

## 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, 3<sup>rd</sup> Floor, Frankfort, KY 40601**

**April 10, 2017**

**Monday, April 10, 2017**

### EPSB Waiver Committee

**9:00 AM EDT      EPSB Conference Room B**

### Regular Scheduled EPSB Meeting

**10:00 AM EDT      EPSB Conference Room A**

**Call to Order**

**Roll Call**

**Approval of April 10, 2017, EPSB Meeting Agenda**

**Open Speak**

#### Approval of Consent Items

- A. Approval of February 13, 2017, EPSB Meeting Minutes  
(**Pages 1-34**)
- B. Grades 8-12: Biological Science, Chemistry, English, Mathematics, and Social Studies (Initial Graduate Level - MAT traditional and Option 6), Campbellsville University (Dr. Ben Boggs) (**Pages 35-38**)
- C. English as a Second Language P-12 Endorsement, University of the Cumberlands (Dr. Boggs) (**Pages 39-40**)
- D. Learning and Behavior Disorders P-12, University of the Cumberlands (Certification and Rank I) (Dr. Boggs) (**Pages 41-42**)

#### 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 (written only)
- D. Update from the Ad Hoc Committee to Review Expanding Certificate Options for Rank II (Mr. John Fields)

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- E. Legislative Update (Ms. Lauren Graves)
- F. Kentucky Educator Preparation Accountability System Update (Dr. Boggs)
- G. Local Educator Assignment Data (LEAD) Report (Ms. Brockman)
- H. Teach for America Presentation (Mr. Josh Sparks)
- I. Other Updates

### **Report of the Chair**

- A. Appointment to the Evaluation of the Executive Director Committee
- B. Appointment to the Ad Hoc Committee to Review Expanding Certificate Options for Rank II

### **Information/Discussion Items**

- A. New Regulation: Teacher Leader Standards, Notice of Intent (Dr. Boggs) **(Pages 43-48)**
- B. CTE Cut Scores (Dr. Boggs) **(Pages 49-54)**

### **Action Items**

- A. 2017-2018 KTIP Funding (Dr. Boggs) **(Pages 55-58)**
- B. Board Committee Composition Procedure (Ms. Lisa Lang) **(Pages 59-68)**
- C. Waiver Request Procedure Amendment (Ms. Lang) **(Pages 69-74)**
- D. Procedures Relating to Board Action Against an Educator's Certificate (Ms. Cassie Trueblood) **(Pages 75-102)**
- E. 16 KAR 2:020. Occupation-Based Career and Technical Education Certification, Amendment, Final Action (Ms. Brockman) **(Pages 103-122)**
- F. 16 KAR 5:020. Standards for Admission to Educator Preparation, Amendment, Final Action (Dr. Boggs) **(Pages 123-136)**
- G. 16 KAR 8:040. Ranking of Occupation-Based Career and Technical Education Teachers, Amendment, Final Action (Ms. Brockman) **(Pages 137-150)**

### **Waivers**

- A. 16 KAR 2:010. Request for Extension of Teaching Certification, Andy Price (Ms. Brockman) **(Pages 151-154)**

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- B. 16 KAR. 3.010. Request to Waive Requirements Pertaining to Administrative Experience Requirements, John Elliott, Certification for School Superintendent (Ms. Brockman) **(Pages 155-158)**
- C. 16 KAR 2.010. Request to Waive Certification Requirements, Marlin Alexander Gregg (Ms. Brockman) **(Pages 159-162)**
- D. 16 KAR 5:040. Request to Waive Student Teaching Requirements, Dr. Sam Evans on behalf of Sydney Meaux (Dr. Boggs) **(Pages 163-166)**
- E. 16 KAR 5:040. Request to Waive Student Teaching Requirements, Dr. Sam Evans on behalf of Hannah Shirley (Dr. Boggs) **(Pages 167-168)**

### **Alternative Route to Certification Applications**

- A. Edith Ballestero, Spanish, Grades Primary -12 (Ms. Brockman) **(Pages 169-171)**

### **Board Comments**

#### **Closed Session Review**

*Following a motion in open session pursuant to KRS 61.810 (1) (c) and (1)(j), it is anticipated that the Board will move into closed session to conduct a character and fitness review and to review potential actions relating to complaints and reports. The board will also review pending litigation.*

#### **Case Decisions**

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

#### **Adjournment**

**Next Regular Meeting:** June 19, 2017

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*The actions delineated below were taken in open session of the EPSB at the February 13, 2017, 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, 3<sup>rd</sup> Floor, Frankfort, KY 40601*

**Education Professional Standards Board (EPSB)  
Summary Minutes of the Meeting  
EPSB Offices, 100 Airport Road, 3<sup>rd</sup> Floor  
Frankfort, Kentucky**

### Consent Item A

#### Call to Order

Chair David Whaley called the meeting to order at 10:03 a.m. EST.

