concerned with the transmission of knowledge but also with involvement in the processes by which knowledge is attained. The new programs are envisioned as representing current best practices, focusing on how educators learn while engaging them in intellectual discourse. The redesigned master's is to develop teacher leaders through research-based practices, district partnerships and collaboration, mixed delivery methods, clinical experiences, and job-embedded professional experiences.

Name	Representing	Appointed
Dessie Bowling	Coop	Oct-10
Harrie Buecker	Administrators	Sep-09
Terri Cox Cruvey	Administrators	Sep-09
John DeAtley	CPE	Mar-08
Cindi Heine	Prichard Committee	Mar-08
Michael Kral	Teachers	Mar-08
Nancy Newberry	Teachers	Mar-08
Joe Tinius	Administrators	?
Pat Trotter	KDE	Mar-08
Rosa Weaver	IHE	May-08
Cathy O'Neil	SREB	May-08

Program and Assessment Review Committee

The Program and Accreditation Review Committee is reviewing the program approval and state accreditation processes in an attempt to improve efficiency and program effectiveness. The committee is working to present recommendations that will provide a streamlined and efficient process for program submission and review. It will identify key indicators of program and unit quality

Name	Representing	Appointed
Anne Bucalos	Bellarmine/Reading Committee	Mar-11
Renee Campoy	Murray State/CARC	Aug-11
Judi Conrad	AAC	Mar-11
John DeAtley	CPE/Master's/Principal Redesign	Mar-11
Beverly Downing	Kentucky State	Mar-11
Debbie Haydon	EKU	Aug-11
Margaret Moore	EKU/K-ITEP	Mar-11
Shirley Nelson	Pikeville/AAC	Mar-11
Tony Norman	WKU/CARC	Mar-11
Cindy Parker	KDE/Literacy	Mar-11
Kathryn Polmanteer	Morehead/BOE	Mar-11
Pam Rogers	AIKCU	?
Carol Ryan	NKU	Mar-11
Manish Sharma	Thomas More/CARC	Mar-11
Verna Lowe	Asbury/Reading Committee	Mar-11
Alesa Walker	Murray/K-ITEP	Mar-11

Principal Redesign Committee

The 2006 General Assembly passed House Joint Resolution 14 (HJR 14) which instructed the executive director of the EPSB, in cooperation with the president of the Council on Postsecondary Education (CPE) the Commissioner of Education, to convene a task force to present recommendations on the redesign of Kentucky's system for preparing and supporting principals. In August 2006 the Education Leadership Redesign (ELR) task force convened with 30 members and met for nearly one year. The ELR recommendations resulted in changes to 16 KAR 3:050, which became effective October 2008. In March 2009 a seventeen-member Principal Review Committee was appointed by the EPSB and charged with evaluating the redesigned programs

Name	Representing	Appointed
Beth Carpenter	Jessamine County Schools	Mar-09
Brian Carter	Allen County Schools	Mar-09
Jason Coguer	Rockcastle County Schools	Mar-09
John DeAtley	CPE	Mar-09
Scott Hawkins	Woodford County Schools	Mar-09
Robert Lyons	Murray State University	Mar-09
John Marshall	Jefferson County Schools	Mar-09
Sue Osborne	Laure County Schools	Mar-09
Wade Stanfield	Madison County Schools	Mar-09
Elmer Thomas	Madison County Schools	Mar-09
Pat Trotter	KDE	Replaced Sally Sugg
Sam Watkins	CKEC	Mar-09
Henry Webb	Floyd County Schools	Mar-09
Kathy O'Neil	SREB	Mar-09

All programs were submitted, so committee has not been used since last submission.

Reading Committee

This committee is charged with conducting a preliminary review of pre-accreditation materials and programs from educator preparation institutions that must conform with the corresponding standards and state guidelines. The committee meets in the spring and fall semesters of each year. All members of the Reading Committee have completed the Board of Examiners training on the NCATE standards, policies, and procedures.

Name	Representing	Re-Appointed	Term Expires
Patrick Brooks	Teachers (FCPS)	Jan-08	Jan-11
Ann Bucalos	Independent IHEs (Bellarmine)	Aug-09	Aug-12
Chris Cook	Public IHEs (NKU)	Aug-09	Aug-12
Angela Hurley	Independent IHEs (Transy)	Aug-09	Aug-12
Kristi Jenkins	Teachers (Somerset Ind)	Aug-09	Aug-12
Karen Karp	Public IHEs (WKU)	Aug-09	Aug-12
Lesia Lennex	Public IHEs (Morehead St.)	Jan-08	Jan-11
Verna Lowe	Independent IHEs (Asbury)	Jan-08	Jan-11
Kenneth Marshall	Teachers (JCPS)	Jan-08	Jan-11
Nancy Reed	Teachers (Grayson Co.)	Jan-08	Jan-11
Doug Smith	Public IHES (UK)	Jan-08	Jan-11
Norah Wakefield	Teachers (Oldham Co)	Jan-08	Jan-11

Appointments continued to present due to PARC review of program approval process

Superintendent Review Committee

A committee was established to study the current superintendent programs to identify best practices in admission and clinical experiences for superintendent candidates. The committee provided recommendations for program improvement.

Name	Representing	Appointment
Aaron Thompson	CPE	Jan-10
Andy Dotson	Harrison County	Jan-10
Blake Haselton	UL	Jan-10
Cathy Gunn	MoSU	Jan-10
Chuck Hamilton	Mercer County	Jan-10
David Baird	KSBA	Jan-10
Dorothy Perkins	Gallatin County	Jan-10
Elaine Farris	Clark County	Jan-10
Fred Carter	WKU	Jan-10
Jack Rose	MuSU	Jan-10
Jim Rinehart	EKU	Jan-10
Jim Jackson	UK (replaced by Lars Bjork)	Jan-10
Joe Tinius	Bowling Green Ind.	Jan-10
Keith Davis	Bullitt County	Jan-10
Lisa James	Carroll County	Jan-10
Michael Kral	KEA	Jan-10
Nawanna Privett	Superintendent CEO Network	Jan-10
Orin Simmerman	KDE (replaced by Larry Stinson)	Jan-10
Paul Wirtz	KACTE	Jan-10
Rachel Yarbrough	Crittenden County	Jan-10
Rhonda Harmon	KASC	Jan-10
Robert Heffern	UCumberlands	Jan-10
Roger Marcum	former super/St. Catharine	Jan-10
Rosa Weaver	NKU	Jan-10
Steve Trimble	Johnson County	Jan-10
Susan Compton	Russell County	Jan-10
Tim Spencer	Jackson Independent	Jan-10
Wayne Young	KASA (Rhonda Caldwell proxy)	Jan-10
Wison Sears	KASS	Jan-10

These terms expired upon final recommendations approved by the board.

**EDUCATION PROFESSIONAL STANDARDS BOARD
RETREAT GUIDESHEET**

**Policy/Procedures Process
Retreat Discussion**

Retreat Discussion:

Review the Education Professional Standards Board's policy and procedures process.

Relevant Documents, Statutes, and/or Regulations:

Draft Policy Review schedule

April 27, Work Session Minutes and Flow Chart

Linkages chart

Baldrige Model PowerPoint from June 22 meeting

Strategic Plan

Background:

At the April 27, 2014 Sunday night work session, the EPSB began discussion concerning the policies and review process. Additionally, the June 22, 2014 Sunday night session focused on continuous improvement conducted by Ms. Spangler who led the board through the Malcolm Baldrige Model. Within the EPSB's Strategic Agenda, strategies and activities focus on policies and procedures, which address Goal 4: *By September 1, 2014, the EPSB will review policies, procedures, committee structures and responsibilities, revise when necessary, and communicate findings to appropriate stakeholders.* At the June 23, 2014, regular meeting, the board requested to continue the policy and procedures discussion continue during the retreat.

Board Recommendation(s)

Staff Action Steps:

Draft Time Line for Policy Review					
Board Meeting Date	Policy Title	Last Amended/Reviewed	External	Internal	Next Review
August 11, 2014	I - 1 Election of Officers I - 2 Professional Conduct I - 3 Expense Reimbursement	March 20, 2006 August 26, 2002 January 1, 2007		I I I	
October 13, 2014	I - 4 Preliminary Character and Fitness Approval I - 5 Approval of Agreements I - 6 Code of Ethics for Board Members I - 7 Evaluation of Executive Director	August 26, 2002 October 23, 2006 September 1, 2004 August 27, 2007		I I I I	
December 8, 2014	E - 1 Waiver Request Procedure E - 4 Rounding Policy for GPA E - 5 Violations for Assessment Adm. E - 6 Character and Fitness Procedure	August 26, 2002 August 26, 2002 August 26, 2002 August 26, 2002	E E E E		
February 9, 2015	E - 2 Waiver of Exceptional Children Requirements E - 3 Waiver of Six Additional Hours Lacking a Passing Praxis Score E - 11 Guidelines for Submitting Application for Alternative Route	August 26, 2002 August 26, 2002 June 14, 2004	E E E		
April 13, 2015	E - 8 Accreditation of Preparation Programs E - 9 Emergency Review of Certification Programs E - 10 Recognition of Institutional Accrediting Agencies	August 26, 2002 September 22, 2003 May 19, 2003	E E E		

* External Policy E 12 was amended 2012 and E - 7 is on the April 2014 agenda.

Chart Paper Notes

Board Work Session 4/27/14

1. Adoption
2. Abolishment
3. Revise

Process/Initiate discussion of new policy, revision or abolishment

1. Identify Issue: Issue comes to the board for information/discussion (brought by board members, staff or external stakeholders)
2. Issue is brought to committee, board or staff
3. Issue is taken to stakeholder group(s)
4. Determine if issue is under EPSB authority (policy or regulation)
5. What steps must occur?
 - Do we have a committee?
 - Do we need to create a committee or deal with it as a board?
6. Communication with stakeholder input to make policy draft.
7. Draft of policy is generated (or revision, abolishment of current policy)
8. First reading of policy
9. Second reading
10. Becomes policy
11. Communication of policy to appropriate stakeholders
 - Press release
 - Newsletters
 - Website
 - Email

Review of policies

- All policies will be reviewed annually.
- EPSB will determine review schedule of policies annually.

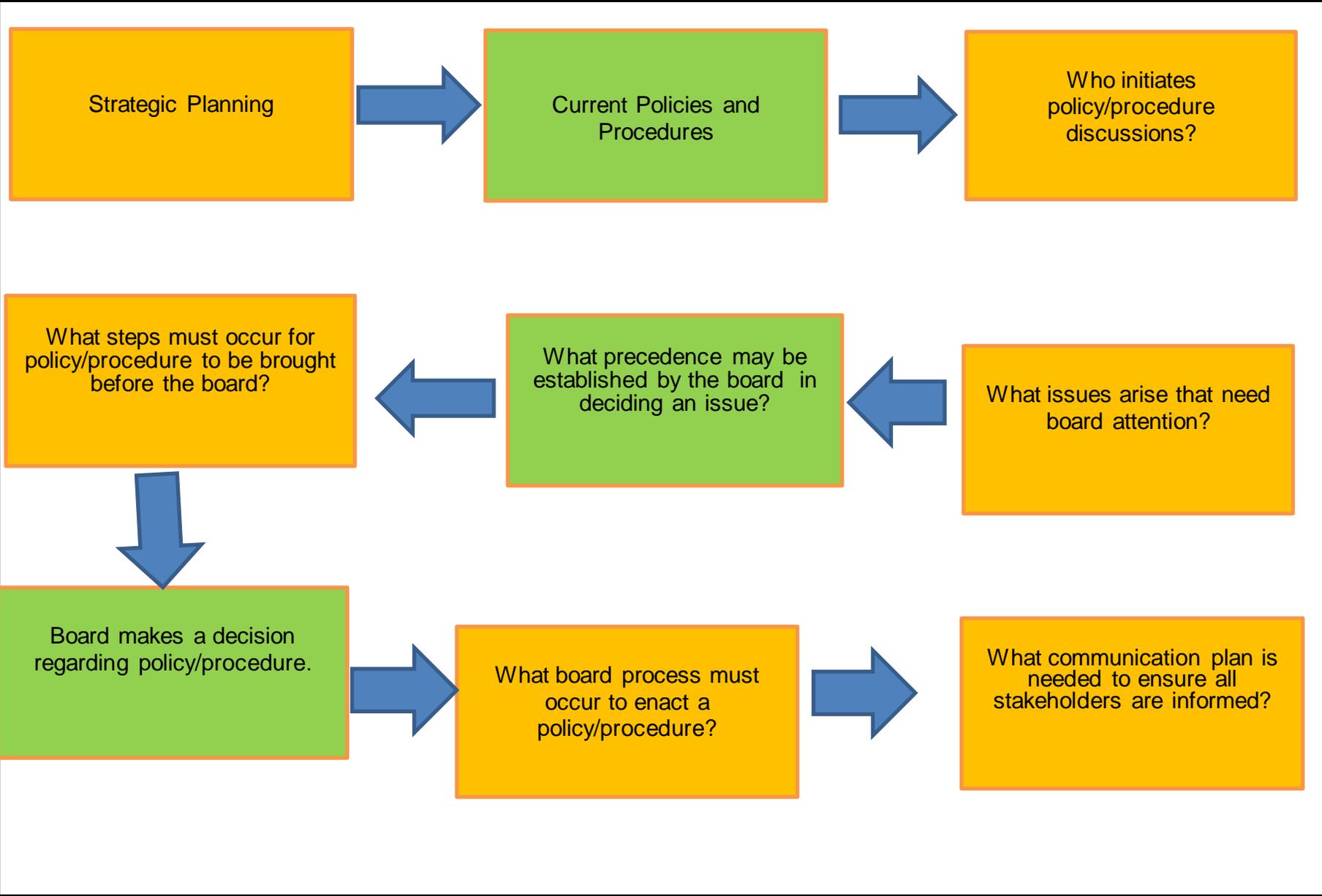
Board Work Session 6/22/14

1. Leadership
 - a. Who is the leader of your system?
 - b. What is your system?
 - i. Education Professional Standards Board
2. Goals
 - a. Overall
 - i. Prepare education prep programs to meet or exceed all accreditation standards
 - ii. To ensure all positions in KY public schools are staffed by a properly credentialed educator
 - iii. All credentialed educators follow the EPSB code of ethics
 - iv. Provide a high quality induction into the profession
 - v. EPSB managed for effectiveness and held accountable
 - b. Strategic plan
 - i. By August 1, 2021, all prep programs will achieve or maintain CAEP accreditation
 - ii. By June 30, 2015 the average time for case resolution will be 1.5 years
 - iii. By July 15, 2015 the KTIP program will align with the current PGES
 - iv. By Sept. 1, 2014 the EPSB will review policies and procedures
3. Aim/Stakeholder Focus
 - a. Legal
 - 161.028
 - Federal mandates
 - Credentialing of educators
 - Accreditation of program (multiple regulations)
 - Ethics
 - b. Who Else?
 - Parents/Students
 - Educator prep staff
 - Colleges (public and non-public)
 - Staff of K-12
 - Other state agencies/Collaboration partners
 - Prichard Committee
 - KASA
 - KASS
 - CPE
 - KEA
 - KSBA
 - KDE
 - Cooperatives
 - Teachers

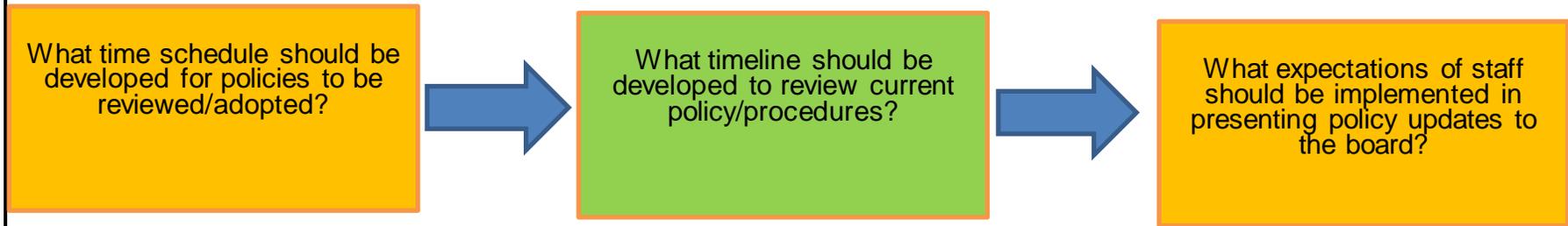
- Principals
 - Interns
 - Federal
 - Community business leaders
4. What measurements do you use to see: How is the system doing? Are you making progress?
- a. Maybe:
- CCR: 2009/10 30% → 2013/14 50%
 - Average, based on national data
 - NCTQ: C
 - Education Matters: 5th nationally
 - Data Quality Campaign: Top 10
 - Title II:
 - Strategic Planning: progress
 - International assessments: PISA
 - NCATE/CAEP
 - NTEP
5. Satisfaction (workforce)
- a. What support do you need from whom?
- Parents
 - Students
 - Teachers
 - School systems
 - School boards
 - Higher Ed
 - KDE
 - KSBA
 - KASA
 - KEA → collaboration
 - Professional development
 - Correcting Behaviors...ethics
 - Community
 - Legislative
 - Business and industry
6. Process: What will you do to achieve the goal? How will you know the process is working? What is the plan?
- Certification/credentialing
 - Appeals/ethics
 - Education preparation programs
- a. Initially operationalize the process
- b. Understand how the goal is measured

- c. Who is responsible for the different parts of the process
 - d. Understand what the final product looks like
 - e. Re-evaluation (what is the process?)
 - f. Re-evaluation of the goals in place
 - g. It's not only the process, it's the product
 - h. Rewards system
7. Results: What are the results you expect from your actions?
- a. Stakeholders
 - Certified Staff
 - Certificate
 - Programs
 - Discipline
 - University
 - Accreditation
 - Program approval

Developing Policy and Procedures



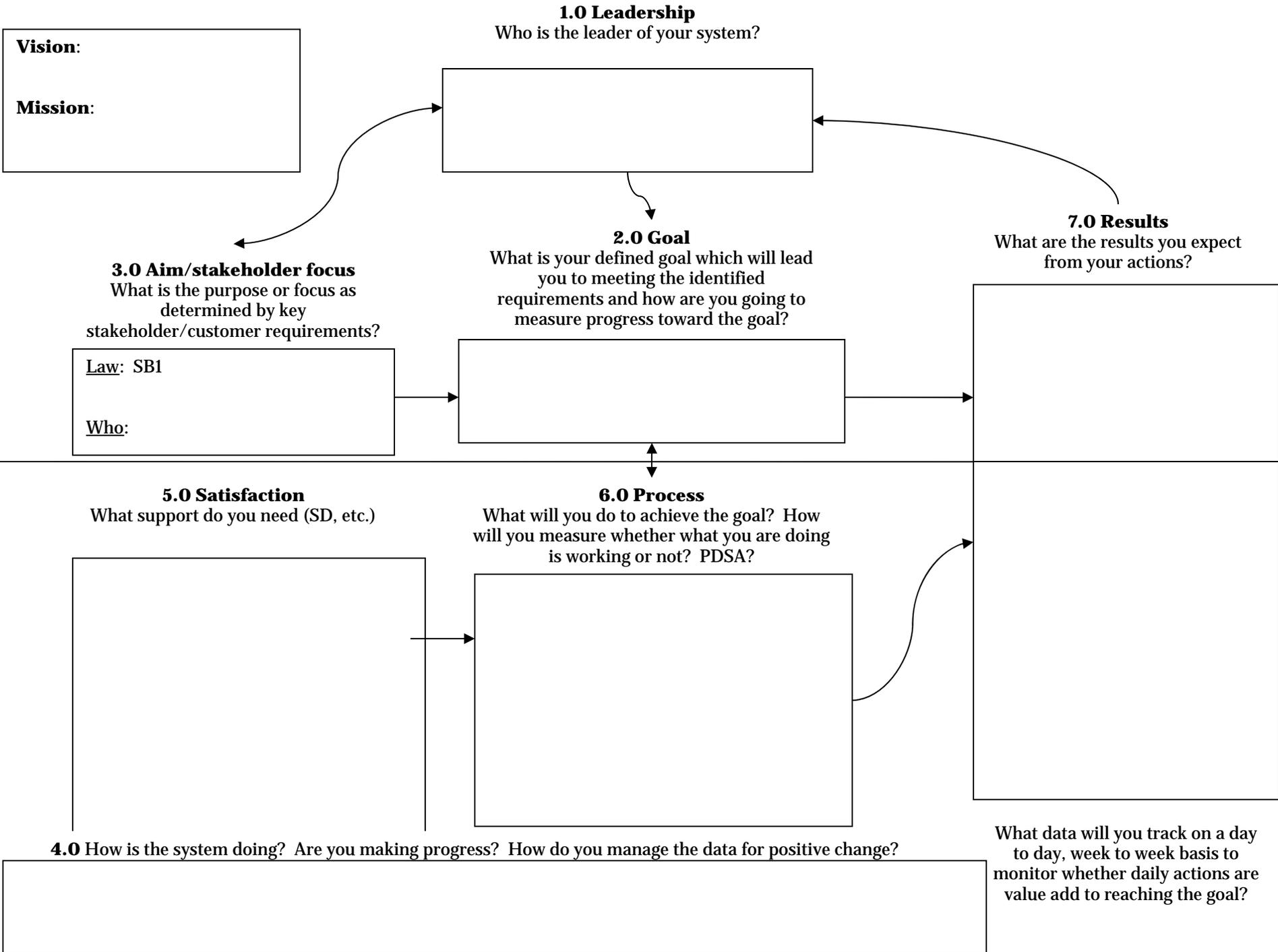
Reviewing Policy and Procedures



Sunday Night

Objective: By the end of the Sunday night session, the EPSB will determine the process by which policies/procedures are brought before the Board.

