

Agenda Book

EPSB Mission Statement:

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

EPSB Meeting Agenda

EPSB Offices

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

June 13, 2016

Monday, June 13, 2016

9:00 AM EDT

Call to Order

Swearing In of New Board Members

Roll Call

Approval of June 13, 2016, EPSB Meeting Agenda

Open Speak

Approval of Consent Items

A. Approval of April 11, 2016, EPSB Meeting Minutes
(**Pages 1-42**)

B. Environmental Education P-12 Endorsement (Graduate Level),
Midway University (Dr. Ben Boggs) (**Pages 43-44**)

Report of the Executive Director

A. Report from the Kentucky Department of Education

B. Report from the Council on Postsecondary Education

C. Strategic Plan Update

D. Other Updates

Report of the Chair

A. Recognition of Former EPSB Members

B. Nominating Committee for Chair and Vice Chair

C. Appointments to the Executive Director Evaluation Committee

D. Appointment to EPSB Waiver Committee

Information/Discussion Items

A. Awarded Contracts (Mr. Jimmy Adams) (**Pages 45-46**)

B. 16 KAR 7:010. Kentucky Teacher Internship Program,
Amendment, Notice of Intent
(Ms. Donna Brockman; Ms. Lisa Lang) (**Pages 47-72**)

C. 16 KAR 6:010. Examination Prerequisites for Teacher
Certification, Amendment, Notice of Intent
(Ms. Brockman; Ms. Lang) (**Pages 73-88**)

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- D. Policy and Procedures relating to Board Action Against a Certificate Holder's Certificate (Ms. Lang) **(Pages 89-112)**
- E. 16 KAR 1:030. Procedures for Certificate Revocation, Suspension, Reinstatement and Reissuance, and Application Denial, Amendment, Notice of Intent (Ms. Lang) **(Pages 113-126)**
- F. 16 KAR 2:010. Kentucky Teaching Certificates, Amendment, Notice of Intent (Mr. John Fields; Ms. Lang) **(Pages 127-144)**
- G. Executive Director Evaluation Policy Amendment (Dr. David Whaley; Ms. Lang) **(Pages 145-146)**
- H. Notice of Intent to Adopt Open Records Policy (Ms. Marcie Lowe; Ms. Lang) **(Pages 147-154)**

Action Items

Recommendations from Combating Inappropriate Student-Teacher Relationships Task Force (Ms. Teresa Combs; Mr. Adams) **(Pages 155-156)**

Waivers

- A. 16 KAR 5:040. Admission, Placement, and Supervision in Student Teaching, Dr. Laurence Hayes on behalf of Mr. Christian Gibson (Dr. Boggs) **(Pages 157-160)**
- B. Request to Waive All Kentucky Teaching to Allow the EPSB to Process Certifications for Kentucky Teaching Certificates Pursuant to 16 KAR 2:010 Without a National and State Criminal Background Check (Mr. Fields) **(Pages 161-163)**

Board Comments

Following a motion in open session, it is anticipated that the board will move into closed session as provided by KRS 61.810 (1) (c) and (1)(j). The Board will be provided a pending litigation report.

Certification Review and Revocation: Pending Litigation Review

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

Adjournment: Next Regular Meeting:

August 8, 2016
EPSB Offices

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The actions delineated below were taken in open session of the EPSB at the April 11, 2016, meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601.

<p style="text-align: center;">Education Professional Standards Board (EPSB) Summary Minutes of the Meeting EPSB Offices, 100 Airport Road, 3rd Floor Frankfort, Kentucky</p>
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Consent Item A

Call to Order

Chair Anthony Strong called the meeting to order at 9:00 a.m. EDT.

Mission Statement

Vice-Chair David Whaley read the mission statement to the Board.

Roll Call

The following Board members were present during the April 11, 2016, EPSB meeting: Ellen Blevins, Tolya Ellis, Esther Fatsy, Leslie Fields, Ann Morgan, Jay Morgan, Mary John O’Hair, Stephen Pruitt, Sandy Sinclair-Curry, Anthony Strong, Sarah Thompson, and David Whaley. Donna Hedgepath, Allen Kennedy, Laura Schneider, Cassandra Webb and Kimberly Young were absent.

Approval of April 11, 2016, EPSB Meeting Agenda

Motion made by Dr. David Whaley, seconded by Ms. Ellen Blevins, to approve the April 11, 2016, EPSB meeting agenda.

Vote: *Unanimous*

Open Speak

There were no requests for Open Speak.

Approval of Consent Items

2016-014

Motion made by Dr. Whaley, seconded by Ms. Blevins, to approve the following items on the consent agenda:

Approval of February 19, 2016, EPSB Special Meeting Minutes

Interdisciplinary Early Childhood Education (IECE) Birth to Primary (Advanced Graduate Level) Northern Kentucky University

Master of Science in Education - Teacher Leader: Science, Technology, Engineering, and Mathematics (STEM) University of Kentucky

2015-2016 Emergency Non-Certified School Personnel Program

Vote: *Unanimous* (Dr. Mary John O’Hair recused on Consent Item C)

Ms. Allison Bell recognized representatives from Northern Kentucky University and University of Kentucky whose programs were approved.

Report of the Executive Director

Executive Director Adams recognized Education and Workforce Development Cabinet Secretary Hal Heiner. Secretary Heiner thanked Mr. Adams for the opportunity to address the Board. He shared his belief that as adults our primary responsibility is to prepare the next generation to take over when we are gone. He also stated that when it comes to direction and leadership for education it only comes down to CPE, KDE, and the EPSB that set the goals and vision for the future, so the EPSB has a big responsibility and privilege for the future of Kentucky.

Secretary Heiner then spoke to changes he foresees coming in education. He said he was hopeful that through the budget process Kentucky high schools will have increased numbers of dual enrollment which is important because the high school degree needs to be a milestone and not a finish line. He included one troubling statistic reflecting that although Kentucky graduate rates are going up, the percentage of students who complete a full first year at a postsecondary institution is low at less than 20%. He stated that Kentucky needs to work on ensuring students complete the first year at a postsecondary institution and that students are prepared for that first year.

Secretary Heiner also included the importance of skill level in his comments to the Board. According to him, it is now difficult to find a specialized skilled work force in Kentucky. However, he hopes nine (9) hours of college credit or an industry recognized certification upon graduation is a possibility for students in the future as Kentucky must ramp up career and technical education. He asked the Board to keep an open mind when considering whether to make an easy path to get in the classroom as individuals continue their education on how to become a teacher. He also asked the Board to improve its response time on claims and appeals that come before the Board and to continue improvement in that area.

Report from the Kentucky Department of Education

Commissioner Stephen Pruitt informed the Board that the sixth Town Hall meeting was to be held that evening in Corbin. He said that the Town Hall meetings had been successful with about 200 – 300 individuals attending each session. The Town Hall Meetings are conducted to gather input for assisting KDE in designing a new accountability system. Commissioner Pruitt said minutes from the meetings will be posted online and a research group was working to identify themes in work groups that will help develop the new accountability system.

Report from the Council on Postsecondary Education

Dr. Jay Morgan informed the Board that KDE, CPE, and the EPSB have been working with university provosts and the deans of the colleges of education on dual credits and the teacher leader master’s degree. He said it was anticipated that completers of the teacher leader master’s degree programs will be eligible to teach dual credit courses without the requirement to take additional courses.

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Strategic Plan Update

An update on the strategic plan was provided in the Board's folders. Executive Director Adams said that work was progressing on Goal 2 of the strategic plan regarding the resolution of disciplinary cases. A new disciplinary case report was given to the Board to review that provided more detailed information on the resolution of cases. The Board did not object to the new format so legal staff will begin providing the new report to the Board at each meeting.

Legislative Update

Legislative Liaison Marcie Lowe reported on recent news from the legislative session. She said that she would send an update to the Board after April 12 that would include information on the budget bill as it pertains to the agency, along with a final report with links to the legislation that had seen passage. She said the Board confirmations were in the Senate with resolutions drafted, but no Board confirmations had seen action thus far.

Local Educator Assignment Data (LEAD) Report

Certification Director John Fields gave an overview of the LEAD report. He informed the Board that 99.83% of educator placements were accurate based on the report.

Potential Financial Impacts

Executive Director Adams reported on EPSB budget considerations. He said that due to the most recent budget cuts for the biennium the EPSB will be allowed to use restricted funds from certification fees over the next two years; however, the agency could deplete most of its restricted funds as a result of these cuts. He said that the agency may need to consider raising certification fees to help balance the budget.

Other Updates

- * The New Teacher Survey was just released and will be available for completion over a two week period of time. This year the results will be broken down by program.
- * EPSB staff will likely bring back an information item for the Board to consider regarding the review of trainings and trainers used for disciplinary action.
- * The Kentucky Teacher Standards have may need to be retired or revised to look like something similar to InTASC standards. This will be brought to the Board for further discussion at a later time.
- * Leah Riley and Crystal Hord were recognized for their hard work on completing the LEAD report. Marcie Lowe, Sherry Henley, Sharon Salsman, Bobbie Biby, Jennifer Elliott, and Donna Brockman were thanked for their assistance with the National Board Certified Teacher Recognition Ceremony.
- * Congratulations was made to Erik Carlsen-Landy who was announced as the new EPSB staff attorney. Lisa Lang was introduced as the new EPSB General Counsel.

Report of the Chair

Executive Director Mid-Year Evaluation Discussion

General Counsel Lisa Lang apprised the Board of two issues regarding the executive director mid-year evaluation. She said that the policy needed to be amended on when and how the evaluation should occur. The policy states that the evaluation should occur in closed session but law now requires that the evaluation occur in open session. Chair Anthony Strong asked Vice-Chair David Whaley, with the help of a committee, to create an evaluation instrument for the June meeting and for the Board policy to be brought to the Board for revision at the June meeting. Chair Strong asked the Board to email him if interested in serving on the committee, and he said that he would form the committee within the next week.

Information/Discussion Items

Awarded Contracts

Mr. Adams gave an update on recently awarded contracts. The Board had no questions or concerns.

Update from Combating Inappropriate Student-Teacher Relationships Task Force

Committee Chair Teresa Combs reported on the recommendations from the Combating Inappropriate Student-Teacher Relationships Task Force. The recommendations from the task force were as follows:

Recommendation A: Review and consider revising the state code of ethics to include clear boundaries and definitions. Use the MCEE as a resource and consider adopting it if applicable.

Recommendation B: The Kentucky Department of Education, where appropriate, should utilize the state educator code of ethics to develop regulations that would support school districts in employee discipline for a violation.

Recommendation C: Work with the Educator Preparation Programs to develop training modules for pre-service teacher candidates to complete prior to program completion that are related to the revised code of ethics (Recommendation A).

Recommendation D: Develop a model code of conduct that school districts can review for consideration and adoption. The model code of conduct should include certified staff, classified staff, volunteers, students and others in a school setting.

Recommendation E: Develop a model policy and associated procedures for appropriate student-school staff interactions, including but not limited to classroom, extra-curricular, and electronic communication and actions to be taken if violations occur.

Recommendation F: Develop a model student code of rights and appropriate boundaries that districts could add to their student codes of conduct.

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Recommendation G: Develop a research-based curriculum to help students understand the concept of appropriate boundaries.

Recommendation H: Provide for parents and guardians a concise list of expectations for school staff when communicating and interacting with students including electronic communications.

Recommendation I: Provide resources for parents and guardian to use with their children about how to discuss appropriate and inappropriate interactions with school staff.

Recommendation J: Provide resources and information for parents and guardians on what they need to know about their students' activity on social media.

Executive Director Adams said that committee recommendations A and C would be brought to the Board at its June meeting for consideration.

Action Items

CAEP Partnership Agreement

2016-015

Motion made by Dr. Mary John O’Hair, seconded by Dr. Whaley, to approve the CAEP Partnership Agreement.

Vote: *Unanimous*

2017 KTIP Funding

2016-017

Motion by Dr. O’Hair, seconded by Dr. Whaley, to approve the proposed 2017 KTIP Budget contingent upon the budget.

Vote: *Unanimous*

Accreditation of the Educator Preparation Unit and Approval of Programs, Union College

2016-018

Issue One: Unit Accreditation

Motion made by Ms. Ann Morgan, seconded by Ms. Esther Fatsy, to accept the recommendation of the AAC and grant accreditation for Union College.

Vote: *Unanimous*

2016-019

Issue Two: Program Approval

Motion made by Ms. Sarah Thompson, seconded by Dr. Jay Morgan, to accept the recommendation of the AAC and grant approval for the initial and advanced level educator preparation programs at Union College.

Vote: *Unanimous*

Request for Off-Campus Location, Bellarmine University

2016-020

Motion made by Ms. Fatsy, seconded by Ms. Tolya Ellis, to approve the request for an Off-Campus location for Bellarmine University.

Vote: *Unanimous*

Waivers

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements, Dr. Mary John O’Hair on behalf of Ms. Amber Barbour

2016-021

Motion made by Ms. Ellen Blevins, seconded by Dr. Morgan, to approve the waiver request.

Vote: *Unanimous (Drs. O’Hair and Whaley recused)*

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements, Snow Days

2016-022

Motion made by Ms. Leslie Fields, seconded by Ms. Fatsy, to approve the waiver requests.

Vote: *Unanimous (Dr. Whaley recused)*

Request for Off-Campus Location, Campbellsville University

2016-023

Motion made by Ms. Thompson, seconded by Ms. Morgan, to approve the request.

Vote: *Unanimous*

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Board Comments

The Board had no further comments.

Motion made by Dr. David Whaley, seconded by Dr. Mary John O’Hair, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1) (c) & (j).

Vote: *Unanimous*

Motion made by Dr. Whaley, seconded by Ms. Blevins, to move into open session.

Vote: *Unanimous*

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

Ellen Blevins, Tolya Ellis, Esther Fatsy, Leslie Fields, Ann Morgan, Mary John O’Hair, Stephen Pruitt, Sandy Sinclair-Curry, Anthony Strong, Sara Thompson, David Whaley and April Woods.

Attorneys present were Erik Carlsen-Landy, Shuo Han, Lisa Lang, Cassie Trueblood and Chelsea Young.

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
1511769	Admonish
1511767	Admonish
1511831	Dismiss (Dr. Pruitt recused)
1511791	Dismiss
1511793	Dismiss
1511739	Defer for Training
160285	Admonish
1511773	Admonish
160271	Defer for Training
1511763	Admonish
1512859	Admonish
1511751	Defer for Training
1511775	Admonish
150241	Admonish
160289	Hear
1602147	Hear
160265	Hear
1511783	Hear
1511753	Hear (Ms. Thompson recused)
1511795	Dismiss
1512835	Hear
1511733	Hear
1511829	Hear
1511819	Admonish

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150265	Hear	
1602107	Dismiss	
1511789	Defer for Training	
160287	Defer for Training	
1511799	Hear	
1511755	Hear	
160299	Hear	<i>(Ms. Sinclair-Curry recused)</i>
1511749	Hear	
1511825	Hear	
1511757	Admonish	
1509681	Dismiss	
1511779	Dismiss	
1512845	Hear	
1511761	Admonish	
1511759	Admonish	
1511741	Defer	
1512861	Defer for Training	
1512847	Hear	
160281	Admonish	<i>(Dr. Strong recused)</i>
1312906	Hear	
1511745	Hear	
160297	Hear	
1508577	Hear	
160251	Admonish	
1511813	Admonish	
1511747	Defer for Training	
160273	Defer for Training	
1511785	Hear	
1512857	Defer for Training	
1602151	Hear	
1512839	Hear	
1512841	Hear	
1511809	Defer for Training	
1511801	Defer for Training	
1511807	Defer for Training	
160277	Defer for Training	
1511787	Hear	
1511805	Hear	
1511811	Hear	
1511815	Hear	
1508591	Hear	
1511735	Hear	
1509705	Dismiss	
1511803	Dismiss	
1509669	Dismiss	
1011681	Dismiss	

130114	Dismiss
0912648	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
16152	Approve
16148	Approve
1693	Approve
16111	Approve
16178	Approve
16254	Approve
1576	Approve
16180	Approve
16106	Approve
16109	Approve
16101	Deny
1633	Deny
16187	Approve
16240	Deny
16245	Approve
16186	Approve
151499	Approve
16140	Deny
16163	Approve
16102	Approve
16105	Approve

Agreed Orders

<u>Case Number</u>	<u>Decision</u>
1303181 (Jaclyn Hall)	<p>Accept Agreed Order revoking Certificate Number 200218559 for a period of ten (10) years. Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.</p> <p>Prior to reissuance of Certificate Number 200218559, Respondent shall comply with the following reissuance conditions:</p> <ol style="list-style-type: none">1. Respondent shall submit written proof to the Board that she has successfully completed the terms and

conditions set forth in the Order Granting Pretrial Diversion of a Class D Felony, entered May 28, 2014 in *Commonwealth v. Hall, Jaclyn E.* Case No. 14-CR-00059 Muhlenberg Circuit Court. Respondent shall pay any expense incurred. If Respondent is unable to provide proof that she successfully completed Pretrial Diversion, Certificate Number 200218559 shall not be reissued, and Respondent shall neither apply for nor be issued a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future.

2. Respondent shall submit written proof to the Board that she has complied with all other court orders issued in *Commonwealth v. Hall, Jaclyn E.* Case No. 14-CR-00059 Muhlenberg Circuit Court and the Muhlenberg District Court companion case arising from the February 26, 2014 arrest. Respondent shall pay any expense incurred. If Respondent is unable to provide proof that she successfully completed all court orders issued in Case No. 14-CR-00059 and the district court companion case, Certificate Number 200218559 shall not be reissued, and Respondent shall neither apply for nor be issued a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future.
3. Respondent shall submit to the Board a current state and federal criminal background report. Respondent shall pay any expense incurred. If Respondent has received any criminal convictions, other than minor traffic violations in which no jail time can be imposed, since Case No. 14-CR-00059, Certificate Number 200218559 shall not be reissued, and Respondent shall neither apply for nor be issued a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future.
4. Respondent shall submit written proof to the Board that she has complied with a comprehensive evaluation from a licensed or certified psychiatrist or mental health professional, as approved by the Board, and is fit to

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return to the classroom, presents as capable of performing her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 200218559 shall not be reissued until such condition is satisfied.

5. Respondent shall submit written proof to the Board that she has complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 200218559 shall not be reissued until such condition is satisfied.
6. Respondent shall submit to the Board, documentation from her current treatment provider or Narcotics Anonymous sponsor stating that she is maintaining sobriety and still seeking support and continued assistance in maintaining her sobriety. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 200218559 shall not be reissued until such condition is satisfied.

Upon reissuance, Certificate Number 200218559 and any endorsements or new areas of certification shall be subject to the following permanent probationary conditions:

1. Respondent shall submit to the Board by January 1st and July 1st of each year in which she holds an active certificate, documentation from her current treatment provider or Narcotics Anonymous sponsor stating that she is maintaining sobriety and still seeking support and continued assistance in maintaining her sobriety. Respondent shall pay any expense incurred. If Respondent fails to submit the documentation by the due dates, Certificate Number 200218559 shall be automatically suspended until such condition is satisfied.

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2. Respondent shall have no further criminal convictions. Respondent shall submit to the Board a state criminal background report by June 30th of every year in which she holds an active certificate. Respondent shall pay any expense incurred. If Respondent fails to submit the criminal background report by the due date, Certificate Number 200218559 shall be automatically suspended until such condition is satisfied. If Respondent is convicted of any crime other than a minor traffic violation, Certificate Number 200218559 shall be automatically permanently revoked. A violation is not considered a minor traffic violation if it is a violation in which jail time may be imposed.
3. Respondent shall submit to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for alcohol or any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 200218559 shall be automatically permanently revoked.
4. Respondent shall have no disciplinary action involving use of alcohol or any illegal substance by any school district in which she is employed. If Respondent fails to satisfy this condition, Certificate Number 200218559 shall be automatically permanently revoked.

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

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

Vote: *Unanimous*

1509703 (Brandon Tolliver)

Accept Agreed Order stating that Respondent voluntarily, knowingly, and intelligently surrenders Certificate Number 201154805, and agrees to not apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

CF151269 (Matthew Burgio)

Accept Agreed Order issuing Respondent a Kentucky teaching certificate only after providing written proof that his Ohio Professional Teaching License has been reinstated, and that he has met the academic and testing requirements necessary for issuance of a certificate.

Prior to or within six (6) months of issuance of a Kentucky teaching certificate, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of educator ethics professional development or training, as approved by the Board. Respondent shall pay any expense incurred. Failure to comply with this condition will result in Respondent's certificate being administratively suspended until said condition is satisfied.

Vote: *Unanimous*

CF15873 (Julie Payne)

Accept Agreed Order issuing Respondent a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall submit written proof to the Board that she has completed training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred.

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2. Respondent shall submit written proof to the Board that she has completed training on the Family Educational Rights and Privacy Act (FERPA), as approved by the Board. Respondent shall pay any expense incurred.

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

1. Respondent shall not receive any disciplinary action for violating the Professional Code of Ethics for Kentucky Certified School Personnel from any school district in which she is employed. If Respondent fails to satisfy this condition, any and all certificates issued to her or on her behalf shall be automatically suspended for a period of thirty (30) days, and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

Vote: *Unanimous*

1509693 (Jennifer Parsons)

Accept Agreed Order permanently revoking Certificate Number 201150827. Respondent shall neither apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall immediately surrender the original and all copies of his certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

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1506391 (Richard Stoner)

Accept Agreed Order admonishing Respondent for exercising poor professional judgment and for failing to properly manage a student's behavior. The Board recognizes that students are going to misbehave and disrupt the classroom setting, but an educator must remain aware of the line between appropriate and inappropriate physical intervention when interacting with a student. The Board reminds Respondent that he has a duty to protect the health, safety and emotional well being of all students. The Board will not tolerate any further incidents of misconduct from Respondent.