Dr. Whaley began the meeting by reading the EPSB mission statement to the Board and audience.

#### Roll Call

The following Board members were present during the February 13, 2017, EPSB meeting: Tracy Adams, Rob Akers, Sarah Burnett, Tolya Ellis, Ashley Fishback, Casey Gesenhues, Donna Hedgepath, David Graham, R. Daniel Morgan, Jay Morgan, William Owens, Sherry Powers, Stephen Pruitt, Sandra Ramsey, Thomas Salyer, and David Whaley. Rachel Colyer was absent.

#### Approval of February 13, 2017, EPSB Meeting Agenda

*Motion made by Mr. William Owens, seconded by Mr. Rob Akers, to approve the February 13, 2017, EPSB meeting agenda.*

**Vote:** *Unanimous*

#### Open Speak

There were no requests for Open Speak.

#### Approval of Consent Items

##### 2017-001

*Motion made by Mr. David Graham, seconded by Ms. Sarah Burnett, to approve the following items on the consent agenda:*

Approval of December 12, 2016, EPSB Meeting Minutes

**Vote:** *Unanimous*

#### Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

Commissioner Stephen Pruitt reported that the KDE received a \$100,000 grant through the New Skills for Youth initiative. These funds were made available through generous support of JP Morgan Chase & Co. with a five-year, \$75 million program to connect students to in-demand

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careers. Commissioner Pruitt stated the grant provides an opportunity to change how career and technical education is viewed in the state.

### Report from the Council on Postsecondary Education (CPE)

Dr. Jay Morgan reported that the CPE remains interested in using the Teacher Leader Master's as a way to certify teachers to teach dual credit courses in K-12 districts. He said the CPE spoke with several education deans and hopes the communication efforts with education deans and the EPSB continues.

### Strategic Plan Update

A written report was provided to the Board.

### Title II Report

A written report was provided to the Board.

### Teach for America Annual Report

A written report was provided to the Board.

### KTIP Reliability and Validity Study

Mr. Terry Hibpshman gave a presentation on the Kentucky Teacher Internship Program Reliability and Validity Study. Findings from the study included:

1. Intern Performance Record (IPR) data are sufficiently reliable to be used for the purposes of recommending professional certification for interns. Scoring was applied appropriately.
2. The scoring rules are appropriate. Some improvement in rater training might be indicated to assure that the rules are always appropriately applied. Ratings tend to cluster around a particular value.
3. Because of only limited support for the four domain model, the EPSB does not recommend use of domain scores for decision-making about interns or educator preparation programs (EPP's). The EPSB found weak support for the four domains, but it disappears on a more sophisticated analysis. The EPSB can only recommend this as a measure of a single teacher-quality variable.
4. Although the new IPR is an improvement over the old procedure, scoring is still too lenient. Interns would not be harmed by spreading out the scores. This could be done in rater training by reminding raters that precision in scoring is, in the long term, better for the intern. Lenient scoring reduces the sensitivity of the results.
5. The IPR is a reasonably good measure of intern performance. Because it is, it is appropriate for use both as a measure of eligibility for professional certification and of EPP program performance. Additional studies need to be done.

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### Legislative Update

Ms. Lauren Graves has been named the EPSB's executive staff advisor and legislative liaison. Ms. Graves reviewed the Board's legislative agenda. This agenda included the following four items:

- Support the EPSB's recommendations to modernize language in KRS 161.048- Alternative certification program, purpose, options, testing eligibility requirements
- Support the EPSB's recommendations to modify KRS 161.155
- Support legislation which furthers the EPSB Mission, Goals and Strategic Plan
- Oppose any attempt to dilute or modify the current authority of the EPSB

Ms. Graves mentioned that HB 152 and SB80 were bills of concern. The intent is removal of the rank II requirement. SB80 language could remove the Board's ability to regulate the renewal of certificates. HB152 could create an administrative burden. Staff have been working on the language of the bills with their sponsors.