Materials needed:
New Strategic Plan
Chart Paper
Markers
Highlighters



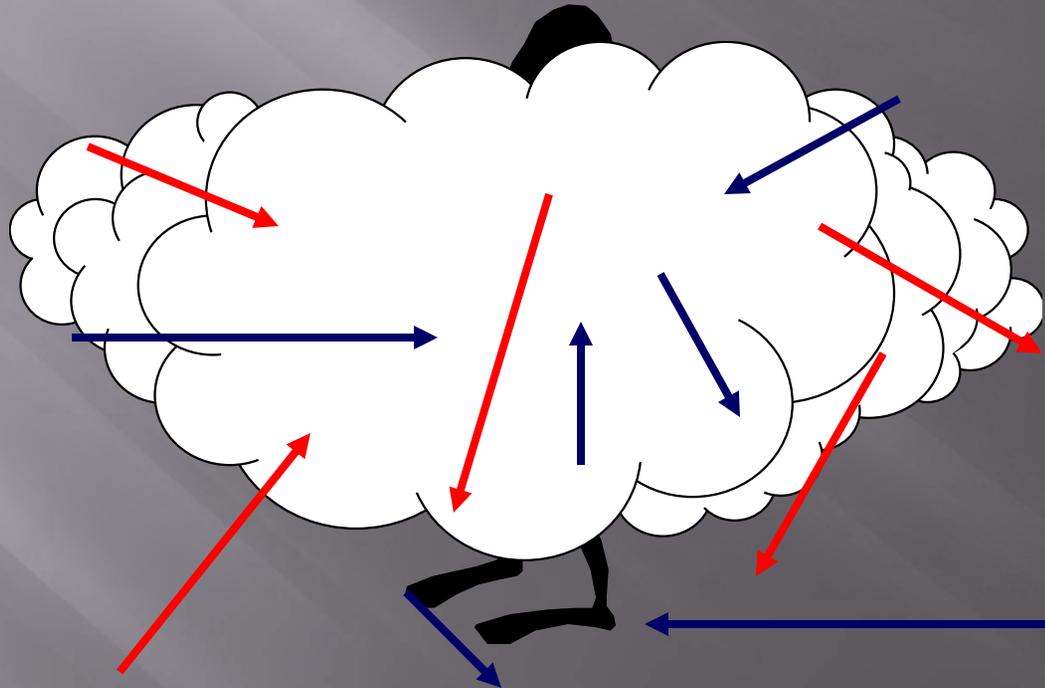
LEADERSHIP

Building Systems through Baldrige
Performance Excellence System

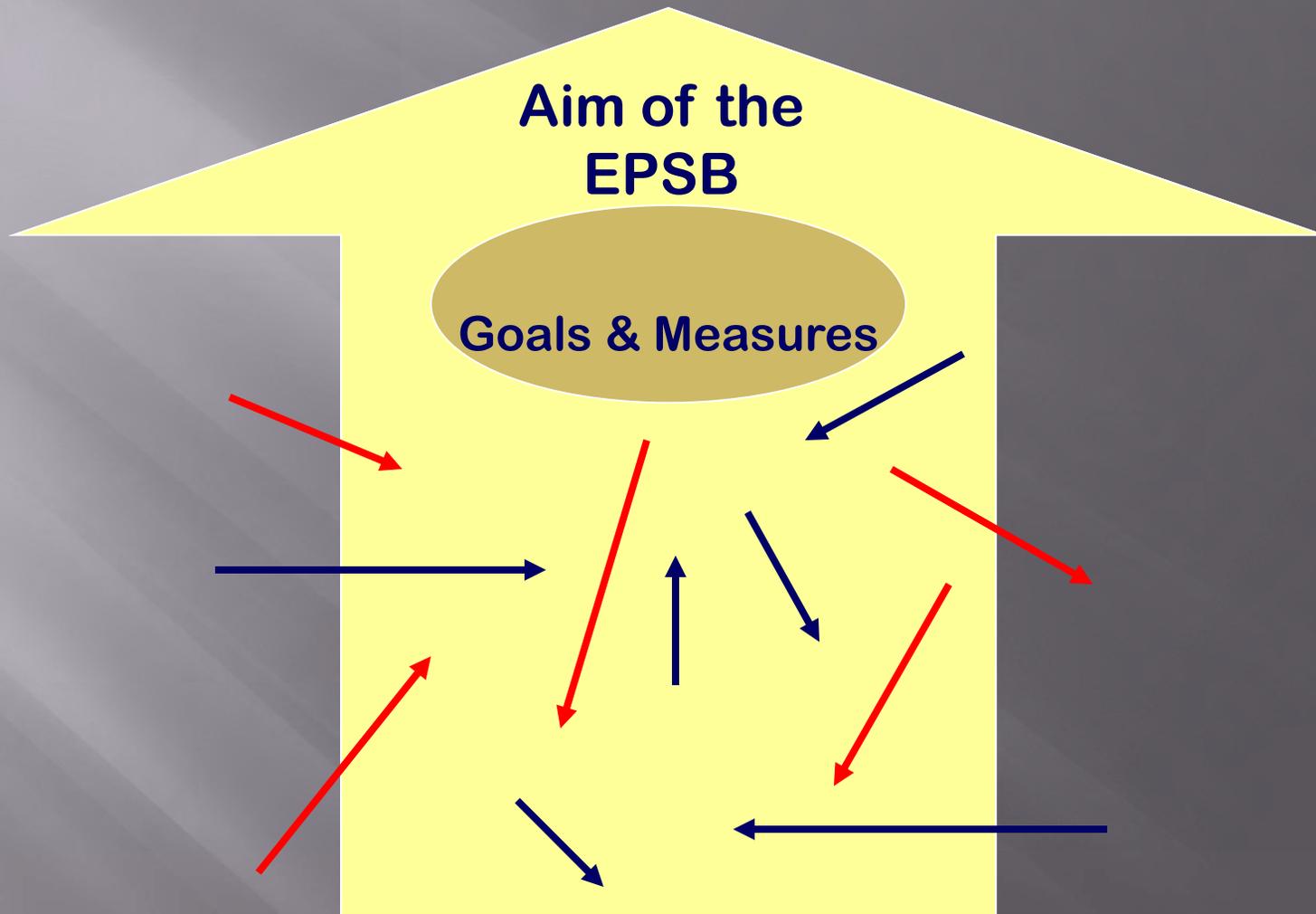
What is it?

- ❑ Criteria Developed by the Department of Commerce in 1980 for business
- ❑ Added Education in 2000
- ❑ 7 categories of high performing organizations
- ❑ A way to build and manage systems
- ❑ Today it is housed at National Institute for Standards and Technology (NIST)
- ❑ Baldrige Performance Excellence System
- ❑ It's FREE 😊

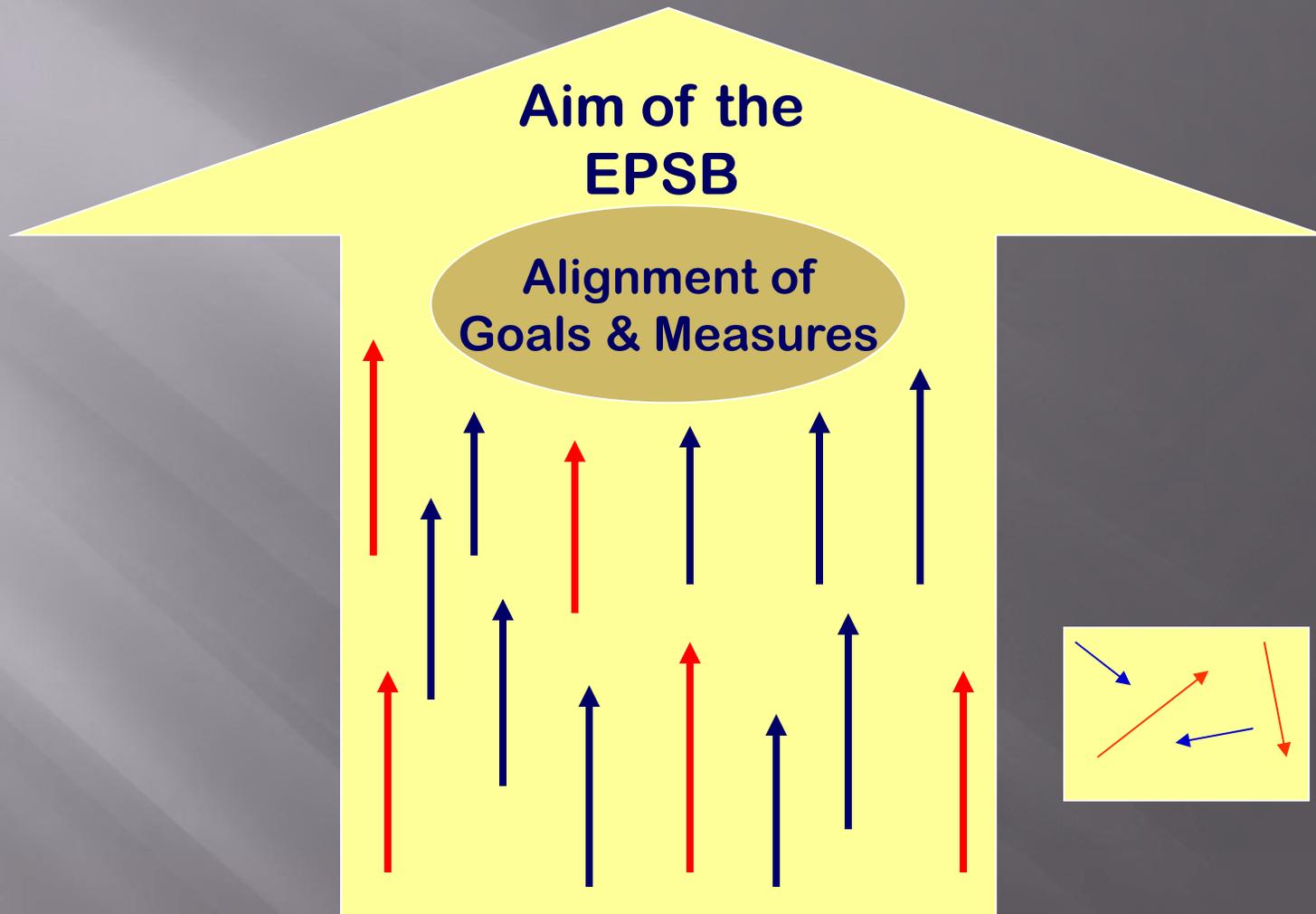
What do we have to do well together?
How will we know if we're getting better?



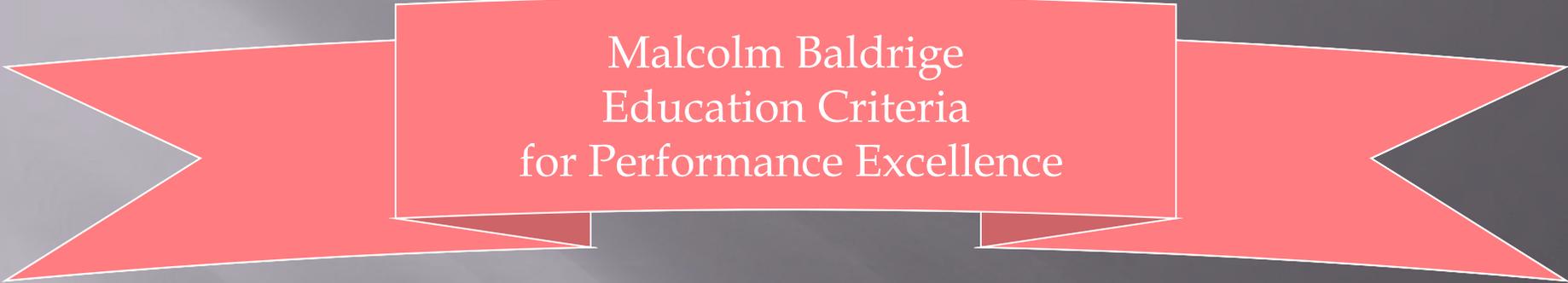
Unclear and unfocused (and overwhelmed!)



Random Acts of Improvement



Aligned Acts of Improvement



Malcolm Baldrige
Education Criteria
for Performance Excellence

Categories

- Leadership
- Strategic Planning
- Student, Stakeholder & Market Focus
- Measurement, Analysis & Knowledge Management (*Information & Analysis*)
- Human Resource* Focus
- Process Management
- Organizational Performance Results

**Faculty & Staff Focus in Criteria Book*

Core Values

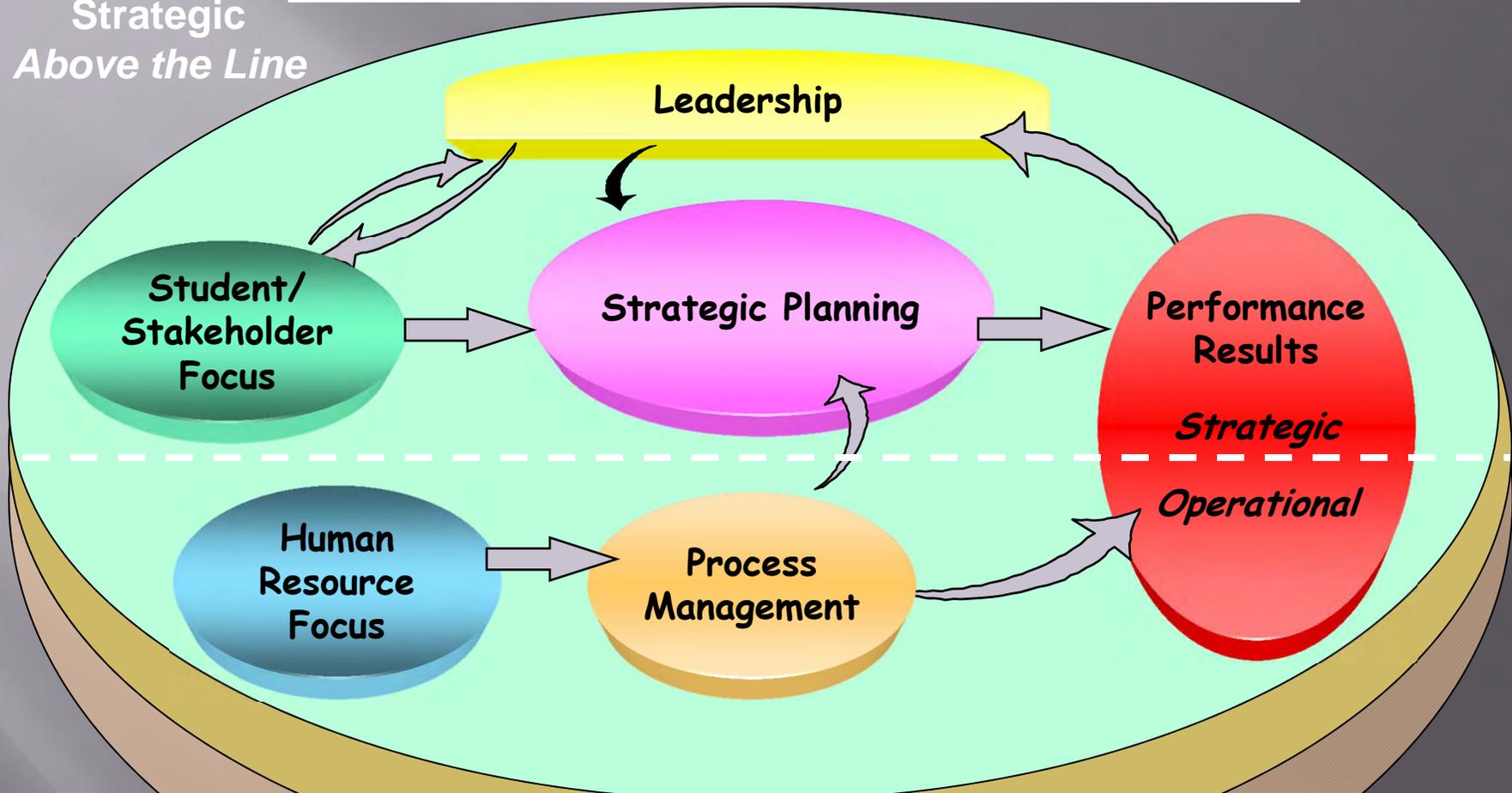
- Visionary Leadership
- Learning-Centered Education
- Organizational & Personal Learning
- Valuing Faculty, Staff & Partners
- Agility
- Focus on the Future
- Managing for Innovation
- Management by Fact
- Social Responsibility
- Focus on Results & Creating Value
- Systems Perspective

This is What Baldrige Says...

- ▣ Leadership
- ▣ Examines how your organization's SENIOR LEADERS guide and sustain your organization. Also examined are your organization's GOVERNANCE and how your organization addresses its ethical, legal and community responsibilities

FRAMEWORK – SACS Standards

Strategic
Above the Line



Operational
Below the Line

Measurement, Analysis &
Knowledge Management

Best Practices/Core
Values

Adapted from BiE IN
Baldrige Model

Strategic Planning

- ▣ Examines how your organization develops STRATEGIC OBJECTIVES and ACTION PLANS. Also examined are HOW your chosen strategic objectives and action plans are deployed and changed if circumstances require, and how progress is measured

Student, Stakeholder and Market Focus

- ▣ Examines how your organization determines the requirements, needs, expectations, and preferences of students, stakeholders and markets. Also examined is how your organization builds relationships with students and stakeholders and determines the key factors that attract students and lead to student and stakeholder satisfaction and loyalty, student persistence, increased educational services and programs, and organizational sustainability.

Measurement, Analysis and Knowledge Management

- ▣ Examines how your organization selects, gathers, analyzes, manages and improves its data, information and knowledge assets and how it manages its information technology. The category also examines how your organization reviews and uses reviews to improve its performance.

FRAMEWORK

Strategic
Above the Line

Leadership

Student/
Stakeholder
Focus

Strategic Planning

Performance
Results

Strategic

Operational

Human
Resource
Focus

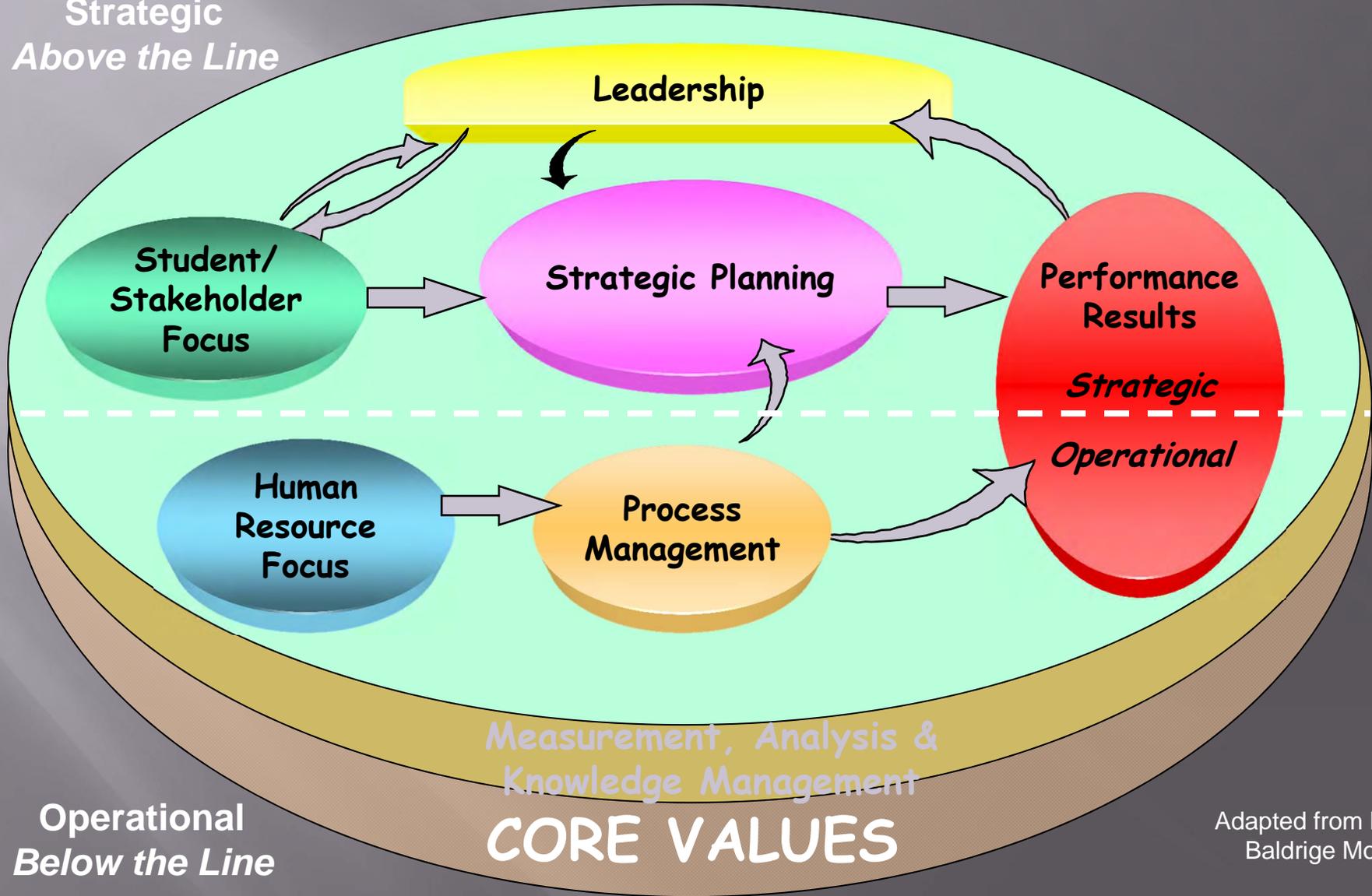
Process
Management

Measurement, Analysis &
Knowledge Management

Operational
Below the Line

CORE VALUES

Adapted from BiE IN
Baldrige Model



Workforce Focus

- ▣ Examines how your organization engages, manages and develops your workforce to utilize its full potential in alignment with your organization's overall mission, strategy, and action plans. The category examines your ability to assess workforce capability and capacity needs and to build a workforce environment conducive to high performance.