1. By October 1, 2016, Respondent shall provide written proof to the Board that he has completed six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition by October 1, 2016, Certificate Number 200003291 shall be administratively suspended until such condition is satisfied.
2. By October 1, 2016, Respondent shall provide written proof to the Board that he has completed six (6) hours of training on classroom management, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition by October 1, 2016, Certificate Number 200003291 shall be administratively suspended until such condition is satisfied.

Additionally, Certificate Number 200003291 shall be subject to the following probationary condition for a period of five (5) years:

1. Respondent shall not receive any disciplinary action for violating the Professional Code of Ethics for Kentucky Certified School Personnel from any school district in which he is employed. If Respondent fails to satisfy this condition, Certificate Number 200003291 shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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

Vote: *Unanimous*

1411744 (Crystal Chappell)

Accept Agreed Order permanently revoking Certificate Number 201130126. Respondent shall neither apply for, nor be issued, a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall immediately surrender the original and all copies of her certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

120139 (Harvey Keyes)

Accept Agreed Order admonishing Respondent for neglect of duty, and for failing to take reasonable measures to protect the health, safety and emotional well-being of his students. As a certified educator, Respondent has a duty to ensure that his students are appropriately supervised at all times, and that they are never placed in a potentially dangerous situation, regardless of their age. This duty becomes even more critical when students are unable to make informed decisions themselves because of a disability. The Board will not tolerate any further incidents of misconduct from Respondent.

Respondent is currently residing out of state with no immediate plans to return. However, prior to accepting certified employment in the Commonwealth of Kentucky, Respondent shall comply with the following condition:

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1. Respondent shall submit written proof to the Board that he has completed training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 200001270 shall be administratively suspended until such condition is satisfied.

Upon acceptance of certified employment in the Commonwealth of Kentucky, Certificate Number 200001270 shall be subject to the following probationary condition:

1. Respondent shall not receive any disciplinary action for violating the Professional Code of Ethics for Kentucky Certified School Personnel from any school district in which he is employed. If Respondent fails to satisfy this condition, Certificate Number 200001270 shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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

Vote: *Unanimous*

1405349 (Tara Dykes)

Accept Agreed Order revoking Certificate Number 201104559 for a period of four (4) years, with a retroactive

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start date of May 20, 2014 and ending on May 20, 2018. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the revocation period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

In addition to the standard requirements of the application process, before Respondent shall be reissued any certificate, she must comply with the following:

1. Respondent shall provide written proof to the Board that she has completed a Psychosexual Assessment by a provider approved by the Sexual Offender Risk Assessment Advisory Board as defined in KRS 17.550(3), and that she does not pose a risk to students. Respondent shall provide proof that she has complied with any treatment recommendations proposed by the provider.
2. Respondent shall submit two letters of recommendation to the Board, from Kentucky certified educators. These letters shall not be from family members or relatives of Respondent.
3. Respondent shall provide written proof to the Board that she has completed a course of professional development/training on the Professional code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense for this professional development/training in ethics shall be paid by Respondent.
4. Respondent shall provide written proof to the Board that she has completed a course of professional development/training on appropriate boundaries with students, as approved by the Board. Any expense for this professional development/training shall be paid by Respondent

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Should Respondent fail to satisfy any of these conditions, the Board shall automatically deny any application submitted by Respondent or on her behalf.

Upon reissuance, Certificate Number 201104559, shall be subject to the following permanent probationary conditions.

1. For the entirety of the probationary period, Respondent shall have not receive any disciplinary action involving teacher/student boundaries. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Certificate Number 201104559 shall be automatically permanently revoked.
2. For the entirety of the probationary period, Respondent shall not plead guilty to any criminal charges, excluding traffic offenses. If Respondent fails to satisfy this condition, Certificate Number 201104559 shall be automatically suspended pending Board review and disposition.
3. Respondent shall submit yearly AOC background checks to the Board. These background checks will be due every January 31st. Any expense required to satisfy this condition shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 201104559 shall be automatically suspended until Respondent provides the appropriate written proof to the Board.

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

Vote: *Unanimous*

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1009555 (Rebecca Simpson)

Accept Agreed Order admonishing Respondent for violating the Administration Code for Kentucky's Educational Assessment Program. The Board reminds Respondent that she has a duty to follow all administrative procedures related to student testing for the well-being of the students and for the integrity of the testing process. The Board will tolerate no further acts of misconduct by Respondent.

Respondent is retired. Should Respondent decide to return to the classroom in the future, she must complete the following conditions prior to accepting a position which requires Kentucky certification:

1. Respondent shall submit written proof to the Board that she has received three (3) hours of training on the Administration Code for Kentucky's Education Assessment Program. Any expense required for said training shall be paid by Respondent; and
2. Respondent shall submit written proof to the Board that she has received six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by Respondent.

Should Respondent violate these conditions, certificate number 000015283 shall be suspended and will remain so until the conditions are met.

Vote: *Unanimous*

1508609 (James Beavers)

Accept Agreed Order admonishing Respondent for his lack of professional judgment in interactions with a subordinate teacher. The Board directs and Respondent acknowledges that he, as an administrator, has a professional responsibility to exercise appropriate boundaries when communicating with his subordinates. Communications relating to appearance and vacations should be discussed only as related to professional matters, and should avoid intimate or personal topics. The Board will not tolerate any further incidents of misconduct from Respondent.

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Respondent shall submit written proof to the Board that he has completed twelve (12) hours of sexual harassment training, as approved by the Board, by September 11, 2016. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, certificate number 199801653 shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

1307549 (Marcus Green)

Accept Agreed Order admonishing Respondent for failure to use appropriate discourse with students. The Board reminds Respondent that, as an educator, it is his duty to take reasonable measures to protect the health, safety, and emotional well-being of students. As an educator working with special needs students, Respondent must be especially aware of the language and discourse used in the classroom and must refrain from subjecting students to embarrassment or disparagement. The Board will not tolerate any further incidents of misconduct from Respondent.

Respondent shall submit written proof to the Board that he has completed six (6) hours of professional development training on classroom management relating to Exceptional Child Education and students with Emotional-Behavioral Disability, as approved by the Board, by May 1, 2016. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 201151118, including any and all endorsements, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

1305345 (Hannah Allen)

Accept Agreed suspending Certificate Number 201131038 for a period of one (1) year from the date upon which the Board approves this agreement. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by

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delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

In addition to any educational and/or testing requirements, reinstatement of Respondent's certificate after the one (1) year suspension period is expressly conditioned upon Respondent providing written evidence that she has complied with the following:

1. Respondent must provide written proof that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel with a focus on student/teacher boundaries, as approved by the Board. Any expense incurred for said training shall be paid by Respondent.

If Respondent fails to satisfy these conditions, certificate number 201131038 shall not be reinstated and shall remain suspended until Respondent completes the requirements and provides the appropriate written proof to the Board.

Upon reinstatement of Certificate Number 201131038, Respondent shall be on one (1) year probation. Respondent shall receive no disciplinary action during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

By entering into this Agreed Order, Respondent agrees that should she fail to satisfy the terms of the probation, Certificate Number 201131038 shall be automatically suspended for an additional period of one (1) year.

Respondent is aware that should she violate KRS 161.120, either during or following this probation, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1511797 (Adam Zborowski)

Accept Agreed Order suspending Certificate Number 000072593 from June 1, 2016 through August 5, 2016. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by

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

Upon the Board's acceptance of this Agree Order, Respondent' teaching certificate, number 000072593 and any future endorsements or new areas of certification, shall be hereby subject to the following probationary conditions for a period of three (3) years:

1. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by December 1, 2016. Any expense for said training shall be paid by Respondent.
2. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving conduct unbecoming by any school district in which he is employed. If Respondent fails to comply with the requirements of this paragraph, Certificate Number 000072593, and any future endorsements or new areas of certification, shall be automatically suspended for a period of sixty (60) days.

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

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Should Respondent fail to satisfy any of the above conditions, certificate number 000072593 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

08091044 (Jonnie Howson)

Accept Agreed Order admonishing Respondent for his failure to report to the proper authorities that he was the recipient of inappropriate and sexually explicit phone calls from a female student. The Board reminds Respondent that he has a duty to report all incidents of inappropriate communications with students, especially one that is sexual in nature. In the future, Respondent should use better professional judgments and adhere affirmatively to his duty to report.

On or before July 15, 2016, Respondent shall provide written proof to the Board that he has completed one (1) course pertaining to duty to report, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to comply with the requirements of this paragraph on or before July 15, 2016, Certificate Number 200151652, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent submits the required written proof to the Board.

Vote: *Unanimous*

1411752 (Margaret Baker)

Accept Agreed Order stating that as of June 30, 2015, Respondent's certificate number 199601741 is expired. Respondent agrees that she shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future.

Vote: *Unanimous*

1505216 (Edwina Ousley)

Accept Agreed Order suspending Certificate Number 20011322 from May 29, 2015 through July 31, 2015. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate to the EPSB by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

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Upon acceptance of this agreement by the Board, Certificate Number 20011322, including any and all endorsements, is hereby subject to the following probationary conditions for a period of two (2) years:

1. Respondent shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, by July 15, 2016. Respondent shall also submit written proof to the Board that she has complied with the assessment process and has successfully completed any and all treatment recommendations. If Respondent is not able to complete all treatment recommendations by the end of the probationary period, she shall submit written progress reports from her chemical dependency counselor on January 1st and July 1st until such time as the counselor releases her from treatment. Each progress report shall certify that Respondent is continuing to comply with any and all treatment recommendations, and that she remains fit and competent to fulfill her duties as an educator. Any expense for the assessment, treatment, and/or written reports shall be paid by Respondent.
2. Respondent shall submit written proof to the Board that she has completed six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by October 1, 2016. Any expense for said training shall be paid by Respondent.
3. In accordance with KRS 161.175, Respondent shall submit to random drug testing during the probationary period, to be administered by a provider approved by the Board, and shall receive no drug test positive for illegal substances or in excess of therapeutic levels generally acceptable in the medical community. Any expense required for the drug testing shall be paid by Respondent; and
4. Respondent shall not be convicted of any crime involving the use and/or possession of any controlled substance during the probationary period.

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Respondent shall submit a copy of her current criminal record, as prepared by the Kentucky State Police, by July 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid by Respondent.

Should Respondent fail to satisfy any of the above conditions, certificate number 201137365 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

Vote: *Unanimous*

1412866 (Robin Sumner)

Accept Agreed Order suspending Certificate Number 200211499 from June 30, 2014 through November 24, 2014. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate to the EPSB by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Sumner is hereby admonished for neglecting her duty to comply with record keeping obligations in a timely manner. The Board directs and Respondent acknowledges that she, like all teachers, has a professional responsibility to provide students with educational services in a competent and efficient manner. This responsibility includes ensuring that deadlines and necessary paperwork are completed in a timely fashion. The Board will not tolerate any further violations by Respondent.

Respondent is currently not in a school district. As such, upon accepting a position that requires Kentucky Certification, Respondent teaching certificate, number 200211499, and any future endorsements or new areas of certification, shall be on probation for a period of two (2) years and subject to the following probationary conditions:

1. Respondent shall provide to the Board written progress reports from either the Director of Special Education (“DOSE”) and/or other knowledgeable

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supervisor. The reports shall state that Respondent is maintaining proper and accurate documentation of student files under her supervision and that she is in compliance with all record keeping requirements. The reports must be submitted by October 1st and April 1st of each year of the probationary period. Any expense required for the reports shall be paid by Respondent. If Respondent fails to satisfy this condition, certificate number 200211499 shall be automatically suspended until Respondent provides the appropriate written proof to the Board.

2. For the entirety of the probationary period, Respondent shall receive no disciplinary action. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Respondent fails to comply with the requirements of this paragraph, Certificate Number 200211499, and any future endorsements or new areas of certification, shall be automatically suspended for a period of sixty (60) days.

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

Vote: *Unanimous*

1307519 (Matthew Cahen) Accept Agreed Order stating that as of June 30, 2014, Respondent's certificate is expired. Respondent agrees that he shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future.

Vote: *Unanimous*

1411786 (Rita Rector) Accept Agreed Order suspending Certificate Number 200009404, including any and all endorsements, for a period of five (5) days beginning July 1, 2015. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to

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the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

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

Vote: *Unanimous*

070346 (Ashley McQueary) Accept Agreed Order stating that Respondent shall neither apply for nor be issued any teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Respondent, or on her behalf, shall be denied.

Vote: *Unanimous*

1506419 (Gwendolyn Ziegler) Accept Agreed Order stating that Respondent has submitted proof that she has completed continuing higher education courses in satisfaction of the required Effective Instructional Leadership Act training hours. Therefore, Case Number 1506419 shall be dismissed.

Vote: *Unanimous*

1405278 (Matthew Adamson) Accept Agreed Order admonishing Respondent for failing to take reasonable measures to protect the health, safety, and emotional well-being of his students. A teacher may not use inappropriate terms around students, especially in a situation where the student may feel the terms are being used to describe them. Respondent must show better judgment when discussing a student's clothing with them. The Board will not tolerate any further incidents of misconduct by Respondent.

By June 30, 2016, Respondent shall provide written proof to the Board that he has completed a course on sexual harassment, as approved by the Board. Any expense for this professional development/training shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 200115209 shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

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1505208 (Terry Brown)

Accept Agreed Order suspending Certificate Number 000070255 for a period of forty-five (45) days to be served June 15, 2015 through July 30, 2015. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Respondent is admonished for conduct unbecoming a teacher. The Board reminds Respondent that, as a teacher, he has a duty to uphold the dignity and integrity of the teaching profession. Public intoxication and possession of drugs and drug paraphernalia sets a poor example for students and is dangerous to the public. The Board will not tolerate any further incidents of misconduct by Respondent.

Upon reinstatement, Certificate Number 000070255 shall be on probation for a period of two (2) years and subject to the following probationary conditions:

1. By July 31, 2016, Respondent shall provide written proof to the Board that he has completed a comprehensive alcohol/substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board. Respondent shall also submit written proof to the Board that he has successfully completed any and all treatment recommendations proposed by the counselor and is competent to fulfill his duties as a certified educator. Any expense for the assessment, treatment, and/or written reports shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 000070255 shall be suspended until Respondent provides the appropriate written proof to the Board.
2. By July 31, 2016, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 000070255 shall be

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suspended until Respondent provides the appropriate written proof to the Board.

3. For the entirety of the probationary period, Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s), except for minor traffic violations. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Certificate Number 000070255 being automatically suspended pending Board review and disposition.
4. In accordance with KRS 161.175, Respondent shall submit to random drug testing during the probationary period, to be administered by a provider approved by the Board, and shall receive no drug test positive for illegal substances or in excess of therapeutic levels generally acceptable in the medical community. Any expense required for the drug testing shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 000070255 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.
5. Respondent shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts by August 1st of each year. Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in Certificate Number 000070255 being automatically suspended until Respondent provides the appropriate written proof to the Board.

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

Vote: *Unanimous (Dr. Strong recused)*

1403151 (David Carmichael)

Accept Agreed Order admonishing for neglecting his duty to adequately supervise a student at a band competition. As

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a certified educator, Respondent has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. Respondent is further admonished by the Board for failing to exemplify behaviors which maintain the dignity and integrity of the profession. An educator may not use school property for unapproved or personal reasons. The Board will not tolerate any further instances of misconduct.

Upon acceptance of this Agreed Order by the Board, certificate number 000069600 shall be subject to the following probationary conditions for a period of five (5) years:

1. By July 31, 2016, Respondent shall provide written proof to the Board that he has completed twelve (12) hours of professional development/training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense involved in meeting this condition shall be paid by Respondent. If Respondent fails to satisfy this condition, Certificate Number 000069600 shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.
2. For the entirety of the probationary period, Respondent shall not receive any disciplinary action from any school district in which he is employed. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Certificate Number 000069600 shall be automatically suspended for a period of sixty (60) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

Vote: *Unanimous*

1504173 (Jodi Anderson)

Accept Agreed Order admonishing Respondent for exercising poor professional judgment. As an educator in the Commonwealth of Kentucky, Respondent has a duty to take reasonable measures to protect the health, safety and emotional well-being of all her students. The Board reminds Respondent that safe crisis management (SCM) should be used as a last resort and only when the student is a danger to himself or others. Furthermore, SCM should not be used while a student is vomiting. The Board will not tolerate any further incidents of misconduct from Respondent.

1. By May 1, 2016, Respondent shall provide written proof to the Board that she has completed the Bloodborne Pathogens Training offered by the Red Cross, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to complete this condition by May 1, 2016, Certificate Number 000069267 shall be administratively suspended until such condition is satisfied.

Additionally, Certificate Number 000069267 shall be subject to the following probationary condition for a period of two (2) years:

1. Respondent shall not receive any disciplinary action involving inappropriate physical force or improper safe crisis management holds with any student from any school district in which she is employed. If Respondent fails to satisfy this condition, Certificate Number 000069267 shall be automatically suspended for a period of five (5) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

“Disciplinary action” is defined as any termination, suspension, or

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

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

Vote: *Unanimous*

150253 (Rhonda VanDine)

Accept Agreed Order stating that Respondent is not currently teaching, and has no immediate plans to return to the education profession.

However, prior to returning to the Kentucky public school system in any capacity that requires certification, Respondent shall first provide written proof to the Board, from a Kentucky licensed/certified psychiatrist or mental health professional, that she has complied with a comprehensive evaluation and is fit to return to the classroom, presents as capable of performing her duties as a teacher, is not a danger to herself or others, and is compliant with all treatment recommendations. The Board shall approve all treatment providers. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition prior to accepting certified employment, Certificate Number 201110869 shall be administratively suspended until such condition is satisfied.

Upon her return to the education profession, Certificate Number 201110869 shall be subject to the following probationary conditions:

1. If the evaluating psychiatrist or mental health professional recommends ongoing

treatment, Respondent shall provide quarterly written reports to the Board, beginning three (3) months after her initial fit for duty assessment, that she is not a danger to herself or others and is compliant with all treatment recommendations, until such time as she is released from treatment. The Board shall approve all treatment providers. Respondent shall pay any expense incurred.

2. At the Board's request, Respondent shall sign a release of information with any treatment providers, allowing the Board to review her evaluation and treatment records.
3. Respondent shall not receive any disciplinary action for conduct that places a student's safety at risk from any school district in which she is employed.

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

If Respondent fails to satisfy any of these conditions, Certificate Number 201110869 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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Vote: *Unanimous*

1506445 (Donna Barrix)

Accept Agreed Order admonishing Respondent for committing a fraudulent act upon the Board by submitting a forged document in an attempt to obtain a certificate. Respondent demonstrated a blatant disregard for the Board's authority to grant her a certificate and for her ethical duties under the Professional Code of Ethics for Kentucky School Certified Personnel. Respondent is strongly encouraged to review the Code of Ethics again, and thoroughly, so there will be no doubt what her duties are to students, parents and the education profession. The Board reminds Respondent that obtaining a certificate in Kentucky is a privilege, and they will not tolerate any further acts of misconduct by Respondent.

Upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky certificate upon providing proof that she has completed all the requirements necessary for issuance of a certificate, including but not limited to: relevant demographic information, official transcripts for coursework not previously submitted, record of experience verified by the Superintendent, Character and Fitness form, and a recommendation by the University Certification Officer.

Within one (1) year of being issued a Kentucky certificate, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky School Certified Personnel, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this requirement within one (1) year of being granted a Kentucky certificate, any and all certificates issued to Respondent shall be administratively suspended until such training is completed and the appropriate proof is provided to the Board.

Additionally, any and all certificates issued to Respondent shall be subject to the following permanent probationary condition:

1. Respondent shall not receive any disciplinary action for fraudulent/dishonest conduct or for violation of the Professional

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Code of Ethics for Kentucky School Certified Personnel from any school district in which she is employed. If Respondent fails to satisfy this condition, any and all certificates issued to her shall be automatically suspended for a period of one (1) year, and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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

Vote: *Unanimous (Dr. Whaley recused)*

CF15729 (Michael Braaksma) Accept Agreed Order issuing Respondent a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

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

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2. Respondent shall submit written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred.

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

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from his counselor to the Board until such time as the counselor releases him from treatment. Respondent shall pay any expense incurred. Failure to comply with this condition will result in Respondent's certificate being administratively suspended until he is in compliance.
2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being administratively suspended pending Board review and disposition.
3. Respondent shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Respondent shall pay any

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expense incurred. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on his behalf.

Vote: *Unanimous*

CF 1639 (Kaycee Dolwick)

Accept Agreed Order issuing Respondent a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall submit written evidence that she has complied with the assessment process. Respondent shall pay any expense incurred.
2. Respondent shall submit written proof to the Board that she has completed training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred.

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

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from her counselor to the Board until such time as the counselor releases her from treatment. Respondent shall pay any expense incurred. Failure to comply with this condition will result in Respondent's certificate being administratively suspended until she is in compliance.

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2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being administratively suspended pending Board review and disposition.
3. Respondent shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of her certification(s) and/or for additional certification(s). Respondent shall pay any expense incurred. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Vote: *Unanimous*

1103243 (Mark Madison)

Accept Agreed Order admonishing Respondent for failing to maintain the dignity and the integrity of the profession. As an educator in the Commonwealth of Kentucky, Respondent must set a positive example for his students, and exemplify those qualities expected of a trusted educator in the community. This type of behavior embarrasses the profession and erodes the community's trust in educators. The Board will not tolerate any further acts of misconduct by Respondent.

1. By January 1, 2017, Respondent shall provide written proof to the Board that he has completed six (6) hours of sensitivity training, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition

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by January 1, 2017, Certificate Number 200213266 will be administratively suspended until such condition is satisfied.