### NASDTEC Multistate Educator Lookup System

Deputy Executive Director John Fields reported on the NASDTEC Multistate Educator Lookup System (MELS). He said the primary goal of MELS is to track credentials of candidates as they move out of state. This will help streamline the certification process and help the educator preparation programs (EPPs), because CAEP standards required the EPPs to track candidates across state lines. Mr. Fields said MELS would be minimal cost for programming. Georgia, a state currently using MELS, would send the programming information to the EPSB. Data would be encrypted to track individuals across state lines. About eight (8) states currently utilize the MELS. The EPSB is pursuing the MELS as a pilot. As more states become involved with the MELS, the more helpful the system will be to the states. The goal of NASDTEC is to allow EPPs to perform the search themselves. After the pilot, Board approval would be needed for the MELS system to operate in Kentucky. EPPs would then register with NASDTEC to participate.

### Troops to Teachers

Deputy Executive Director Fields reported that funding for the Troops to Teachers (TTT) program is no longer available. On January 25, 2017, the EPSB was notified that application for a grant was available; however, the EPSB was not qualified to pursue the grant because Kentucky does not have enough veterans to satisfy the grant requirement. On February 2, 2017, EPSB staff were informed by the TTT office that more funds may be available later this year. Staff will continue to monitor grant opportunities for the program. Troops are still able to be certified through this option; however, a dedicated staff member for this program has not been pursued due to the lack of grant funding.

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### Statements of consideration

Executive Director Adams informed the Board that a staff note on statements of consideration for four (4) EPSB regulations was removed from the initial EPSB meeting agenda because no comments were received for 16 KAR 1:010. Comments for the other three (3) regulations (16 KAR 4:040, 16 KAR 4:080, and 16 KAR 4:090) were more technical in nature and led to no changes so Board action was not needed. These regulations will continue to move through the legislative process.

### New EPSB Staff Members

Executive Director Adams recognized Luke Gilbert as EPSB's new Staff Attorney I, Leah Sharpe as EPSB's new Program Coordinator, and Brandon Harrod as EPSB's new Administrative Specialist III. He also notified the Board that Shuo Han accepted a new position at the Office for Education Accountability.

### Agency Restructuring

Executive Director Adams announced a proposed restructuring of the agency. The EPSB is working with the Education and Workforce Development Cabinet on this restructure. John Fields now serves as the EPSB Deputy Executive Director. Appointments are currently in the process for Cassie Trueblood to serve as the Division Director for Legal Services and Donna Brockman to serve as the Division of Certification Director. The restructuring would include renaming the Division of Legal Services to the Division of Educator Ethics and merging the Division of Professional Learning and Assessment and the Division of Educator Preparation into the Division of Educator Preparation, Assessment, and Internship. This new division would be headed by Ben Boggs. The merging of the divisions would eliminate a division director position. This restructuring must go through an executive order process.

### National Board Recognition Ceremony

Executive Director Adams invited the Board to the National Board Recognition Ceremony to be held on February 23, 2017, at 1:00 PM at the Thomas D. Clark Center for Kentucky History in Frankfort. He thanked Suzanne Farmer for organizing the event.

### Teacher Distribution Problem

Executive Director Adams reported to the Board on Kentucky's teacher distribution problem. Currently, a sufficient number of teachers are produced annually to fill all open teaching positions in Kentucky; however, candidates are not willing to teach where all open positions are located. This situation presents a shortage of teachers in some areas and could turn into an overall shortage of teachers. Mr. Adams asked the Board to think about long and short term fixes to this problem.

Mr. Adams explained that Option 6 has been utilized in a way that was not intended by statute. The intent of alternative routes was for an individual outside the teaching profession without a certificate to become qualified to teach. Instead, this route is being used to gain an additional



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certificate. Mr. Adams asked General Counsel Lisa Lang to update the proficiency regulation so that an educator preparation institution (EPP) with an approved program in the area sought by a candidate could do an evaluation of an individual who holds a valid certificate for another teaching area and has an offer of employment. The EPP could then determine deficiencies and create an individualized program to meet those needs. The EPSB would grant a provisional certificate and let the individual teach in that content area while completing the program. This would be a short-term solution.