Process Management

- ▣ Examines how your organization determines its core competencies and work systems and how it designs, manages and improves its key work processes for implementing those work systems to deliver student and stakeholder value and achieve organizational success and sustainability. Also examined is your readiness for emergencies

Results

- ▣ Examines your organization's performance and improvement in all key areas- student learning outcomes, student and stakeholder focused outcomes, budgetary, financial and market outcomes, workforce focused outcomes; process effectiveness outcomes and leadership outcomes. Performance levels are examined relative to those of competitors and other organizations providing similar programs and services.

FRAMEWORK

Strategic
Above the Line

Leadership

Student/
Stakeholder
Focus

Strategic Planning

Performance
Results

Strategic

Operational

Human
Resource
Focus

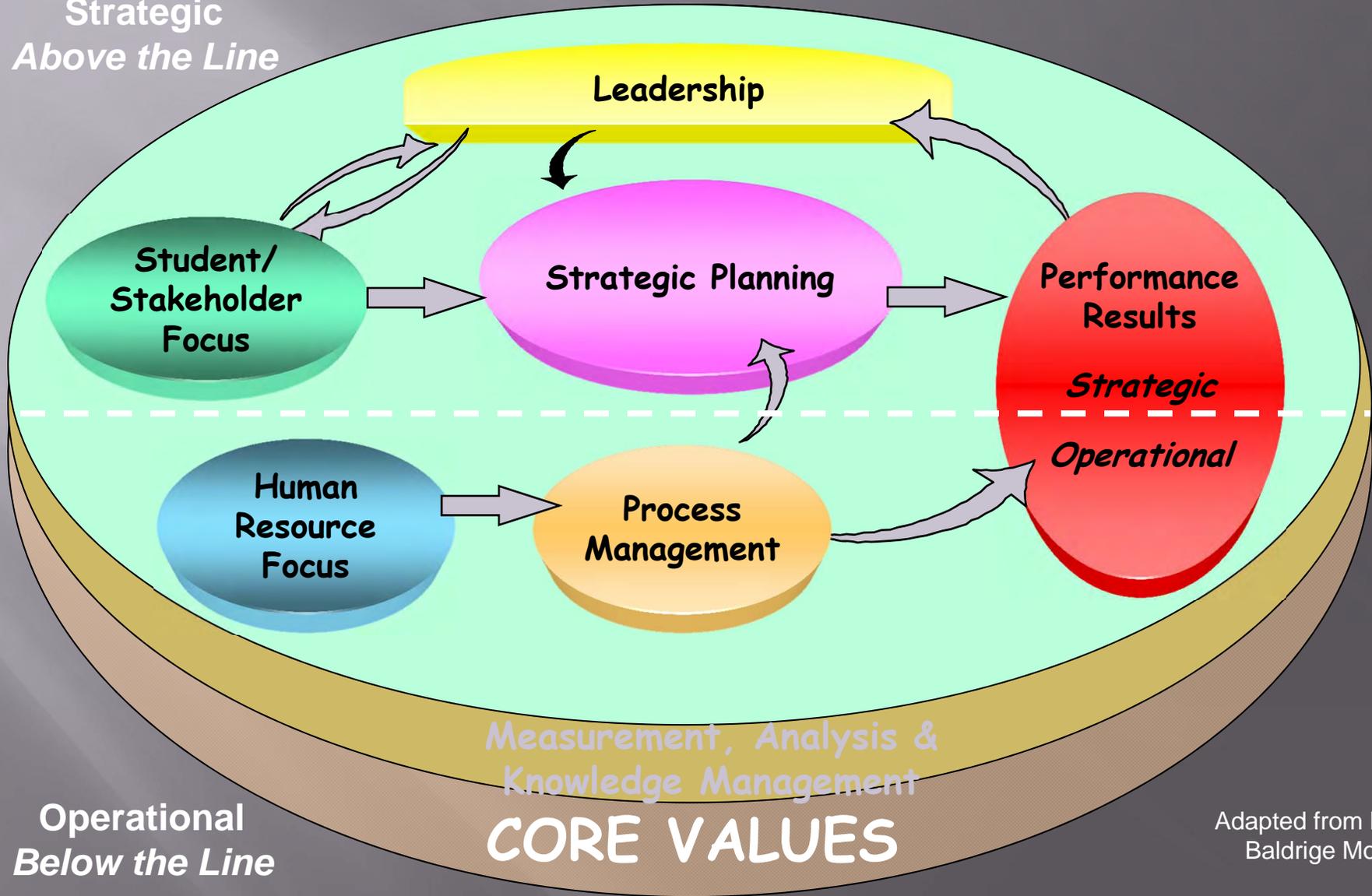
Process
Management

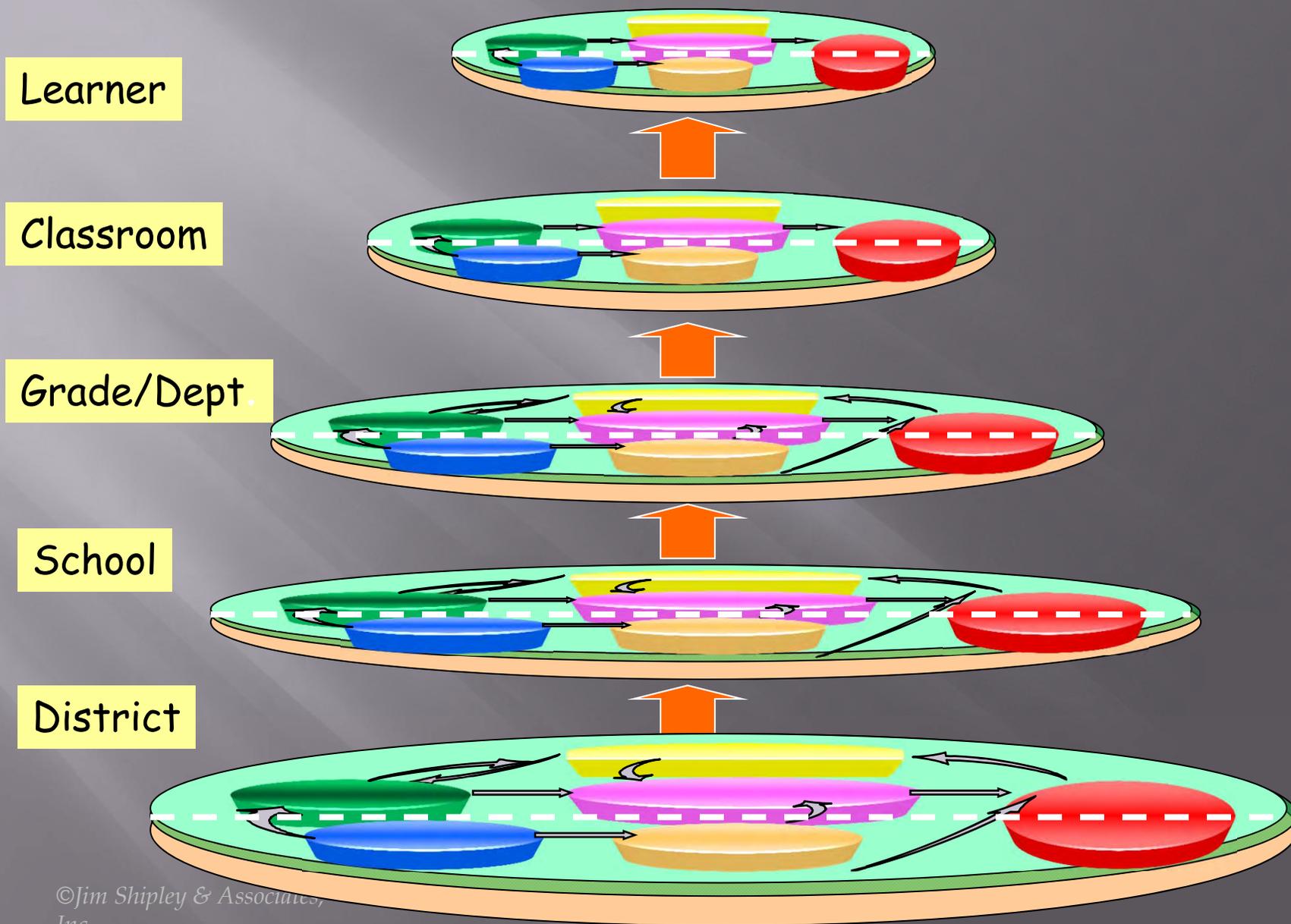
Measurement, Analysis &
Knowledge Management

Operational
Below the Line

CORE VALUES

Adapted from BiE IN
Baldrige Model





Learner

Classroom

Grade/Dept.

School

District





Goal 1: By August 1, 2021, 100% of Kentucky Educator Preparation Programs (EPP) will achieve or maintain state accreditation and Council for the Accreditation of Educator Preparation (CAEP) accreditation upon their next regularly scheduled accreditation visit, in accordance with timelines established by the EPSB and CAEP.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<p><i>Implement PARC recommendations for continuous improvement accreditation system.</i></p>	<p>EPSB Board approves CAEP standards to be incorporated into state accreditation.</p> <p>Develop online continuous improvement accreditation system.</p> <p>Develop the proportional accountability model.</p> <p>Train EPPs on use of online accreditation system.</p> <p>Other recommendations as submitted by PARC.</p>	<p>07/1/14</p> <p>Recommendations complete: 07/1/14</p> <p>System complete: 07/1/15</p> <p>07/1/16</p> <p>12/1/15</p> <p>Program Approval System: 07/1/15</p>	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • Information Systems/Scott Smith • NTEP Grant • PARC Committee 	
<p><i>Ensure that all EPPs know and understand requirements to meet CAEP standards and be state accredited.</i></p>	<p>Training</p>	<p>08/1/14</p>	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • NTEP Grant 	



Goal 1: By August 1, 2021, 100% of Kentucky Educator Preparation Programs (EPP) will achieve or maintain state accreditation and Council for the Accreditation of Educator Preparation (CAEP) accreditation upon their next regularly scheduled accreditation visit, in accordance with timelines established by the EPSB and CAEP.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Align state accreditation requirements so that CAEP accreditation requirements can be met simultaneously (e.g., site visits).</i>	Collaborate with CAEP staff to ensure consistent policies and procedures.	07/1/14	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • NTEP Grant 	
<i>Update regulations, policies, procedures, and other documents to reflect transition from NCATE to CAEP.</i>	Review related regulations and statutes to replace all NCATE specific content with CAEP content.	07/1/14 until completion of legislative process	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • Division of Legal Services/Alicia Sneed 	
<i>Develop partnership agreements with CAEP to reflect regulatory and procedural changes.</i>	Collaborate with CAEP staff.	09/1/14	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • Division of Legal Services/Alicia Sneed 	



Goal 1: By August 1, 2021, 100% of Kentucky Educator Preparation Programs (EPP) will achieve or maintain state accreditation and Council for the Accreditation of Educator Preparation (CAEP) accreditation upon their next regularly scheduled accreditation visit, in accordance with timelines established by the EPSB and CAEP.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<p><i>As provided in CAEP Standard 1, ensure that candidates completing an approved Kentucky EPP demonstrate an understanding of the 10 InTASC standards at the appropriate progression levels (see InTASC model core teaching standards and learning progressions for teachers 1.0 (2011), pp. 16-47) in the following categories: the learner and learning; content; instructional practice; and professional responsibility.</i></p>	<p>Work with all EPPs to ensure they are addressing, teaching and assessing the InTASC standards in their preparation program courses.</p> <p>Connect InTASC standards to the Professional Growth and Effectiveness System (PGES).</p> <p>Adopt baseline teacher education program admission standards that correlate with effective classroom teaching performance, as measured by appropriate components of PGES data.</p>	<p>Recommendations complete: 07/1/14</p> <p>System complete: 07/1/15</p> <p>07/1/14</p> <p>07/1/17</p>	<ul style="list-style-type: none"> • Division of Educator Preparation/Kim Walters-Parker • Information Systems/Scott Smith • PLA/Donna Brockman • Kentucky Advisory Council on Internships (KACI) • NTEP Grant • PARC Committee • Vanguard Pilot • Other pilot partnerships 	

Communication Plan:

- Update sessions/presentations scheduled for each regular EPSB board meeting.
- Regular newsletters to principals, resource teachers and teacher educators.
- Work with the Guiding Coalition to ensure that the information we are sending is consistent.
- Utilize co-ops to assist in training and information.
- Conference/meeting presentations (e.g., IHE, KASA, KACTE, KEA).
- Regular information updates with all EPP.



Goal 2: By June 30, 2015, the average time for case resolution will be 1.5 years.				
Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Expedite and assist school districts in fulfilling KRS 161.120 (2).</i>	Develop an online system for school district human resource directors and superintendents to submit incidents pursuant to KRS 161.120 (2).	07/1/14	<ul style="list-style-type: none"> Information Systems/Scott Smith Ensure that all regulations and statutes are fulfilled with this system. Programmer 	
<i>Ensure that all certified educators know their duties and responsibilities pursuant to the Professional Code of Ethics for Kentucky Certified School Personnel and KRS 161.120 (1).</i>	Consider developing an online ethics training to be used by schools and school districts which may be used as part of recertification.		<ul style="list-style-type: none"> Information Systems/Scott Smith Certification/John Fields Ensure that during program review and approval that EPPs are including ethics training. Contract with KET or other online training provider to develop training. 	
	Continue to provide ethics seminars to EPPs, schools, school districts, and local education associations.	Ongoing		
	Provide ethics updates through state and local education publications.	Ongoing		
	Ensure that education preparation programs teach the professional code of ethics.	Ongoing		
	Provide training for superintendents and human resource directors on the superintendent’s responsibilities to report.	Ongoing		



Goal 2: By June 30, 2015, the average time for case resolution will be 1.5 years.				
Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Continue to improve efficiency for the board to review complaints/cases received.</i>	Propose additional disciplinary options for the board when deciding outcomes of cases.	03/3/14	<ul style="list-style-type: none"> • Legal/Alicia Sneed 	
	Provide various models for the board to consider when determining methods of efficiency.	03/3/14		
	Set consistent, established EPSB board meeting dates to ensure timely presentation of disciplinary cases to board.	03/3/14		
	Review the Professional Code of Ethics for possible revisions/updates.	08/1/14		
<i>Ensure that the division of legal services is properly staffed to efficiently resolve open disciplinary cases.</i>	Monitor the number of active/open cases that have been referred to a full investigation and due process hearing to ensure that the division is adequately staffed to resolve the cases in a timely manner.	Ongoing	<ul style="list-style-type: none"> • Information Systems/Scott Smith • Legal Dashboard system • Budget accordingly based on existing data 	
	Contract with additional legal counsel as needed when the number of cases referred to a full investigation due process hearing exceeds 200.	As needed		



Goal 2: By June 30, 2015, the average time for case resolution will be 1.5 years.				
Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Educate the Board on regulations, statutes, policies, procedures, and processes pertaining to disciplinary action and their responsibilities and authority.</i>	Train the Board annually on the dynamics of sexual misconduct of professionals pursuant to KRS 161.028(1)(h).	Annually	<ul style="list-style-type: none"> The Board will set a date for mandatory sexual misconduct training when adopting the meeting calendar each year. Staff will develop and publish dates for Board code of ethics training. Staff will improve the materials provided to the Board with the meeting dockets. 	
	Provide the Board with regular training on the requirements of KRS 161.120(1) and the Professional Code of Ethics for Kentucky Certified School Personnel.	Annually		
	Modify the communications the Board receives with its meeting materials to ensure that the Board understands its responsibilities and authority in disciplinary matters.	Ongoing		
Communication Plan: <ul style="list-style-type: none"> Update sessions/presentations scheduled for each regular EPSB board meeting. Utilize co-ops to assist in training and information. Conference/meeting presentations (e.g., IHE, KASA, KACTE, KEA). 				



Goal 3: By July 15, 2015, the Kentucky Teacher Internship Program (KTIP) Teacher Performance Assessment (TPA) will be redesigned to reflect the Teacher Professional Growth and Effectiveness System (PGES), and the data collection system, Intern Management System (IMS), will be redesigned to allow for the PGES data collection system, Continuous Improvement Instructional Technology System (CIITS), to be electronically transferred to IMS.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Consider Kentucky Advisory Council for Internship (KACI) recommendations for TPA redesign.</i>	EPSB Board approves KACI recommendations to be carried out by staff.	07/15/14	<ul style="list-style-type: none"> • KACI • PLA/Donna Brockman 	
<i>Adapt the current IMS system to utilize data collected for TPGES with interns.</i>	Adjust IMS to show correlations between PGES Framework and the teacher standards.	07/15/14	<ul style="list-style-type: none"> • KACI • Information Systems/Scott Smith • IMS • NTEP Grant 	
<i>Create IMS 2.0 so that data entered into KDE's Continuous Instructional Improvement Technology System (CIITS) for TPGES by the KTIP committee can be imported into IMS reducing duplication of data entry.</i>	Conduct advisory meeting sessions with appropriate stakeholders to determine: <ul style="list-style-type: none"> • What data is needed for KTIP? • What data is collected in CIITS for TPGES that can be imported into IMS? 	07/15/15	<ul style="list-style-type: none"> • PLA/Donna Brockman • KDE Personnel for CIITS (project lead and technology liaison) • Information Systems/Scott Smith • Certification/John Fields • Regulations and statutes needing to be revised/Alicia Sneed • NTEP Grant 	
<i>Incorporate InTASC standards as part of KTIP (see goal 1).</i>	Update IMS to disable teacher standards, add InTASC standards and PGES Framework while maintaining historical data, once we know what data will be collected in CIITS. <ul style="list-style-type: none"> • Develop import system for data exported from CIITS. Update IMS interface as necessary	07/15/15	<ul style="list-style-type: none"> • PLA/Donna Brockman • KDE Personnel for CIITS (project lead and technology liaison) • Information Systems/Scott Smith • Certification/John Fields • Regulations and statutes may need to be revised/Alicia Sneed • NTEP Grant 	



Goal 3: By July 15, 2015, the Kentucky Teacher Internship Program (KTIP) Teacher Performance Assessment (TPA) will be redesigned to reflect the Teacher Professional Growth and Effectiveness System (PGES), and the data collection system, Intern Management System (IMS), will be redesigned to allow for the PGES data collection system, Continuous Improvement Instructional Technology System (CIITS), to be electronically transferred to IMS.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Identify and enlist districts to pilot TPGES components in internship (KTIP).</i>	Pilot districts will provide feedback for IMS 2.0.	07/14 - 07/15	<ul style="list-style-type: none"> NTEP Grant 	
<i>Train KTIP team members on adapted IMS system, TPGES, and IMS 2.0.</i>	Conduct training for principals, teacher educators and resource teachers on how to use data imported from CIITS to complete each cycle data needed.	07/15/14	<ul style="list-style-type: none"> NTEP Grant Co-ops SEED Grant 	
	Utilize National Board Certified Teachers identified as mentors from the SEED grant to be resource teachers. Conduct training for private school principals and resource teachers on TPGES.	07/15/15		

Communication Plan:

- Update sessions/presentations scheduled for each regular EPSB board meeting.
- Regular newsletters to principals, resource teachers and teacher educators.
- Work with the Guiding Coalition to ensure that the information we are sending is consistent.
- Utilize co-ops to assist in training and information.
- Conference/meeting presentations (e.g., IHE, KASA, KACTE, KEA).