2. By January 1, 2017, Respondent shall provide written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on appropriate teacher/student boundaries, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition by January 1, 2017, Certificate Number 200213266 will be administratively suspended until such condition is satisfied.

Upon acceptance of this agreement by the Board, Certificate Number 200213266 shall be subject to the following probationary condition for period of ten (10) years:

1. During the probationary period, Respondent shall provide semi-annual reports stating that he is not coaching, in any capacity, a school sponsored athletic team in any school district in which he is employed. The reports shall be in the form of a letter from the employing district's athletic director, or other knowledgeable supervisor, and must be submitted by March 1st, and October 1st of each year of the probationary period. If Respondent fails to satisfy this condition, Certificate Number 200213266 shall be administratively suspended until such condition is satisfied.

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

Vote: *Unanimous*

1505253 (William Musick)

Accept Agreed Order suspending Respondent's Professional Certificate For Instructional Leadership—School Superintendent from July 1, 2015 through January

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1, 2017, a period of eighteen (18) months. Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Respondent is currently retired with no immediate plans to return to the education profession. However, prior to serving in any capacity that requires Kentucky certification, Respondent shall comply with the following conditions:

1. Respondent shall provide written proof to the Board that he has completed six (6) hours of training on school law, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition prior to returning to a certified position, Certificate Number 000015895 shall be administratively suspended until such condition is satisfied.
2. Respondent shall provide written proof to the Board that he has completed six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition prior to returning to a certified position, Certificate Number 000015895 shall be administratively suspended until such condition is satisfied.

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

Vote: *Unanimous (Ms. Fields recused)*

Recommended Order

Case Name

140258 (Joshua Powell)

Decision

Accept the Hearing Officer's Findings of Facts, modify the Conclusions of Law, and modify the Recommended Order. In the Conclusions of Law, paragraph 160 is to be stricken

Agenda Book

in its entirety and in Conclusions of Law it shall state only that based on the foregoing it is concluded sufficient grounds exist for the disciplinary action. The Recommended Order language shall be as follows: It is therefore ordered that Joshua Ewing Powell's superintendent and principal certificates shall be revoked until July 1, 2020. His other certificates shall continue to remain in effect.

Vote: *Unanimous*

1403201 (Jenny Colvin)

Accept the Hearing Officer's Findings of Fact, Conclusions of Law, Recommended Order and Notice of Appeal Rights permanently revoking Jenny Colvin's teaching certificate.

Vote: *Unanimous*

060240 (John Hammonds)

Accept the Hearing Officer's Findings of Fact, Conclusions of Law, Recommended Order and Notice of Appeal Rights declines to reissue or renew John Hammonds' teaching certificate.

Vote: *Unanimous*

Motion made by Ms. Sinclair-Curry, seconded by Ms. Fields to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 1:55p.m.

Next Meeting: **June 13, 2016**
 EPSB Offices
 Frankfort, KY 40601
 9:00 AM EDT

EDUCATION PROFESSIONAL STANDARDS BOARD

STAFF NOTE

Consent Item B

Action Item:

Midway University – Environmental Education P-12 Endorsement (Graduate Level)

Applicable Statutes and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:010; 16 KAR 2:010

Applicable Goal:

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

Issue:

Should the EPSB approve the following educator preparation program addition?

MIDWAY UNIVERSITY

8.0 ENDORSEMENTS

Environmental Education P-12 (Certification Only)

Background:

The Environmental Education P-12 Endorsement program proposed by Midway University (MU) is intended for teachers seeking the certificate either in conjunction with the Master of Education program or as the endorsement only. The program includes a variety of delivery modes including online, blended, in-seat, and in the field. The 12-hour program has two required courses and two elective courses chosen from either Environmental Science electives or Environmental Education Across the Curriculum electives. The program emphasizes project-based learning where candidates engage in reflection, critical thinking and problem solving. Candidates will investigate and evaluate environmental problems and their solutions. The endorsement is designed to support and implement the Kentucky Environmental Literacy Plan goals by cultivating environmental literacy across the curriculum as well as preparing teachers to teach the Kentucky Academic Standards for Science pertaining to environmental education.

KRS 161.028 and KRS 161.030 provide for the EPSB to establish curricula for educator preparation programs in Kentucky and approve such programs at institutions of higher education. The Division of Educator Preparation, a Content Area Program Review Committee, and the Reading Committee evaluated the program review documents submitted for approval against

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performance-based program certification guidelines established by the EPSB. This program proposal meets all the requirements set forth by the EPSB.

Groups/Persons Consulted:

Content Area Review Committee
Reading Committee

Alternative Actions:

1. Approve the proposed educator preparation program addition.
2. Do not approve the proposed educator preparation program addition.

Recommendation:

Alternative 1

Rationale:

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

Contact Person:

Dr. Ben Boggs, Director
Division of Educator Preparation
(502) 782-2145
E-mail: Ben.Boggs@ky.gov

Date:

June 13, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item A

Information Item:

To inform the EPSB about contracts which were signed by the Executive Director since the prior EPSB Board Meeting

Applicable Statutes and Regulation:

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

Applicable Goal:

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

Background:

KRS 161.028 (1) (v) (d) authorizes the EPSB to enter into contracts and KRS 161.017 (3) stipulates that with Board approval, the Executive Director may enter into agreements "...to enlist assistance to implement the duties and responsibilities of the Board."

Vendor Name	Services	Service Period	Contract Amount
Judy Kurtz	CEO Scorer	7/1/16 – 6/30/18	\$19,166.16
Karla Spencer	CEO Scorer	7/1/16 – 6/30/18	\$19,166.16
Constance Evans	CEO Scorer	7/1/16 – 6/30/18	\$19,166.16
Bobby Pace	Investigative Services	7/1/16 – 6/30/18	\$67,475.25

Contact Person:

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

Date:

June 13, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item B

Information Item:

Notice of Intent to Amend 16 KAR 7:010. Kentucky Teacher Internship Program

Applicable Statutes and Regulation:

KRS 156.101, 161.028, 161.030, 161.048, 161.095

Applicable Goal:

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

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

Background:

16 KAR 7:010 addresses the requirements for the Kentucky Teacher Internship Program (KTIP). During 2014 and 2015, the Kentucky Advisory Council for Internships (KACI), at the direction of the Board, redesigned KTIP to align with the Kentucky Department of Education's (KDE) Professional Growth and Effective System (PGES). The new program was piloted in 21 districts over the 2014-15 school year, and feedback was collected to further clarify the process. This year, all districts are using the revised KTIP with their new teachers through a waiver of 16 KAR 7:010 granted by the Board. The proposed changes to 16 KAR 7:010 reflect the redesigned KTIP program.

Contact Person:

Ms. Donna Brockman
Professional Learning and Assessment Division Director
(502) 564-4606
E-mail: Donna.Brockman@ky.gov

Date:

June 13, 2016

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 **16 KAR 7:010. Kentucky Teacher Internship Program.**

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

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

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

12 **Section 1. Definitions.** (1) "Confirmation of Employment" means the electronic document or
13 a hardcopy of the same name that is submitted to the Education Professional Standards Board by
14 the employing school district or nonpublic school to document employment of a teacher intern.

15 (2) "Half-time basis" means teaching fifteen (15) hours per week in the teacher intern's area
16 of certification.

17 (3) "Instructional day" means a day that the teacher intern is performing regular teaching
18 responsibilities in an instructional setting, or is completing professional development for
19 compensation from the district or employing school; and does not include annual leave, sick
20 leave, or other authorized or unauthorized leave time.

21 [(3) "Instructional day" means a day that:

1 ~~—(a) The teacher intern is performing regular teaching responsibilities in an instructional~~
2 ~~setting, or is completing professional development for compensation from the district or~~
3 ~~employing school; and~~

4 ~~—(b) Does not include annual leave, sick leave, or other authorized or unauthorized leave~~
5 ~~time.]~~

6 (4) "Resource Teacher" for the purposes of this regulation means the classroom teacher
7 that serves on a beginning teacher committee.

8 ~~[(5) "Resource Teacher Time Sheet" means the electronic document or a hardcopy of the~~
9 ~~same name that is submitted to the Education Professional Standards Board and is used by~~
10 ~~resource teachers to record in-class hours and, for compensation, resource teacher out-of-class~~
11 ~~hours.]~~

12 (5)[(6)] "Teacher intern" means any new teacher or out-of-state teacher with less than two
13 (2) years of successful teaching experience, preschool through grade twelve (12), who has
14 obtained a provisional certificate and is seeking initial certification in Kentucky.

15 (6) "Teaching standards" means the teaching standards established by the Education
16 Professional Standards Board in 16 KAR 1:010

17 **Section 2. Basis for Professional Judgment by the Beginning Teacher Committee.** (1) A
18 teacher intern and the beginning teacher committee shall follow the requirements established in
19 this administrative regulation.

20 ~~(a)1. The teacher intern shall successfully complete a KTIP Teacher Performance~~
21 ~~Assessment.~~

22 ~~—2. The assessment shall be organized according to three cycles of the internship year and~~
23 ~~shall be a set of twelve (12) teaching tasks designed to provide interns the opportunity to~~

Agenda Book

1 ~~demonstrate performance of the Kentucky Teacher standards established by the Education~~
2 ~~Professional Standards Board in 16 KAR 1:010.~~

3 ~~[(b) The twelve (12) teaching tasks shall be grouped into three (3) components as follows:~~

4 ~~1. Component I: Classroom Teaching, which shall include:~~

5 ~~a. Task A-1: Teaching and Learning Context;~~

6 ~~b. Task A-2: Lesson Plan;~~

7 ~~c. Task B: Classroom Observation; and~~

8 ~~d. Task C: Lesson Analysis and Reflection;~~

9 ~~2. Component II: Professional Responsibilities, which shall include:~~

10 ~~a. Task D: Collaborate to Address Special Learning Needs;~~

11 ~~b. Task E: Assess and Manage Professional Growth; and~~

12 ~~c. Task F: Leadership; and~~

13 ~~3. Component III: Instructional Unit, which shall include:~~

14 ~~a. Task G: Designing the Instructional Unit;~~

15 ~~b. Task H: The Assessment Plan;~~

16 ~~c. Task I: Designing Instructional Strategies and Activities;~~

17 ~~d. Task J-1: Organizing and Analyzing the Results Reflecting on the Impact of Instruction;~~

18 ~~and~~

19 ~~e. Task J-2: Communication and Follow-Up.]~~

20 ~~(2) In arriving at its professional judgment, the beginning teacher committee shall utilize the~~
21 ~~scoring rubrics contained within the KTIP Intern Performance Record, and take into~~
22 ~~consideration the progress of the teacher intern throughout the school year and, particularly, the~~
23 ~~level of performance that has been achieved near the end of the internship.] The beginning~~

1 teacher committee shall determine the progress and improvement of the teacher intern, pursuant
2 to KRS 161.030, by:

3 (a) A systematic observation of classroom performance;

4 (b) An ongoing review of documented evidence developed by the teacher intern of progress
5 toward demonstration of the applicable teaching standards; and

6 (c) A review of the teacher intern's response to the suggestions and recommendations made
7 by the beginning teacher committee during its meetings with the teacher intern throughout the
8 internship.

9 (3) Throughout the internship, the teacher intern and the beginning teacher committee shall
10 utilize the ~~[Kentucky Teacher]~~ standards established by the Education Professional Standards
11 Board in 16 KAR 1:010. ~~[Teacher Interns and their committees shall use the indicators for each
12 standard as outlined in the KTIP Intern Performance Record.]~~

13 (4) The assessment shall be organized according to three cycles of the internship designed to
14 provide teacher interns the opportunity to demonstrate performance of the teaching standards
15 established by the Education Professional Standards Board in 16 KAR 1:010.

16 **Section 3. Beginning Teacher Committee Membership Appointment.** (1)(a) School
17 districts shall maintain a pool of resource teachers and principals who have successfully
18 completed the Kentucky Teacher Internship Program Committee training in order to assure
19 eligibility for appointment to beginning teacher committees.

20 (b) The Kentucky Teacher Internship Program Committee training may be approved for up to
21 six (hours) ~~[twelve (12) hours]~~ of professional development credit ~~[toward the continuing
22 education requirements]~~ for resource teachers ~~[pursuant to KRS 161.095]~~ and Effective
23 Instructional Leadership Act (EILA) credit for administrators pursuant to KRS 156.101.

1 (2) The employing school district shall recommend principals and resource teachers for
2 appointments by the Education Professional Standards Board to beginning teacher committees.

3 (3) If the teacher intern is teaching at a nationally or regionally accredited nonpublic school
4 without a principal, the accrediting organization's guidelines for designating the school head or
5 school leader shall be used by the employing school in making the recommendation for
6 appointment of the principal member. If no guidelines exist, the school shall provide a written
7 rationale for the appointment to the Education Professional Standards Board for approval.

8 (4) Representatives of the teacher training institutions shall consult the Education
9 Professional Standards Board with respect to the school districts and the geographical area to be
10 served by teacher educator members on beginning teacher committees. All teacher educators
11 shall have completed the Kentucky Teacher Internship Program Committee training in order to
12 assure eligibility for appointment to beginning teacher committees.

13 (5) The teacher training institution shall appoint a teacher educator no later than thirty (30)
14 calendar days after being notified by the district or nonpublic school of the need for a teacher
15 educator. If the teacher intern is employed after the date required to submit the Confirmation of
16 Employment in accordance with Section 4(3)(a) of this administrative regulation, the teacher
17 training institution shall appoint a teacher educator no later than ten (10) calendar days after
18 being notified by the district or nonpublic school of the need for a teacher educator.

19 (6) If the superintendent or designated nonpublic school head or leader determines that a
20 teacher educator is unsuitable for appointment, the superintendent or designated nonpublic
21 school head or leader shall submit a written request for removal to the Education Professional
22 Standards Board. The request shall contain the following:

23 (a) The facts and circumstances that form the basis for removal for cause; and

1 (b) The name of a qualified replacement submitted after consultation with the principal of the
2 employing school and the Kentucky Teacher Internship Program university and district
3 coordinators for that school district.

4 ~~—(7) The Education Professional Standards Board shall send written notification to the home~~
5 ~~address it has on file for the teacher intern, the beginning teacher committee, the superintendent~~
6 ~~or designated nonpublic school head or leader, and the teacher training institution of its decision~~
7 ~~regarding the request for removal.~~

8 **Section 4. Requirements for Time in the Internship and Classroom Assignment.** (1) The
9 one (1) year internship shall be completed during one (1) of the following:

10 (a) No less than 140 instructional days of employment in a certified position in the teacher
11 intern's area of certification for which the teacher intern receives compensation during one (1)
12 school year; or

13 (b) Two (2) semesters totaling at least 140 instructional days of employment in a certified
14 position in the intern's area of certification for which the teacher intern receives compensation in
15 two (2) consecutive school years.

16 (2) The internship shall be established for each teacher intern whose initial employment
17 begins at any time during the school term except if the date of employment does not allow for
18 completion of at least seventy (70) instructional days of employment during the school year.

19 (a) If the period of employment is less than seventy (70) instructional days in a school year,
20 the local school district shall declare an emergency as provided in KRS 161.100, authorizing the
21 superintendent to request an emergency teaching certificate.

22 (b) The employing school district shall be responsible for providing assistance and
23 supervision to the new teacher during the period of employment under an emergency certificate.

1 (3)(a) The school district or nonpublic school shall complete and submit to the Education
2 Professional Standards Board the Confirmation of Employment in electronic form or in hard
3 copy if the electronic submission system is unavailable:

4 1. Within thirty (30) calendar days from the date of hire [~~or on or before October 15,~~
5 ~~whichever occurs first,~~] for a teacher intern participating in the internship for the fall semester or
6 full year; or

7 2. Within thirty (30) calendar days from the date of hire [~~or on or before February 15,~~
8 ~~whichever comes first,~~] for a teacher intern participating in the internship for the spring semester.

9 (b) If the teacher intern begins employment after the timelines [~~dates~~] established for
10 submission of the Confirmation of Employment in paragraph (a) of this subsection, the school
11 district or employing school shall submit the Confirmation of Employment in electronic form or
12 in hard copy if the electronic submission system is unavailable within ten (10) calendar days of
13 the date of hire. A one (1) year internship certificate shall be issued in accordance with the
14 provisions of 16 KAR 2:010 and 16 KAR 4:050.

15 (c) If the district or employing school fails to report verification of enrollment in the
16 internship by the applicable timelines [~~date~~] established in paragraph (a) or (b) of this subsection,
17 and there is insufficient time remaining for the teacher intern to complete the number of days
18 required under subsection (1) of this section, the district or employing school shall declare an
19 emergency as provided in KRS 161.100, and the teacher intern shall enroll in the internship in
20 the next semester of employment when at least seventy (70) instructional days are available.

21 (d) Failure to submit the completed Confirmation of Employment or declare an emergency in
22 accordance with paragraph (a), (b), or (c) of this subsection shall:

23 1. Be a violation of KRS 161.020; and

1 2. Result in the number of days the teacher intern taught without a valid certificate being
2 included in the out of field report submitted to the Commissioner of the Department of Education
3 in accordance with KRS 161.1221.

4 (4) A teacher intern may participate in the internship if the intern is teaching in the intern's
5 area of certification on at least a half-time basis. A school district or nonpublic school offering
6 employment to a new teacher for part-time services which do not conform to the definition of
7 half-time basis shall request a waiver from the Education Professional Standards Board staff for
8 the new teacher to participate in the Kentucky Teacher Internship Program. The waiver request
9 shall detail how the part-time employment offered by the district or nonpublic school is
10 commensurate with the half-time basis requirement of this administrative regulation.

11 (5)(a) Termination or resignation of the internship shall be prohibited unless a written
12 resignation detailing the facts surrounding the resignation is received and approved by:

- 13 1. The superintendent or designated nonpublic school head or leader; and
- 14 2. The Education Professional Standards Board staff.

15 (b) A teacher intern who terminates or resigns the internship without the approval of the
16 Education Professional Standards Board staff shall be recorded as unsuccessfully completing the
17 internship for that school year.

18 (6) The internship shall be established in a classroom which corresponds to the certificate of
19 the teacher intern. An internship shall not be established in a classroom designated as an
20 alternative school, classroom or program unless the district superintendent or designated
21 nonpublic school head or leader submits a written request for a waiver to the staff of the
22 Education Professional Standards Board. The request shall include the following:

- 23 (a) The type of students that attend the alternative school, classroom or program;

Agenda Book

- 1 (b) The student selection and placement process;
- 2 (c) The level of support for students and faculty provided by the district or nonpublic school;
- 3 (d) The degree of administrative support within the school, classroom, or program;
- 4 (e) The location and facility that houses the school, classroom, or program;
- 5 (f) The instructional resources available to the faculty;
- 6 (g) The curriculum used by the school, classroom, or program;
- 7 (h) The manner in which the school, classroom, or program collaborates with other schools
- 8 within the district;
- 9 (i) The current faculty and staff positions assigned to the school, classroom, or program;
- 10 (j) A brief description of how a teacher intern placed in the alternative school, classroom, or
- 11 program could demonstrate that the teacher intern has met all of the applicable standards;
- 12 (k) Contact information for an individual who could provide additional information about the
- 13 request; and
- 14 (l) A signed affidavit by the superintendent, the superintendent's designee, or the designated
- 15 nonpublic school head or leader confirming the information.
- 16 (7) The Education Professional Standards Board staff shall grant the waiver if there is a
- 17 determination that the request and accompanying documentation sufficiently demonstrate that:
- 18 (a) The level of support and services provided to the teacher intern assigned to an alternative
- 19 school, classroom, or program is equivalent to that provided to a teacher intern placed in a
- 20 nonalternative setting; and
- 21 (b) The intern assigned to the alternative school, classroom, or program shall be provided the
- 22 opportunity to successfully demonstrate applicable teaching standards.
- 23 (8) If the waiver is granted, it shall remain in effect for the duration of the internship.

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1 Section 5. Designation and Duties of Chair; Responsibilities of Resource Teacher, Teacher
2 Intern, and Teacher Educator; Requirements for Timing and Content of Beginning Teacher
3 Committee Meetings. (1) The principal member of the three (3) person beginning teacher
4 committee shall serve as chair and shall be responsible for convening the committee and
5 coordinating its efforts [~~by scheduling observations and committee meetings~~]. The chair shall be
6 responsible for the timely submission of all documents and reports of the beginning teacher
7 committee as required by this administrative regulation. All documents and reports shall be
8 submitted through the electronic reporting system, or by hard copy if the electronic reporting
9 system is unavailable. In addition, the chair shall:

10 (a)1. Make three (3) official observation visits to the teacher intern's classroom with each
11 observation lasting one (1) hour in duration or one (1) class period; or

12 2. Make two (2) one (1) hour or one (1) class period observation visits followed by an
13 observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom
14 lesson;

15 (b) Conduct a lesson plan review prior to each of the three (3) observations and a post-
16 observation [~~postobservation~~] conference after each observation;

17 (c) Report progress observed and concerns to the committee at the scheduled committee
18 meetings;

19 (d) Monitor the time that the resource teacher spends with the teacher intern both in and out
20 of class and sign the electronic version of the resource teacher time sheets or the hard copy of the
21 resource teacher time sheets if the electronic reporting system is unavailable; and

22 (e) Ensure that all program policies and procedures are followed.

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1 (2) The resource teacher shall be a mentor to the teacher intern and assess the teacher intern's
2 progress in the internship.

3 (a) The resource teacher, [~~upon completion of Kentucky Teacher Internship Program~~
4 ~~Committee Training and~~], upon appointment, shall begin to assist the teacher intern.

5 (b) The resource teacher shall spend the required amount of hours working with the teacher
6 intern in the classroom setting as specified in KRS 161.030(7).