In determining a long-term solution, Mr. Adams said that a supply and demand study was being conducted in conjunction with the Kentucky Center for Education and Workforce Statistics. Districts should use this study to develop and grow their own programs. KDE is developing a career pathway for teaching where candidates must complete the Praxis CASE as completion of the career pathway. Students in high school could be taking dual credit courses to meet most of the EPP admissions requirements. Once admitted into an EPP, the EPSB could present the candidate with a preservice certificate. Depending on the response the EPSB receives from the Office of the Attorney General on a recently submitted request for an opinion, the EPSB could start apprenticeship models, working with the EPPs and the school districts. With this in mind, Mr. Adams stated that it is conceivable that a student with enough dual credit courses in high school could complete an EPP program and a master's degree in four years. At the next Board meeting, the Board will be presented with an information item to amend the proficiency regulation and have the opportunity to review the first supply and demand study for P-12 education.

The age of students during student teaching, if this was an option, was a concern to some Board members. Mr. Adams said that training on the Model Code of Educator Ethics and the preservice certificate would be crucial.

Commissioner Pruitt said that career pathways are here to stay and KDE is working on an educator pathway.

### **Report of the Chair**

#### Appointments to the Ad Hoc Committee to Review Expanding Certificate Options for Rank II

Chair David Whaley made the following appointments to the Ad Hoc Committee to review expanding certificate options for Rank II: Chris Miller, Cindy Reed, Crystal Culp, Eddie Campbell, Elmer Thomas, and Kim Young.

#### Appointment to the Waiver Committee

Chair Whaley appointed Sherry Powers to the Waiver Committee and William Owens as an alternate to the committee.

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### Information/Discussion Items

#### Board Committee Composition Procedure

General Counsel Lisa Lang explained the purpose of the Board Committee Composition Procedure. This procedure describes the composition, powers, and duties of the Board, as defined by Kentucky Revised Statutes, and establishes procedures for the performance of its functions. In these procedures, the Board delegates certain responsibilities to the Executive Director to provide for the responsible and efficient administration of the Board and the accomplishment of the Board goals. This item will be brought back to the Board in April for final action.

#### Waiver Request Procedure Amendment

Ms. Lang explained that the Waiver Request Procedure identifies the process by which an applicant for certification, a postsecondary institution, or a superintendent of a local school district, submits a request for a waiver of an administrative regulation promulgated by the Board. The proposed amendment reformats the existing procedure, clarifies existing practice, and creates a conditional waiver that EPSB staff will only use in exceptional circumstances after consultation with the Board Chair and the Waiver Committee Chair. This item will be brought back to the Board in April for final action.

#### 16 KAR 5:020. Standards for Admission to Educator Preparation, Amendment, Notice of Intent

Dr. Ben Boggs reported that 16 KAR 5:020 identifies the minimum standards for admission to approved educator preparation programs. The proposed amendment adds the minimum standards for admission for occupation-based career and technical education; adds the minimum standards for admission to advanced programs; makes clear that all educator preparation program providers must notify the EPSB when a candidate is admitted into an approved program; provides a timeline for that notification; provides a consequence if notification is not made; shortens the timeframe in which educator preparation providers have to exit candidates who have not enrolled in at least one course required for program completion; adds an assessment recency requirement; and removes outdated language that is no longer necessary.

Dr. David-Whaley expressed concern that if a candidate stopped course enrollment for a semester, the EPP would be required to exit the individual from the program since the new regulation would require exiting a candidate after six (6) months of not being enrolled in the program. If the candidate was exited and then readmitted and the regulations changed during this time, it could present a problem for the candidate. Dr. Boggs said that Dr. Whaley raised an excellent issue. He agreed that the six-month timeline may be too short so staff will revisit the issue and possibly change the timeframe to 12 months. This item will be brought back to the Board in April for final action.

#### Awarded Contracts

Mr. Fields notified the Board that Capital Link Consultants was awarded a contract with the EPSB to serve as the EPSB's legislative liaison for the current legislative session.

#### Mid-Year Budget Report

Mr. Fields reported that total operations for the agency were currently at 52.1%. The budget is on track with what was forecasted.