Goal 4: By September 1, 2014, the EPSB will review policies, procedures, committee structures and responsibilities, revise where necessary, and communicate findings to appropriate stakeholders.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Review policies and procedures.</i>	<p>Review current internal policy/procedure adoption process to determine effectiveness and revise as determined.</p> <p>Review and revise as needed all current internal policies and procedures.</p> <p>Determine a schedule if review and revision of internal policies and procedures.</p> <p>Determine communication plan of internal policies and procedures to all stakeholders.</p>	09/01/14	<ul style="list-style-type: none"> Legal/Alicia Sneed 	
<i>Review committee structure.</i>	<p>Review and revise as needed current committee structure, including but not limited to:</p> <ul style="list-style-type: none"> Structure Membership including diversity Member terms of service Meeting schedule Meeting communications to stakeholders <p>Report outcomes of review and any revisions to EPSB and all stakeholders.</p> <p>Develop committee reporting schedule for regular EPSB Board Meetings.</p>	08/01/14	<ul style="list-style-type: none"> Executive Office/Jimmy Adams 	



Goal 4: By September 1, 2014, the EPSB will review policies, procedures, committee structures and responsibilities, revise where necessary, and communicate findings to appropriate stakeholders.

Strategies	Activities	Timeline	Possible resources (division staff, organizational partners, data policy)	Progress
<i>Implement continuous improvement model within EPSB.</i>	Provide EPSB with professional learning experiences focused on continuous improvement processes and tools. Incorporate continuous improvement processes and tools into agendas, meetings, and strategic agenda progress monitoring and evaluation. Embed tools of continuous improvement into EPSB meetings and planning.	07/1/14 08/01/14	<ul style="list-style-type: none"> Executive Office/ Jimmy Adams 	

Communication Plan:

- Update sessions/presentations scheduled for each regular EPSB board meeting.
- Regular newsletters to principals, resource teachers and teacher educators.
- Work with the Guiding Coalition to ensure that the information we are sending is consistent.
- Utilize co-ops to assist in training and information.
- Conference/meeting presentations (e.g., IHE, KASA, KACTE, KEA).

EDUCATION PROFESSIONAL STANDARDS BOARD

RETREAT GUIDESHEET

Next Generational Learning/Network for Transforming Educator Preparation Retreat Discussion

Retreat Discussion:

Discussion of Next Generational Learning and link to the Network for Transforming Educator Preparation (NTEP).

Relevant Documents, Statutes, and/or Regulations:

NTEP Updates
Stakeholder Feedback Portal
Next Generational Learning Materials.

Background:

The Center for Innovation in Education (CIE or the Center) supports state efforts to test and scale innovations that result in systemic shifts to deeper learning in every school for all students. The Center pursues a vision that compels actions resulting in shifts to student-centered policies, practices and structures by bringing together and facilitating work among leaders from the state and local levels, partners, researchers and philanthropists. The Center works primarily, but not exclusively, with the states in the Innovation Lab Network as a partner with the Council of Chief State School Officers (CCSSO or Council).

The Innovation Lab Network (ILN or Network) was created by the Council of Chief State School Officers under Gene Wilhoit's leadership in spring 2010 as a group of states working together to test, refine and implement student-centered approaches that transform systems of schooling into systems for learning. The Innovation Lab Network states have committed to setting college and career readiness for every child consistent with deeper learning as the core goal of their systems and to realigning education policy and practice around that goal, using six core design principles:

- World-class expectations
- Personalized learning
- Competency-based systems
- Anytime, anywhere learning
- Comprehensive student supports
- Student agency

The strands of work that the Center is undertaking are:

- **Strand One – Being a national voice for a new system** to build consensus around a new, more coherent vision of education and to help individual states develop and act on robust theories of change
- **Strand Two – Producing developmental frameworks of key skills and dispositions**, with associated instructional and assessment strategies, to help states operationalize their understanding of deeper learning

- **Strand Three - Personalizing learning in the secondary years** to develop strategies for re-shaping the secondary experience so that it is more successful and engaging, using systems levers such as funding
- **Strand Four – Building a culture of evidence** to develop a comprehensive framework for collecting and managing evidence of learning at the student level
- **Strand Five – Empowering the voices of teachers and local leaders** to tap the collective potential of and amplify the voices of practitioners in this work
- **Strand Six – Facilitating collaboration with postsecondary and business** to build support for and direct involvement in the work of the ILN, both within their own states and across all states

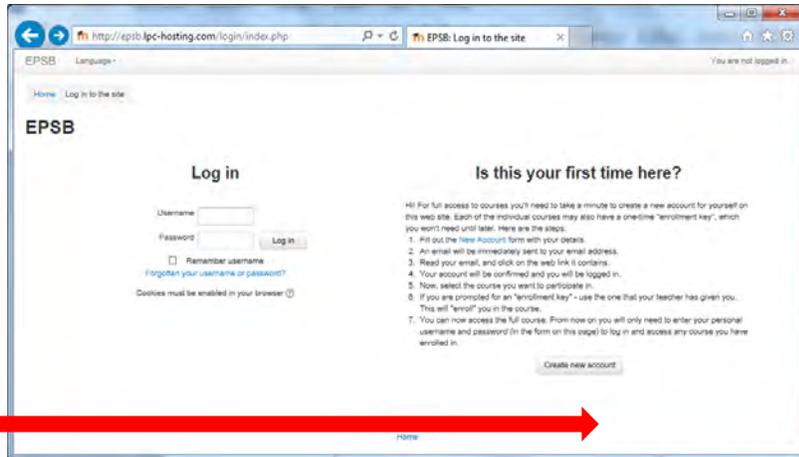
The Center’s objectives support the initiatives of the Network for Transforming Educator Preparation (NTEP). The EPSB and its partners have been focused on the grant’s goals, as presented by board member Bradley Bielski during the April meeting. Included is the current communication plan required of the CCSSO to help inform and engage stakeholders in this work.

Board Recommendation(s)

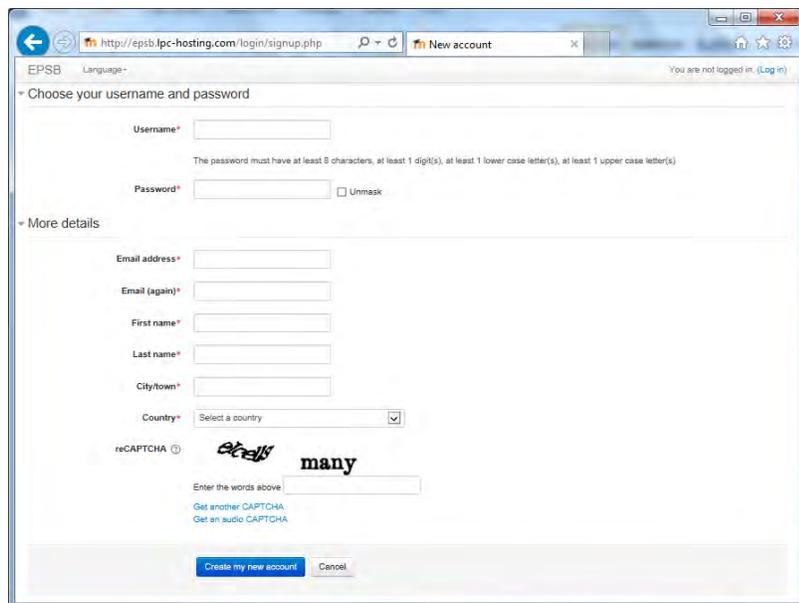
Staff Action Steps:

Directions for Creating an Account on the EPSB Learning and Feedback Site

- Go to <http://epsb.lpc-hosting.com>.
- Click on the “Log in” link located in the upper right corner of the page.
- Click on the “Create new account” button located in the lower right of the page as shown on the screenshot.



- Create your username (this must be an active email account and we ask that you not use AOL or YAHOO email accounts) and complete the rest of the information on the page.
- Use the Unmask when entering your password.
- When completed, click “Create account” button.
- An email will be sent you with the



remaining steps to verify your account. Please note that you may need to check your “Junk” folder and allow emails from this system to be delivered.

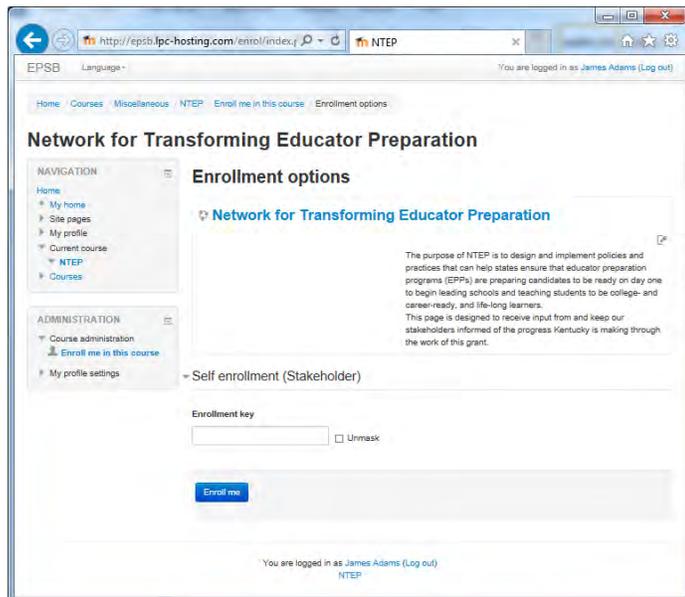
- You will use this username and password in the future when logging into the site.

Enrolling into the Network for Transforming Education Preparation site

- Log into the EPSB Learning Site at <http://epsb.lpc-hosting.com>.
- Click on the Network for Transforming Education Preparation link. If you don't see the link, click on Home in the navigation bar.
- Enter the Self-Enrollment key provided

“Tr4nsf0rm” without the quotes Transform where a=4 and o=zero

- Click the “Enroll me” button.





Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Table of Contents

Our Story 1

Phase I: Laying the Foundation 3

Phase II: Capacity Building-Engaging Stakeholders and Issues 5

Phase III: Mobilizing for Implementation 8

Appendices 12

Appendix A: Kentucky Organizations 12

Appendix B: Learner Ready Definition 13

Appendix C: Key Messages 14

Appendix D: NTEP Portal Overview 15

Appendix E: Creating an Account on NTEP Portal 17

Our Story

If the Kentucky NTEP team uses predictive measures of effective teaching as defined by the Kentucky Teacher Performance Assessments and Professional Growth and Effectiveness System to establish and implement standards for preparation program development, preparation program evaluation, and educator licensure, then individuals granted Kentucky teaching certificates will be learner ready on day one.

This theory of action encompasses our past accomplishments and embraces new goals for our educator preparation programs, with an even clearer focus on student learning. Kentucky has implemented several educator preparation and professional learning reform initiatives. Revisions include, but are not limited to, redesign of the master's programs to sharpen the focus on teacher leadership, principal and superintendent programs, and continuous professional learning, all with a focus on leadership, college- and career-readiness, and impact on accountability. To ensure all students have access to highly effective educators focused on college- and career- readiness, Kentucky must continue to make systematic data-informed revisions and refinements to preparation programs and provide adequate support across every teacher's career.

Kentucky believes this system must provide performance assessments along an educator's career continuum. To achieve this goal, Kentucky is merging the Kentucky Teacher Internship Program (KTIP) aligned to the Kentucky Teacher Standards and the Professional Growth and Effectiveness System (PGES) based on the Danielson Framework that utilizes multiple measures to determine educator growth. By merging KTIP and PGES, Kentucky will develop a system that collects longitudinal developmental data and focuses on growth throughout educator preparation, induction, and the educator's career.

Kentucky has a strong group of stakeholders who have and will continue to provide valuable direction into the NTEP work. These stakeholders consist of a cross-section of leaders who have the skills, credibility, and support for transforming educator preparation.

Outcomes



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

1. State standards, national standards, and additional measures including teacher effectiveness outcomes in the accreditation and program approval processes.
2. An online reporting system that include multiple elements (e.g., recruitment of candidates, quality of clinical experiences throughout the program, mastery of content)for educator preparation that allows for continuous monitoring of programs throughout the accreditation cycle
3. A data system that provides a seamless system for program approval, monitoring, and educator licensing

Phase I: Laying the Foundation				
Goal: By July of 2014 the steering committee will develop and refine the message to be communicated to stakeholders along with how and when to communicate it.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<u>Revise and enforce licensure standards</u> <ul style="list-style-type: none"> Present NTEP plan to the EPSB for a decision. Develop Learner Ready definition <u>Influence the development of innovative licensure performance assessments</u> <ul style="list-style-type: none"> EPSB staff member attends training session on performance assessments to gain knowledge of assessments. <u>Alignment of preparation content standards</u> <ul style="list-style-type: none"> Identify districts that will pilot PGES components in the internship (KTIP) 2014-2015 <u>Create multi-tiered licensure systems</u> <ul style="list-style-type: none"> Convene a group to hear more about the performance assessments (e.g., edTPA, Praxis Performance Assessment for Teachers, Debra Ball of Michigan State work with performance assessments) <u>Adopt and implement rigorous</u>	Establish steering committee	EPSB KEA CPE KDE KACTE	<ul style="list-style-type: none"> Robert Brown 	Selection of committee members will represent the following: <ul style="list-style-type: none"> Teachers Educator Preparation Programs Kentucky Department of Education Education Professional Standards Board
	Determine stakeholder groups and points of contact for each group to assist in dissemination of information	NTEP Steering Committee	<ul style="list-style-type: none"> NTEP Steering Committee 	NTEP Steering Committee Meetings
	Determine basic message to be communicated of the direction of the work and outcomes	NTEP Steering Committee	<ul style="list-style-type: none"> Robert Brown Mary Ann Blankenship 	NTEP Steering Committee Meetings
	Begin delivery of initial message and gain feedback on Learner Ready definition	Guiding Coalition State Legislators IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> NTEP Steering Committee 	Meetings with Guiding Coalition members and other stakeholder points of contact Presentation to the Education Professional Standards Board Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc. Written communication (e.g., newsletters, emails, etc.)



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Phase I: Laying the Foundation				
Goal: By July of 2014 the steering committee will develop and refine the message to be communicated to stakeholders along with how and when to communicate it.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<p><u>program approval standards</u></p> <ul style="list-style-type: none"> • Present CAEP Standards to the board • Stakeholders to give feedback on system design which would include possible data <p><u>Hold preparation programs accountable</u></p> <ul style="list-style-type: none"> • Examples of annual data collected and presented to the board • Shared accountability model of teachers' performance using multiple sources of data including student achievement. • Include what data exists with other organizations • Decision of n-size made 	<p>Receive approval and funding for the development of the Continuous Improvement System</p>	<p>Guiding Coalition State Legislators IHEs EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts</p>	<ul style="list-style-type: none"> • Robert Brown • Jimmy Adams • Marcie Lowe • Sherry Brumback • Kim Walters-Parker • Scott Smith 	<p>Discussions with members of the KY General Assembly, the Governor's Office of Policy Management, the Governor's Office staff, the Secretary of Education and Workforce Development and his staff, the Capital Projects Committee and the Commonwealth Office of Technology</p>
	<p>Feasibility of a teacher supply and demand study</p>	<p>Guiding Coalition IHEs EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts</p>	<ul style="list-style-type: none"> • Robert Brown • Jimmy Adams • Kim Walters-Parker 	<p>Meetings with KCEWS executive director and EPSB staff</p> <p>KCEWS includes this study in two-year research agenda</p>
	<p>Identify tool to be utilized for two-way asynchronous communication to deliver message and receive feedback in Phase II and Phase III of project</p>	<p>NTEP Steering Committee</p>	<ul style="list-style-type: none"> • Jimmy Adams 	<p>NTEP Steering Committee Meetings</p>



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Phase II: Capacity Building-Engaging Stakeholders and Issues				
Goal: By February of 2015 identified stakeholders will be actively engaged in providing feedback to the steering committee based on data and information provided concerning the work of NTEP and information from their respective constituents.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<p><u>Revise and enforce licensure standards</u></p> <ul style="list-style-type: none"> Continue responding to events in the regulatory process Legislative decision <p><u>Influence the development of innovative licensure performance assessments</u></p> <ul style="list-style-type: none"> Conversations / vetting with stakeholders have occurred for inclusion in program. Field test planned and underway Starting regulatory process <p><u>Alignment of preparation content standards</u></p> <ul style="list-style-type: none"> Transition of KTIP/PGES Underway (2014-15) Data gathered from the pilot; adjustments are made <p><u>Create multi-tiered licensure systems</u></p> <ul style="list-style-type: none"> Pilot performance assessments as part of the Vanguard project or other institutions interested in participating. InTASC progressions will be used to inform the Kentucky Teacher Standards or move towards adoption of the InTASC Standards 	<p>Continue face-to-face presentations, online discussions and feedback opportunities with stakeholders</p> <ul style="list-style-type: none"> Progress toward meeting the goals of NTEP with opportunity for feedback through the NTEP Portal Plan for work during this timeframe Detailed explanations of the various components of this work Input from stakeholders is needed, valued and used by steering committee in the guidance of this work 	<p>Guiding Coalition IHEs Cooperatives EPSB KDE CPE KACI KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)</p>	<ul style="list-style-type: none"> Robert Brown NTEP Steering Committee EPSB and other agency staff 	<p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p> <p>Meetings with Guiding Coalition members and other stakeholder points of contact</p> <p>Written communication (e.g., newsletters, emails, etc.)</p> <p>Online forums and questionnaires for dissemination and feedback</p>
<ul style="list-style-type: none"> Pilot performance assessments as part of the Vanguard project or other institutions interested in participating. InTASC progressions will be used to inform the Kentucky Teacher Standards or move towards adoption of the InTASC Standards 	<p>Begin discussions identified in the deep dive with licensure component</p> <p>Establish a stakeholder subcommittee to discuss:</p> <ul style="list-style-type: none"> Multi-tiered system Career pathways 	<p>Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts</p>	<ul style="list-style-type: none"> Robert Brown NTEP Steering Committee Donna Brockman 	<p>NTEP Steering Committee Meetings</p> <p>Discussions with Supporting Effective Educator Development (SEED) grant committee and staff</p> <p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p> <p>Written communication (e.g., newsletters, emails, etc.)</p>

Phase II: Capacity Building-Engaging Stakeholders and Issues				
Goal: By February of 2015 identified stakeholders will be actively engaged in providing feedback to the steering committee based on data and information provided concerning the work of NTEP and information from their respective constituents.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<ul style="list-style-type: none"> Consider revisions based on learning as a part of the Vanguard Project and institutional pilots Disseminate learning to groups about this implementation <p><u>Adopt and implement rigorous program approval standards</u></p> <ul style="list-style-type: none"> Board makes final decision Student Growth Percentiles shared with Educator Preparation Programs Transition underway <p><u>Hold preparation programs accountable</u></p> <ul style="list-style-type: none"> Board will have determined what data will be reported annually Begin development of a continuous assessment online application in which institutions provide data Samples of data would include summary assessment pass rates including first time pass rates; mean admission GPA's, mean composite ACT scores, completers/vs. certified 		External Partners (e.g., ETS, ATE, SREB)		Online forums and questionnaires for dissemination and feedback
	Deploy NTEP Portal and enlist stakeholders to provide input and feedback on: <ul style="list-style-type: none"> Licensure Proportional accountability model Merger of KTIP and PGES PARC Continuous Improvement System Pilot Data systems 	Guiding Coalition IHEs Cooperatives EPSB KDE CPE KACI KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> Robert Brown Jimmy Adams Donna Brockman Amanda Ellis Kim Walters-Parker NTEP Steering Committee 	Trainings provided by EPSB with KDE for KTIP/PGES to IHE staff, and pilot districts and schools Receive feedback from IHE piloting the elementary portion of the program review documents which will be used in the development of the Continuous Improvement System Receive feedback from participating IHEs on TeachingWorks pilot Meetings with Continuous Improvement System project manager on the development and progress of the software system Meetings with Guiding Coalition members and other stakeholder points of contact Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc. Written communication (e.g., newsletters, emails, etc.)