7 1. As a portion of the hours, the resource teacher shall conduct:

8 a. Three (3) official observations with each observation lasting one (1) hour in duration or
9 one (1) class period; or

10 b. Two (2) observations lasting one (1) hour in duration or one (1) class period followed by
11 an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom
12 lesson.

13 2. The observations shall be preceded by [~~a preobservation conference and~~] lesson plan
14 review and shall be concluded with a post-observation [~~post-observation~~] conference.

15 (c) Pursuant to the resource teacher requirements established in KRS 161.030(7), a resource
16 teacher shall complete out-of-class time identified in KRS 161.030 in consultation with the
17 teacher intern to:

18 1. Assist the teacher intern in the development of the professional growth plan;

19 2. Assist the teacher intern in areas identified in the professional growth plan;

20 3. Assist the teacher intern with instructional activities such as planning, management
21 techniques, assessment, and parent conferences;

22 4. Assist the teacher intern in arranging to attend seminars, conferences, or lectures offering
23 educational assistance commensurate with the teacher intern's professional growth plan;

Agenda Book

1 5. Continually assess the teacher intern's progress in the internship in relation to each of the
2 applicable teaching [~~Kentucky Teacher~~] standards;

3 6. Provide the opportunity for the teacher intern to receive mentoring in a collaborative
4 setting if the collaboration meets the needs of the teacher intern as defined in the professional
5 growth plan. Mentoring in a collaborative setting shall be documented on the time sheet
6 [~~Resource Teacher Time Sheet~~]; and

7 7. Enter and submit data into the online timesheet [~~Resource Teacher Time Sheet~~] or the hard
8 copy of that document if the electronic reporting system is unavailable.

9 (d) The resource teacher shall divide the consultation time required in paragraphs (b) and (c)
10 of this subsection into appropriate increments that provide support for the teacher intern
11 throughout the internship. The resource teacher shall not spend this required consultation time
12 with the teacher intern at required in-school or district-wide meetings, or any other activity for
13 which the resource teacher receives compensation from the district or employing school, to
14 include a professional development activity.

15 (3) The teacher intern shall:

16 (a) Complete all requirements of the Kentucky Teacher Internship Program as established in
17 KRS 161.030 and this administrative regulation, including compliance with the teaching
18 standards established by the Education Professional Standards Board [~~Kentucky Teacher~~
19 ~~Standards~~];

20 (b) Attend the orientation, [~~pre-observation, and~~] post-observation conferences with
21 individual committee members, and all beginning teacher committee meetings;

22 (c) Participate with the resource teacher in consultation time to be spent outside of an
23 instructional setting in the amount of time specified in KRS 161.030;

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1 (d) Cooperate with the resource teacher in completing the instructional observations;

2 (e) Complete a professional growth plan (PGP);

3 (f) Prepare for three (3) official one (1) hour observations by each committee member during
4 the internship, including submitting a written lesson plan to the observer in a timely fashion prior
5 to each visit. Each observation shall be one (1) hour in duration or one (1) class period;

6 (g) Develop documentary evidence of progress toward demonstration of the applicable
7 standards for presentation and review at committee meetings; and

8 (h) Review all electronic documents completed by the beginning teacher committee and affix
9 an electronic signature if required. If the electronic version of a document is unavailable through
10 the electronic reporting system, the teacher intern shall review and sign a hard copy version of
11 the document.

12 (4) The teacher educator shall:

13 (a)1. Make three (3) official observations of the teacher intern with each observation lasting
14 one (1) hour in duration or one (1) class period; or

15 2. Make two (2) observations of one (1) hour in duration or one (1) class period, followed by
16 an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom
17 lesson;

18 (b) Conduct a lesson plan review prior to each of the three (3) observations and a post-
19 observation [~~postobservation~~] conference after each observation; and

20 (c) Report progress observed and concerns to the committee at the scheduled committee
21 meetings.

22 (5) Observations and committee meetings shall be scheduled in accordance with the
23 following:

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1 (a) The orientation meeting shall be held prior to the conduct of any formal classroom
2 observations of the teacher intern;

3 (b) The classroom observations by all committee members shall occur prior to the
4 corresponding committee meeting;

5 (c) The Cycle 1 classroom observations [~~during and second committee meeting~~] shall be held
6 between one (1) and sixty (60) instructional days following the orientation meeting;

7 (d) The Cycle 2 classroom observations [~~and third committee meeting~~] shall be held between
8 sixty-one (61) and 110 instructional days following the orientation meeting; and

9 (e) The Cycle 3 taping and reviews of the video or classroom observations shall commence
10 111 instructional days after the orientation meeting. Cycle 3 shall conclude by the closing day of
11 the school year. [~~and fourth committee meeting between 111 and 140 instructional days~~
12 ~~following the orientation meeting.~~]

13 (6) Committees formed during the spring semester shall establish a meeting schedule that
14 observes the time sequences established in subsection (5) of this section for the full-year teacher
15 interns but which shall span the spring and fall semesters of two (2) consecutive school years.

16 (7)(a) Classroom observations conducted by committee members shall be:

17 1. Of at least one (1) hour or one (1) class period in duration; and

18 2. In the classroom or at the work station of the teacher intern.

19 (b) Additional classroom observations may be conducted at the option of the committee.

20 (c) All classroom observations shall be scheduled in advance in order to provide adequate
21 time for preparation by the teacher intern.

22 (8) All members of the committee shall attend all four (4) meetings of the committee.

Agenda Book

1 (9) At the orientation meeting of the beginning teacher committee, the following items shall
2 be addressed:

3 (a) Expectations on the part of the teacher intern and each committee member;

4 (b) Procedures and materials for classroom observations;

5 (c) Use of classroom observation data in designing the teacher intern's professional growth
6 plan;

7 (d) Requirements for the teacher intern for compiling documentary evidence of progress
8 toward demonstration of the applicable teaching standards;

9 (e) General schedule for the events to take place during the internship program; and

10 (f) Work of the resource teacher with the teacher intern.

11 (10)(a) The primary purpose of the Cycle 1 and Cycle 2 [~~second and third~~] committee
12 meetings shall be to provide the teacher intern with information based on classroom
13 observations, review of the teacher intern's documented evidence of progress toward
14 demonstration of the applicable teaching standards, and reports of the resource teacher that shall
15 support the growth of the teacher intern.

16 (b) The committee shall provide the teacher intern at the Cycle committee [~~second, third, and~~
17 ~~fourth~~] meetings with [~~a consensus assessment of~~] the teacher intern's progress in the internship
18 in relation to the applicable teaching [~~each of the Kentucky Teacher~~] standards.

19 (11) The Professional Growth Plan (PGP) shall be initiated at the Cycle 1 [~~second~~]
20 committee meeting.

21 (12) The Cycle 2 committee [~~third~~] meeting shall include a review of expectations for the
22 performance of the teacher intern, taking into account the reflections of the teacher intern and the
23 committee members, and incorporating these expectations and reflections into the PGP.

1 (13) The Cycle 3 committee [~~fourth~~] meeting shall include a professional judgment by the
2 committee members on the satisfactory completion of the one (1) year internship. This judgment
3 shall be based upon the teacher intern's ability to meet the requirements of KTIP [~~all Kentucky~~
4 ~~Teacher Standards~~].

5 (14) If all committee members believe that more time would allow for improved
6 demonstration of one or more of the teaching standards, a fourth cycle may be conducted.

7 (15) Cycle 4 may include, but is not limited to, additional observations or a review of the
8 teaching standards.

9 (16) Cycle 4 shall fall within the timelines of Cycle 3 and must include a committee
10 meeting. Upon completion of Cycle 4, the Cycle 4 results would replace the Cycle 3 results.

11 **Section 6. Decision by the Beginning Teacher Committee, Reporting, and Certification**

12 **Actions.** (1)(a) The decision of the beginning teacher committee as to satisfactory completion of
13 the internship for all [~~full-year~~] teacher interns shall be reported by the chair to the local school
14 superintendent or other employer and to the Education Professional Standards Board [~~by May 1~~
15 ~~or~~] no later than two (2) weeks following the final committee meeting, [~~whichever occurs first~~].

16 [~~(b) For teacher interns completing the internship in December, the final report shall be~~
17 ~~submitted by December 15.~~]

18 (b)[~~(c)~~] If a teacher intern's performance is judged by the committee to be unsuccessful, the
19 school district or employing school shall submit all KTIP [~~the following~~] documentation to the
20 Education Professional Standards Board by the deadlines established in paragraphs (a) and (b) of
21 this subsection.[:

22 — 1. ~~Record of Teacher Internship Year;~~

23 — 2. ~~Resource Teacher Time Sheets;~~

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- 1 — ~~3. All [Teacher Performance Assessment] documents created in compliance with Section 2 of~~
2 ~~this administrative regulation;~~
3 — ~~4. School Calendar;~~
4 — ~~5. Video if available;~~
5 — ~~6. Any electronic communications that relate to any aspect of the internship sent to the~~
6 ~~teacher intern along with read receipts and responses back from the teacher intern if available;~~
7 ~~and~~
8 — ~~7. The KTIP Intern Performance Record or the KTIP IECE Intern Performance Record.]~~

9 (c)(d) All materials submitted shall become the property of the Education Professional
10 Standards Board and shall not be returned to the teacher intern.

11 (2) Failure to meet the deadlines established in subsection (1) of this section may warrant
12 action against the District Superintendent's or employing school head or leader's certification.

13 (3) If a teacher intern's performance is judged by the committee to be unsatisfactory, the
14 teacher intern shall have the opportunity to repeat the internship during one (1) additional school
15 year contingent upon employment within the period of validity of the statement of eligibility for
16 internship. If the teacher intern does not successfully complete the internship during the period of
17 validity of the statement of eligibility, the teacher intern shall requalify for admission to the
18 remaining one (1) year of internship by meeting the requirements in effect at the time of
19 reapplication for certification.

20 (4)(a) If the teacher intern is unable to complete the internship within one (1) school year in
21 accordance with the requirements of Section 5 of this administrative regulation, an interim report
22 shall be submitted to the EPSB through the electronic system, or by hard copy if the electronic
23 system is unavailable within ten (10) calendar days of the date the internship ceases.

1 (b) Under extraordinary circumstances and with the approval of the EPSB, the teacher intern
2 may continue the internship during a subsequent school year if employed in a public or
3 nonpublic accredited school. Extraordinary circumstances shall include:

- 4 1. ~~Serious~~ medical conditions;
- 5 2. Temporary disability; or
- 6 3. Military deployment.

7 (c) The provisions of Section 4(1)(a) or (b) of this administrative regulation shall not apply if
8 the EPSB approves the request for an exception based on extraordinary circumstances in this
9 situation.

10 **Section 7. Payments to Committee Members.** (1) The Education Professional Standards
11 Board shall contract with the local school district, or make other appropriate arrangements, for
12 the direct service of a resource teacher to each teacher intern.

13 (2) A resource teacher shall:

- 14 (a) Not serve as a resource teacher for more than two (2) teacher interns concurrently; and
- 15 (b) Be paid a stipend in accordance with subsection (3) of this section.

16 (3)(a) Contingent upon funding, the Education Professional Standards Board shall provide a
17 stipend [~~in an amount not to exceed \$1,400 per teacher intern~~] to each resource teacher as
18 compensation for out-of-class time spent with the teacher intern.

19 (b) The stipend shall be prorated if the required number of hours are not performed and
20 documented pursuant to the requirements of Section 5(2) of this administrative regulation.

21 (c) The stipend shall be disbursed in accordance with KRS 161.030(6)(f) on a biannual basis
22 corresponding to the semester in which the mentoring occurred or on an annual basis for full-
23 year interns with payment being disbursed at the end of the one (1) year internship.

1 1. The frequency of the disbursement of the stipend shall be determined by the submission of
2 a timesheet [~~at the option of the district if the resource teacher is serving in a public school~~
3 ~~district~~].

4 2. [~~If the resource teacher is serving in a nonpublic school, the frequency of the disbursement~~
5 ~~shall be determined by the submission of the resource teacher time sheets.~~]

6 **Section 8. Appeals.** (1)(a) If a Beginning Teacher Committee finds that a teacher intern was
7 unsuccessful, the Education Professional Standards Board shall notify the teacher intern by
8 certified mail to the last known address of the teacher intern. Service of certified mail shall be
9 complete upon the date the Educational Professional Standards Board receives the return receipt
10 or the returned notice.

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

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

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

- 21 1. One (1) teacher;
- 22 2. One (1) principal;
- 23 3. One (1) teacher educator; and

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1 4. The Executive Director of the Educational Professional Standards Board, or his or her
2 designee.

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

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

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

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

11 1. Evidence of the teacher intern's ability to meet the requirements of the applicable teaching
12 ~~[Kentucky Teacher]~~ standards;

13 2. Appropriate documentation of the instructional setting and outside normal working hours
14 spent by the resource teacher in assisting the teacher intern as specified in KRS 161.030(7);

15 3. Assignment of beginning teacher committee members in accordance with legal
16 requirements;

17 4. Compliance with the requirements for the timing, content, reporting, and signing of
18 teacher intern performance records, meeting and observation forms, and resource teacher time
19 sheets; and

20 5. Agreement between teacher intern performance records, professional growth plans,
21 beginning teacher committee meeting reports, the ~~[teacher performance]~~ assessment, and the
22 final decision of the committee.

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

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

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

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

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

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

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

1 (9) In notifying the teacher intern of the board's decision, the Education Professional
2 Standards Board shall send the decision of the board by certified mail to the last known address
3 of the teacher intern. Service by certified mail shall be complete upon the date on which the
4 Educational Professional Standards Board receives the return receipt or the returned decision.
5 Upon receipt of a returned decision, the request for a hearing shall be filed in writing with the
6 Executive Director of the Education Professional Standards Board within (20) calendar days of
7 the date the board's decision is returned. [If the teacher intern fails to maintain a current address
8 with the Education Professional Standards Board, or refuses to claim the certified mail, the
9 request for a hearing shall be filed in writing with the Executive Director of the Education
10 Professional Standards Board within (20) calendar days of the date the board's decision is mailed
11 to the teacher intern by certified mail.]

12 **Section 9.** A teacher intern who has not successfully completed the internship and has
13 exhausted the two (2) year provision for participation in the Kentucky Teacher Internship
14 Program shall not be eligible for a Kentucky teaching certificate under this administrative
15 regulation.

16 **Section 10.** [~~A teacher intern serving the internship in Interdisciplinary Early Childhood~~
17 ~~Education (IECE) shall successfully demonstrate the Kentucky Teacher Standards as adapted to~~
18 ~~the IECE standards and shall utilize the KTIP IECE Intern Performance Record.~~]

19 [~~Section 11.~~] **Incorporation by Reference.** (1) The following material is incorporated by
20 reference:

21 (a) "Confirmation of Employment", November 2004[;].

22 —(b) "KTIP Intern Performance Record", March 2008;

23 —(c) "KTIP IECE Intern Performance Record", March 2008;

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1 —(d) "~~Record of Teacher Internship Year~~", March 2008; and

2 —(e) "~~Resource Teacher Time Sheet~~", March 2008.

3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
4 at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort,
5 Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DRAFT

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item C

Information Item:

Notice of Intent to Amend 16 KAR 6:010. Examination prerequisites for teacher certification

Applicable Statutes and Regulation:

KRS 161.020, 161.028(1), 161.030(3), (4)

Applicable Goal:

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

Background:

16 KAR 6:010 identifies the test(s) that teacher applicants and teachers seeking additional certification need to take in order to become certified. This regulation also identifies the score that the teacher applicants or teachers need to achieve on each test.

In December 2015, Kentucky participated in a multi-state standard setting study conducted by the Education Testing Services (ETS) for the PRAXIS® English To Speakers of Other Languages (5362) which will be replacing PRAXIS® English To Speakers of Other Languages (5361). The study proposed test score is 155.

The proposed changes to 16 KAR 6:010 reflect changes that have been made to various other tests by the Education Testing Service and prior EPSB approval, as well as the test score associated with the (5362) test.

Contact Person:

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Date:

June 13, 2016

1 **EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

2 **Education Professional Standards Board**

3 **(Amendment)**

4 **16 KAR 6:010. Examination prerequisites for teacher certification.**

5 RELATES TO: KRS 161.020, 161.028(1), 161.030(3), (4)

6 STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(3), (4)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the
8 Education Professional Standards Board to establish standards and requirements for obtaining
9 and maintaining a teaching certificate. KRS 161.030(3) and (4) require the Education
10 Professional Standards Board to select the appropriate assessments required prior to teacher
11 certification. This administrative regulation establishes the examination prerequisites for teacher
12 certification.

13 Section 1. A teacher applicant for certification shall successfully complete the applicable
14 tests identified in this administrative regulation prior to Kentucky teacher certification.

15 Section 2. The Education Professional Standards Board shall require the test or tests and
16 passing scores identified in this section for each new teacher applicant and each teacher seeking
17 an additional certificate. (1) An applicant for Interdisciplinary Early Childhood Education
18 certification (birth to primary) shall take one (1) of the following tests and achieve the
19 corresponding passing score or higher:

20 (a) "Interdisciplinary Early Childhood Education (0023)" - 166; or

21 (b) "Interdisciplinary Early Childhood Education (5023)" - 166. (2) An applicant for
22 Elementary certification (grades P-5) shall take "Elementary Education: Multi-Subjects Test
23 (5031)" with the following passing scores on the corresponding test sections:

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1 [~~(a) Until August 31, 2015:~~

2 ~~—1. "Reading and Language Arts (5032)" - 165;~~

3 ~~—2. "Mathematics (5033)" - 164;~~

4 ~~—3. "Social Studies (5034)" - 155; and~~

5 ~~—4. "Science (5035)" - 159; and~~

6 ~~—(b) Beginning September 1, 2015:]~~

7 (a)[~~1-~~] "Elementary Education: Reading and Language Arts (5002)" - 157;

8 (b)[~~2-~~] "Elementary Education: Mathematics (5003)" - 157;

9 (c)[~~3-~~] "Elementary Education: Social Studies (5004)" - 155; and

10 (d)[~~4-~~] "Elementary Education: Science (5005)" - 159.

11 (3) An applicant for certification at the middle school level (grades 5 through 9) shall take the
12 content test or tests based on the applicant's content area or areas with the corresponding passing
13 scores as identified in this subsection:

14 (a) Middle School English and Communications: "Middle School English Language Arts
15 (5047)" - 164;

16 (b) Middle School Mathematics: "Middle School Mathematics (5169)" - 165;

17 (c) Middle School Science:

18 [~~—1. Until August 31, 2015, "Middle School Science (0439)" - 144; or~~

19 ~~—2. Beginning September 1, 2015,] "Middle School Science (5440)" - 150; or~~

20 (d) Middle School Social Studies:

21 1. "Middle School Social Studies (0089)" - 149; or

22 2. "Middle School Social Studies (5089)": - 149.

1 (4) An applicant for certification at the secondary level (grades 8 through 12) shall take the
2 content test or tests corresponding to the applicant's content area or areas with the passing scores
3 identified in this subsection:

4 (a) Biology:

5 1. "Biology: Content Knowledge (0235)" - 146; or

6 2. "Biology: Content Knowledge (5235)" - 146;

7 (b) Chemistry:

8 1. "Chemistry: Content Knowledge (0245)" - 147; or

9 2. "Chemistry: Content Knowledge (5245)" - 147;

10 (c) Earth Science:

11 1. "Earth and Space Sciences: Content Knowledge (0571)" - 147; or

12 2. "Earth and Space Sciences: Content Knowledge (5571)" - 147;

13 (d) English: "English Language Arts: Content and Analysis (5039)" - 168;

14 (e) Mathematics: "Mathematics: Content Knowledge (5161)" - 160;

15 (f) 1. Physics: "Physics: Content Knowledge (0265)" - 133; or

16 2. "Physics: Content Knowledge (5265)" - 133; or

17 (g) Social Studies:

18 1. "Social Studies: Content and Interpretation (0086)" - 153; or

19 2. "Social Studies: Content and Interpretation (5086)" - 153.

20 (5) An applicant for certification in all grades shall take the content test or tests
21 corresponding to the applicant's area or areas of specialization identified in this subsection, and,
22 if a passing score is established in this subsection, the applicant shall achieve the passing score or
23 higher:

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- 1 (a) Art:
- 2 1. "Art: Content and Analysis (0135)" - 161; or
- 3 2. "Art: Content and Analysis (5135)" - 161;
- 4 (b) Chinese: "Chinese (Mandarin): World Language (5665)" - 164;
- 5 (c) French: "French: World Language (5174)" - 162;
- 6 (d) German: "German: World Language (5183)" - 163;
- 7 (e) Health: "Health Education (5551)" – 155;
- 8 (f) Health and Physical Education:
- 9 1. ~~[a. Until August 31, 2015:~~
- 10 ~~—(i) "Health and Physical Education: Content Knowledge (0856)" – 156; or~~
- 11 ~~—(ii) "Health and Physical Education: Content Knowledge (5856)" – 156; or~~
- 12 ~~—b. Beginning September 1, 2015,]~~ "Health and Physical Education: Content Knowledge
- 13 (5857)" – 160; and
- 14 2.a. "Physical Education: Content and Design (0095)" – 169; or
- 15 b. "Physical Education: Content and Design (5095)" – 169;
- 16 (g) Integrated Music:
- 17 1. "Music: Content and Analysis (0114)" - 162; or
- 18 2. "Music: Content and Instruction (5114)" - 162;
- 19 (h) Instrumental Music:
- 20 1. "Music: Content and Analysis (0114)" - 162; or
- 21 2. "Music: Content and Analysis (5114)" – 162;
- 22 (i) Vocal Music:
- 23 1. "Music: Content and Analysis (0114)" – 162; or

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1 2. "Music: Content and Analysis (5114)" – 162;

2 (j) Latin:

3 1. "Latin (0601)" - 166; or

4 2. "Latin (5601)" – 166;

5 (k) Physical Education:

6 1. "Physical Education: Content and Design (0095)" - 169; or

7 2. "Physical Education: Content and Design (5095)" - 169;

8 (l) School Media Librarian:

9 1. "Library Media Specialist (0311)" - 156; or

10 2. "Library Media Specialist (5311)" - 156;

11 (m) School Psychologist:

12 [~~1. Until August 31, 2015, "School Psychologist (0401)" – 161; or~~

13 ~~2. Beginning September 1, 2015,] "School Psychologist (5402)" – 147; or~~

14 (n) Spanish: "Spanish: World Language (5195)" - 168.