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### 16 KAR 2:020.Occupation-Based Career and Technical Education (CTE) Certification, Amendment, Notice of Intent

Commissioner Stephen Pruitt and Deputy Commissioner Laura Arnold reported on proposed amendments to 16 KAR 2:020. The proposed amendment seeks to accomplish the following objectives: 1) to ensure that all applicants complete an approved program of preparation that prepares the applicants to be successful teachers for any information technology, industrial education, public service, health science, or human services occupation area that may be offered under 704 KAR 3:303. 2) Ensure that all certified occupation-based career and technical education teachers have the credentials necessary for their students to receive both high school credit and college credit for the classes taught by these occupation-based teachers.

Currently, an individual has ten (10) years to receive a Career and Technical Education (CTE) certificate. This proposed amendment would change this requirement to six (6) years. KDE also requested that a CTE certificate become an associate degree in a specific content field or an associate degree in CTE.

Dr. Arnold reported a high turnover rate of CTE teachers, which showed a need for a teacher induction model that is longer than the current eight (8) days. This proposed regulation emphasizes a 24-month professional new teacher learning institute that includes face-to-face training, online opportunities, and field base support that connects teachers to mentors through cohort models. Another changed proposed was for KTIP to be moved from the first year of teaching to the second year so teachers could complete their first year of the new teacher institute and then move KTIP into the second year of their teaching career.

Dr. Whaley questioned the impact these changes would have on 4-year institutions. Dr. Arnold stated that some institutions offer an associate degree in CTE programs. She said that for 4-year institutions having 64 hour credit programs that do not lead to an associate degree, this regulation would remove the 64-hour credit program. At this time, she could not answer if these institutions could adapt to an associate degree program.

### 16 KAR 8:040. Ranking of Occupation-Based Career and Technical Education Teachers, Amendment, Notice of Intent

This proposed amendment seeks to eliminate the three year teaching experience requirement for all occupation-based career and technical education teachers seeking classification for Ranks I and II. This proposed amendment also makes Occupation-Based Career and Technical Education Teachers eligible for a rank change based on college degrees earned. Dr. Arnold clarified that work experience is needed before a candidate can apply for a CTE certificate. This proposed regulation amendment will be brought back to the Board in April for final action.

#### **Action Item**

### 16 KAR 6:020. Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers, Amendment, Final Action

Dr. Whaley asked if there was a possibility that an applicant would not be assessed on communication skills. Dr. Arnold answered that situation could occur, if EPPs did not think the required assessments oversee communication skills.

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### 2017-002

*Motion made by Ms. Burnett, seconded by Ms. Ashley Fishback, to approve the proposed amendments to 16 KAR 6:020.*

**Vote:** *Unanimous*

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

Nicholas Broady, Computer Information Systems, Grades Primary-12

### 2017-003

*Motion made by Mr. Akers, seconded by Mr. Owens, to approve the alternative route to certification application for Nicholas Broady.*

**Vote:** *Unanimous*

### **Board Comments**

There were no Board comments.

## **DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW**

**February 13, 2017**

*Motion made by Ms. Donna Hedgepath, seconded by Ms. Tolya Ellis, to go into closed session to conduct a character and fitness review and to review potential actions relating to complaints and reports in accordance with KRS 61.810(1) (c) & (j).*

**Vote:** *Unanimous*

*Motion made by Mr. Rob Akers seconded by Mr. David Graham, to return to open session.*

**Vote:** *Unanimous*

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

Tracy Adams, Rob Akers, Sarah Burnett, Tolya Ellis, Ashley Fishback, Casey Gesenhues, David Graham, Donna Hedgepath, Daniel Morgan, William Owens, Sherry Powers, Sandra Ramsey, Thomas Salyer, and David Whaley.

Attorneys present were Luke Gilbert, Shuo Han, Lisa Lang, Eric Ray, Hannah Satram-Hale, Cassie Trueblood and Chelsea Young.