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Phase II: Capacity Building-Engaging Stakeholders and Issues				
Goal: By February of 2015 identified stakeholders will be actively engaged in providing feedback to the steering committee based on data and information provided concerning the work of NTEP and information from their respective constituents.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
				Online forums and questionnaires for dissemination and feedback
	Post presentations, newsletters, progress reports, and the like on the NTEP portal for stakeholder access/review	Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> • Jimmy Adams • NTEP Steering Committee 	Posting of items on NTEP portal with forum posts to subscribers on how to access the resources Notify stakeholders of resources through the NTEP portal
	Provide a series of succinct, but informative news forums through the NTEP portal for stakeholders explaining each component of work to accomplish the goals of NTEP	Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> • Robert Brown • NTEP Steering Committee 	Forum posts on NTEP portal with online questionnaires for feedback

Phase III: Mobilizing for Implementation				
Goal: By December of 2015 stakeholders will be mobilized to implement the NTEP policies and practices developed through this work.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<p><u>Revise and enforce licensure standards</u></p> <ul style="list-style-type: none"> • <i>Adopt/Align to InTASC to ensure learner ready definitions for educators and progressions</i> <p><u>Influence the development of innovative licensure performance assessments</u></p> <ul style="list-style-type: none"> • <i>Performance Assessments along a career continuum.</i> • <i>Data on field tests have been presented to the board/regulatory process underway</i> <p><u>Alignment of preparation content standards</u></p> <ul style="list-style-type: none"> • <i>Pre-service standards and evaluation are seamless</i> • <i>Licensure and PGES /KTIP are seamless</i> • <i>Implementation of PGES in KTIP in 2015-2016 in place that satisfies waiver and other requirements</i> <p><u>Create multi-tiered licensure systems</u></p> <ul style="list-style-type: none"> • <i>Make adjustments and recommendations to existing</i> 	<p>Continue face-to-face presentations, online discussions and feedback opportunities with stakeholders</p> <ul style="list-style-type: none"> • Progress toward meeting the goals of NTEP with opportunity for feedback through the NTEP Portal • Plan for work during this timeframe • Detailed explanations of the various components of this work • Input from stakeholders is needed, valued and used by steering committee in the guidance of this work 	<p>Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)</p>	<ul style="list-style-type: none"> • Robert Brown • NTEP Steering Committee • EPSB and other agency staff 	<p>Meetings with Guiding Coalition members and other stakeholder points of contact</p> <p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p> <p>Written communication (e.g., newsletters, emails, etc.)</p> <p>Online forums and questionnaires for dissemination and feedback</p>
	<p>Stakeholder subcommittee on licensure reports on the final accomplishments of the:</p> <ul style="list-style-type: none"> • Multi-tiered system • Career pathways 	<p>Guiding Coalition IHEs Cooperatives EPSB KDE CPE</p>	<ul style="list-style-type: none"> • Licensure subcommittee chair 	<p>Meetings with subcommittee on licensure</p> <p>Meetings with NTEP Steering Committee</p> <p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p>

Phase III: Mobilizing for Implementation				
Goal: By December of 2015 stakeholders will be mobilized to implement the NTEP policies and practices developed through this work.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<p><i>assessments to align to new performance expectations including student growth.</i></p> <ul style="list-style-type: none"> <i>InTASC progressions used to inform preparation program curriculum and development of the preparation experience.</i> <p><u>Adopt and implement rigorous program approval standards</u></p> <ul style="list-style-type: none"> <i>Use of CAEP Standards according to Cycle established by CAEP.</i> <i>Near completion of a system on a sliding scale model that includes student growth data to inform progress.</i> <p><u>Hold preparation programs accountable</u></p> <ul style="list-style-type: none"> <i>System in place based on stakeholder feedback</i> <i>Programs will have annual reporting building towards accreditation cycle according to CAEP cycle and continuous assessment model</i> <i>The continuous assessment model will allow institutions to recognize areas for growth based on the CAEP standards prior to full accreditation</i> 	<p>Communicate the function of the Online Accreditation System and its use including:</p> <ul style="list-style-type: none"> The proportional accountability model The use of student growth data from PGES Creation of a system to identify an educator preparation program's threshold of success 	<p>KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)</p>		<p>Written communication (e.g., newsletters, emails, etc.)</p> <p>Online forums and questionnaires for dissemination and feedback</p>
	<p>Build awareness with stakeholders of policy changes needed to incorporate project goals and strategies</p>	<p>Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS</p>	<ul style="list-style-type: none"> 	<p>Trainings for all EPP staff on the use of the online accreditation system</p> <p>Meetings with Continuous Improvement System project manager on the development and progress of the software system</p> <p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p> <p>Written communication (e.g., newsletters, emails, etc.)</p> <p>Online forums and questionnaires for dissemination and feedback</p>
	<p>Build awareness with stakeholders of policy changes needed to incorporate project goals and strategies</p>	<p>Guiding Coalition State Legislators IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts</p>	<ul style="list-style-type: none"> 	<p>Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc.</p> <p>Written communication (e.g., newsletters, emails, etc.)</p> <p>Online forums and questionnaires for dissemination and feedback</p>

Phase III: Mobilizing for Implementation				
Goal: By December of 2015 stakeholders will be mobilized to implement the NTEP policies and practices developed through this work.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
<ul style="list-style-type: none"> <i>All available data on effectiveness is part of continuous improvement and the board is engaged in determining when data elements are added to accountability</i> 	Begin training on how to use IMS 2.0 which is redesigned based on data from the KTIP/PGES pilot	Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts	<ul style="list-style-type: none"> Donna Brockman Scott Smith 	Trainings for district and school staff, and IHE staff Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc. Written communication (e.g., newsletters, emails, etc.) Online forums and questionnaires for dissemination and feedback
	Communicate the purpose of and provide online instructions on the use of the data dashboard	Guiding Coalition State Legislators IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> Scott Smith 	Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc. Written communication (e.g., newsletters, emails, etc.) Online forums and questionnaires for dissemination and feedback



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Phase III: Mobilizing for Implementation				
Goal: By December of 2015 stakeholders will be mobilized to implement the NTEP policies and practices developed through this work.				
Project Goals and Strategies	Engagement and Communication Objectives	Stakeholder Groups	Engagement and Communication Lead(s)	Methods of Engagement and Communication
	Identification of career pathways linked to the work of SEED	Guiding Coalition IHEs Cooperatives EPSB KDE CPE KCEWS Public K-12 Districts Non-Public K-12 Districts External Partners (e.g., ETS, ATE, SREB)	<ul style="list-style-type: none"> Donna Brockman 	Discussions with Supporting Effective Educator Development (SEED) grant committee and staff Presentations, discussions and feedback with stakeholder groups at conferences, meetings, etc. Written communication (e.g., newsletters, emails, etc.) Online forums and questionnaires for dissemination and feedback



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Appendices

Appendix A: Kentucky Organizations

Guiding Coalition

- AdvancED
- Council on Postsecondary Education (CPE)
- Education Professional Standards Board (EPSB)
- Kentucky Department of Education (KDE)
- Kentucky Association of School Administrators (KASA)
- Kentucky Association of School Superintendents (KASS)
- Kentucky Education Association (KEA)
- Kentucky School Boards Association (KSBA)
- Prichard Committee
- Regional Educational Laboratory (REL) Appalachia
- Association of Independent Kentucky Colleges and Universities (AIKCU)
- Commonwealth Collaborative of School Leadership Preparation (CCSLP)
- Deans of Colleges of Education
- Educational Cooperatives
 - Central Kentucky Educational Cooperative (CKEC)
 - Green River Regional Educational Cooperative (GRREC)
 - Kentucky Valley Education Cooperative (KVEC)
 - Northern Kentucky Cooperative for Educational Services (NKC)
 - Ohio Valley Educational Cooperative (OVEC)
 - Southeast/Southcentral Education Cooperative (SSEC)
 - West Kentucky Educational Cooperative (WKEC)
- Education and Workforce Development Cabinet
- Kentucky Advisory Council for Internships (KACI)
- Kentucky Association of Colleges of Teacher Education (KACTE)
- Program Accreditation Review Committee (PARC)

Institutes of Higher Education (IHE)

- Alice Lloyd College
- Asbury University
- Bellarmino University
- Berea College
- Brescia University
- Campbellsville University
- Centre College
- Eastern Kentucky University
- Georgetown College
- JCPS ACES
- Kentucky Christian University
- Kentucky State University
- Kentucky Wesleyan College
- Lindsey Wilson College

- Midway College
- Morehead State University
- Murray State University
- Northern Kentucky University
- Spalding University
- St. Catharine College
- Thomas More College
- Transylvania University
- Union College
- University of Kentucky
- University of Louisville
- University of Pikeville
- University of the Cumberlands
- Western Kentucky University



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

Appendix B: Learner Ready Definition

On day one of their careers, teachers should be able to model and develop in students the knowledge and skills they need to succeed today including the ability to think critically and creatively, to apply content to solving real world problems, to be literate across the curriculum, to collaborate and work in teams, and to take ownership of their own continuous learning.

Specifically, they

- Have deep knowledge of their content and how to teach it;
- Understand the differing needs of their students, hold them to high expectations, and personalize learning;
- Care about, motivate, and actively engage students in learning;
- Collect, interpret, and use student assessment data to monitor progress and adjust instruction;
- Systematically reflect, continuously improve, and collaboratively problem solve;
- Demonstrate leadership and shared responsibility for the learning of all students.

Appendix C: Key Messages

The purpose of the Network for Transforming Educator Preparation (NTEP) is to design and implement policies and practices that can help states ensure that educator preparation programs (EPPs) are preparing candidates to be ready on day one to begin leading schools and teaching students to be college- and career-ready and life-long learners.

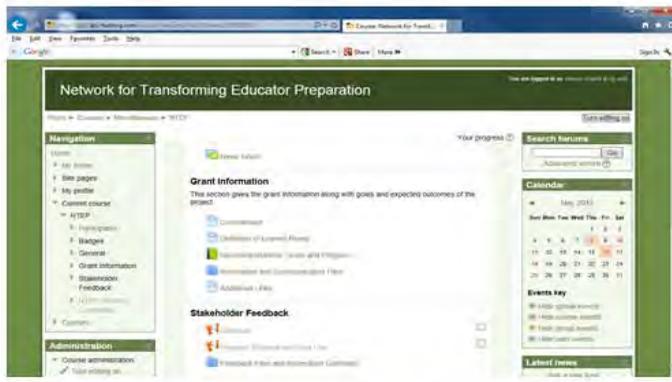
	Teaching quality is the most important school-based factor in determining student success.	
As we increase our standards for students, we must also assure that teachers entering the profession are prepared to help each student succeed.	We want to assure that all Kentucky teachers enter their first classroom prepared to excel.	Raising the bar for teacher preparation is not an indictment of previous teachers' preparation. It's an acknowledgement that the world has changed and so must we.
	America's next generation of teachers will teach students who need to succeed in an increasingly complex and competitive world.	

Additional Points to Make for Teacher Audiences

- We want to work together to assure that when you retire, highly-qualified teachers are ready to step up and take your place.
- One key to better-prepared teachers is more real-life experiences in classrooms while they are preparing to be teachers.
- All new teachers, regardless of their path to the profession, should meet the same high standards.
- Holding teacher preparation programs accountable for the success of their graduates will help those programs improve.

Appendix D: NTEP Portal Overview

Screenshots of NTEP portal



Navigation

- Home
- My profile
- My page
- My profile
- Current course
- NTEP
- Programs
- Badges
- General
- Grant Information
- Stakeholder Feedback
- Administration
- Course administration

Grant Information

This section gives the grant information along with goals and expected outcomes of the project.

Stakeholder Feedback

Calendar

Events key

Upcoming events

Table of contents

- 1.1 Licensure
- 1.2 CCSSO
- 1.3 Six Month Goals and Progress
- 2. Program Approval and Approval
- 2.1 Requirements for Program Approval
- 2.2 CCSSO
- 2.3 CCSSO
- 3. NTEP Steering Committee
- 3.1 NTEP Steering Committee
- 3.2 Six Month Goals and Progress
- 3.3 CCSSO
- 3.4 Six Month Progress

1 Licensure

1.3 Six Month Goals and Progress

CCSSO Recommendation

States will review and endorse their licensure standards for teachers and principals to support the teaching of more demanding content aligned to college- and career-readiness and critical thinking skills to a diverse range of students.

Goal

Present plan to the EPAS for a decision.

Progress Toward Goal

The NTEP Steering Committee has met at a train three times and discussed the current status and conducted Round Table reviews (Statewide review of the Learner Ready initiative was conducted and all eight agreed on the definition stated above in this report).

The EPAS Strategic Planning Committee held three meetings and incorporated the following areas in the plan:

- Incorporate CAEP and INTASC standards
- Adapt NTEP to reflect PDCS

CCSSO Recommendation

Stakeholder Feedback

Module: Anonymous

Please take a few minutes to complete this questionnaire. It is anonymous and your input will help guide us through this project.

Outlook: First Name

Optional: Last Name

Please select from the following list the organization or employer that best represents you:

If you selected Education Cooperative above, please let us know with which Co-op you are affiliated:

If you selected Institute of Higher Learning above, please let us know with which IHE you are affiliated:

If you selected Public K-12 School/District above, please let us know with which District you are affiliated:

Stakeholder Feedback

Navigation

- Home
- My profile
- My page
- My profile
- Current course
- NTEP
- Programs
- Badges
- General
- Grant Information
- Stakeholder Feedback
- Administration
- Course administration

Licensure

Module: Anonymous

Please take a few minutes to complete this questionnaire. It is anonymous and your input will help guide us through this project.

Outlook: First Name

Optional: Last Name

Please select from the following list the organization or employer that best represents you:

If you selected Education Cooperative above, please let us know with which Co-op you are affiliated:

If you selected Institute of Higher Learning above, please let us know with which IHE you are affiliated:

If you selected Public K-12 School/District above, please let us know with which District you are affiliated:

Grant Information

This section gives the grant information along with goals and expected outcomes of the project.

Stakeholder Feedback

NTEP Steering Committee

Calendar

Events key

Upcoming events

Table of contents

- 1.1 Licensure
- 1.2 CCSSO
- 1.3 Six Month Goals and Progress
- 2. Program Approval and Approval
- 2.1 Requirements for Program Approval
- 2.2 CCSSO
- 2.3 CCSSO
- 3. NTEP Steering Committee
- 3.1 NTEP Steering Committee
- 3.2 Six Month Goals and Progress
- 3.3 CCSSO
- 3.4 Six Month Progress

1 Licensure

1.3 Six Month Goals and Progress

CCSSO Recommendation

States will review and endorse their licensure standards for teachers and principals to support the teaching of more demanding content aligned to college- and career-readiness and critical thinking skills to a diverse range of students.

Goal

Present plan to the EPAS for a decision.

Progress Toward Goal

The NTEP Steering Committee has met at a train three times and discussed the current status and conducted Round Table reviews (Statewide review of the Learner Ready initiative was conducted and all eight agreed on the definition stated above in this report).

The EPAS Strategic Planning Committee held three meetings and incorporated the following areas in the plan:

- Incorporate CAEP and INTASC standards
- Adapt NTEP to reflect PDCS

CCSSO Recommendation

Stakeholder Feedback

Module: Anonymous

Please take a few minutes to complete this questionnaire. It is anonymous and your input will help guide us through this project.

Outlook: First Name

Optional: Last Name

Please select from the following list the organization or employer that best represents you:

If you selected Education Cooperative above, please let us know with which Co-op you are affiliated:

If you selected Institute of Higher Learning above, please let us know with which IHE you are affiliated:

If you selected Public K-12 School/District above, please let us know with which District you are affiliated:

Navigation

- Home
- My profile
- My page
- My profile
- Current course
- NTEP
- Programs
- Badges
- General
- Grant Information
- Stakeholder Feedback
- Administration
- Course administration

Grant Information

This section gives the grant information along with goals and expected outcomes of the project.

Stakeholder Feedback

NTEP Steering Committee

Calendar

Events key

Upcoming events



Kentucky NTEP Engagement and Communication Plan

Revision 06/09/14

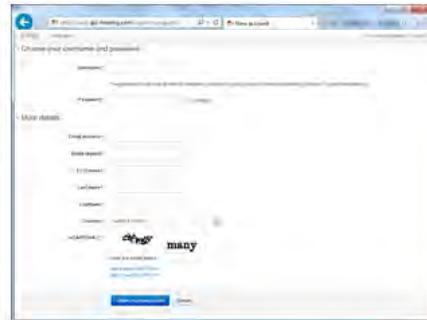
Appendix E: Creating an Account on NTEP Portal

Directions for Creating an Account on the EPSB Learning and Feedback Site

- Go to <http://epsb.lpc-hosting.com>.
- Click on the "Log in" link located in the upper right corner of the page.
- Click on the "Create new account" button located in the lower right of the page as shown on the screenshot.



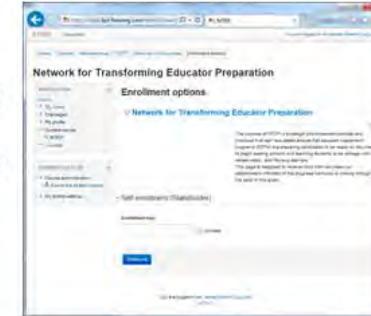
- Create your username (this must be an active email account) and complete the rest of the information on the page.
- Use the Unmask when entering your password.
- When completed, click "Create account" button.
- An email will be sent you with the remaining steps to verify your account. Please note that you may need to check your "Junk" folder and allow emails from this system to be delivered.
- You will use this username and password in the future when logging into the site.



Enrolling into the Network for Transforming Education Preparation site

- Log into the EPSB Learning Site at <http://epsb.lpc-hosting.com>.
- Click on the Network for Transforming Education Preparation link. If you don't see the link, click on Home in the navigation bar.
- Enter the Self-Enrollment key provided

"Tr4nsf0rm" without the quotes Transform where a=4 and o=zero
- Click the "Enroll me" button.



**EDUCATION PROFESSIONAL STANDARDS BOARD
RETREAT GUIDESHEET**

**Disciplinary Review
Retreat Discussion**

Retreat Discussion:

Review of the process, procedures, and regulations for disciplinary cases

Relevant Documents, Statutes, and/or Regulations:

KRS 161.028 (1). Education Professional Standards Board- Powers and duties regarding the preparation and certification of professional school personnel.

KRS 161.120. Disciplinary actions relating to certificates

16 KAR 1:020. Professional code of ethics for Kentucky school certified personnel

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

Waiver Request Procedure

Discussion document provided at June 2014 regular board meeting

Historical public information

EPSB Strategic Agenda

Background:

In September 2014, the Board adopted the recommendations of the Committee to Ensure Ethical Educator Workforce (CEEEW), a committee created by the Board in January of 2013 to study the disciplinary process. Additionally, in March 2014 the board approved the EPSB Strategic Agenda. Goal 2 established strategies and activities to address time frame for case resolution to reduce to an average of 1.5 years. At the June 2014 regular board meeting, board members requested to have the disciplinary regulation discussion placed on the retreat agenda.

Board Recommendation(s)

Staff Action Steps:

Flowchart: Comparison of current EPSB Process to proposed changes for Board Discussion

EPSB language from flow chart	Proposed change and rationale
<p>EPSB receives a complaint against a certificate holder</p>	
<p>Complaint reviewed by legal staff to determine whether the complaint establishes an act prohibited by KRS 161.120(1)</p>	<p><u>Within 30 days of receipt of a written complaint from an identified source, a three person disciplinary subcommittee comprising three K-12 members of the full EPSB will determine whether the complaint establishes an act prohibited by KRS 161.120(1). The disciplinary subcommittee members will be appointed by the chair and will serve one (1) year terms. At least two members of the disciplinary subcommittee will be classroom teacher representatives who are not administrators. The committee should strive to reach consensus on each case but may decide to act by majority vote of its members. General counsel may advise the subcommittee at its request but cannot vote.</u></p> <p><u>Anonymous complaints will not be processed and will be dismissed with prejudice.</u></p> <p>RATIONALE: More than one person should be involved in vetting complaints to determine whether they move forward through the disciplinary process. Anonymous complaints cannot be verified and should not be processed or used to bolster any future complaints.</p>
<p>If the allegations are not credible or do not constitute an act prohibited by KRS 161.120(1), a disciplinary case is not initiated, but the complaint is kept on file in case further information is received</p>	<p><u>The subject teacher is informed of the complaint and is told that no action will be taken and no response is necessary. The information will not form the basis of any future disciplinary action against the teacher.</u></p> <p>RATIONALE: The teacher should know that a complaint was made. Complaints that are not credible or that do not constitute an act prohibited by KRS 161.120(1) are not actionable and should be dismissed with prejudice. If the screening committee believes that additional investigation is warranted, they</p>

	<p>should process the complaint in a way other than dismissal.</p>
<p>If the allegations are credible and constitute an act prohibited by KRS 161.120, a disciplinary case is initiated and notice is sent to the educator. An icon appears on KECI available to only school district human resources directors, superintendents and the respondent noting an active complaint.</p>	<p><u>If the disciplinary subcommittee determines that probable cause may exist, the educator will be fully informed of the allegations against him or her, including notice of the specific subsection of KRS 161.120(1) that may have been violated. The notice will be served by certified mail and the educator will be given at least thirty (30) days after the date or receipt to respond in writing, which time shall be extended upon request. The educator will be informed that the rebuttal will be included on the docket of the next regularly scheduled meeting if it is received at least three (3) business days before the meeting date. Notice will also include the link to the schedule of upcoming EPSB meetings.</u></p> <p><u>If thirty (30) days pass after the date the educator receives notice of the charges and no request for extension is filed, it will be reported to the full board that no rebuttal was filed.</u></p> <p><u>NO ICONS APPEAR ANYWHERE.</u></p> <p>RATIONALE: Respondents are generally not told the specific subsection of KRS 161.120(1) that they are alleged to have violated, so they are left guessing about the kind of evidence that might be gathered against them. Respondents don't know when the EPSB meets, so can't determine whether they should avail themselves of the full thirty days or whether it is to their benefit to respond sooner and get on the docket. The calendar information will give the respondents and their attorneys a better idea of how long the process will take.</p>
<p>After 30 days or upon receipt of a rebuttal, the case is prepared for docket.</p>	<p><u>The entire redacted initial complaint and redacted written response will be submitted to the full EPSB for consideration.</u></p>