15 (6) Except as provided in subsection (7) of this section, an applicant for certification for
16 teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders,
17 Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and
18 Severe Disabilities shall take the content test or tests based on the applicant's area or areas of
19 specialization with the corresponding passing scores as identified in this subsection:

20 (a) Communication Disorders:

21 1.a. "Special Education: Core Content Knowledge and Applications (0354)" - 151; or

22 b. "Special Education: Core Content Knowledge and Applications (5354)" - 151; and

23 2.a. "Speech-Language Pathology (0330)" - 600; or

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- 1 b. ~~[(i) Until August 31, 2015, "Speech-Language Pathology (5330)" - 600; or~~
2 ~~—(ii) Beginning September 1, 2015,]~~ "Speech-Language Pathology (5331)" - 162;
- 3 (b) Hearing Impaired:
- 4 1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or
5 b. "Special Education: Core Knowledge and Applications (5354)" - 151; and
- 6 2.a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160; or
7 b. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" - 160;
- 8 (c) Hearing Impaired With Sign Proficiency:
- 9 1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or
10 b. "Special Education: Core Knowledge and Applications (5354)" - 151;
11 2.a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160; or
12 b. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" -160; and
- 13 3. One (1) of the following tests with a passing score of Intermediate Level:
- 14 a. "Sign Communication Proficiency Interview (SCPI)"; or
15 b. "Educational Sign Skills Evaluation (ESSE)";
- 16 (d) Learning and Behavior Disorders:
- 17 1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)" - 158; or
18 2. "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;
- 19 (e) Moderate and Severe Disabilities:
- 20 1. "Special Education: Core Knowledge and Severe to Profound Applications (0545)" - 158;
21 or
22 2. "Special Education: Core Knowledge and Severe to Profound Applications (5545)" - 158;
23 or

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1 (f) Visually Impaired:

2 1.a. "Special Education: Core Knowledge and Applications (0354)" - 151; or

3 b. "Special Education: Core Knowledge and Applications (5354)" - 151; and

4 2.a. "Special Education: Teaching Students with Visual Impairments (0282)" – 163; or

5 b. "Special Education: Teaching Students with Visual Impairments (5282)" – 163.

6 (7) A holder of an exceptional child certificate in Learning and Behavior Disorders or
7 Moderate and Severe Disabilities who is seeking additional certification for any exceptional
8 children teaching certificate listed in subsection (6) of this section shall not be required to take:

9 (a) "Special Education: Core Knowledge and Applications (0354);" or

10 (b) "Special Education: Core Knowledge and Applications (5354)".

11 (8)(a) Except as provided in paragraph (b) of this subsection, an applicant for Career and
12 Technical Education certification to teach in grades 5 - 12 shall take the content test or tests
13 corresponding to the applicant's area or areas of specialization identified in this paragraph, and, if
14 a passing score is established in this paragraph, the applicant shall achieve the passing score or
15 higher:

16 1. Agriculture:

17 [~~a. Until August 31, 2015, "Agriculture (0700)" – 520; or~~

18 ~~b. Beginning September 1, 2015,] "Agriculture (5701)" – 147;~~

19 2. Business and Marketing Education:

20 a. "Business Education (0101)" - 154; or

21 b. "Business Education (5101)" - 154;

22 3. Family and Consumer Science:

23 a. Until August 31, 2015:

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1 (i) "Family and Consumer Sciences (0121)" - 162; or

2 (ii) "Family and Consumer Sciences (5121)" - 162; or

3 b. Beginning September 1, 2015, "Family and Consumer Sciences (5122)" – 153; or

4 4. Engineering and Technology Education:

5 a. "Technology Education (0051)" – 159; or

6 b. "Technology Education (5051)" -159.

7 (b) An applicant for Industrial Education shall take the content test or tests corresponding to
8 the applicant's area or areas of specialization with the passing scores identified in 16 KAR 6:020.

9 (9) An applicant for a restricted base certificate in the following area or areas shall take the
10 content test or tests based on the applicant's area or areas of specialization with the
11 corresponding passing scores as identified in this subsection:

12 (a) English as a Second Language:

13 1. Until August 31, 2017, "English to Speakers of Other Languages (0361)" 157 or "English
14 to Speakers of Other Languages (0361)"; [~~"English to Speakers of Other Languages (0361)"~~
15 ~~157; or~~

16 ~~—2. "English to Speakers of Other Languages (5361)"—157;]~~

17 2. Beginning September 1, 2017, "English to Speakers of Other Languages ("English to
18 Speakers of Other Languages (0362)" - 155; or "English to Speakers of Other Languages (5362)"
19 –155;

20 (b) Speech/Media Communications:

21 1. "Speech Communication (0221)" - 146; or

22 2. "Speech Communication (5221)" – 146; or

23 (c) Theater:

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1 1. "Theatre (0641)" – 162; or

2 2. "Theatre (5641)" - 162.

3 (10) An applicant for an endorsement in the following content area or areas shall take the
4 content test or tests based on the applicant's area or areas of specialization with the passing
5 scores identified in this subsection:

6 (a) American Sign Language: "American Sign Language Proficiency Interview (ASLPI)"
7 administered by the Gallaudet University - 3+;

8 (b) English as a Second Language:

9 1. Until August 31, 2015: "English to Speakers of Other Languages (0361)" - 157; or

10 "English to Speakers of Other Languages (5361)" – 157; [~~"English to Speakers of Other~~
11 ~~Languages (0361)" – 157; or~~

12 ~~— 2. "English to Speakers of Other Languages (5361)" – 157;]~~

13 2. Beginning September 1, 2015: "English to Speakers of Other Languages (0362)" – 155 or

14 "English to Speakers of Other Languages (5362)" – 155

15 (c) Learning and Behavior Disorders, grades 8 - 12:

16 1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)" - 158; or

17 2. "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;

18 (d) Literacy Specialist:

19 1. "Reading Specialist (0301)" - 164; or

20 2. "Reading Specialist (5301)" - 164;

21 (e) Gifted Education, grades primary - 12:

22 [~~1. Until August 31, 2015, "Gifted Education (0357)" – 152; or~~

23 ~~— 2. Beginning September 1, 2015, "Gifted Education (5358)" – 157; or~~

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1 (f) Reading Primary through Grade 12:

2 1. "Teaching Reading (0204)" - 153; or

3 2. "Teaching Reading (5204)" - 153.

4 Section 3. In addition to the content area test or tests established in Section 2 of this
5 administrative regulation, each new teacher shall take the pedagogy test and meet the passing
6 score identified in this section that corresponds to the grade level of certification sought. If a
7 certified teacher is seeking additional certification in any area, the applicant shall not be required
8 to take an additional pedagogy test.

9 (1) An applicant for Elementary certification (grades primary – 5) shall take one (1) of the
10 following tests and achieve the corresponding passing score or higher:

11 (a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160; or

12 (b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160.

13 (2) An applicant for certification at the middle school level (grades 5 through 9) shall take
14 one (1) of the following tests and achieve the corresponding passing score or higher:

15 (a) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160; or

16 (b) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160.

17 (3) An applicant for certification at the secondary level (grades 8 through 12) shall take one
18 (1) of the following tests and achieve the corresponding passing score or higher:

19 (a) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

20 (b) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

21 (4) An applicant for certification in all grades with a content area identified in Section 2(5) of
22 this administrative regulation shall take one (1) of the following tests and achieve the
23 corresponding passing score or higher:

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1 (a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;

2 (b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

3 (c) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;

4 (d) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160;

5 (e) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

6 (f) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

7 (5) An applicant applying only for certification for teacher of exceptional children shall not
8 be required to take a separate pedagogy test established in this section. The content area test or
9 tests established in Section 2 of this administrative regulation shall fulfill the pedagogy test
10 requirement for a teacher of exceptional children.

11 (6) An applicant for Career and Technical Education certification in grades 5 through 12
12 shall take one (1) of the following tests and receive the identified passing score:

13 (a) "Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;

14 (b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

15 (c) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;

16 (d) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160;

17 (e) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

18 (f) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

19 Section 4. Assessment Recency. (1) A passing score on a test established at the time of
20 administration shall be valid for the purpose of applying for certification for five (5) years from
21 the test administration date.

22 (2) A teacher who fails to complete application for certification to the Education Professional
23 Standards Board within the applicable recency period of the test and with the passing score

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1 established at the time of administration shall retake the applicable test or tests and achieve the
2 passing score or scores required for certification at the time of application.

3 (3) The test administration date shall be established by the Educational Testing Service or
4 other authorized test administrator.

5 Section 5. (1) An applicant for initial certification shall take the assessments on a date
6 established by:

7 (a) The Educational Testing Service; or

8 (b) The agency established by the Education Professional Standards Board as the authorized
9 test administrator.

10 (2) An applicant shall authorize test results to be forwarded by the Educational Testing
11 Service, or other authorized test administrator, to the Kentucky Education Professional Standards
12 Board and to the teacher preparation institution where the applicant received the relevant
13 training.

14 (3)(a) Public announcement of testing dates and locations shall be issued sufficiently in
15 advance of testing dates to permit advance registration.

16 (b) An applicant shall seek information regarding the dates and location of the tests and make
17 application for the appropriate examination prior to the deadline established and sufficiently in
18 advance of anticipated employment to permit test results to be received by the Education
19 Professional Standards Board and processed in the normal certification cycle.

20 Section 6. An applicant shall pay the examination fee established by the Educational Testing
21 Service or other authorized test administrator for each relevant test required to be taken.

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1 Section 7. An applicant who fails to achieve at least the minimum score on any of the
2 applicable examinations may retake the test or tests during one (1) of the scheduled test
3 administrations.

4 Section 8. The Education Professional Standards Board shall collect data and conduct
5 analyses of the scores and institutional reports provided by the Educational Testing Service or
6 other authorized test administrator to determine the impact of these tests.

DRAFT

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item D

Information Item:

Notice of Intent to create *Policy Governing Proceedings Relating to Board Action on Certificate Holder's Certification* for inclusion in the EPSB's *Policy and Procedure Manual* setting forth EPSB's policy governing proceedings relating to certification and *Procedures Relating to Board Action on a Certificate Holder's Certification*

The proposed policy would be a new addition to the EPSB's *Policy and Procedure Manual* while the nine new procedures would replace the EPSB's *Determining Probable Cause to Take Disciplinary Action Procedure* and *Violations of the Administrative Code for Kentucky's Educational Assessment Program – Commonwealth Accountability Testing System (CATS.)*

Applicable Statutes and Regulation:

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

Applicable Goal:

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

Background:

In 1998, the Education Professional Standards Board (EPSB) began creating and compiling policies to fill in "in-house" procedural blanks of applicable statutes and administrative regulations and to ensure consistent board action. Amendments to the *EPSB Policy and Procedures Manual* have occurred periodically over the years. In 2002, the EPSB added *Violations of the Administrative Code for Kentucky's Educational Assessment Program – Commonwealth Accountability Testing System (CATS.)*. In 2007, the EPSB added *Determining Probable Cause to Take Disciplinary Action*.

Currently, the EPSB does not have anything in writing that sets forth its policy as it relates to proceedings relating to certification. The EPSB also does not have a comprehensive set of procedures that fully sets forth the process by which the EPSB takes action against a certificate holder's certificate.

Over the last year, the EPSB has been considering possible amendments to 16 KAR 1:030, its regulation relating to the disciplinary process. Before finalizing any amendments to this regulation, it is not only imperative for the EPSB to make clear what its current process looks like, it is also imperative for the EPSB to make clear the underlying policy for that process.

Agenda Book

Contact Person:

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Date:

June 13, 2016

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

**Section 1
Types of Actions**

APPROVED _____

- I. In order to support the mission of the Education Professional Standards Board (EPSB), the EPSB may take action against a certificate holder's certificate in an effort to either 1) ensure that a certificate holder has an understanding of an educator's professional duties and responsibilities; and/or 2) protect students, parents of students, school personnel, or school officials. The EPSB is authorized to take the actions set forth below.
- A. **Admonishment:** an admonishment (or reprimand¹) is a formal written censure that is placed in the official file of the certificate holder. It is considered appropriate for violations of statute or law that are not serious in nature. KRS 161.120(4).
 - B. **Suspension:** a suspension is a process by which the EPSB temporarily deactivates a certificate holder's certification for a specified period of time, not to exceed two years. KRS 161.120(10). At the conclusion of the specified period of time, the EPSB is required to reactivate the certificate holder's certificate upon a demonstration that the certificate holder has complied with any reinstatement conditions that may be set forth in an agreed order or final board order. KRS 161.120(10).
 - C. **Revocation:** a revocation is a permanent forfeiture of a certificate holder's certification. The board is required to establish the minimum period of time before an applicant can reapply for a new certificate. KRS 161.120(11). Once the period of time has expired, the EPSB may consider a former educator's re-application for certification upon demonstration by the applicant that the former educator is again fit for practice. KRS 161.120(11).
 - D. **Probationary or Supervisory Conditions:** EPSB also has the authority to impose probationary or supervisory conditions upon a certificate. KRS 161.120(1). This authority shall include the authority to require training.
- II. The EPSB may initiate any combination of the actions listed above regarding any certificate or license issued under KRS 161.010 to 161.100 for any of the reasons set forth in KRS 161.120(1).

¹ For the purpose of KRS 161.120, the EPSB considers an admonition and a reprimand to be synonymous.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 2

Intake and Review of Reports and Complaints

APPROVED _____

- I. Intake. EPSB receives reports or complaints containing allegations against certificate holders alleging conduct listed in KRS 161.120(1). KRS 161.120(2)(a) and 161.120(2)(c).
- A. Superintendents of local school districts have a duty pursuant to KRS 161.120(2)(a) to file with EPSB reports in writing that contain 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 might reasonably warrant action against the certificate under KRS 161.120(1).
1. A superintendent's duty to report includes reporting those convictions committed by a certificate holder that occurred prior to the date a certificate holder's certificate was issued. KRS 161.120(2)(b).
 - a) A superintendent must submit a report to the EPSB within 30 days of the event giving rise to the duty to report. KRS 161.120(2)(a).
 - b) If the event giving rise to the duty to report relates to a certificate holder's criminal conviction then the superintendent must submit a report to the EPSB within 30 days after the superintendent or designee became aware of the criminal conviction.
 - c) The duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent. KRS 161.120(2)(a).
- B. Pursuant to KRS 161.120(2)(c), EPSB may consider complaints or reports from **any** other source, but the EPSB will only accept written, signed complaints.
- II. Review. EPSB's Executive Director and EPSB staff will review all reports and complaints made against certificate holders to determine whether the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) has occurred.
- A. If the report or the complaint contains insufficient credible evidence to establish that a violation of KRS 161.120(1) occurred, EPSB staff will gather additional information or facts through public sources.
- B. After an attempt has been made to obtain additional information or facts from public sources, EPSB's Executive Director and EPSB staff will re-evaluate the

report or complaint to determine if there is sufficient credible evidence to establish that a violation of KRS 161.120(1) has occurred. If there is still insufficient credible evidence that a violation of KRS 161.120(1) has occurred, no further action will be taken, but the report or complaint will be kept on file in the event additional information is received.

III. Notice to Certificate Holder.

A. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) has occurred, EPSB staff will open a file and assign that file a number.

1. If multiple reports or complaints are received regarding a certificate holder before any action is taken by the board, all of the reports and/or complaints will be consolidated into a single file;
2. If multiple reports or complaints are received regarding a certificate holder after the board has issued a dismissal; a deferral for training; an admonishment (and the certificate holder has not requested that the matter be referred to hearing); or an admonishment with training (and the certificate holder has not requested that the matter be referred to hearing) and the matter is otherwise closed, the report or complaints will be given a new file number;
3. If an additional report or complaint is received by the EPSB staff after the board has referred the matter for Attorney Review and Investigation, already taken action on an initial report or complaint, the additional report or complaint will be consolidated with the existing file.
4. If an additional report or complaint is received by the EPSB staff after the EPSB has referred the matter to hearing and the EPSB has approved the charges, but before a hearing officer is appointed, the EPSB staff will have to bring the matter back before the EPSB to approve amended charges. Once the EPSB approves the amended charges, all reports and/or complaints will be assign a single case number; or
5. If an additional report or complaint is received by the EPSB staff after the EPSB has referred the matter to hearing and a hearing officer is appointed, the EPSB staff will have to bring the matter back before the EPSB to approve amended charges. Once the EPSB approves the amended charges, the EPSB will follow the requirements of KRS Chapter 13B to move to amend the charges before the hearing officer.

B. EPSB staff shall ensure that the certificate holder is served with a copy of the written complaint or report alleging violations of KRS 161.120(1) along with a Notification of Report or Complaint (Notification) to the certificate holder's last known address provided to EPSB. The Notification shall:

1. Notify the certificate holder that EPSB has received a report or complaint that the certificate holder has allegedly committed a violation

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- of KRS 161.120(1);
2. Notify the certificate holder with a copy of the report or complaint;
 3. Notify the certificate holder that the certificate holder has thirty (30) days from the date the certificate holder receives the Notification to provide EPSB with a written rebuttal.
 4. Notify the certificate holder that the board will review the report or complaint and written rebuttal to determine whether further action is necessary.
 5. Notify the certificate holder that the report or complaint is deemed confidential and should not be disclosed by the certificate holder for any other purpose other than for preparing a rebuttal.
 6. Notify the certificate holder that all names, addresses, and counties will be redacted in order to protect the confidentiality of the certificate holder and witnesses.
- IV. Upon receipt of the certificate holder's rebuttal or return of the notice as undeliverable, EPSB staff shall add the case to the EPSB's Docket and prepare the file for board review by redacting all certificate holder identifiers.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 3

**Board Action on Reports and Complaints:
Informal Resolution**

APPROVED _____

- I. In advance of each of its regularly scheduled board meetings, EPSB will receive summaries of the Reports and Complaints as well as redacted copies of the full corresponding written rebuttals for those matters it will be reviewing at the board meeting.
- A. If an EPSB board member wants to review redacted copies of actual Reports and/or Complaints at the board meeting, the board member shall be given access to the full redacted case file on the day of the board meeting.
 - B. To the greatest extent possible, the EPSB board member wishing access to the redacted case file shall make a request to the Executive Director, EPSB in advance of the board meeting to give EPSB staff sufficient time to redact the case file.
- II. **Board Review.** At each regularly scheduled board meeting, EPSB will discuss the Reports and Complaints in closed session.
- A. When making a determination as to how to proceed, the EPSB may consider the following factors:
 - 1. the seriousness of the alleged misconduct;
 - 2. whether the alleged misconduct was premeditated or intentional;
 - 3. attempted concealment of alleged misconduct;
 - 4. prior misconduct;
 - 5. whether training is appropriate to prevent further violations;
 - 6. whether the sanction is necessary to deter future violations;
 - 7. and any other relevant circumstances or facts.
 - B. **Permanent Revocation.** Permanent revocation may be warranted in some cases. Examples of some cases where permanent revocation may be warranted may include, but are not limited to, the following scenarios:
 - 1. engaged in any sexual contact with a student or minor;
 - 2. solicited any sexual contact with a student or minor;
 - 3. possessed or distributed child pornography;
 - 4. was registered as a sex offender;

5. committed criminal homicide; or
6. transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Kentucky Revised Statutes, Chapter 218A, on school property.
7. sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for EPSB action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of Kentucky law, the EPSB may initiate action regarding the educator's Kentucky's educator certificate and impose a sanction as provided under this chapter.

III. **Board Action.** The board may take board action upon confirmation that a quorum exists. If a quorum exists, the board may take one of the following actions by majority vote:

A. **Deferral.** Deferral is appropriate when more information is needed before the board can take action; the report or complaint will only be deferred until the next board meeting.

1. If, by majority vote, the EPSB decides that it would like additional information before taking any further action, the EPSB shall direct EPSB staff to gather additional information and bring the case back before the board as part of the Docket.
2. EPSB staff shall either provide the additional information sought by the EPSB at the next regularly scheduled board meeting or, if the additional information is not available by the next regularly scheduled board meeting, the EPSB staff shall be prepared to update the board as to when EPSB staff anticipates that the additional information will be received.

B. **Dismissal.** Dismissal is based on other factors including, but not limited to, lack of evidence, incomplete reporting, and refusal by witnesses to co-operate. A dismissal at this juncture does not prohibit the alleged conduct from being the subject of a new report or complaint brought back before the board;

1. Documents relating to allegations shall become part of the person's confidential investigative/litigation case file maintained by the EPSB staff and shall not be available for public inspection except as required by law.
2. If known, EPSB staff shall also notify the certificate holder's current employing school district of the Dismissal.
3. EPSB reserve the right to review case file at a later date should additional information be received in the future.

C. **Deferral for Training.** Deferral for Training is appropriate when EPSB determines that additional professional development of a certificate holder is

warranted. EPSB shall require the certificate holder to undergo specific training within a specific time period. Upon completion of training, the certificate holder will be required to present written proof of training to EPSB. The EPSB will then dismiss the case if satisfied that the certificate holder has satisfied the training requirement.