### **Initial Case Review**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
1611941	Dismiss

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1610815	Admonish
1611931	Admonish
1611959	Admonish
1611949	Admonish
1611953	Hear
1610825	Hear
1611939	Hear
1611925	Defer for training
1610809	Hear
1611935	Hear
1609715	Hear
1611933	Admonish
1611945	Admonish
1610819	Dismiss
1610813	Admonish
1610821	Admonish
16121067	Defer for training
1610823	Hear
1610811	Dismiss
16121099	Defer for training
1610831	Defer for training
1610791	Defer for training
1610795	Defer for training
1610801	Defer for training
1610797	Defer for training
1610805	Defer for training
1610767	Defer for training
1611897	Defer for training
1610781	Defer for training
1610769	Defer for training
1610793	Defer for training
1609697	Defer for training
1610803	Defer for training
1611901	Defer for training
1611899	Defer for training
1611915	Defer for training
1611921	Defer for training
1610785	Defer for training
1610783	Defer for training
1611895	Defer for training
1610759	Dismiss
1610761	Dismiss
1610757	Defer for training
1610773	Defer for training
1610775	Defer for training
1610789	Defer for training

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1611903	Defer for training
1611905	Defer for training
1611909	Defer for training
1611911	Defer for training
1611913	Defer for training
1610777	Defer for training
1610763	Defer for training
1610787	Defer for training
1609667	Defer for training
1609665	Defer for training
1611907	Defer for training
1610807	Defer for training
1611893	Dismiss
1610771	Defer for training
1610755	Defer for training
1611891	Defer for training
16121009	Dismiss
1611955	Defer for training
1611957	Defer for training
1610843	Defer for training
16121117	Dismiss
1611961	Defer for training
1607465	Hear
1610841	Dismiss
16121085	Dismiss
16121083	Dismiss
16121127	Dismiss
16121087	Dismiss
1611929	Dismiss
1112970	Dismiss
1609633	Dismiss
1609631	Dismiss
1608505	Dismiss
1607441	Dismiss
1605339	Dismiss
1609711	Dismiss
1610779	Dismiss
1609687	Dismiss
1608565	Dismiss
1609693	Dismiss
1608557	Dismiss
1608555	Dismiss
1608559	Dismiss
1608573	Dismiss
1609683	Dismiss
1609675	Dismiss

*(Ms. Ramsey recused)*

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1609673	Dismiss
1608537	Dismiss
1609671	Dismiss
1609677	Dismiss
1608533	Dismiss
1607469	Dismiss

### Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
161362	Defer
161364	Approve
161376	Approve
161365	Deny
1711	Approve
1723	Approve
1732	Approve
1724	Approve
1765	Approve
1716	Approve
1770	Approve
161368	Approve
1760	Approve
1775	Approve
1740	Approve
1781	Approve
161358	Approve
161375	Approve
161377	Approve
171	Approve
172	Approve
175	Approve
161307	Approve
151138	Defer
174	Deny
1713	Approve
1717	Deny
1728	Approve
1742	Approve
1759	Approve
1745	Approve
1747	Approve
1776	Approve
1749	Deny
1741	Approve
1777	Approve

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1788

Approve

### Agreed Orders

#### Case Number

#### Decision

160295 Chris Nethery

Accept Agreed Order suspending Certificate number 200228733, including any and all endorsements, for a period of thirty (30) days beginning July 1, 2017 through August 1, 2017.

Upon the Board's acceptance of this Agreed Order, Certificate Number 200228733 and any future endorsements or new areas of certification, shall be on probation for a period of four (4) years and subject to the following probationary conditions:

1. Nethery shall provide written proof to the Board that he has been assessed by a state certified mental health counselor, as approved by the Board, and is competent to fulfill his duties as an educator by August 1, 2017. Nethery shall provide proof that he has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide treatment records to the Board until he has been released from treatment by the counselor. Any expense incurred for the assessment or follow-up treatment shall be paid by Nethery. If Nethery fails to satisfy this condition, certificate number 200228733 shall be automatically suspended until Nethery provides the appropriate written proof to the Board.
2. Nethery shall submit written proof to the Board that he has completed three (3) hours of Redbook training by August 1, 2017. Any expense for said training shall be paid by Nethery. Should Nethery fail to satisfy the above stated condition, certificate number 200228733 shall be automatically suspended until the condition is satisfied;



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3. Nethery 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 August 1, 2017. Any expense for said training shall be paid by Nethery. Should Nethery fail to satisfy the above stated condition, certificate number 200228733 shall be automatically suspended until the condition is satisfied;
4. During the probationary period, Nethery shall not receive any disciplinary action from any school district in the Commonwealth of Kentucky. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Nethery fails to satisfy this condition, Certificate Number 200228733 shall automatically be suspended pending review by the Board and disposition.