	<p>RATIONALE: Current practice is for EPSB legal staff to summarize the complaint and supporting evidence (so the board does not see the original documents) but to provide a redacted copy of the educator’s original response. The practice of summarizing the complaint information should not continue because a writer cannot escape his or her own point of view. Allowing the same person who decided that a case should be opened to also summarize the complaint and response offers too much opportunity for their own perspective to be inserted into the communication. Redacting identifying information from the complaint and response and providing the board with all the available information will give the board an opportunity to judge the circumstances themselves instead of viewing them through someone else’s lens.</p>
<p>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 the complaint is not prohibited.</p>	<p><u>Cases shall be dismissed with prejudice, meaning that the circumstances presented by the complaint do not support disciplinary action and cannot form the basis for any subsequent action by the EPSB.</u></p> <p>RATIONALE: Dismissal should mean full, final and complete dismissal. If the facts don’t support action, no action can be taken. If the screening committee believes further investigation is warranted, they should dispose of the case in another way.</p>
<p>Deferral for training: The evidence presented to the board indicates that the respondent would benefit from remedial training. The board shall defer consideration of the 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.</p>	<p><u>The EPSB may defer action and require training that is relevant to the circumstances of the case only after it has determined that appropriate training is available and from whom. The board shall inform the respondent of that information and shall also inform the respondent of the dates of the next 4 board meetings. If the respondent provides written proof to the board that he or she has successfully completed the recommended training, the case shall be dismissed with prejudice at the next regularly</u></p>

	<p><u>scheduled board meeting.</u></p> <p>RATIONALE: The EPSB should not require training that may not exist, and respondents should not have to go on a treasure hunt to find training that complies. The calendar information will help respondents understand the timeline by which they should complete their training and submit that information to the board.</p>
<p>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.</p>	<p><u>No copy to the superintendent.</u></p> <p>RATIONALE: Why? Nothing requires this and none of the other outcomes are provided to the superintendent.</p>
<p>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.</p>	
<p>Case assigned to an attorney</p>	<p><u>Written notice of the board action, including the name and contact information for the assigned attorney, shall be mailed to the respondent within three (3) business days after the board votes to hear the case.</u></p> <p>RATIONALE: To avoid undue delay in notifying the respondent.</p>
<p>Attorney investigates initial complaint and any other matters that come to light during investigation.</p>	<p><u>For a period of 90 days after the board votes to hear the case.</u></p>
<p>Agreed Order is drafted and sent to respondent for review.</p>	<p><u>The initial written offer of settlement must be made within ninety (90) days of the date the</u></p>

	<p><u>EPSB voted to hear the matter. The written offer shall specify the charges against the educator.</u></p> <p>RATIONALE: Generally, complaints made to the EPSB have been investigated by the superintendent or are in the process of being investigated by another agency. Therefore, an entirely new investigation will rarely be necessary. Imposing a timeline for the initial offer of settlement encourages timely disposition of cases.</p>
<p>Respondent accepts Agreed Order.</p>	<p><u>The Agreed Order is presented to the board at its next regularly scheduled meeting. If the board accepts the Agreed Order, a copy of the fully executed Order shall be mailed to the respondent within three (3) business days.</u></p> <p><u>Other than the information contained in the board minutes, no information about suspension or revocation will be made available by any means other than a properly tendered Open Records request or valid subpoena.</u></p> <p>RATIONALE: There is no benefit to the EPSB or to the public in affirmatively publishing disciplinary information without an appropriate Open Records Request. If a certificate is suspended or revoked, it simply should not be accessible in the KECI database for the period of suspension or revocation. Once the respondent completes the period of suspension, the certificate will be automatically reinstated and should be restored to KECI without any mark, since the discipline meted out by the board will have been satisfied. If an application for reinstatement after revocation is successful, the certificate should simply reappear on KECI and no mark should appear for the same reason.</p>
<p>Respondent rejects Agreed Order.</p>	<p><u>Negotiations may continue until an Agreed Order is ready for submission to the board or</u></p>

	<p><u>until the respondent makes a written request for a hearing, whichever first occurs.</u></p> <p>RATIONALE: Right now there is absolutely no incentive for the EPSB to efficiently practice and dispose of cases, because they can simply ignore requests for hearing.</p>
<p>Respondent makes a written request for a hearing.</p>	<p><u>The written request for hearing may be made any time after receipt of the initial settlement offer. A written request for hearing shall be sent to the assigned attorney, with a copy to EPSB general counsel and also to the Administrative Hearings Division of the Attorney General.</u></p> <p>RATIONALE: Allowing a respondent to make a request for a hearing at any time after the initial offer of settlement and requiring the EPSB to respond gives the teacher leverage in the process and should encourage more reasonable negotiating positions.</p>
<p>Administrative hearing charges are drafted.</p>	<p><u>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 Hearings Division of the Attorney General.</u></p> <p>RATIONALE: At this point the assigned attorney has had at least 90 days, perhaps longer, to investigate the merits of the case. It should not take more than twenty days to draft the charges and provide the information required by 13B.</p>
<p>Hearing officer assigned.</p>	<p><u>The hearing officer shall convene a telephonic scheduling meeting with the parties within ten (10) days after the hearing officer's receipt of the charges. The administrative hearing shall begin at least sixty (60) days but not more than ninety (90) days from the date written charges were served upon the respondent unless the respondent requests a later hearing. At least thirty (30) days before</u></p>

	<p><u>the hearing date, the EPSB shall serve upon the respondent a list of witnesses the EPSB will call at the hearing, a copy or description of any evidence to be used at the hearing and a copy or description of any exculpatory information in the agency's possession. Respondent shall serve a witness list on the EPSB twenty (20) days before the hearing date. Timelines may be extended by mutual agreement of the parties.</u></p> <p>RATIONALE: The language in 13B requires notice of a hearing "at least" 20 days in advance, and also requires witness lists and evidence "at least" 5 days before the hearing. Those timelines are generally taken literally but are much too short to allow the respondent to properly prepare. A regulation can expand the statutory timelines but cannot shorten them.</p>
<p>The hearing process proceeds along the timelines set out in KRS 13B</p>	

16 KAR 1:020. Professional code of ethics for Kentucky school certified personnel.

RELATES TO: KRS 161.028, 161.040, 161.120

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that the Education Professional Standards Board develop a professional code of ethics. This administrative regulation establishes the code of ethics for Kentucky school certified personnel and establishes that violation of the code of ethics may be grounds for revocation or suspension of Kentucky certification for professional school personnel by the Education Professional Standards Board.

Section 1. Certified personnel in the Commonwealth:

(1) Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;

(2) Shall believe in the worth and dignity of each human being and in educational opportunities for all;

(3) Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:

(a) To students:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;

2. Shall respect the constitutional rights of all students;

3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;

4. Shall not use professional relationships or authority with students for personal advantage;

5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;

6. Shall not knowingly make false or malicious statements about students or colleagues;

7. Shall refrain from subjecting students to embarrassment or disparagement; and

8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

(b) To parents:

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student;

2. Shall endeavor to understand community cultures and diverse home environments of students;

3. Shall not knowingly distort or misrepresent facts concerning educational issues;

4. Shall distinguish between personal views and the views of the employing educational agency;

5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;

6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and

7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

(c) To the education profession:

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;

2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;

4. Shall not use coercive means or give special treatment in order to influence professional decisions;

5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and

6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in KRS 161.120 and 704 KAR 20:585. (21 Ky.R. 2344; eff. 5-4-95; recodified from 704 KAR 20:680, 7-2-2002.)

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

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

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

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

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

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

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

(2) An individual whose certificate has been revoked shall complete the "Application for Kentucky Certification or Change in Salary Rank", Form TC-1, incorporated by reference in 16 KAR 2:010, prior to the reissuance of the certificate.

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

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

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

(6)(a) If a certificate is suspended or revoked because the certificate holder engaged in misconduct involving the illegal use of a controlled substance as defined in KRS 218A.010(5), in addition to conditions for reinstatement or reissuance, the certificate holder shall at the certificate holder's own expense provide written evidence that the certificate holder has submitted to a drug test administered by a drug testing facility

approved by the Education Professional Standards Board within thirty (30) days of reinstatement or submission of an application for reissuance of the certificate.

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

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

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

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

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

2. The petition shall contain the following information:

- a. The drug testing facility's name and location;
- b. The name and telephone number for the director of the facility;
- c. The method of test specimen collection;
- d. The drug testing facility's method of assuring identity of the test subject;
- e. Procedures for testing specimens, including forensic testing methods; and
- f. Chain of custody protocols.

Section 3. Denial of Application for a Certificate. If the Education Professional Standards Board denies an individual's application for a Kentucky teaching or administrative certificate pursuant to this administrative regulation, the individual may file an appeal in accordance with KRS 161.120(5)(a)2. (19 Ky.R. 1264; Am. 1599; 1751; eff. 2-4-93; 20 Ky.R. 633; eff. 11-4-93; 23 Ky.R. 3617; 4124; eff. 6-16-97; r

161.028 Education Professional Standards Board -- Powers and duties regarding the preparation and certification of professional school personnel -- Membership.

- (1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:
 - (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
 - (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:
 1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
 2. Research-based classroom practices, including effective classroom management techniques;
 3. Emphasis on subject matter competency of teacher education students;
 4. Methodologies to meet diverse educational needs of all students;
 5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
 6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
 7. The diversity of faculty;
 8. The effectiveness of partnerships with local school districts; and
 9. The performance of graduates on various measures as determined by the board;
 - (c) Conduct an annual review of diversity in teacher preparation programs;
 - (d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
 - (e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
 - (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
 - (g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not

revictimize the alleged victim or cause harm if an employee is falsely accused;

- (h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- (i) Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;
- (j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
- (k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
- (l) Develop a professional code of ethics;
- (m) Set the qualifications and salary for the positions of executive director and deputy executive director to the board, notwithstanding the provisions of KRS 64.640;
- (n) Recruit, select, employ and evaluate the executive director to the board;
- (o) Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
- (p) Approve the biennial budget request;
- (q) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
- (r) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
- (s) Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

- (t) Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;
 - (u) Employ consultants as needed;
 - (v) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
 - (w) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
 - (x) Issue orders as necessary in any administrative action before the board.
- (2) (a) The board shall be composed of seventeen (17) members. The commissioner of education and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:
1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
 2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
 3. One (1) member representative of local boards of education; and
 4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
- (b) The members appointed by the Governor after June 21, 2001, shall be confirmed by the Senate and the House of Representatives under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

- (c) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.
- (d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive director shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman.
- (g) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 117, sec. 2, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 288, sec. 3, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 137, sec. 7, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 527, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 362, sec. 3, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 66, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 107, sec. 1, effective July 15, 1996; and ch. 343, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 1, effective July 15, 1994; and ch. 470, sec. 1, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 476, Pt. II, sec. 56, effective July 13, 1990.

161.120 Disciplinary actions relating to certificates -- Appeals.

- (1) Except as described in KRS 161.795, the Education Professional Standards Board may revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued under KRS 161.010 to 161.100, or any certificate or license issued under any previous law to superintendents, principals, teachers, substitute teachers, interns, supervisors, directors of pupil personnel, or other administrative, supervisory, or instructional employees for the following reasons:
 - (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, notwithstanding an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of the plea, one (1) of the following:
 1. A felony;
 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525, 529, 530, or 531; or
 3. A misdemeanor involving a student or minor.
A certified copy of the conviction or plea shall be conclusive evidence of the conviction or plea;
 - (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor. Conviction in a criminal proceeding shall not be a requirement for disciplinary action;
 - (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to disciplinary action;
 - (d) Demonstrating willful or careless disregard for the health, welfare, or safety of others;
 - (e) Physical or mental incapacity that prevents the certificate holder from performing duties with reasonable skill, competence, or safety;
 - (f) Possessing, using, or being under the influence of alcohol, which impairs the performance of duties;
 - (g) Unlawfully possessing or unlawfully using a drug during the performance of duties;
 - (h) Incompetency or neglect of duty;
 - (i) Making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining issuance or renewal of any certificate;
 - (j) Failing to report as required by subsection (2) of this section;
 - (k) Failing to comply with an order of the Education Professional Standards Board;
 - (l) Violating any state statute relating to schools or the teaching profession;
 - (m) Violating the professional code of ethics for Kentucky school certified personnel established by the Education Professional Standards Board through the promulgation of administrative regulation;

- (n) Violating any administrative regulation promulgated by the Education Professional Standards Board or the Kentucky Board of Education; or
 - (o) Receiving disciplinary action or having the issuance of a certificate denied or restricted by another jurisdiction on grounds that constitute a violation of this subsection.
- (2) (a) The superintendent of each local school district shall report in writing to the Education Professional Standards Board the name, address, phone number, Social Security number, and position name of any certified school employee in the employee's district whose contract is terminated or not renewed, for cause except failure to meet local standards for quality of teaching performance prior to the employee gaining tenure; who resigns from, or otherwise leaves, a position under threat of contract termination, or nonrenewal, for cause; who is convicted in a criminal prosecution; or who otherwise may have engaged in any actions or conduct while employed in the school district that might reasonably be expected to warrant consideration for action against the certificate under subsection (1) of this section. The duty to report shall exist without regard to any disciplinary action, or lack thereof, by the superintendent, and the required report shall be submitted within thirty (30) days of the event giving rise to the duty to report.
- (b) The district superintendent shall inform the Education Professional Standards Board in writing of the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct of the certified employee, that may warrant action against the certificate under subsection (1) of this section, and shall forward copies of all relevant documents and records in his possession.
- (c) The Education Professional Standards Board may consider reports and information received from other sources.
- (d) The certified school employee shall be given a copy of any report provided to the Education Professional Standards Board by the district superintendent or other sources. The employee shall have the right to file a written rebuttal to the report which shall be placed in the official file with the report.
- (3) A finding or action by a school superintendent or tribunal does not create a presumption of a violation or lack of a violation of subsection (1) of this section.
- (4) The board may issue a written admonishment to the certificate holder if the board determines, based on the evidence, that a violation has occurred that is not of a serious nature. A copy of the written admonishment shall be placed in the official file of the certificate holder. The certificate holder may respond in writing to the admonishment within thirty (30) days of receipt and have that response placed in his official certification file. Alternatively, the certificate holder may file a request for a hearing with the board within thirty (30) days of receipt of the admonishment. Upon receipt of a request for a hearing, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (5) (a) The Education Professional Standards Board shall schedule and conduct

a hearing in accordance with KRS Chapter 13B:

1. Before revoking, suspending, refusing to renew, imposing probationary or supervisory conditions upon, issuing a written reprimand, or any combination of these actions regarding any certificate;
 2. After denying an application for a certificate, upon written request filed within thirty (30) days of receipt of the letter advising of the denial; or
 3. After issuing a written admonishment, upon written request for a hearing filed within thirty (30) days of receipt of the written admonishment.
- (b) Upon request, a hearing may be public or private at the discretion of the certified employee or applicant.
- (c) The hearing shall be conducted before the full board, a panel of three (3) members of the board, or a person appointed as hearing officer by the board pursuant to KRS 13B.030(1).
- (6) The Education Professional Standards Board or its chair may take emergency action pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's contract or tenure rights in the school district.
- (7) If the Education Professional Standards Board substantiates that sexual contact occurred between a certified employee and a student or minor, the employee's certificate may be revoked or suspended with mandatory treatment of the employee as prescribed by the Education Professional Standards Board. The Education Professional Standards Board may require the employee to pay a specified amount for mental health services for the student or minor which are needed as a result of the sexual contact.
- (8) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the certificate holder.
- (9) The board may reconsider, modify, or reverse its decision on any disciplinary action.
- (10) Suspension of a certificate shall be for a specified period of time, not to exceed two (2) years.
- (a) At the conclusion of the specified period, upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the certificate shall be reactivated.
- (b) A suspended certificate is subject to expiration and termination.
- (11) Revocation of a certificate is a permanent forfeiture. The board shall establish the minimum period of time before an applicant can apply for a new certificate.
- (a) At the conclusion of the specified period, and upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the applicant shall bear the burden of proof to show that he or she is again fit for practice.
- (b) The board shall have discretion to impose conditions that it deems reasonably appropriate to ensure the applicant's fitness and the

protection of public safety. Any conditions imposed by the board shall address or apply to only that time period after the revocation of the certificate.

- (12) An appeal from any final order of the Education Professional Standards Board shall be filed in Franklin Circuit Court in accordance with KRS Chapter 13B.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 269, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 362, sec. 5, effective July 15, 1998; and ch. 465, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 54, effective July 15, 1996; ch. 343, sec. 7, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 2, effective July 15, 1994; and ch. 470, sec. 2, effective July 15, 1994. Amended 1992 Ky. Acts ch. 182, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 64, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 188, sec. 119, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 56, sec. 2, effective June 17, 1978; and ch. 155, sec. 82, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4502-9.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 318 and 343. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 343, which was last enacted by the General Assembly, prevails under KRS 446.250.

Legislative Research Commission Note (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

161.175 Teachers involved in illegal use of controlled substances.

- (1) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher who has been reprimanded or otherwise disciplined by the teacher's employer because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of retaining employment, submit to random or periodic drug testing in accordance with administrative regulations promulgated by the Kentucky Board of Education for a period not to exceed twelve (12) months from the date such reprimand or disciplinary action occurred.
- (2) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a teacher whose certificate has been suspended or revoked by the Education Professional Standards Board because the teacher engaged in misconduct involving the illegal use of controlled substances shall, as a condition of reinstatement or reissuance of the certificate, submit to drug testing in accordance with administrative regulations promulgated by the Education Professional Standards Board.
- (3) No teacher may be subject to drug testing under this section unless and until it has been determined in an administrative or judicial proceeding that the teacher engaged in misconduct involving the illegal use of controlled substances.
- (4) For purposes of this section, the term "teacher" shall mean any person for whom certification is required as a basis for employment in the public schools of the Commonwealth.
- (5) Nothing in this section shall be interpreted or construed to limit the authority of the Education Professional Standards Board to impose or require additional conditions for the reissuance or reinstatement of a certificate.
- (6) The administrative regulations promulgated pursuant to this section shall contain provisions that ensure due process under the law.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 221, sec. 4, effective July 12, 2006.

Education Professional Standards Board

VIOLATIONS OF THE ADMINISTRATION CODE FOR KENTUCKY'S EDUCATIONAL ASSESSMENT PROGRAM-- COMMONWEALTH ACCOUNTABILITY TESTING SYSTEM (CATS) PROCEDURE

Approved August 26, 2002

Pursuant to KRS 161.120(1)(n), the Education Professional Standards Board ("the Board") is empowered to take disciplinary action against a certificate holder for violations of the Administration Code in administering the CATS. In cooperation with the Division of Management Assistance (DMA) at the Kentucky Department of Education, the Board has developed the following procedure for addressing CATS violations:

- 1) DMA receives all initial reports of testing/administrative errors.
- 2) If test scores were not affected by the error, DMA conducts a cursory investigation and may or may not recommend training. The incident is reported to the Board but no action is taken by staff.
- 3) If test scores *were* affected by the error, DMA conducts an in-depth investigation and determines whether the violation was intentional or unintentional. If the error was unintentional and the first such violation by the teacher:
 - a) DMA advises the superintendent by letter to be mindful of the legal duty to report to the Board;
 - b) Board staff receives a copy of DMA's letter to the superintendent;
 - c) Board staff enters the educator's name into its own CATS database;
 1. The district assessment coordinator (DAC), the superintendent, and the educator are all sent a letter advising that the Board has received the DMA report and will close its case upon receipt of proof of three hours DMA or equivalent training.
 2. If such proof is not received within 60 days, a warning letter will be sent;
 3. After 90 days, a regular disciplinary case will be opened pursuant to KRS 161.120
 - d) Board staff will report all "repeat offenders" to the Board.
- 4) If the DMA investigation determines that the violation *was* intentional, DMA sends a letter to the district advising the superintendent to report to the Board and also notifies

Board staff directly. Staff then opens a regular disciplinary case and it proceeds toward a probable cause determination.

- 5) Violations by administrators and multiple violations by teachers will be reviewed by the Board to determine if further action is necessary under KRS 161.120.

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.

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.

Education Professional Standards Board

CHARACTER AND FITNESS APPLICATIONS PROCEDURE

Approved August 26, 2002

Pursuant to KRS 161.028(1)(a), the Education Professional Standards Board (“the Board”) is responsible for establishing standards and requirements for obtaining and maintaining a certificate. Accordingly, all applicants for initial certification and renewal are required to submit a Character and Fitness application. Therein, the applicant is asked several questions pertaining to past convictions or disciplinary action in relation to past employment. Any “yes” answer requires that the Board approve the application. All such applications are submitted to Legal Services staff and a summary of the self-reported details is prepared and presented at the next regularly-scheduled board meeting.

In evaluating Character and Fitness applications, there are no grounds for automatic denial of *certification*. However, KRS 160.380(3) prohibits a superintendent from *hiring* a violent offender or a person convicted of a felony sex crime.

The Board considers, among other things, the nature of the offense, if any children or minors were involved, if any violence or drugs were involved, how long ago the event occurred, the age of the applicant at the time of the offense, and if any terms of a sentence or probation were fulfilled. The Board then determines whether to approve or deny the application. (The Board may also ask for additional information before making its decision.)

The applicant is advised of the Board decision by letter. In the event the application is denied, the applicant is further advised of his or her right to a hearing pursuant to KRS 161.120(5)(a)2. If an applicant exercises that right, the case proceeds along the same course as a disciplinary case, culminating in Findings of Fact, Conclusions of Law, and a Final Order.