1. If certificate holder fails to either complete training or fails to provide evidence to EPSB of completed training during the required timeframe, EPSB staff will put the case back on the Docket for possible further action by the board.
2. EPSB staff, hearing officers, and the EPSB may consider past Deferrals for Training when seeking, recommending, or ordering sanctions based on subsequently obtained evidence of similar improper conduct by the certificate holder.
3. If known, EPSB staff shall also notify the certificate holder's current employing school district of the Deferral for Training.

D. **Admonishment.** The board may issue a written admonishment to the certificate holder if the board determines, based on the evidence, a violation has occurred, but the violation is not of a serious nature. KRS 161.120(4).

1. The EPSB staff shall send a copy of the written admonishment to the address on the record for the certificate holder on file with the EPSB.
2. Upon receipt of the written admonishment, the certificate holder may:
 - a. Accept the written admonishment, but provide a response within 30 days of receipt of the admonishment and have it placed in the certificate holder's official file along with written admonishment; or
 - b. Not accept the written admonishment and, within 30 calendar days of receipt of the admonishment, request that the matter be referred to hearing. Upon receipt of the request for hearing, the board will set the admonishment aside and will refer the matter to a hearing.
3. Once the period of time for the certificate holder to respond has ended, the EPSB shall take one of the following actions:
 - a. If the certificate holder accepts the admonishment and provides a response, the EPSB will place the admonishment and the certificate holder's response in the certificate holder's official file; or
 - b. If the certificate holder does not provide a response to the EPSB's notification, the EPSB staff will place a copy of the admonishment in the certificate holder's official file along with documentation regarding the EPSB staff's attempts to provide the certificate holder with a copy of the admonishment; or

- c. If the certificate holder does not accept the admonishment and requests a hearing, the EPSB staff will recommend to the EPSB that the matter be referred for hearing.

E. **Admonishment with Training.** The board may issue a written admonishment with training if the board determines, based on the evidence, a violation has occurred, the violation is not of a serious nature, and that the additional professional development of a certificate holder is warranted to prevent future violations. EPSB shall require the certificate holder to undergo specific training within a specific time period. Upon completion of training, the certificate holder will be required to present written proof of training to EPSB. If the certificate holder fails to complete the training within the specified timeframe, the EPSB may consider taking additional action.

1. The EPSB staff, a presiding administrative law judge, and the EPSB may consider any past written admonishments when seeking, recommending, or ordering sanctions based on subsequently obtained evidence of similar improper or criminal conduct by the certificate holder.
2. If known, EPSB staff shall also notify the certificate holder's current employing school district of the written admonishment.

F. **Referral for Attorney Review and Investigation.** Referral for Attorney Review is appropriate when the alleged conduct, should it be substantiated, would warrant suspension or revocation. During this phase, the assigned attorney will review and evaluate the evidence; determine if more evidence is needed; and prepare a recommendation for the board as to whether the report or complaint should be referred to hearing.

1. **Assignment of Referral to Hearing.** After the board refers a report or complaint for attorney review and investigation, an attorney will be assigned to handle the report or complaint. The assigned attorney will be responsible for all aspects of the action through either board dismissal or conclusion of contested hearing.
2. **Notification of Referral.** The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the certificate holder.
3. **Contents of Notification of Referral.**
 - a. The Notice of Referral shall put the certificate holder on notice that the board has referred the report or complaint for further review and investigation.
 - b. The Notice of Referral shall put the certificate holder on notice of the certificate holder's right to provide evidence that the certificate holder's conduct did not constitute a violation of law or ethics.
 - c. The Notice of Referral shall be sent to the certificate holder's

address on file with the EPSB.

4. Review and Investigation.

- a. The EPSB staff will review the evidence contained in the investigative case file and determine what additional evidence is needed to evaluate the case.
- b. The EPSB staff will take all steps necessary to gather information or evidence to necessary to evaluate case.

5. Recommendations for Resolution.

- a. Once the EPSB staff is satisfied that all information and evidence reasonably available has been collected, the EPSB staff shall:
 - a. recommend that the case be referred for hearing;
 - b. recommend that an agreed order be approved; or
 - c. recommend that the case be dismissed for lack of evidence or insufficiency of evidence.
- b. At any point after a report or complaint has been referred for investigation and review or referred to hearing, the EPSB staff has the authority to enter into discussions with a certificate holder or a certificate holder's attorney to resolve the action by agreed order.
- c. An agreed order is appropriate when there is sufficient evidence that could result in a finding that the alleged misconduct did occur and the certificate holder is willing to accept sanctions without going to the expense of a hearing.
- d. All agreed orders must be approved by the majority of the board.

G. Referral to Hearing. Referral to Hearing is appropriate when the board is satisfied, based on the report provided by the EPSB staff that the alleged conduct occurred and that sanctions are warranted. Referral to Hearing is also appropriate when the certificate holder requests a hearing after receiving a written admonishment.

H. Notice of Board Action on Reports or Complaints. Once the board has taken any of the actions set forth above, the Executive Director shall issue a Notice of Action on Report or Complaint to the certificate holder.

1. The Notice of Board Action on Reports or Complaints (Notice of Board Action) shall be signed by the Executive Director or the EPSB Board Chair.
2. The Notice of Board Action will be sent as soon as practicable to the certificate holder's address on file with the EPSB.
3. The Notice of Board Action will also be sent, as applicable, to the

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district where the certificate holder worked, the current district where the certificate holder works, and the reporting party.

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Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 4

Contested Case Process: Pre-Hearing Phase

APPROVED _____

- I. **Referral to Hearing.** When the board determines that the allegations warrant sanctions, the board shall refer the matter to hearing. The administrative hearing shall be conducted in conformance with KRS Chapter 13B. KRS 161.120(5)(a).
- II. **Commencement of Disciplinary Action.** The disciplinary process begins once the board approves and issues a Notice of Hearing and Statement of Charges and Issues prepared by the attorney assigned by EPSB staff to handle the case.
- A. **Notice of Hearing and Statement of Charges and Issues.** The Notice of Hearing and Statement of Charges (Statement of Charges) shall inform the certificate holder of the specific reason for the proposed administrative hearing action. Specifically, the Statement of Charges should including at least the following information:
1. Statutory or regulatory violation(s);
 2. Factual basis on which the disciplinary action is based; and
 3. Penalty to be imposed.
- B. The Notice of Hearing and Statement of Charges shall be sent to the address on file with the EPSB.
- C. Pursuant to KRS 161.120(6), the board may elect to conduct the disciplinary hearing 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).
1. If the board elects to proceed by the appointment of a hearing officer and has not sought permission from the Office of the Attorney General to contract with a private hearing officer, EPSB staff shall request that the Office of the Attorney General appoint a hearing officer to preside over the administrative hearing.
 2. The EPSB staff will forward a copy of the Statement of Charges to the Office of the Attorney General along with a request for appointment of a hearing officer.

- D. **Appointment of Hearing Officer.** Once appointed, the Hearing Officer shall preside over the conduct of an administrative hearing and shall regulate the conduct of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080.
- E. **Location of Hearing.** Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the Education Professional Standards Board, 100 Airport Road, Frankfort, KY 40601.
- F. **Right to Private Hearing.** The certified educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the certified educator fails to specifically request a private hearing, the certified educator is deemed to have waived the right to a private hearing and a public hearing will be conducted.
- G. **Disclosure of Record.**
1. All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the Hearing Phase.
 2. Regardless of whether a certified educator elects to proceed with a private or public hearing, the recommended order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order. After the board issues its Final Order, all records, not otherwise exempt by law, will be subject to disclosure pursuant to Kentucky's Open Record Act.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 5

Contested Case Process: Hearing Phase

APPROVED _____

I. The Hearing Officer shall preside over the conduct of an administrative hearing and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080(1).

II. Right to Counsel. Any party to an administrative hearing may participate in person or be represented by counsel. KRS 13B.080(5).

III. Record. The original of all filings shall be mailed to the offices of EPSB, and copies of any filed item shall be served on all parties and the hearing officer by mail. The EPSB shall stamp the time and date upon a document when the document is received. KRS 13B.080(2).

IV. Pre-Hearing Process.

A. Pre-Hearing Conference. The Hearing Officer shall schedule a pre-hearing conference upon reasonable notice to all parties. KRS 13B.070.

1. During the pre-hearing conference, the hearing officer will explore jurisdictional matters, mediation and settlement possibilities, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas and orders, and other matters that will promote the orderly and prompt conduct of the hearing.

2. Upon conclusion of a prehearing conference, the hearing officer shall issue a prehearing order incorporating all matters determined at the prehearing conference. If a prehearing conference is not held, the hearing officer may issue a prehearing order, based on the pleadings, to regulate the conduct of the hearing.

B. Pre-Hearing Matters and Discovery. KRS 13B.080(2) – (3).

1. The hearing officer, at appropriate stages of the proceedings, shall give all parties full opportunity to file pleadings, motions, objections, and offers of settlement. The hearing officer, at appropriate stages of the proceedings, may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed recommended or final orders.

2. The hearing officer may issue subpoenas and discovery orders when requested by a party or on his own volition. When a subpoena is disobeyed, any party may apply to the Circuit Court of the judicial circuit in which the administrative hearing is held for an order requiring obedience. Failure to comply with an order of the court shall be cause for punishment as contempt of the court.

V. Default. If a party properly served under KRS 13B.050 fails to attend or participate in a prehearing conference, hearing, or other stage of the administrative hearing process, or fails to comply with the orders of a hearing officer, the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110. KRS 13B.080(6).

VI. Hearing.

A. Burden of Proof. KRS 13B.090(7).

1. EPSB's proposed action on a certification currently held.
 - i. The EPSB has the burden of proof on any issue has the burden of going forward and the ultimate burden of persuasion as to that issue.
 - ii. The EPSB must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate
 - iii. The certificate holder has the burden of asserting an affirmative defense and has the burden to establish that defense.
2. Applicant's appeal on EPSB's denial of an application of certification.
 - i. The applicant has the burden of proof on any issue has the burden of going forward and the ultimate burden of persuasion as to that issue.
 - ii. The applicant must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate
 - iii. The EPSB has the burden of asserting an affirmative defense and has the burden to establish that defense.

B. **Recommended Order.** As appropriate, the presiding Hearing Officer shall issue a Recommended Order in conformance with the requirements of KRS Chapter 13B.

1. Timeframe.
 - i. The Hearing Officer shall complete and submit that Recommended Order to the EPSB no later than 60 calendar days after receiving a copy of receiving the official record of the proceeding. KRS 13B.110(1).
 - ii. Request for extension. If an extension of time is needed, the hearing officer may submit a request to the EPSB in accordance with KRS 13B.110.
2. Format. In addition to the requirements of KRS Chapter 13B, the Hearing Officer's recommendation shall be consistent with the EPSB's Policy relating to Action on an Applicant's Application for Certification or a Certificate Holder's Certification.
 - i. The Hearing Officer's Recommended Order shall include only those sanctions that are permitted pursuant to KRS 161.120 (1) and shall not to exceed the time limits set forth in KRS 161.120 (10) – (11).
 - ii. The Hearing Officer shall consider the factors set forth in Section 3,IIA when recommending regarding sanctions.

VII. Filing of Exceptions. A party may file any exceptions to the Recommended Order within 15 calendar days of the date the recommended order is mailed in accordance with KRS 13B.110(7), if applicable. This time limit may not be extended and no responses to exceptions shall be considered by the EPSB.

A. Service

1. Copies to parties. Exceptions shall be served upon the other party by mail, hand-delivery, facsimile, any method or any electronic transmission agreed to by the parties; and
2. Original to agency.

B. **Waiver.** Any disagreement with a factual finding or conclusion of law in the recommended order not contained in an exception to the recommended order shall be waived.

C. **Form of Exceptions.** Each exception or reply to a finding of fact or conclusion of law should be concisely stated and should summarize the evidence in support of each exception.

1. Any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.
2. In summarizing evidence, the parties shall include a specific citation to the hearing record where such evidence appears or shall attach the relevant excerpts from the hearing record.
3. Arguments shall be logical and coherent and citations to authorities shall be complete.

D. **Basis for Exceptions.** The following exceptions to the Recommended Order may include the following:

1. The hearing officer has made an incorrect conclusion of law;
2. the hearing officer has failed to make an essential fact finding;
3. the hearing officer applied the incorrect burden or standard of proof;
4. the findings of fact do not support the conclusions of law;
5. the hearing officer has made a finding of fact that is not supported by the preponderance of the evidence; or
6. the hearing officer recommended a sanction not permitted by law.

VIII. **Disclosure.**

- A. All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the Hearing Phase.
- B. Regardless of whether a certified educator elects to proceed with a private or public hearing, the recommended order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 6

Contested Case Process: Post-Hearing Phase

APPROVED _____

- I. **Review of Recommended Order.** In making the final order, the EPSB shall consider the record including the Recommended Order and any exceptions to the Recommended Order. KRS 13B.120(1).
- II. **Final Decisions and Orders.** After the board chair certifies that a quorum is present at an EPSB board meeting, a majority vote of the voting members present shall be required to make a final decision on the Recommended Order, Agreed Order, or request for issuance of a Default Judgment.
- A. The EPSB may adopt an order, or it may reject or modify, in whole or in part, the recommended order submitted by the presiding hearing officer. KRS 13B.120(2).
- B. The EPSB may remand the matter back to the hearing officer, in whole or in part, for further proceedings as appropriate. KRS 13B.120(2).
- C. If the Final Decision differs from the recommended order, it shall include a separate statement of the findings of fact and conclusions of law. KRS 13B.120(3).
- III. **Timeframe.** When using the services of a hearing officer, the board shall render a final decision within 90 calendar days after the hearing officer submits a recommended order to the board unless the matter is remanded back to the hearing officer for further proceedings. KRS 13B.120(4).
- IV. **Signature Authority.** The EPSB may delegate to the chair the authority to sign on behalf of a majority of the EPSB board members a decision made or order issued under this section.
- V. **Disclosure of Contested Case File After Final Decision Issued.** Regardless of whether a certified educator elected to proceed with a public or private hearing, the Contested Case Record including, but not limited to, the Final Decision, the Recommended Order, and the hearing transcript, is subject to disclosure upon the board's issuance of its final appealable order unless specifically closed by the hearing officer pursuant to a provision of law.
- VI. **Redaction.** Prior to the public disclosure of the Contested Case Record in accordance with KRS 61.805, et seq., EPSB staff shall ensure that any information otherwise prohibited by

disclosure by law or regulation is redacted.

VII. Administrative Finality.

- A. In accordance with KRS Chapter 13B, Final Decisions issued by the EPSB shall be subject to judicial review by the Franklin Circuit Court. KRS 161.120 (10).
- B. A petition for judicial review shall not automatically stay a Final Decision pending the outcome of the review unless a stay is ordered by the Franklin Circuit Court. KRS 13B.140(4).

VIII. Motions to Reconsider, Modify, or Reverse. Under exceptional circumstances, the board may reconsider, modify, or reverse its decision on any disciplinary matter upon a motion by one of the parties or on its own volition. KRS 161.120(9).

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 7

Procedure for the Suspension, Surrender, or Revocation of a Certificate

APPROVED _____

- DRAFT**
- I. When the board issues an order of suspension, surrender, or revocation, the EPSB staff shall mail a copy of the Final Decision to the person who formerly held the certificate to the address on file with the Education Professional Standards Board.
 - II. A record of the board action suspending or revoking a certificate shall become part of the person's official records maintained by EPSB staff.
 - III. Immediately following the issuance of the board's Final Decision, the EPSB staff shall notify, as applicable, the reporting district, the employing school district, and the reporting party of the action taken.
 - IV. EPSB staff will also ensure that the suspension, surrender, or revocation is noted on its website.
 - V. EPSB staff will also ensure that the information is provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion in The NASDTEC Clearinghouse. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 8

Procedure for the Reinstatement of a Suspended Certificate

APPROVED_____

- I. Reinstatement of a suspended certificate for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5)
- 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.
 - C. The burden to reactivate certificate that has been suspended is on the certificate holder.
 - D. Conditions.
 - 1. When the terms of the suspension did not include conditions:
 - i. The EPSB staff will reinstate the certificate and update its website.
 - ii. The EPSB staff will notify the certificate holder in writing to the home address on file with the EPSB that the certificate has been reinstated.
 - iii. The EPSB will notify the school district that employs the certificate holder.
 - 2. When the terms of the suspension included conditions:
 - i. The burden to reinstate the certificate holder's certificate is on the certificate holder.
 - ii. The EPSB staff will review the file to determine if the certificate holder has submitted evidence demonstrating that the conditions of suspension were met.
 - iii. The EPSB staff will reinstate the certificate after the suspension period is concluded and update its website once the certificate holder has provided evidence that the conditions of suspension have been met.

- E. The record of suspension as well as reinstatement of the certification shall become part of the educator's official certification records.
- II. Reinstatement of a suspended certificate for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5).
- A. In addition to conditions for reinstatement or reissuance set forth above, 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. 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.
 - C. 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.
 - 1. Petition to Approve Drug Testing Facility. The petition shall contain the following information:
 - i. The drug testing facility's name and location;
 - ii. The name and telephone number for the director of the facility;
 - iii. The method of test specimen collection;
 - iv. The drug testing facility's method of assuring identity of the test subject;
 - v. Procedures for testing specimens, including forensic testing methods; and
 - vi. Chain of custody protocols.
 - 2. The Drug Testing Facility must test at a minimum the following controlled substances:
 - i. Marijuana;
 - ii. Cocaine;
 - iii. Opiates;
 - iv. Amphetamines;
 - v. Phencyclidine;
 - vi. Morphine;
 - vii. MDMA (Ecstasy);
 - viii. Methadone;
 - ix. Benzodiazepines;
 - x. Barbiturates; and
 - xi. Oxycodone.
 - D. If the results of the drug test indicate drug use by the certificate holder, the certificate shall not be reinstated or reissued.

Education Professional Standards Board

**PROCEDURES RELATING TO BOARD ACTION ON
CERTIFICATE HOLDER'S CERTIFICATION –**

Section 9

Procedure for the Reissuance of a Certificate After Revocation

APPROVED_____

- I. When revocation was for a reason other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the following conditions apply:
 - A. The former certificate holder must complete the same application that all educators in Kentucky must complete to obtain certification;
 - B. The former certificate holder bears the burden of proving that the certificate holder is fit for practice.
 - C. The former certificate holder must satisfy all current educational requirements for the certificate sought.
 - D. 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) if reissuing the certificate.

- II. When revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the former certificate holder must comply not only with the requirements set forth above for reissuance of certification after revocation for all other offenses, the former certificate holder will also have to submit to drug testing as set out in the procedures for suspension resulting from illegal use of controlled substances.

- III. Regardless of the reason for the revocation, the revocation will be noted on the certificate that is issued and will remain on the EPSB website.

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EDUCATION PROFESSIONAL STANDARDS BOARD

STAFF NOTE

Information/Discussion Item E

Information Item:

Notice of Intent to Amend 16 KAR 1:030

Procedures for certificate revocation, suspension, reinstatement and reissuance, and application denial

Applicable Statutes and Regulation:

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

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.

Background:

16 KAR 1:030 is the regulation that governs procedures for certificate revocation, suspension, reinstatement and reissuance, and application denial. The board has asked that the regulation be rewritten for clarity and efficiency.

Contact Person:

Mr. Jimmy Adams

Acting Executive Director

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E-mail: Jimmy.Adams@ky.gov

Date:

June 13, 2016

1 **EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

2 **Education Professional Standards Board**

3 **(Amendment)**

4 **6 KAR 1:030. Procedures for certificate revocation, suspension, reinstatement and**
5 **reissuance, and application denial.**

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

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

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

17 Section 1. Purpose. (1) In order to support the mission the Education Professional
18 Standards Board (EPSB), the EPSB may take action against a certificate holder's certificate in an
19 effort:

20 (a) to ensure that a certificate holder has an understanding of an educator's professional
21 duties and responsibilities; and

22 (b) to protect students, parents of students, school personnel, or school officials.

(2) The EPSB may take action, if warranted, against any certificate issued under KRS 161.010 to 161.100 for any of the reasons set forth in KRS 161.120(1). Action may include deferring action for training.

Section 2. Complaints and Reports. (1) A complaint may be made by any person, organization, or entity. The complaint shall be in writing and shall be signed by the person offering the complaint. The complaint shall be sent to the offices of the EPSB. The complaint shall contain:

(a) The name, phone number, and address of the person making the complaint and the name of the certificate holder against whom the complaint is made and, if known, the address of the school district where the certificate holder works; and

(b) A clear and concise description of the issues of fact.

(2) A report shall be sent to the EPSB by superintendents of local school districts pursuant to KRS 161.120(2)(a).

(a) A superintendent's duty to report includes the reporting of criminal convictions discovered by the district pursuant to KRS 160.380 even if the conviction occurred prior to the date the certificate holder's certification was issued.

(b) The superintendent shall have thirty (30) days from the date that superintendent receives notice of the criminal conviction to report that criminal conviction to the EPSB pursuant to KRS 161.120(2)(a).

(3) Upon receipt of a complaint or report against a certificate holder, the EPSB staff shall send a copy of the complaint to the certificate holder for response.

(a) The complaint shall be sent to the certificate holder's address on file with EPSB.

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(b) The certificate holder shall have the right to file a response with the EPSB within thirty (30) calendar days from the date the certificate holder receives the complaint or report from the EPSB.

(c) Thirty (30) calendar days after the complaint or the report is mailed to the certificate holder, the EPSB staff shall review the complaint or report and the certificate holder's response, if any, to determine whether there is sufficient credible evidence that a violation of KRS 161.120(1) has occurred.

(d) If the EPSB staff determines that there is sufficient credible evidence that a violation of KRS 161.120(1) has occurred, it will forward the complaint or the report to the board to determine whether the nature and quality of the alleged violation warrants dismissal, training, admonishment, further investigation, or the initiation of a hearing.