Nethery 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*

1610799 Johnny Partin Accept Agreed Order stating Partin has retired and has no immediate plans to return to the education profession. Partin shall not seek or accept any position of employment in Kentucky that requires teaching certification. Additionally, upon the expiration of Certificate Number 200302307 on June 30, 2018, Partin shall neither apply for, nor be issued, a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future.

Should Partin violate this agreement, Certificate Number 200302307 shall be automatically suspended for its remainder and/or any application for certification shall be denied.

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**Vote:** *Unanimous*

1606379    Howard Faber    Accept Agreed Order stating that Faber voluntarily, knowingly, and intelligently surrenders Certificate Number 201170311, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Faber 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*

1211655    Calvin Liebig    Accept Agreed Order stating Liebig voluntarily, knowingly, and intelligently surrenders her teaching certificate, number 200405947, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Liebig 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*

1604245    Richard Bennis    Accept Agreed Order stating that Bennis shall be issued a teaching certificate in Kentucky only after completing a traditional educator preparation program or meeting the requirements for issuance of an alternative certificate under KRS 161.048. Bennis shall not be eligible for an emergency teaching certificate or emergency substitute certificate until he has been issued either a statement of eligibility or a temporary provisional certificate.

**Vote:** *Unanimous*

1407399    Kenneth Bullock    Accept Agreed Order stating that Bullock 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 Bullock, or on his behalf, shall be denied.

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**Vote:** *Unanimous*

1606399 Jonathan Hargrove Accept Agreed Order stating that Hargrove voluntarily, knowingly, and intelligently surrenders his teaching certificate, number 201121470, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Hargrove 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*

1605299 Lamar Johnson Accept Agreed Order admonishing Johnson for exhibiting a lack of professional judgment in his interactions with students, and for failing to disclose a misdemeanor conviction on his Application for Emergency Substitute Certification. The Board reminds Johnson that as a certified educator, it is his responsibility to set and maintain appropriate boundaries with students. Furthermore, Johnson must not make any false or misleading statements, or conceal any material facts when obtaining a certificate. The Board will not tolerate any further incidents of misconduct from Johnson.

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

1. Johnson shall provide written proof to the Board that he has successfully completed three (3) hours of educator ethics training with an emphasis on appropriate teacher/student boundaries, as approved by the Board. Johnson shall pay any expense incurred.
2. Johnson shall provide to the Board written proof that he has complied with a comprehensive

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alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and that he is compliant with all treatment recommendations. Johnson shall pay any expense incurred.

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

1. If Johnson's chemical dependency counselor makes any treatment recommendations, Johnson shall comply with the treatment recommendations. Johnson shall submit quarterly written progress reports from his counselor to the Board until such time as the counselor releases him from treatment. Johnson shall pay any expense incurred. Failure to comply with this condition will result in the administrative suspension of his certificate until such condition is satisfied.
2. Johnson 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 additional certification(s). Johnson 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 Johnson or on his behalf.
3. Johnson 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 Johnson 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 the administrative suspension of his certificate pending Board review and disposition.

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4. Johnson shall not receive any disciplinary action for inappropriate teacher/student boundaries from any school district in which he is employed. Failure to comply with this condition will result in the administrative suspension of his certificate pending Board review and disposition.

“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.

Johnson 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*

160283 Jill West Accept Agreed Order admonishing West for breach of contract. The Board reminds West of her ethical duties to students, to parents, and to the education profession. By resigning without giving proper notice, West disrupted the educational process, and negatively impacted her former students. In the future, West is expected to think about the impact her resignation will have on her students, and to comply with the procedures set forth in KRS 161.780. The Board will not tolerate any more incidents of misconduct by West.

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West 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*

1505206 Elizabeth Alexander Accept Agreed Order stating that Alexander voluntarily, knowingly, and intelligently surrenders Certificate Number 201126619, and agrees not to 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, Alexander 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*

1505255 Timothy Baldwin Accept Agreed Order revoking Certificate Number 000069754 from January 9, 2015 through January 9, 2023, a period of eight (8) years. Baldwin 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.

In addition to any educational and assessment requirements necessary for certification at the time, Baldwin shall comply with the following conditions prior to reissuance of Certificate Number 000069754:

1. Baldwin shall provide written proof to the Board that he has successfully completed the terms and conditions as set forth in Commonwealth vs. Baldwin, Timothy Michael, Case No. 15-CR-00030, Johnson Circuit Court. Baldwin shall pay any expense incurred. If Baldwin is unable to provide proof that he successfully completed all terms and conditions, Certificate Number 000069754 shall not be reissued, and Baldwin shall neither apply for nor be issued a teaching, administrative or emergency certificate in the

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Commonwealth of Kentucky at any time in the future.