Education Professional Standards Board

**PRELIMINARY CHARACTER AND FITNESS APPROVAL
PROCEDURE**

**Approved November 16, 1998
Amended August 26, 2002**

The Education Professional Standards Board (“the Board”) has an established precedent to approve Character and Fitness applications that indicate certain past misdemeanor convictions. Based upon that precedent, the Board authorizes a staff attorney to issue preliminary approval for certification under the following conditions:

- The applicant is NOT applying for an emergency certificate
- The applicant has a verified offer of employment
- The applicant has only one misdemeanor conviction
- The conviction did not involve children, firearms, or drugs (excluding marijuana)
- The conviction was more than two years ago

Legal staff will notify the applicant of the preliminary approval *contingent upon Board approval*. Each case of preliminary approval will be submitted to the Board at its next regularly scheduled meeting for review and final approval. The certificates of those applicants approved by the Board shall remain valid. The certificates of those applicants subsequently denied by the Board shall be automatically revoked and the applicant (and employing district) notified immediately by the Board legal staff. The applicant shall be entitled to appeal as set out in KRS 161.120(5)(a)2.



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

March 27, 2014

Alica A. Sneed
Legal Services Division Director
Education Professional Standards Board
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601

Dear Ms. Sneed:

Rep. Rick Nelson has requested the opinion of this office regarding whether the Education Professional Standards Board is required to promulgate its disciplinary procedures by regulation. A copy of the request is enclosed.

Before rendering an opinion on this matter, we invite your comments and legal analysis on these questions. We respectfully request your response by April 28, 2014. If you have any questions, please feel free to call me at (502) 696-5601 or email me at matt.james@ag.ky.gov. Thank you for your kind assistance in this matter.

Sincerely,

JACK CONWAY
ATTORNEY GENERAL

Matt James
Assistant Attorney General

Enclosures

cc: Rep. Rick Nelson
2014/#150



Commonwealth of Kentucky

HOUSE OF REPRESENTATIVES

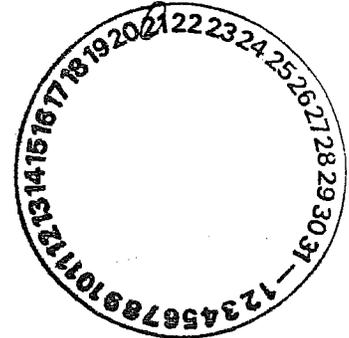
117 Gumwood RD
Middlesboro, KY 40965
rick.nelson@lrc.ky.gov



CAPITOL ANNEX ROOM 358
FRANKFORT, KENTUCKY 40601
OFFICE: (502) 564-8100, Ext. 612
FAX: (502) 564-3635

RICK NELSON
STATE REPRESENTATIVE

March 19, 2014



The Honorable Jack Conway
Attorney General
Commonwealth of Kentucky
700 Capitol Avenue, Suite 118
Frankfort, KY 40601

Re: Education Professional Standards Board compliance with KRS 13A.100(2) and 13A.130

Dear Attorney General Conway:

Please consider this request for an opinion of the Attorney General in accordance with KRS 15.025 and 40 KAR 1:020.

BACKGROUND AND CURRENT FACTUAL SITUATION:

KRS 161.028(1)(f) and KRS 161.120 grant the Education Professional Standards Board authority to take disciplinary action against a teacher's certificate for enumerated reasons. Section 2(a) of KRS 161.120 imposes a very broad reporting requirement on superintendents, requires that a written report of an alleged infraction be made to the EPSB within 30 days of the alleged event, and also requires that the report be made regardless of whether or not the superintendent believes the matter warrants disciplinary action. As of the date of this writing, the only regulation that relates to that statute is 16 KAR 1:030, which does not address the questions presented herein.

The disciplinary process at the EPSB proceeds as follows: 1) the superintendent or other person makes a written report to the EPSB about a teacher's alleged violation of KRS 161.120 or the code of professional ethics; 2) the EPSB's Director of Legal Services reviews all reports and determines which require a case to be opened and which don't require any further action; 3) if the Director of Legal Services determines that a case should be opened, the EPSB sends a certified letter to the teacher informing him or her about the report and asks the teacher to make a written response within thirty (30) days; 4) the EPSB staff then summarizes the allegations and submits the case for

87th Legislative District
HARLAN & BELL Counties

The Honorable Jack Conway
March 19, 2014
Page Two

consideration by the EPSB members at a subsequent meeting; 5) the EPSB reviews the case and decides whether to dismiss the case entirely or take another action authorized by KRS 161.120; 6) if the EPSB decides to "hear" the case, it is assigned back to the Director of Legal Services or her designee for further investigation; 7) whenever the EPSB investigation concludes, negotiations begin to try and settle the case without a hearing; 8) if negotiations are not successful, the EPSB may file charges and move to a hearing or, in the alternative, the teacher may demand a hearing at any point in this process.

The most important thing to note about the process outlined above is that there are no deadlines by which the EPSB must act. The only deadlines are on the superintendent, who must report allegations within thirty (30) days, and on the teacher, who must respond to the EPSB within thirty (30) days. At every point in the process, the EPSB may take as long as it likes to determine whether a case will be opened, to notify the teacher of that decision, to investigate a case, to offer a settlement, to file charges, or to respond to a demand for a hearing. As a result, it often takes years for a contested disciplinary case to draw to a close. The EPSB Director of Legal Services recently said in an open meeting that she considers a case to be successfully prosecuted if it can be concluded in two (2) years or less. Most cases that are open for investigation take much longer than that.

Prior to 2004, an attorney working on behalf of a teacher or an unrepresented teacher could review the provisions of KRS 161.120 and 16 KAR 1:030, generally understand the disciplinary process described above, and properly advise clients at each step in the process. However, in May and July 2004, by motions at regular meetings, the EPSB voted to implement all of the following practices:

- 1) Approve the surrender of suspended or revoked certificates;
- 2) Approve the notation of periods of suspension and/or revocation on certificates when reissued;
- 3) Approve displaying final AND pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators.

(See attached "EPSB Staff Note" dated August 2004, marked as pages E21-E23) The staff note indicates that "once approved by the EPSB, these procedures will be implemented immediately." Id. The staff note is entitled "Changes to Disciplinary Practices," and the included excerpt from EPSB board minutes also refers to these actions as "Changes to Disciplinary Practices."

The Honorable Jack Conway
March 19, 2014
Page Three

However, these important changes to the disciplinary process are not readily accessible to the teachers against whom they are being enforced. The practices have never been formalized as EPSB board policy nor have they been put into statute or regulation.

APPLICABLE LAW:

The following statutes apply to the fact situation presented.

Chapter 13A of the Kentucky Revised Statutes governs the administrative regulation process, limiting and defining the regulatory power granted to state agencies by the legislature.

KRS 13A.100, "Matters which shall be prescribed by administrative regulation," states, in part:

Subject to limitations in applicable statutes, any administrative body which is empowered to promulgate administrative regulations shall, by administrative regulation prescribe, consistent with applicable statutes:

(1) Each statement of general applicability, policy, procedure, memorandum, or other form of action that implements; interprets; prescribes law or policy; describes the organization, procedure, or practice requirements of any administrative body; or affects private rights or procedures available to the public; . . .

(4) The procedures to be utilized by the administrative body in the conduct of hearings by or for the administrative body unless such procedures are prescribed by a statute; and

(5) The disciplinary procedures within the jurisdiction of the administrative body unless such procedures are prescribed by statute.

(Emphasis added). The EPSB practices described above apply only to teachers who are involved in the EPSB disciplinary process. The certificates are marked "investigation pending" in a closed database immediately upon opening a disciplinary case, even before the educator receives notice that a complaint was

made, and long before an accused educator is given any opportunity to face his or her accuser and present a defense to the accusation. The mark remains on the certificate during the entire time the disciplinary case remains open and is only removed when the case is resolved, months or years later. Likewise, requiring surrender of certificates that have been suspended or revoked and permanently marking those actions on the face of the certificates is a direct result of the disciplinary process and any resolution thereof, whether the resolution occurs by agreed order or whether it is imposed on the educator after a hearing. These practices are obviously part of the "disciplinary procedures within the jurisdiction" of the EPSB and are not otherwise prescribed by statute.

Just as KRS 13A.100 defines matters that must be incorporated into regulation, KRS 13A.130 defines actions that state agencies cannot take. Entitled "Matters prohibited as subject of internal policy, memorandum or other form of action," KRS 13A.130 states:

(1) An administrative body shall not by internal policy, memorandum, or other form of action:

(a) Modify a statute or administrative regulation;

(b) Expand upon or limit a statute or administrative regulation; and

(c) Except as authorized by the Constitution of the United States, the Constitution of Kentucky or a statute, expand or limit a right guaranteed by the Constitution of the United States, the Constitution of Kentucky, a statute, or an administrative regulation.

(2) Any administrative body memorandum, internal policy, or other form of action violative of this section or the spirit thereof is null, void, and unenforceable.

(3) This section shall not be construed to prohibit an administrative body issuing an opinion or administrative decision which is authorized by statute.

(Emphasis added). The EPSB's practices described above were initiated by "other form of action," since the decisions have never even been formally established as internal policy and are not the result of an internal memorandum. The practices expand upon the disciplinary authority and processes set out in KRS 161.120 and 16 KAR 1:030. For those reasons we believe the actions violate KRS 13A.130 and are "null, void and unenforceable."

The Honorable Jack Conway
March 19, 2014
Page Five

QUESTIONS PRESENTED:

1. Whether the provisions of KRS 13A.100(1) and (5) require the "disciplinary practices" implemented by the EPSB in 2004 upon simple motion of the board be prescribed by administrative regulation.
2. If the answer to Question #1 is "yes," whether the provisions of KRS 13A.130(2) render all actions taken by the EPSB on the basis of those disciplinary practices "null, void and unenforceable."

Sincerely,

A handwritten signature in black ink that reads "Rick Nelson". The signature is written in a cursive, flowing style.

Rick Nelson
State Representative

RN/kkw

EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE

Information/Discussion Item

Information Item:

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

Applicable Statutes and Regulation:

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

Applicable Goal:

Goal 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:

In August 2004, the Board voted to approve the surrender of suspended or revoked certificates, note the periods of suspension and revocation on certificates when reissued, and display final and pending actions taken against educator certificates on the EPSB website with access limited to school district administrators. Staff used the Kentucky Educator Certification Inquiry (KECI), <https://wd.kyepsb.net/EPSB.WebApps/KECI/>, as the website to display this information. A notation indicating a complaint is pending appears in KECI when a disciplinary case is initiated against an educator, but only school district superintendents and human resource personnel have access to this information. Recently, technology staff also added this view to the educator's homepage in KECI.

If an educator's certificate is suspended or revoked upon the resolution of the disciplinary case, the educator surrenders his or her certificate. Upon reinstatement or reissuance of the certificate, the educator is issued a new certificate with the suspension and revocation dates printed on the certificate. This issue was discussed at the November 2011 board retreat and the Board instructed staff to also include this information on KECI. Currently, if an educator's certificate is revoked or suspended it appears in red and is struck through on KECI. Upon reinstatement or reissuance, the suspension and revocation dates are noted on KECI as seen below:

Credentials

PEEF, PLDF Suspended (From: 03-SEP-11 To: 03-FEB-12)
 Any questions about the suspension or revocation should be referred to the Division of Legal Services at 502.564.4606.

Cred	Description	Effective	Expiration	Restricted To
Do Not Print (00)				
RANK2	Rank II	12-13-2003 Invalid Date.	-- Invalid Date.	
Cert Issued (30)				
PEEF	Provisional Certificate For Teaching In The Early Elementary Grades K-4 (And Self- Contained Grades 5-6)	07-01-2009 Invalid Date.	06-30-2014 Invalid Date.	
PLDF	Provisional Certificate For Teachers Of Exceptional Children--Learning And Behavior Disorders, Grades K-12	07-01-2009 Invalid Date.	06-30-2014 Invalid Date.	

Note: Suspended and revoked credentials are shown with red text with a strike through line.

The 2004 changes to disciplinary practice were not adopted as a policy; therefore, staff has drafted an amendment to the Determining Probable Cause to Take Disciplinary Action Procedure incorporating the August 2004 motions and the Board's directives at its November 2011 retreat.

Contact Person:

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

Date:

October 15, 2012

EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE

Action Item:

Changes to Disciplinary Practices

Applicable Statutes and Regulation:

KRS 161.120
16 KAR 1:020; 16 KAR 1:030

Applicable Goal:

Goal V: Every teacher and administrator shall maintain the standards of the profession.

Issue:

Should the Education Professional Standard Board (EPSB) approve changes to current disciplinary practices?

Background:

At the May 2004 EPSB meeting and during the July retreat, the General Counsel discussed with board members several options for ensuring that Kentucky school districts and other stakeholders are aware of the suspensions and revocations of the certificates of educators who have engaged in misconduct. The board came to consensus on the following procedures:

- 1) The EPSB should require the surrender of suspended or revoked certificates.
- 2) The EPSB should note on the face of the certificate any periods of suspension and/or revocation when the certificate is reissued.
- 3) The EPSB should display final *and* pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators.
- 4) The EPSB should display final actions taken against educator certificates on the EPSB website, with access open to the public.

Once approved by the EPSB, these procedures will be implemented immediately.

Groups/Persons Consulted:

Superintendents
Vermont State Board of Education
Texas State Board of Educator Certification

Alternative Actions:

Procedure 1:

1. Approve the surrender of suspended or revoked certificates
2. Do not approve the surrender of suspended or revoked certificates

Procedure 2:

1. Approve the notation of periods of suspension and/or revocation on certificates when reissued
2. Do not approve the notation of periods of suspension and/or revocation on certificates when reissued

E21

Procedure 3:

1. Approve displaying final *and* pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators
2. Do not approve displaying final *and* pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators

Procedure 4:

1. Approve displaying final actions taken against educator certificates on the EPSB website, with access open to the public
2. Do not approve displaying final actions taken against educator certificates on the EPSB website, with access open to the public

Staff Recommendation:

Action 1 for all procedures

Rationale:

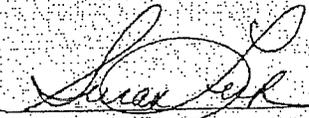
KRS 161.120 and 16 KAR 1:030 authorize the EPSB to revoke or suspend certificates, as well as to specify terms and conditions instituted to protect the health, welfare, and safety of school children and the public. Requiring that certificate holders surrender suspended or revoked certificates to the EPSB lessens the possibility that the suspended or revoked certificate holder will present the certificate to a Kentucky public, private, or parochial school to obtain employment.

Noting the periods of suspension and revocation on the face of the certificate, in conjunction with the issuance and expiration dates, provides districts with accurate information as to the certificate's period of validity. Moreover, providing district administrators with access to the status (revoked, suspended, or action pending) of educator certificates facilitates informed employment decisions.

The EPSB currently lists final actions taken against certificates on its website, but this information is not readily accessible. Final actions against certificates (i.e., revocations and suspensions) are matters of public record, and thus should be made more available to the public-at-large.

Contact Person:

Ms. Brenda Dinkins Allen
General Counsel
(502) 564-4606
e-mail: brenda.allen@ky.gov


Executive Director

Date:

August 2004

E22

Ms. Coffey recognized Mr. Tom Stull who reported to the board on his work in training teachers to assess a portion of the on-line assessment that NBPTS uses to certify teachers. Mr. Stull worked for two weeks in July training these teachers, and he felt it to be a very rigorous and rewarding experience.

Discussion Item

Model Code of Ethics for State Board and Commission Members

Board members reviewed a memorandum from Ms. Jill LeMaster, Executive Director of the Executive Branch Ethics Commission, requesting that the EPSB give consideration to adopting the Model Code of Ethics for State Board and Commission Members. Upon discussion, board members asked that the General Counsel modify the Code of Ethics to clearly articulate that the code would not prohibit the acceptance of payment for work performed as mentors for candidates pursuing NBPTS certification, cooperating teacher for student teachers, resource teacher for teacher interns or mentors for teachers/administrators.

This item will be brought back at the September 2004 meeting as an action item.

Action Items

16 KAR 4:060, Experience Applicable to Certificate Renewal, Final Approval

2004-052 *Motion made by Mr. Wilson Stone, seconded by Ms. Livers, to approve amendments to 16 KAR 4:060, Experience Applicable to Certificate Renewal.*

Vote: Unanimous

Changes to Disciplinary Practices

At the May 2004 meeting and July 2004 retreat, the General Counsel discussed with board members several options for ensuring that Kentucky school districts and other stakeholders are aware of the suspensions and revocations of the certificates of educators who have engaged in misconduct.

2004-053 *Motion made by Ms. Thompson, seconded by Ms. Gray, to approve the surrender of suspended or revoked certificates.*

Vote: Unanimous

2004-054 *Motion made by Dr. Wasicko, seconded by Ms. Thompson, to approve the notation of periods of suspension and/or revocation on certificates when reissued.*

Vote: Unanimous

2004-055 *Motion made by Ms. Gray, seconded by Ms. Livers, to approve displaying final AND pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators.*

Vote: Unanimous



EDUCATION PROFESSIONAL STANDARDS BOARD

100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601
Phone: 502-564-4606 Fax: 502-564-7080
www.epsb.ky.gov

Steven L. Beshear
Governor

Robert L. Brown
Executive Director

April 28, 2014

Jack Conway, Attorney General
Office of the Attorney General
Capitol Building, Suite 118
700 Capital Avenue
Frankfort, KY 40601

Re: Rep. Rick Nelson's request for an Opinion

Dear Attorney General Conway:

Representative Rick Nelson has requested that the Office of the Attorney General issue an opinion regarding whether the provisions of KRS 13 A.100(1) and (5) require the "disciplinary practices" implemented by the Education Professional Standards Board (EPSB) in 2004 to be prescribed by administrative regulation and, if so, whether the provisions of KRS 13A.130(2) render all actions taken by the EPSB on the basis of those disciplinary practices null, void, and unenforceable. The EPSB contends that the motions made in 2004 were directives to staff concerning the dissemination of public information, and therefore were internal matters and not matters described under KRS 13A.100.

In August of 2004, the prior General Counsel for the EPSB brought an action item for the EPSB's consideration regarding dissemination of information regarding disciplinary matters. Ten (10) years ago, the EPSB was in the process of developing its current website and several online search tools to be used by public. Although the staff note states the action items were related to "disciplinary practices," only board motion 2004-053 actually involved a "disciplinary practice:" "Motion made by Ms. Thompson, seconded by Ms. Gray, to approve the surrender of

suspended or revoked certificates.” EPSB Minutes, August 9, 2004, page 4. Staff implemented that directive by including in all future agreed orders for a suspension or revocation the requirement that the respondent in the disciplinary matter surrender any copies of his or her certificate to the EPSB. If the EPSB suspends or revokes a certificate by final order pursuant to KRS 13B.120, the EPSB is responsible for ordering the surrender of the certificate in the final order. If the agreed order or final order does not include that requirement, the EPSB cannot enforce the surrender of the certificate.

Motions 2004-054 and 2004-055 involved dissemination of public information originating from disciplinary matters. 2004-054 ordered staff to note periods of suspensions and revocations on certificates when reissued and 2004-055 ordered staff to display final and pending actions taken against educator certificate on the EPSB website with access limited to school district administrators. According to the minutes, these motions were made after a discussion on “options for ensuring that Kentucky school districts and other stakeholders are aware of the suspensions and revocations of the certificates of educators who have engaged in misconduct.” EPSB Minutes, August 9, 2004, page 4.

The EPSB’s technology staff implemented motions 2004-054 and 2004-055 as part of the development of the Kentucky Educator Certification Inquiry (KECI), <https://wd.kyepsb.net/EPSB.WebApps/KECI/>. KECI has a public site and secure site which allows additional access to school district and institutions of higher education educator preparation programs (EPPs) personnel to review information pertaining to individual certificate-holders. The technology staff established a notification available only to superintendents and school district human resources officers that simply alerted the district that a complaint was pending before the EPSB. The fact that a complaint is pending before the EPSB has been considered a matter of public information and was released pursuant to the Kentucky Open Records Act, KRS 61.870 *et. seq.* by EPSB staff. Superintendents and school district human resource personnel are the individuals who most often requested information regarding certified educators, and therefore the information was made automatically available to them through KECI. When certificates were re-issued after August of 2004, any suspensions and revocations dates were noted on the certificate pursuant to the EPSB’s directive. Again, this is considered public information and was available to any requester pursuant to KRS 61.872(1) which states

“all public records shall be open for inspection by any person.” The suspension and revocation information is also noted on KECI’s public site, so if a member of the public looked up an individual certificate holder, any prior suspension or revocation information would appear along with the individual’s current credentials.

The EPSB is a public agency, and therefore all of its records are “public records” pursuant to KRS 61.870. KRS 61.871 states:

The General Assembly finds and declares that the basic policy of KRS 61.870 to 61.884 is that free and open examination of public records is in the public interest and the exceptions provided by KRS 61.878 or otherwise provided by law shall be strictly construed, even though such examination may cause inconvenience or embarrassment to public officials or others.

All the information ordered by the EPSB in motions 2004-054 and 2004-053 is considered a public record and is not covered by an exemption under KRS 61.878. The EPSB’s current legal staff has consistently reviewed the dissemination of information on the EPSB’s website to ensure that “public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy,” KRS 61.878(1)(a) and other exempted information and data are not included on the EPSB’s website or KECI. In the past ten (10) years since the EPSB’s directives to staff were given, the legal staff has reviewed the dissemination of disciplinary information to ensure that the information that is automatically posted is the same information that is available under the Open Records Act.