(e) In making its determination, the board shall consider if the allegation, if proven, would warrant sanction by the board

(f) When making a determination as to how to the level of sanctions warranted, the EPSB may consider the following factors:

1. the seriousness of the alleged violation;
2. whether the alleged violation was premeditated or intentional;
3. attempted concealment of the violation;
4. prior violations;
5. whether training is appropriate to prevent further violations;
6. whether the sanction is necessary to deter future violations; or
7. other relevant circumstances or facts.

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(4)(a) If the board determines that the allegations warrant sanctions, the board shall refer the matter to hearing.

(b) If the board refers the matter to hearing, the board shall, by majority vote, approve the issuance a notice of hearing and statement of charges which will include specific reasons for the board's proposed action, including the:

1. Statutory or regulatory violation;
2. factual basis on which the disciplinary action is based; and
3. penalty sought;

(c) The board shall then refer the matter to hearing.

(d) The board may resolve the matter informally. Any agreement to informally resolve the matter shall be memorialized in an agreed order and approved by the board. The agreed order shall be signed by the individual who is the subject of the complaint or report, the individual's attorney, and the board chair.

Section 3. (1) The hearing shall be held in accordance with KRS Chapter 13B.

(2) Either party may be entitled to a reasonable continuance of the hearing date, for good cause.

(3) The respondent may request in writing a private hearing.

(a) If the respondent fails to specifically request a private hearing in writing, the respondent is deemed to have waived the right to a private hearing.

(b) Even if the respondent elects to proceed with a private hearing, the hearing transcript will be subject to disclosure after the board issues its final decision unless otherwise exempt by law.

(c) All hearings shall be conducted in the office so the Education Professional Standards Board, 100 Airport Road, Frankfort, Kentucky 40601 unless a new location is agreed upon by the parties.

(4) The hearing officer's recommended order shall include a discussion of the factors sets forth in Section 2, subsection (4)(f) when recommending sanctions.

(5) A party may file any exceptions to the recommended order within 15 calendar days after receiving the recommended order.

(a) This time limit may not be extended and no responses to exceptions shall be considered by the EPSB.

(b) Any disagreement with a factual finding or conclusion of law in the recommended order not contained in the exceptions shall be waived.

Section 4. Final Decision. (1) In making its final decision, the EPSB shall consider the record including the recommended order and any exceptions filed.

(2) After the board chair certifies that a quorum is present, a majority of the voting members present shall be required to make a final decision on the recommended order, agreed order, or request for the issuance of a Default Judgment.

(3) The board may delegate to the board chair the authority to sign on behalf of a majority of the EPSB board members a decision made or order issued under this section.

Section 5. Procedure for Suspension, Surrender, or Revocation of a Certificate. (1) When the board issues an order of suspension, surrender, or revocation, the EPSB staff shall mail a copy of the Final Decision to the person who formerly held the certificate to the address on file with the Education Professional Standards Board.

(2) A record of the board action suspending or revoking a certificate shall become part of the person's official records maintained by EPSB staff.

(3) Immediately following the issuance of the board's Final Decision, the EPSB staff shall notify, as applicable, the reporting district, the employing school district, and the reporting party of the action taken.

(4) EPSB staff will also ensure that the suspension, surrender, or revocation is noted on its website.

(5) EPSB staff will also ensure that the information is provided to the National Association of State Directors and Teacher Education and Certification (NASDTEC) for inclusion in The NASDTEC Clearinghouse. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline.

Section 6. Procedure for Reinstatement of a Suspended Certificate. (1) Reinstatement of a suspended certificate for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5))

(a) A certificate that has been suspended by the EPSB shall not be reinstated until the certificate holder has met all conditions and requirements ordered by the EPSB.

(b) If a certificate lapses during a period of suspension, the certificate holder shall apply for renewal of the certificate at the end of the suspension period. The EPSB shall renew the certification if the certificate holder has met all educational requirements for renewal and has completed of all conditions and requirements ordered by the EPSB

(c) The burden to reactivate a suspended certificate is on the certificate holder.

1. When the suspension does not include conditions, the EPSB staff will reinstate the certificate and update its website at the conclusion of the suspension period.

2. When the suspension includes conditions, the burden to reinstate the certificate holder's certificate is in on the certificate holder.

a. The EPSB will reinstate the certificate at the conclusion of the suspension period once it has been determined that the certificate holder has submitted evidence demonstrating that the conditions of suspension were met;

b. The EPSB will update its website once the certificate holder has provided evidence that the conditions of suspension have been met.

(d) The record of suspension as well as reinstatement of the certification shall become part of the educator's official certification records.

(2) Reinstatement of a suspended certificate for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5)).

(a) In addition to conditions for reinstatement or reissuance set forth above, the certificate holder shall provide written evidence that the certificate holder has submitted to a drug test at the certificate holder's own expense administered by a drug testing facility approved by the EPSB within thirty (30) days of reinstatement or submission of an application for reissuance of the certificate.

(b) The certificate holder shall arrange for the drug testing facility to send the results of the drug test directly to the EPSB.

(c) A certificate holder subject to the terms of this subsection may petition the EPSB to approve a drug testing facility of the certificate holder's choice.

1. Petition to Approve Drug Testing Facility. The petition shall contain the following information:

i. The drug testing facility's name and location;

- ii. The name and telephone number for the director of the facility;
- iii. The method of test specimen collection;
- iv. The drug testing facility's method of assuring identity of the test subject;
- v. Procedures for testing specimens, including forensic testing methods; and
- vi. Chain of custody protocols.

2. The Drug Testing Facility must test at a minimum the following controlled substances:

- i. Marijuana;
- ii. Cocaine
- iii. Opiates;
- iv. Amphetamines;
- v. Phencyclidine;
- vi. Morphine;
- vii. MDMA (Ecstasy);
- viii. Methadone;
- ix. Benzodiazepines;
- x. Barbiturates; and
- xi. Oxycodone.

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

Section 7. Procedure for Reissuance of a Certificate after Revocation. (1) When revocation was for a reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the following conditions apply:

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(a) The former certificate holder must complete the same application that all educators in Kentucky must complete to obtain certification;

(b) The former certificate holder bears the burden of proving that the certificate holder is fit for practice;

(c) The former certificate holder must satisfy all current educational requirements for the certificate sought.

(d) 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) if reissuing the certificate.

(2) When revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(5), the former certificate holder must comply not only with the requirements set forth above for reissuance of certification after revocation for all other offenses, the former certificate holder will also have to submit to drug testing as set out in the procedures for suspension resulting from illegal use of controlled substances.

(3) Regardless of the reason for the revocation, the revocation will be noted on the certificate that is issued and will remain on the EPSB website.

~~[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;~~

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- ~~—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 8. Denial of Application for a Certificate. If the EPSB 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.

EDUCATION PROFESSIONAL STANDARDS BOARD

STAFF NOTE

Information/Discussion Item F

Information Item:

Notice of Intent to Amend 16 KAR 2:010, Kentucky teaching certificates

Applicable Statutes and Regulation

KRS 158.6451, 160.380, 161.020, 161.028(1), 161.030, 160.380

Applicable Goal

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

Issue

Should the Education Professional Standards Board (EPSB) remove or amend section 2, item 4 of 16 KAR 2:010, the requirement for a national and state criminal background check to expedite the process?

Background

This regulation provides the requirements for the issuance of a Kentucky teaching certificate pursuant to 16 KAR 2:010. Prior to 2014, this regulation did not require the EPSB to obtain a national and state criminal background check before issuing an initial Kentucky teacher certification pursuant to 16 KAR 2:010. Due to an increasing concern that it would be possible for a convicted felon to obtain a teaching certification, the EPSB amended 16 KAR 2:010, Section 2, Item 4, in 2014 to include a requirement that “a national and state criminal background check be performed in accordance with KRS 160.380(5) within twelve (12) months prior to the date of application.”

After the regulation was amended, the EPSB’s ability to process applications for these teacher certifications was hampered significantly because of the extended period of time it was taking to process criminal background record checks.

The EPSB was first made aware of this concern via email from Jimmy Adams on June 19, 2015. At that time, it was reported that the checks were taking up to eight (8) weeks. On July 24, 2015, the estimated response time from the FBI had increased to approximately eleven (11) to thirteen (13) weeks. Board members were made aware of this situation a second time, via individual phone calls on July 24, 2015. On Monday, July 27, 2015, a report generated from the EPSB database revealed that there were over seven hundred (700) applications for certification waiting on criminal records checks that could not be processed.

As a result of this issue, the board at its August 10, 2015 Board meeting, waived the requirement in 16 KAR 2:010 for a completed national and state criminal background check retroactively to July 24, 2015 until such time that the regulation requirements could be revisited to change the regulation or expedite the process. The board’s decision to do so was based in part on the fact

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that school districts were required to complete a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district pursuant to KRS 160.380(5)(a), (b) and (d):

(a) A superintendent shall require a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district. Excluded are certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check for the previous employment.

(b) The superintendent shall require that each new certified hire and student teacher, as set forth in paragraph (a) of this subsection, submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation.

(d) The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544.

At the August 10, 2015 Board meeting, the EPSB waived 16 KAR 2:010(2)(4) and directed the EPSB staff to do as follows:

Alter 16 KAR 2:010(2)(4) to remove the language that requires a criminal background records check for certification due to the local district requirements of KRS 160.380(5)(a) and (b). Include language so that during a district review of the criminal backgrounds records check, if a district finds a criminal history, the district shall notify the EPSB of that history. EPSB staff shall review the certificate holder's application, Character and Fitness form, and the criminal background records check to see if a violation of KRS 161.120 or the Professional Code of Ethics occurred and if action by the board is merited.

Action Proposed

The undersigned is bringing the Notice of Intent to Amend 16 KAR 2:010 and the Notice of Intent to Amend 16 KAR 1:030 before the EPSB for the purpose of implementing the change recommended at the August 10, 2015 Board meeting. Specifically, the undersigned recommends the following:

Regulation: 16 KAR 2:010(2)(4) will be altered by removing the language that requires a criminal background check for certification. 16 KAR 1:030 will be altered by adding language that makes clear that the superintendent must report to the EPSB any criminal convictions that are discovered pursuant to KRS 160.380 even if those convictions occurred prior to the date of the certificate holder's initial certification. See Staff Note for Notice of Intent to Amend Regulation 16 KAR 1:030.

Form: Cease the practice of incorporating by application forms by reference; and/or remove language that requires that a criminal background check for certification be removed from forms. Cease the practice of including the

entire Code of Ethics on the application and include only the reference to the Code of Ethics and the corresponding regulatory citation.

Alternative Actions

Regulation:

1. Approve the proposed changes.
2. Modify the proposed changes.
3. Deny the proposed changes.

Form:

1. Cease the practice of incorporating application forms by reference.
2. Continue to incorporate by reference application forms and approve changes to application forms.
3. Continue to incorporate by reference application forms and modify proposed changes to application forms.
4. Continue to incorporate by reference application forms and make no changes to the forms.

Staff Recommendation

Option 1 for both the regulation and the form

Rationale

By amending these regulations, the EPSB will be taking steps to ensure that it is clear to school districts that it is EPSB's expectation that school districts will be conducting pre-employment background checks pursuant to KRS 160.380. Furthermore, it is the expectation of the EPSB that superintendents of local school districts will be expected to report criminal convictions that are noted on pre-employment background checks pursuant to the superintendent's duty to report stated in KRS 161.120(2)(a).

By ceasing the practice of incorporating forms by reference, the EPSB will not have to re-open the regulation whenever form changes are contemplated. It will result in an improved effective and efficient process.

By ceasing the practice of including the full language of the Code of Ethics in the form now, the EPSB will not have to re-open the regulation if the EPSB decides to amend the 16 KAR 1:020, Code of Ethics at a later date.

Contact Person:

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Division Director, Certification
(502) 564-4606
E-mail: John.Fields@ky.gov

Date:

June 13, 2016

1 **EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

2 **Education Professional Standards Board**

3 **(Amendment)**

4 **16 KAR 2:010. Kentucky teaching certificates.**

5 RELATES TO: KRS 158.6451, ~~[160.380,]~~ 161.020, 161.028(1), 161.030

6 STATUTORY AUTHORITY: KRS 161.028(1)(a), (b), (f), 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) requires the Education
8 Professional Standards Board to establish the standards for obtaining and maintaining a teaching
9 certificate. KRS 161.028(1)(b) requires the board to set standards for programs for the
10 preparation of teachers and other professional school personnel. KRS 161.028(1)(f) requires the
11 board to issue and renew any certificate. This administrative regulation establishes the Kentucky
12 certification to be issued for teaching positions.

13 Section 1. Definitions. (1) "Approved program of preparation" means a program which has
14 been approved by the Education Professional Standards Board under 16 KAR 5:010 for a
15 specific certification or which has been approved for certification by the state education agency
16 of another state.

17 (2) "Assessments" means the tests of knowledge and skills authorized by KRS 161.030 and
18 established in 16 KAR 6:010.

19 (3) "Base certificate" means a stand-alone license to teach which encompasses authorization
20 to teach introductory and interdisciplinary courses in related fields.

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1 (4) "Beginning teacher internship" means one (1) year of supervision, assistance, and
2 assessment required by KRS 161.030 and established in 16 KAR 7:010.

3 (5) "Certificate endorsement" means an addition to a base or restricted base certificate,
4 which is limited in scope and awarded on the basis of completion of an endorsement program or
5 a combination of educational requirements, assessments, and experience as outlined in Section 5
6 of this administrative regulation.

7 (6) "Certificate extension" means an additional base or restricted base certificate in a content
8 area or grade range.

9 ~~[(7) "Kentucky teacher standards" means the standards established in 16 KAR 1:010 that~~
10 ~~identify what a Kentucky teacher shall know and be able to do.]~~

11 (7)~~(8)~~ "Major" means an academic area of concentration consisting of at least thirty (30)
12 hours of coursework.

13 (8)~~(9)~~ "Professional teaching certificate" means the document issued to:

14 (a) An individual upon successful completion of the beginning teacher internship; or

15 (b) An applicant for whom the testing and internship requirement is waived under KRS
16 161.030 based on preparation and experience completed outside Kentucky.

17 (9)~~(10)~~ "Provisional teaching certificate" means the document issued to an individual for the
18 duration of the beginning teacher internship program.

19 (10)~~(11)~~ "Restricted base certificate" means a stand-alone license to teach in a specific
20 subject area of certification which is the only subject area that can be taught under this limited
21 certificate.

22 (11)~~(12)~~ "Statement of eligibility" means the document issued to an applicant upon
23 completion of an approved program of preparation and successful completion of the assessments.

1 (12) "Teacher standards" means the standards established in 16 KAR 1:010 that identify
2 what a Kentucky teacher shall know and be able to do.

3 Section 2. Certificate Issuance. (1)(a) Until December 31, 2014, a statement of eligibility for
4 a provisional teaching certificate shall be issued to an applicant who has submitted a completed
5 TC-1 application form and has successfully completed:

6 1.a. At least a bachelor's degree with:

7 (i) A cumulative grade point average of 2.50 on a 4.0 scale; or

8 (ii) A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit
9 completed, including undergraduate and graduate coursework; or

10 b. As required by Section 4(2)(g)6 of this administrative regulation, a master's degree with:

11 (i) A cumulative grade point average of 2.50 on a 4.0 scale; or

12 (ii) A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit
13 completed, including undergraduate and graduate coursework;

14 2. An approved program of preparation; and

15 3. The assessments corresponding to the certificate identified in Section 4 of this
16 administrative regulation for which application is being made.

17 (b) Beginning January 1, 2015, a statement of eligibility for a provisional teaching certificate
18 shall be issued to an applicant who has submitted a completed CA-1 application form and has
19 successfully completed:

20 1.a. At least a bachelor's degree with:

21 (i) A cumulative grade point average of 2.50 on a 4.0 scale; or

22 (ii) A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit
23 completed, including undergraduate and graduate coursework; or

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1 b. As required by Section 4(2)(g)6 of this administrative regulation, a master's degree with:

2 (i) A cumulative grade point average of 2.50 on a 4.0 scale; or

3 (ii) A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit
4 completed, including undergraduate and graduate coursework;

5 2. An approved program of preparation;

6 3. The assessments corresponding to the certificate identified in Section 4 of this
7 administrative regulation for which application is being made; and

8 ~~[4. A national and state criminal background check performed in accordance with KRS
9 160.380(5) within twelve (12) months prior to the date of application.]~~

10 (2) Upon confirmation of employment in an assignment for the grade level and specialization
11 identified on a valid statement of eligibility, a Provisional Teaching Certificate shall be issued
12 for the duration of the beginning teacher internship established under KRS 161.030.

13 (3) Upon successful completion of the internship, a Professional Teaching Certificate shall be
14 issued, valid for a four (4) year period.

15 Section 3. Professional Teaching Certificate Renewal. (1) The renewal shall require
16 completion of a fifth-year approved program of preparation which is consistent with:

17 (a) The ~~[Kentucky]~~ teacher standards established in 16 KAR 1:010; or

18 (b) The standards adopted by the Education Professional Standards Board for a particular
19 professional education specialty and established in an applicable administrative regulation in
20 KAR Title 16.

21 (2) The first five (5) year renewal shall require:

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1 (a) Completion of a minimum of fifteen (15) semester hours of graduate credit applicable to
2 the fifth-year approved program of preparation established in 16 KAR 8:020 by September 1 of
3 the year of expiration of the certificate; or

4 (b) Completion of the required components of the continuing education option for initial
5 certificate renewal as established in 16 KAR 8:030.

6 (3) The second five (5) year renewal shall require:

7 (a) Completion of the fifth-year approved program of preparation established in 16 KAR
8 8:020 by September 1 of the year of expiration of the certificate; or

9 (b) Successful completion of the continuing education option as established in 16 KAR
10 8:030.

11 (4) Each subsequent five (5) year renewal shall require completion of the renewal
12 requirements established in 16 KAR 4:060.

13 Section 4. Grade Levels and Specializations. (1) Preparation for a teaching certificate shall
14 be based on:

15 (a) The [Kentucky] teacher standards established in 16 KAR 1:010;

16 (b) The accreditation and program approval standards established in 16 KAR 5:010,
17 including the content standards of the relevant national specialty program associations; and

18 (c) The goals for the schools of the Commonwealth specified in KRS 158.6451 and the
19 student academic expectations established in 703 KAR 4:060.

20 (2) A base certificate shall be issued specifying one (1) or more of the following grade level
21 and specialization authorizations:

22 (a) Interdisciplinary early childhood education, birth to primary, established in 16 KAR
23 2:040;

1 (b) Elementary school: primary through grade 5 to include preparation in the academic
2 disciplines taught in the elementary school.

3 1. The elementary certificate shall be valid for teaching grade 6 if grade 6 is taught in a self-
4 contained classroom or in a school organization in which grade 6 is housed with grade 5 in the
5 same building.

6 2. A candidate for the elementary certificate may simultaneously prepare for certification for
7 teaching exceptional children.

8 (c)1. Middle school option 1: grades 5 through 9 with the equivalent of one (1) major to be
9 selected from:

10 a. English and communications;

11 b. Mathematics;

12 c. Science; or

13 d. Social studies; or

14 2. Middle school option 2: grades 5 through 9 with two (2) middle school teaching fields to
15 be selected from:

16 a. English and communications;

17 b. Mathematics;

18 c. Science; or

19 d. Social studies;

20 (d) Secondary school: grades 8 through 12 with one (1) or more of the following majors:

21 1. English;

22 2. Mathematics;

23 3. Social studies;

- 1 4. Biology;
- 2 5. Chemistry;
- 3 6. Physics; or
- 4 7. Earth science;
- 5 (e) Grades 5 through 12 with one (1) or more of the following majors:
- 6 1. Agriculture;
- 7 2. Business and marketing education;
- 8 3. Family and consumer science;
- 9 4. Industrial education; or
- 10 5. Engineering and technology;
- 11 (f) All grade levels with one (1) or more of the following specialties:
- 12 1. Art;
- 13 2. A foreign language;
- 14 3. Health;
- 15 4. Physical education;
- 16 5. Integrated music;
- 17 6. Vocal music;
- 18 7. Instrumental music; or
- 19 8. School media librarian; or
- 20 (g) Grades primary through 12 for teaching exceptional children and for collaborating with
- 21 teachers to design and deliver programs for preprimary children, for one (1) or more of the
- 22 following disabilities:
- 23 1. Learning and behavior disorders;

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1 2. Moderate and severe disabilities;

2 3. Hearing impaired;

3 4. Hearing impaired with sign proficiency;

4 5. Visually impaired;

5 6. Communication disorders, valid at all grade levels for the instruction of exceptional
6 children and youth with communication disorders, which shall require a master's degree in
7 communication or speech language pathology, in accordance with 16 KAR 2:050, Section 2; or

8 7. Communication disorders - SLPA only, valid at all grade levels for the instruction of
9 exceptional children and youth with communication disorders, which shall require a
10 baccalaureate degree in communication or speech language pathology, in accordance with 16
11 KAR 2:050, Section 3.

12 (3)(a) The grades 5 through 9 mathematics certificate issued under subsection (2)(c)1.b. or
13 2.b. of this section shall be valid for teaching Algebra I grades 10 and 11.

14 (b) A candidate who chooses to simultaneously prepare for teaching in the middle school and
15 for an additional base or restricted base certificate issued under subsection (2) or (4) of this
16 section, including certification for teaching exceptional children, shall be required to complete
17 one (1) middle school teaching field established in subsection (2)(c) of this section.

18 (4) A restricted base certificate shall be issued specifying one (1) or more of the following
19 grade level and specialization authorizations:

20 (a) Psychology, grades 8-12;

21 (b) Sociology, grades 8 through 12;

22 (c) Journalism, grades 8 through 12;

23 (d) Speech/media communications, grades 8-12;

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1 (e) Theater, primary through grade 12;

2 (f) Dance, primary through grade 12;

3 (g) Computer information systems, primary through grade 12; or

4 (h) English as a second language, primary through grade 12.