As a licensing body, the EPSB is aware of its duties under KRS 13A.100 and 13A.130; however the EPSB’s directives to staff through its motions 2004-054 and 2004-055 do not implicate KRS 13A.100 or 13A.130, but are “statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public.” KRS 13A.010(2)(a). Whether an individual has a complaint pending against him or her and the dates an individual’s certificate was suspended or revoked is public information and how that information is disseminated to the public is an internal management issue and not an issue which affects any individual’s private rights. Furthermore, the dissemination of this information does not affect any procedure available to the public. The EPSB had directed staff to make it automatically available to school district personnel on its website, but that does not preclude an individual from requesting the information pursuant to KRS 61.872.

In *Bowling v. Kentucky Department of Corrections*, 301 S.W.3d 478 (Ky. 2009), the Kentucky Supreme Court reviewed whether the Kentucky Department of Corrections (DOC) was required to promulgate a regulation detailing its lethal injection procedures. The Kentucky Supreme Court concluded “regulation is . . . mandated by KRS 13A.100, which requires regulation if, as here, the regulation will prescribe statements of general applicability which implement laws (such as KRS 431.220) or affect private rights.” *Id.* At 491-492. KRS 431.220 prescribes how the execution of the death sentence shall be implemented. Although disclosure of public information might arguably be an implementation of the Open Records Act, the purpose of the Open Records act is to provide “free an open examination of public record . . .in the public interest.” KRS 61.871. Providing unfettered access to public information on a website is consistent with the Open Records Act, and does not “expand upon or limit a statute or administrative regulation.” KRS 13A.130(1)(b). Under the *Bowling* analysis, an agency should only have to promulgate a regulation if it is restricting the right to “an open examination of public record,” not if it is making the records available without request.

Additionally, respondents in EPSB disciplinary matters are not penalized by EPSB’s August 2004 order to disseminate information. In *Hyatt v. Commonwealth*, 72 S.W.3d 566 (Ky. 2002), the Kentucky Supreme Court examined constitutionality of the centralized registry containing convicted sexual offenders’ addresses and the public notification requirements of KRS 17.500 *et.seq.* The Court stated, “We are persuaded that the designation of sexual predator is not a sentence or a punishment but simply a status resulting from a conviction of a sex crime.” *Id.* at 572. The Court went on to say, “Although registration might impose a burden on a convicted sex offender, registration is merely a remedial aspect of the sentence . . . The registration laws do not punish sex offenders.” *Id.* at 573. Finally, the Court opined, “The compilation of the information in one place does not add a punitive consequence to an otherwise regulatory measure.” *Id.* at 574. The information designated to be released by motions 2004-054 and 2004-055 is simply status information resulting from a complaint received by the EPSB or an action taken by the EPSB pursuant to KRS 161.120, the EPSB’s disciplinary statute. Again, this information is available to the public pursuant to the Open Records Act.

Therefore, despite the use of the term “disciplinary practices” in the staff notes and minutes, motions 2004-054 and 2004-055 are not “practices” but directives from the EPSB to staff

regarding internal management. Motion 2004-053 does impact an individual's rights, but the legal staff implemented that motion through settlement negotiations with respondents in disciplinary matters and does not enforce the directive unless the respondent agrees to surrender his or her certificate.

The EPSB strives to ensure that it meets all its statutory duties in a manner that is fair and transparent to the public. If the Office of the Attorney General believes that the implementation of motions from the August 9, 2004 board meeting are required to be promulgated as an administrative regulation pursuant to KRS 13A.100(1) and (5), the actions of the EPSB would not be "null, void, and unenforceable" pursuant to KRS 13A.130(2). The appropriate remedy would be for the EPSB to promulgate regulations as the Supreme Court ordered DOC to do in *Bowling*, 301 S.W. 3d at 492. If the Office of the Attorney General opines that the public information released on the EPSB's website is a "practice" subject to promulgation in an administrative regulation, then the EPSB respectfully requests the opinion to explicitly give all state agencies guidance on the publication of information on their websites.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alicia A. Sneed".

Alicia A. Sneed
Director of Legal Services

enclosure

The actions delineated below were taken in open session of the EPSB at the August 9, 2004 regular meeting. This information is provided in summary form; an official record of the meeting is available on tape in the permanent records of the EPSB, 100 Airport Road, 3rd Floor, Frankfort, KY 40601.

**Education Professional Standards Board (EPSB)
Summary Minutes of the Business Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky
August 9, 2004**

Members Present:

Doris Barlow
Dianne Bazell (for Jim Applegate)
Lydia Coffey
David Cook (for Gene Wilhoit)
Sam Evans
Joy Gray
Linda Livers
Rita Presley
Wilson Stone
Tom Stull
Ellie Thompson
Mark Wasicsko
Joe Welch

Members Absent:

Eugene Binion
Wally Campbell
Kristin Gregory
Penny Robinson

Minutes

Call to Order

Chair Lydia Coffey called the meeting to order at 9:10 AM EDT.

Swearing in of New Board Members

Ms. Brenda Allen swore in Dr. Sam Evans, Dean, College of Education and Behavioral Sciences, Western Kentucky University, and Ms. Rita Presley, teacher, Science Hill Independent Schools, as new board members, replacing Dr. Dan Branham and Mr. Arthur Green, respectively.

Amendment of Agenda

Motion made by Ms. Joy Gray, seconded by Ms. Linda Livers to amend the meeting agenda, adding cooperating teacher waiver requests from Eastern Kentucky University, Morehead State University, and Western Kentucky University.

Vote: Unanimous

Approval of Minutes

Motion made by Dr. Doris Barlow, seconded by Dr. Mark Wasicsko, to approve the minutes of the June 14, 2004 EPSB meeting.

Vote: Unanimous

Open Speak

Ms. Mardi Montgomery, Deputy Secretary for Education, updated the board on the National Commission on Teaching in American Future (NCTAF) meeting held in July. She indicated that NCTAF is in a transition period with a change of leadership; however, the organization remains focused on research and working with the requirements of the No Child Left Behind (NCLB) Act of 2001 and having a "highly qualified" teacher in every classroom.

Report of the Executive Director and Staff

Dr. Leib discussed concerns received from the Green River Regional Educational Cooperative (GRREC) with regard to proper certification for curriculum consultants and athletic directors in the LEAD (Local Educator Assignment Data) report. After a lengthy discussion, the board agreed to the following:

1. Persons holding responsibilities other than classroom teaching -- i.e., oversight of curriculum or programs, who serve in these positions during the instructional day, and who receive instructional funds (i.e., SEEK monies) for serving in these positions must hold either administrative or consultant certification. Consultant certification requires three years' teaching experience, a master's degree (or the equivalent), and certification in the area of oversight (e.g., language arts; music). This is in keeping with KRS 161.020, which states, in part, that "[n]o person shall be eligible to hold . . . [any position] for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position" This also is in keeping with the intent of the NCLB Act of 2001 that every teacher and administrator shall be deemed "highly qualified." The requirement for consultant certification has been in place since at least 1980.
2. Persons serving in curricular/program oversight roles but not holding either administrative or consultant certification will kick out on this year's LEAD Report as being "out of field." However, in that EPSB staff have been unable for the past several years, because of problems in reconciling our data with that on STI and MUNIS, to identify our-of-field administrators/consultants, the board requested the Executive Director ask Commissioner Wilhoit to hold these persons (and their respective school districts) harmless during the 2004-05 school year so that staff might have the opportunity to work with these persons and districts to get them properly certified. The colleges and universities are on notice that they may be called on to be of assistance, and provisions are in place to help teachers add certificate endorsements and extensions.
3. An athletic director is properly certified if he/she holds administrative certification. Other options are to assign these duties as "extra-curricular" responsibilities, or to make the position "classified." However, if none of these options is possible, and the position remains one being paid with instructional funds during the instructional day, the board is faced with requiring that the position be tied to consultant certification in an instructional area, and the best instructional area staff could come up with is "physical education." The board also understands that "physical education" is not always the best "match," and that a better solution may be possible. The board asked the Executive Director to invite Mr. Mitch Crump, Chair, GRREC, Mr. Wayne Young, Executive Director, Kentucky Association of School Administrators, a representative of the Kentucky High School Athletic Association, and a representative of the Kentucky Association of Athletic Directors to attend the September 20, 2004 meeting to further discuss how to deal with athletic director certification.

Dr. Marilyn Troupe introduced the following individuals: Dr. Jacqueline Woodbury-Sand, Dean of Education, Dr. Lou Ann Hopper, Dean of Graduate Studies, and Ms. Carol Clouse, Coordinator of Assessment and Accreditation, Union College; Dr. Richard Downey, Chair, Teacher Education, Ms. Nicole Bryan, Program Executive, Teacher Education, and Dr. Rhonda Richard, Dean, Midway College; and Dr. Elaine Jarchow, Dean, College of Education, Northern Kentucky University.

Ms. Sherry Paul reviewed the *Decision Log* of board decisions. The log lists all board decisions made since September 1997 and, where possible, the web links to the official minutes. Board members asked that the actual decision of the board be referenced on the log as a quick reference, and this will be completed as soon as possible.

The following items were distributed and reviewed by board members:

- Emergency Non-Certified Personnel Program Fourth Quarter (April – June 2004) Report
- Letter to Mr. George Wilson, Superintendent, Monroe County Schools RE: First District to have a National Board for Professional Teaching Standards (NBPTS)-certified teacher in every school
- Notes from the July 2004 annual EPSB retreat
- Terms of current board members
- Updated listing of board member information
- News article of interest
- *Kentucky Teacher*

Report of the Chair

Ms. Coffey appointed the following board members to the Election of Officers Nominating Committee: Ms. Ellie Thompson, Chair, Ms. Livers, Dr. Wasicsko, and Ms. Gray. The committee will make a recommendation at the September board meeting for chair and vice-chair of the EPSB.

Ms. Coffey read a letter of resignation, effective December 31, 2004, from Dr. Leib, who will be retiring.

2004-050 *Motion made by Dr. Wasicsko, seconded by Dr. Doris Barlow, to accept with regrets the resignation of the Executive Director, effective COB December 31, 2004.*

Vote: Unanimous

Ms. Coffey distributed a timeline to be used in the search for a new Executive Director. Upon review, the following motions were made:

Motion made by Ms. Thompson to move up the timeline slightly in order to call a special meeting in early November to name the new Executive Director. This would allow the new appointee to work with Dr. Leib in preparing for the regularly scheduled November 22, 2004 meeting.

Motion failed for lack of a second.

2004-051 *Motion made by Ms. Gray, seconded by Ms. Livers, to accept the timeline as presented, and giving authority to the chair for setting a date in October 2004 for the Search Committee to review applications for Executive Director's position.*

Vote: Unanimous

Ms. Coffey recognized Mr. Tom Stull who reported to the board on his work in training teachers to assess a portion of the on-line assessment that NBPTS uses to certify teachers. Mr. Stull worked for two weeks in July training these teachers, and he felt it to be a very rigorous and rewarding experience.

Discussion Item

Model Code of Ethics for State Board and Commission Members

Board members reviewed a memorandum from Ms. Jill LeMaster, Executive Director of the Executive Branch Ethics Commission, requesting that the EPSB give consideration to adopting the Model Code of Ethics for State Board and Commission Members. Upon discussion, board members asked that the General Counsel modify the Code of Ethics to clearly articulate that the code would not prohibit the acceptance of payment for work performed as mentors for candidates pursuing NBPTS certification, cooperating teacher for student teachers, resource teacher for teacher interns or mentors for teachers/administrators.

This item will be brought back at the September 2004 meeting as an action item.

Action Items

16 KAR 4:060, Experience Applicable to Certificate Renewal, Final Approval

2004-052 *Motion made by Mr. Wilson Stone, seconded by Ms. Livers, to approve amendments to 16 KAR 4:060, Experience Applicable to Certificate Renewal.*

Vote: Unanimous

Changes to Disciplinary Practices

At the May 2004 meeting and July 2004 retreat, the General Counsel discussed with board members several options for ensuring that Kentucky school districts and other stakeholders are aware of the suspensions and revocations of the certificates of educators who have engaged in misconduct.

2004-053 *Motion made by Ms. Thompson, seconded by Ms. Gray, to approve the surrender of suspended or revoked certificates.*

Vote: Unanimous

2004-054 *Motion made by Dr. Wasicsko, seconded by Ms. Thompson, to approve the notation of periods of suspension and/or revocation on certificates when reissued.*

Vote: Unanimous

2004-055 *Motion made by Ms. Gray, seconded by Ms. Livers, to approve displaying final AND pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators.*

Vote: Unanimous

2004-056 *Motion made by Dr. Barlow, seconded by Dr. Wasicsko, to approve displaying final actions taken against educators certificates on the EPSB website, with access open to the public.*

Vote: Unanimous

Mission Statement, Goals, and 2004-06 Initiatives

2004-057 *Motion made by Ms. Gray, seconded by Ms. Thompson, to approve the Mission Statement, Goals, and 2004-06 Initiatives as revised.*

Vote: Unanimous

Amendment to 2004-05 Meeting Schedule

2004-058 *Motion made by Ms. Gray, seconded by Ms. Livers, to approve amending the 2004-05 meeting schedule to extend the November 22, 2004 meeting to a two-day meeting, beginning on Sunday, November 21, at 1:00 p.m.*

Vote: Unanimous

Program Approvals

Midway College, Mathematics, Grades 8-12 (Bachelor's Level)

2004-059 *Motion made by Dr. Wasicsko, seconded by Ms. Livers, to approve the mathematics, grades 8-12 (Bachelor's Level) educator preparation program at Midway College.*

Vote: Unanimous

Alternative Route to Certification Applications

2004-060 *Motion made by Ms. Thompson, seconded by Ms. Gray, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in chemistry, grades 8-12, for Ms. Toni Gissendanner.*

Vote: Unanimous

2004-061 *Motion made by Dr. Evans, seconded by Ms. Gray, to deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in physics, grades 8-12 and mathematics, grades 8-12, for Ms. Toni Gissendanner.*

Vote: Unanimous

2004-062 *Motion made by Ms. Gray, seconded by Ms. Thompson, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in dance, grades P-12 and theater, grades P-12, for Ms. Gail Benedict.*

Vote: Unanimous

2004-063 *Motion made by Ms. Livers, seconded by Mr. Stone, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in theater, grades P-12, for Ms. Georgette Kleier.*

Vote: Unanimous

2004-064 *Motion made by Dr. Wasicsko, seconded by Dr. Evans, to deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in social studies, grades 8-12, for Mr. Robert Kaercher.*

Vote: Unanimous

Waiver Requests

2004-065 *Motion made by Dr. Evans, seconded by Dr. Wasicsko, to deny the request of Ms. Connie Huff to waive 16 KAR 8:020, Extension to Complete Master's Degree.*

Vote: Yes - 8

No - 2 (Ms. Gray and Ms. Livers)

2004-066 *Motion made by Dr. Barlow, seconded by Ms. Gray, to approve the request of Ms. Kitty Jennings to waive 16 KAR 8:020, Extension to Complete Master's Degree.*

Vote: Unanimous

2004-067 *Motion made by Dr. Evans, seconded by Ms. Gray, to approve the request of Dr. Mark Wasicsko, Dean, College of Education, Eastern Kentucky University, on behalf of Ms. Ragan Knuckles, Ms. Ruth Sales, Ms. Melissa Lindsey, Mr. Dixie Miller, Ms. Holly Comley, and Ms. Jaime Godbey, to waive 16 KAR 5:040, Section 2 (b),(c), (d) and 16 KAR 2:040, Section 4 and 5, Cooperating Teacher Eligibility Requirements.*

Vote: Yes - 9

Recuse - 1 (Dr. Wasicsko)

2004-068 *Motion made by Ms. Gray, seconded by Dr. Wasicsko, to approve the request of Dr. Dan Branham, Dean, College of Education, Morehead State University, on behalf of Mr. Parsons, Ms. Shirley Ginter, Ms. Brandi DeHoff Trent, and Ms. Teresa Hufford, to waive 16 KAR 5:040, Section 2 (b),(c), Cooperating Teacher Eligibility Requirements.*

Vote: Unanimous

2004-069 *Motion made by Dr. Barlow, seconded by Mr. Stone, to approve the request of Dr. Sam Evans, Dean, College of Education and Behavioral Sciences, Western Kentucky University, on behalf of Ms. Becky Harrell, to waive 16 KAR 5:040, Section 2 (d), Cooperating Teacher Eligibility Requirements.*

Vote: Yes - 8

Recuse - 2 (Dr. Evans and Ms. Livers)

DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW
August 9, 2004

Motion made by Mr. Stull, seconded by Ms. Livers to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.701(c)&(j).

Vote: Unanimous

Motion made by D. Wasicsko, seconded by Ms. Thompson, to return to open session.

Vote: Unanimous

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

Lydia Coffey, Joy Gray, Linda Livers, Doris Barlow, Wilson Stone, Mark Wasicsko, Joe Welch, Tom Stull, Sam Evans, Ellie Thompson, and Rita Presley.

Attorneys present were Brenda Dinkins Allen, Cynthia Clay Grohmann, Alicia A. Sneed and Robert S. Jones.

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
04-0332	Hear
03-07110	Hear
04-0569	Hear
04-0573	Admonish
04-0458	Admonish
04-0461	Hear
04-0570	Admonish
04-0567	Hear
04-0568	Hear
04-0460	Hear
04-0562	Hear
04-0571	Defer
04-0572	Admonish
04-0566	Admonish (<i>Ms. Gray, recused</i>)
04-0676	Hear (<i>Ms. Thompson, recused</i>)
04-0674	Defer
04-0454	Hear (<i>Dr. Evans, Ms. Livers, recused</i>)
04-0457	Hear (<i>Ms. Presley, recused</i>)
04-0675	Hear (<i>Dr. Barlow, recused</i>)
04-0564	Hear
04-0679	Dismiss
04-0459	Dismiss
03-11143	Dismiss (<i>Ms. Gray, dissented</i>)
04-0105	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
04-091	Approve
04-093	Approve
04-094	Approve
04-096	Approve
04-100	Approve
04-102	Approve
04-103	Approve
04-104	Approve
04-105	Approve
04-107	Approve
04-095	Approve
04-108	Approve
04-109	Approve
04-110	Approve
04-099	Approve
04-111	Approve
04-097	Approve
04-112	Approve
04-106	Approve
04-113	Approve
04-114	Approve
04-115	Approve
04-116	Approve
04-117	Approve
04-120	Approve
04-121	Approve
04-118	Approve
04-119	Approve
04-122	Approve
04-123	Approve
04-125	Approve
04-124	Approve
04-126	Approve
04-127	Approve
04-101	Approve
04-128	Approve
04-130	Approve
04-131	Approve
04-132	Approve
04-133	Approve
04-134	Approve
04-135	Approve
04-137	Approve
04-138	Approve
04-139	Approve
04-136	Defer
04-140	Approve
04-141	Approve
04-142	Approve
04-143	Approve

Agreed Orders

<u>Case Number</u>	<u>Decision</u>
03-0687 (David Meredith)	Accept Agreed Order revoking respondent's teaching certificate for 15 years from the date of acceptance by the Board. This agreement shall not prohibit respondent from working in the adult education field, so long as the position does not require certification. Further, respondent agrees to comply with any and all requirements of supervised release imposed by the United States District Court for the Western District of Kentucky. If respondent fails to do so, the Board may declare this agreement null and void, and reopen this disciplinary action and seek a more significant sanction. Vote: Unanimous
03-10128 (Viola Vanover)	Accept Agreed Order suspending respondent's teaching certificate for a period of 60 days from the date of acceptance by the Board. The reinstatement of respondent's certificate is specifically conditioned upon respondent providing written evidence that she has been evaluated by a licensed psychologist and/or psychiatrist approved by the Board and that she is fit to return to the classroom and is not a danger to herself and others. Cost of said evaluation shall be paid by respondent. Should respondent fail to satisfy this condition, her certificate will not be reinstated. Vote: Unanimous
03-169 (CF) (Edwin Scott Hollan)	Accept Agreed Order prohibiting respondent from applying for certification until November 1, 2004, or such earlier date as will allow the Board sufficient time to consider and rule upon respondent's application so that respondent can be issued a certificate effective January 1, 2005. The Board agrees that in considering respondent's application, it may not rely upon any facts or circumstances that are the subject of the Agreed Order as a basis to deny respondent's application. Vote: Unanimous

Findings of Fact, Conclusions of Law and Recommended Orders

Consideration of the following matter took place with attorneys Brenda Dinkins Allen, Cynthia Clay Grohmann, and Alicia Sneed out of the room.

<u>Case Number</u>	<u>Decision</u>
01-0887 (Winston K. Burton)	Consider the Exceptions Filed. Accept the Hearing Officer's Findings of Fact and Conclusions of Law, and adopt the Recommended Order revoking respondent's certificate for a period of 10 years. Issuance of any future certificate is expressly conditioned upon Respondent's submitting documentation that

evidences that respondent has successfully completed 12 hours of professional development/training in the areas of ethics and boundary issues, including sexual harassment, from a provider approved in advance by the Board, the cost of which is to be assumed by respondent.

Vote: Unanimous

Motion made by Ms. Joy Gray, seconded by Ms. Linda Livers, to adjourn the meeting.

Vote: Unanimous.

The meeting adjourned at 2:05 PM.

**Next Regular Meeting: September 20, 2004
9:00AM
EPSB Board Room
Frankfort, Kentucky**