5 (5) An endorsement to a certificate identified in subsection (2) or (3) of this section shall be
6 issued specifying one (1) or more of the following grade level and specialization authorizations:

7 (a) Computer science, grades 8-12;

8 (b) English as a second language, primary through grade 12;

9 (c) Gifted education, primary through grade 12;

10 (d) Driver education, grades 8-12;

11 (e) Literacy specialist, primary through grade 12;

12 (f) Reading, primary through grade 12;

13 (g) Instructional computer technology, primary through grade 12;

14 (h) Teacher Leader, all grades;

15 (i) Other instructional services - school safety, primary through grade 12;

16 (j) Other instructional services - environmental education, primary through grade 12;

17 (k) Other instructional services - elementary mathematics specialist, primary through grade 5;

18 (l) Learning and behavior disorders, grades 8 through 12. This endorsement shall be issued:

19 1. Following completion of the requirements of Section 5(2) of this administrative regulation;

20 and

21 2. Only to candidates with preparation and certification for a base or restricted base
22 certificate for the secondary grades 8-12; or

23 (m) American Sign Language, primary through grade 12.

1 Section 5. Additional Certification. (1) A certificate extension may be issued for any base or
2 restricted base certificate area offered in Section 4(2) or (4) of this administrative regulation and
3 shall require:

4 (a) A valid base or restricted base certificate, including a statement of eligibility;

5 (b) Successful completion of the applicable assessments; and

6 (c) Recommendation from an approved preparation program upon demonstration of
7 competency in the relevant teaching methodology verified via coursework, field experience,
8 portfolio, or other proficiency evaluation.

9 (2) A certificate endorsement may be issued for any area listed in Section 4(5) of this
10 administrative regulation and shall require:

11 (a) A valid base or restricted base certificate, including a statement of eligibility;

12 (b) Successful completion of the applicable assessments; and

13 (c) Recommendation from an approved preparation program upon demonstration of
14 competency in the relevant teaching methodology verified via coursework, field experience,
15 portfolio, or other proficiency evaluation.

16 (3)(a) A professionally-certified teacher may add a certificate endorsement or extension if the
17 teacher meets the requirements established in paragraph (c) of this subsection.

18 (b)1. Until December 31, 2014, an application for a certificate endorsement or extension shall
19 be made on a Form TC-HQ.

20 2. Beginning January 1, 2015, an application for a certificate endorsement or extension shall
21 be made on a Form CA-HQ.

22 (c) A certificate extension or certificate endorsement shall be issued if an educator:

23 1. Holds a valid Kentucky professional teaching certificate;

- 1 2. Submits proof that the educator has:
- 2 a. Current employment in a certified position;
- 3 b. A bona fide offer of employment in a certified position in a Kentucky public school; or
- 4 c. Approval of the local district superintendent;
- 5 3. Successfully completed the applicable content assessments; and
- 6 4. Has either:
- 7 a. A declared major in the area of certification being sought, or
- 8 b. A combination of education, experience, professional development, awards, and
- 9 achievements in the area of certification being sought sufficient to demonstrate subject matter
- 10 competency as evidenced by a score of ninety (90) points on the index contained within the
- 11 application forms TC-HQ or CA-HQ.
- 12 (i) Points shall be granted only for experience, professional development, awards, or
- 13 achievements earned relative to the specific content area, student population taught, and grade
- 14 range served.
- 15 (ii) Coursework shall be validated on the application by a Kentucky college or university
- 16 approved by the EPSB to serve as a "clearinghouse" for the purposes of this option.
- 17 (iii) Successful completion of the appropriate content assessment or assessments for the
- 18 certificate area being added shall count for forty-five (45) points.
- 19 (4) If a teacher currently holds a professional certificate in the secondary grades 8-12, and
- 20 applies for a certificate extension or endorsement in the same content area for middle school
- 21 grades 5-9, the teacher shall not be required to complete the content assessment.
- 22 (5) A certificate extension or endorsement issued under the requirements established in
- 23 subsection (3)(c) of this section shall be permitted in the areas of English, mathematics, sciences,

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1 foreign languages, or social studies. Health and physical education areas shall be added only if
2 the teacher holds the correlative certificate.

3 Section 6. A candidate pursuing certification via an alternative route to certification shall
4 receive the same certificates delineated in Section 4 of this administrative regulation following
5 completion of the appropriate requirements specific to each alternative route.

6 Section 7. (1) Until December 31, 2014, application for certification or additional
7 certification shall be made on Form TC-1 and shall be accompanied by the fees required by 16
8 KAR 4:040.

9 (2) Beginning January 1, 2015, application for certification or additional certification shall be
10 made on Form CA-1 and shall be accompanied by the fees required by 16 KAR 4:040.

11 Section 8. Incorporation by Reference. (1) The following material is incorporated by
12 reference:

13 (a) "Form CA-1", _____ [~~"Form CA-1", 03-14;~~]

14 (b) "Form CA-HQ", 03-14;

15 (c) "Form TC-1", 10/05; and

16 (d) "Form TC-HQ", 10/2009.

17 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
18 at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort,
19 Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

1

Approved:

James Adams, Executive Director Date

DRAFT

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item G

Information Item:

Notice of Intent to create policy *Evaluation of Executive Director* and procedure *Evaluation of Executive Director*

The proposed policy, *Evaluation of the Executive Director*, is an initial draft. The proposed procedure, *Evaluation of the Executive Director*, would replace the EPSB's internal procedure, *Evaluation of the Executive Director*.

Applicable Statutes and Regulation:

KRS 161.017, KRS 161.028

Applicable Goal:

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

Background:

In 1998, the Education Professional Standards Board (EPSB) began creating and compiling policies to fill in "in-house" procedural blanks of applicable statutes and administrative regulations and to ensure consistent board action. Amendments to the *EPSB Policy and Procedures Manual* have occurred periodically over the years. On September 25, 2006, the EPSB added the procedure, *Evaluation of the Executive Director*. That procedure was amended on August 27, 2007. Currently, the EPSB does not have a written policy.

The current procedure is out of date and in need of updating. Before amending this procedure, it is critical for EPSB to make clear the underlying policy and purpose for that new procedure.

Contact Person:

Ms. Lisa K. Lang, General Counsel
(502) 782-2147
E-mail: LisaK.Lang@ky.gov

Date:

June 13, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item H

Information Item:

Notice of Intent to Issue Agency Open Records Policy

Applicable Statutes and Regulation:

Kentucky's Open Records Act, KRS 61.870 to KRS 61.884

Applicable Goal:

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

Background:

In 1976, the General Assembly enacted the Open Records Act, KRS 61.870 to KRS 61.884, which establishes a right of access to public records. The General Assembly recognized that free and open examination of public records is in the public interest. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records are exempted by one or more of the fourteen exemptions found in the Act. The public may inspect any nonexempt public record regardless of identity, and the public may seek enforcement of the Act if denied right.

Pursuant to KRS 61.876, public agencies are required to adopt rules and regulations in conformity with the provisions of KRS 61.870 to 61.884 to provide full access to public records, to protect public records from damage and disorganization, to prevent excessive disruption of its essential functions, to provide assistance and information upon request and to insure efficient and timely action in response to application for inspection.

Contact Person:

Ms. Lisa K. Lang
General Counsel
(502) 564-4606
E-mail: LisaK.Lang@ky.gov

Date:

June 13, 2016

Open Records Policy

Open Records Requests and Records Retention

The Education Professional Standards Board (EPSB) is subject to the Kentucky Open Records Act (KRS 61.870-61.884) and certain requirements with regard to records retention.

Retained records

The Education Professional Standards Board (EPSB) will maintain and retain its records in accordance with applicable laws and regulations. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Archives and Records Commission.

Public records

Not all records of the EPSB will necessarily be “public records” under the Open Records Act, and even some public records are exempt from operation of the Act. "Public records" generally mean all books, papers, maps, photographs, cards, tapes, discs, diskettes, records, or other documentary materials prepared, owned, used, in the possession of, or retained by the EPSB.

Requests for records

Any person may request to inspect or receive copies of the EPSB’s non-exempt public records. All requests to view or copy the EPSB’s public records pursuant to the Kentucky Open Records Act must be made in writing and must contain the requester’s name and signature. Requesters may use the *Request to Inspect Public Records* form, but are not required to do so. All Open Records Requests must be submitted via U.S. Mail, facsimile transmission, or hand delivery. Emailed Open Records Requests will be honored only if a signed request is attached to the e-mail. Open Records Requests should be directed to the attention of the EPSB’s Records Custodian. If a requester is requesting to be provided with copies of non-exempt public records, they must provide a sufficiently precise description of the documents they are seeking so as to allow the Records Custodian to readily identify them.

Response

The EPSB has three business days in which to respond to an Open Records Request. This time begins to run the next business day after the request is received.

The response to an Open Record Request may: (1) grant the request, (2) deny the request, (3) explain that there will be a delay in responding to the request; or any combination thereof. To the extent a request is granted, the response will provide a timeframe when the requested non-exempt public documents may be inspected in person, or will inform the requester of the applicable copying charge and postage fee required to be paid before copies of the non-exempt public documents may be provided. To the extent a request is denied, the response will provide

the legal cause for the denial. To the extent the full response to a request is delayed, the initial response will give a detailed explanation of the cause for any delay and an estimate of when a complete response may be expected.

Copies

To the extent a request is granted, copies of the responsive non-exempt public written records requested may be provided at a cost of \$0.10 per page, along with any applicable postage costs, all of which must be pre-paid by the requester. Requests for specialized or non-standard copies (e.g. color or oversized copies) will be provided at the cost incurred by the EPSB to produce them. Copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record. The EPSB may also recover costs associated with staff time expended in responding to a request made for a commercial purpose. See KRS §61.870(4), §61.874 and §61.8745. Non-public or exempt information may be redacted as appropriate from copies of otherwise non-exempt public records provided. Costs of less than \$10.00 will be waived.

The EPSB requests payment by check or money order. The check or money order should be made payable to the Kentucky State Treasurer and mailed to the Open Records Custodian, Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Payment is expected at the time the records are picked up at the EPSB or prior to mailing. No hard copies of requested records will be mailed until all payments, including any shipping charges, have been received by the EPSB.

On site examination of records

To the extent a request is granted, individuals requesting to review records will be allowed to schedule a time to conduct on-site inspection of non-exempt public records during the regular hours of the EPSB. An on-site inspection may be required by the EPSB if the request is not precise in nature. Public records must be inspected in the location set by the EPSB. During their inspection, a requester may copy non-exempt public records (at his/her own cost), but may not remove, alter or add to documents provided for review. The EPSB is responsible for protecting the security of public records in its custody, and may require that a staff member be present during any inspection or copying of its public records.

Denial of request

Certain public records are exempt from inspection under the Open Records Act. Requests to inspect or receive copies of these exempt records will be denied, as will a request to inspect or receive copies of any other records which are either not public or which are exempt under the Act. Under certain circumstances, the EPSB may find that a request would create an unreasonable burden to comply with, and may deny such a request for that reason. Requests that the EPSB believes are intended to disrupt its essential functions will also be denied. Reasons

that a request may be deemed unduly burdensome for compliance, or which may be disruptive to the EPSB may include time and expense involved in retrieving and duplicating the records, or in the type and nature of the request. To the extent a request is denied, the EPSB will provide the legal basis for the denial to the requester.

Additional Information

Your Duty Under the Law, published by the Office of the Attorney General, and other information regarding Open Records Requests may be found online at:

<http://ag.ky.gov/civil/orom/>.

NOTICE

ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

EDUCATIONAL PROFESSIONAL STANDARDS BOARD
100 AIRPORT ROAD, 3RD FLOOR, FRANKFORT, KY 40601

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to Records Custodian, Educational Professional Standards Board whose address is 100 Airport Road, Frankfort, Kentucky 40601 during its regular business hours Monday through Friday, 8:00 a.m. through 4:30 p.m. Application forms for the inspection of the public records of this agency will be furnished upon request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing no later than three (3) business days beginning the day after request for inspection was received, of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the _____ day of _____, 20__.

Executive Director

OPEN RECORDS REQUEST TO INSPECT PUBLIC RECORDS

DATE: _____

To the Records Custodian:

I request to inspect and/or receive copies of the following document(s):

DRAFT

(There is a \$0.10 fee for each photocopy received. If the items are to be mailed, the amount of postage will also be charged. If the records are in a non-written format, the charge will be equal to the actual cost of reproduction.)

Printed Name -- Company Name (if applicable)

_____ Street

Address City, State, Zip Code

_____ Phone Number --

Fax Number

_____ E-mail

Address _____

Signature _____

THIS COMPLETED FORM SHOULD BE SUBMITTED TO THE RECORDS CUSTODIAN.

The request is granted.

Total amount charged to applicant to fulfill request: \$ _____

The request is denied based on the following exemption:

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item

Action Item

Recommendations from the Combating Inappropriate Student- Teacher Relationships Task Force

Applicable Statutes and Regulation

KRS 161.028(1)(l)
16 KAR 1:020

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 Education Professional Standards Board accept and start action on the development and implementation of the specific EPSB recommendations made by the Combating Inappropriate Student-Teacher Relationships Task Force?

Background

At the June 8, 2015, meeting of the Board, the EPSB created and chartered the Combating Inappropriate Student-Teacher Relationships Task Force. The task force's objective was to develop and recommend to the EPSB recommendations that could work toward preventing inappropriate student-teacher relationships.

At the April 11, 2016, meeting of the Board, the task force presented its recommendations. Within that report were two (2) recommendations specifically made to the EPSB:

Recommendation A: Review and consider revising the state code of ethics to include clear boundaries and definitions. Use the MCEE as a resource and consider adopting it if applicable.

Recommendation C: Work with the Educator Preparation Programs to develop training modules for pre-service teacher candidates to complete prior to program completion that are related to the revised code of ethics (Recommendation A).

Alternative Actions

1. Accept the recommendations made by the task force and proceed with development and implementation.
2. Accept one of the recommendations made by the task force and proceed with development and implementation.

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3. Modify the recommendations made by the task force and proceed with development and implementation.
4. Do not accept the recommendations made by the task force.

Staff Recommendation

Alternative Action 1

Contact Person:

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

Date

June 13, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver A

Action Item:

Emergency Waiver of 16 KAR 5:040. Admission, Placement, and Supervision in Student Teaching

Applicable Statutes and Regulations:

KRS 161.020 and 16 KAR 5:040

Applicable Goal:

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

Issue:

Should the Education Professional Standards Board waive regulation 16 KAR 5:040, Section 6 (4) (c) which requires candidates seeking dual certification in either middle school or secondary content areas to have equal placements in both content areas.

Background:

Eastern Kentucky University incorrectly placed a dual certification candidate (biology and chemistry) for 70 days in a biology class. A university supervisor realized the error in mid-April and found a chemistry class in which to place the candidate starting April 18, 2016. By April 15, the candidate had already completed 52 days in biology. EKV required the candidate to extend the student teaching experience in an attempt to remedy this situation. By staying in the placement until the last day of school, the candidate will have completed 24 days of experience in a chemistry class.

Alternative Actions:

1. Approve the proposed waiver of 16 KAR 5:040, Section 6 (4) (c).
2. Modify the proposed waiver of 16 KAR 5:040, Section 6 (4) (c).
3. Do not approve the proposed waiver of 16 KAR 5:040, Section 6 (4) (c).

Staff Recommendation:

Alternative Action 1.

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Rationale:

The student teacher, through no fault of his own, completed 52 days in biology and only 24 days in chemistry while completing the dual placement student teaching requirement. Upon realizing its error, the university made a good faith effort to remedy the situation by placing the student in both content areas. Based on the recommendation of the university and supporting letters, we believe this is in the best interest of the candidate and provides for dual placement in both content areas.

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Date:

June 13, 2016

Agenda Book

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

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Providing opportunities for the student teacher to:

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

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

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

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

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

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

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

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

(9) The educator preparation program shall maintain electronic records that confirm that all students admitted after September 1, 2013, meet the requirements of this section.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver B

Action Item:

Request to extend to all Kentucky Teaching Certificates the waiver previously granted at the August 10, 2015 Board meeting allowing the Education Professional Standards Board (EPSB) to process certifications for Kentucky teaching certificates pursuant to 16 KAR 2:010 without a national and state criminal background check

If approved, this requested waiver would extend the current waiver to other regulations that contain language requiring a national and state background check (16 KAR 2:020, 16 KAR 2:100, 16 KAR 2:120, 16 KAR 4:060, 16 KAR 9:030, 16 KAR 9:040, and 16 KAR 9:080).

Applicable Statutes and Regulation

KRS 156.483, 158.6451, 160.380, 161.020, 161.028(1), 161.030, 16 KAR 2:010, 16 KAR 2:020, 16 KAR 2:100, 16 KAR 2:120, 16 KAR 4:060, 16 KAR 9:040, 16 KAR 9:030, and 16 KAR 9:080

Applicable Goal

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

Issue

Should the Education Professional Standards Board (EPSB) extend to all Kentucky teaching certificates the current waiver that waives the requirement for a completed national and state criminal background check retroactively to July 24, 2015 until such time that the regulation requirements can be revisited to change the regulation or expedite the process?

Background

This regulation provides the requirements for the issuance of a Kentucky teaching certification. Prior to 2014, this regulation did not require applicants to provide a national and state criminal background check before the EPSB could issue a Kentucky teacher certification pursuant to 16 KAR 2:010. Due to an increasing concern that it would be possible for a convicted felon to obtain a teaching certification, the EPSB amended 16 KAR 2:010, Section 2, Item 4, in 2014 to include a requirement that “a national and state criminal background check be performed in accordance with KRS 160.380(5) within twelve (12) months prior to the date of application.”

After 16 KAR 2:010 was amended, the EPSB’s ability to process applications for initial Kentucky teacher certifications pursuant to this regulation was hampered significantly because of the extended period of time it was taking to process criminal background record checks.

The board was first made aware of this concern via email from Jimmy Adams on June 19, 2015. At that time, it was reported that the checks were taking up to eight (8) weeks. On July 24, 2015, the estimated response time from the FBI had increased to approximately eleven (11) to thirteen (13) weeks. Board members were made aware of this situation a second time, via individual

phone calls on July 24, 2015. On Monday, July 27, 2015, a report generated from the EPSB database revealed that there were over seven hundred (700) applications for certification waiting on criminal records checks that could not be processed.

As a result of this issue, the EPSB at its August 10, 2015 Board meeting, waived the requirement in 16 KAR 2:010 for a completed national and state criminal background check retroactively to July 24, 2015 until such time that the regulation requirements could be revisited to change the regulation or expedite the process. The EPSB's decision to do so was based in part on the fact that school districts were required to complete a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district pursuant to KRS 160.380(5)(a), (b) and (d):

(a) A superintendent shall require a national and state criminal background check on all new certified hires in the school district and student teachers assigned within the district. Excluded are certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check for the previous employment.

(b) The superintendent shall require that each new certified hire and student teacher, as set forth in paragraph (a) of this subsection, submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation.

(d) The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544.

As of the date of this staff note, the estimated response time from the FBI has not decreased. In fact, it continues to increase.

Alternative Actions

1. Approve extending the existing waiver for 16 KAR 2:010 to 16 KAR 2:020, Section 2(1),(b)(2); 16 KAR 2:100, Section 2(1)(e), Section 2(1)(e) and Section 3(1)(c) ; 16 KAR 2:120, Section 2(2)(e); 16 KAR 4:060 (form only); 16 KAR 9:030, Section 4, 16 KAR 9:040, Section 4; and 16 KAR 9:080, Section 5(5).
2. Propose a different waiver for 16 KAR 2:020, Section 2(1),(b)(2); 16 KAR 2:100, Section 2(1)(e), Section 2(1)(e) and Section 3(1)(c); 16 KAR 2:120, Section 2(2)(e); 16 KAR 4:060 (form only); 16 KAR 9:030, Section 4, 16 KAR 9:040, Section 4; and 16 KAR 9:080, Section 5(5).
3. Do not approve any waivers for 16 KAR 2:020, Section 2(1),(b)(2); 16 KAR 2:100, Section 2(1)(e), Section 2(1)(e) and Section 3(1)(c); 16 KAR 2:120, Section 2(2)(e); 16 KAR 4:060 (form only); 16 KAR 9:030, Section 4, 16 KAR 9:040, Section 4; and 16 KAR 9:080, Section 5(5).

Staff Recommendation

Alternative 1

Rationale

For 16 KAR 2:100; 16 KAR 2:120; 16 KAR 4:060; 16 KAR 9:040; 16 KAR 9:080:

Candidates, principals and superintendents have reported that they are unable to either be hired or hire a candidate because the issuance of the certification has been delayed by the time required to process a criminal background records check. As stated above, districts are required to complete the criminal background records checks for new certified employees and student teachers pursuant to KRS 160.380. Because districts are required to complete criminal background checks pursuant to KRS 160.380, there is already a mechanism in place to screen certified employees and student teachers.

For 16 KAR 2:020:

For local area technology centers, the rationale would be the same as set forth above. For regional area technology centers operated by the Kentucky Department of Education, the rationale would be similar, but based on a different statute. There is an existing statute that does require that KDE screen potential employees pursuant to KRS 156.483. KRS 156.483(2) provides that KDE’s applications for employment must “conspicuously state the following: ‘FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT.’ “

For 16 KAR 9:030:

The EPSB should consider waiving this requirement simply because this regulation governs applicants for college faculty and not applicants for certified positions in school districts. The language regarding the national and state background checks performed in accordance with KRS 160.380(5)(c) does not apply to colleges and universities.

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