2. Baldwin shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board. Baldwin shall submit written proof to the Board that he has complied with the assessment process and has successfully completed any and all treatment recommendations, if any, by the end of the revocation period. If Baldwin is unable to complete all treatment recommendations by the end of the revocation period, he shall submit written progress reports from his chemical dependency counselor on January 1st and July 1st until such time as the counselor releases him from treatment. Each progress report shall certify that Baldwin is continuing to comply with any and all treatment recommendations, and that he remains fit and competent to fulfill her duties as an educator. Baldwin shall pay any expense incurred. If Baldwin fails to satisfy this condition, Certificate Number 000069754 shall not be reissued until such condition is satisfied.
3. Baldwin shall submit written proof to the Board that he has completed twelve (12) hours of educator ethics training, as approved by the Board. Baldwin shall pay any expense incurred. If Baldwin fails to satisfy this condition, Certificate Number 000069754 shall not be reissued until such condition is satisfied.
4. Baldwin shall submit a copy of his current criminal record, dated within three (3) months of the date of application, as prepared by the Administrative Office of the Courts to the Board. If Baldwin fails to satisfy this condition, Certificate Number 000069754 shall not be reissued until such condition is satisfied. If Baldwin has received any criminal convictions, other than minor traffic violations in which no jail time can be imposed, since Case No. 15-CR-00030, Certificate Number 000069754 shall not be reissued, and Baldwin shall neither apply for nor be issued a teaching, administrative or emergency certificate in the

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Commonwealth of Kentucky at any time in the future.

Upon reissuance, Certificate Number 000069754 and any new endorsements or new areas of certification shall be subject to the following probationary conditions for a period of ten (10) years:

1. Baldwin 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. 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 Baldwin fails to satisfy this condition, Certificate Number 000069754 shall be administratively suspended pending Board review and disposition.
2. In accordance with KRS 161.175, Baldwin 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. Baldwin shall pay any expense incurred. If Baldwin fails to satisfy this condition, Certificate Number 000069754 shall be administratively suspended pending Board review and disposition.
3. Baldwin shall have no further criminal convictions. Baldwin shall submit to the Board a copy of his current criminal record, as prepared by the Administrative Office of the Courts, by June 30th of every year he holds an active certificate during the probationary period. Baldwin shall pay any expense incurred. If Baldwin fails to submit the criminal background report by the due date, Certificate Number 000069754 shall be administratively suspended until such condition is satisfied. If Baldwin is convicted of any crime other than a minor traffic violation, Certificate Number 000069754 shall be administratively



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suspended pending Board review and disposition. A violation is not considered a minor traffic violation if it is a violation in which jail time may be imposed.

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

**Vote:** *Unanimous (Mr. Salyers recused)*

1606403 Joy Cunningham Accept Agreed Order stating Cunningham is not currently employed as an educator, and has no plans to return to the profession. Upon acceptance of this agreement by the Board, Cunningham shall not seek or accept any position of employment in Kentucky that requires teaching certification. Additionally, upon the expiration of Certificate Number 200217635 on June 30, 2017, 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. Should Respondent violate this agreement, Certificate Number 200217635 shall be administratively suspended for its remainder and/or any application for certification shall be denied.

**Vote:** *Unanimous*

CF161333 Kaitlin Sizemore Accept Agreed Order stating Sizemore shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Sizemore 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 she has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Sizemore.
2. Sizemore shall submit written proof to the Board that she has completed a course on professional ethics training, as approved by the Board. Any

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expense required for said training shall be paid by Sizemore.

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

1. If Sizemore's chemical dependency counselor makes any treatment recommendations, Sizemore shall comply with the treatment recommendations. Sizemore shall submit quarterly written progress reports from her counselor to the Board until such time as the counselor releases her from treatment. Any expense for the treatment and/or written reports shall be paid by Sizemore. Failure to comply with this condition will result in Sizemore's certificate being automatically suspended until Sizemore is in compliance.
2. Sizemore shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use or possession of alcohol. If Sizemore is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use or possession of alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Sizemore's certificate being automatically suspended pending Board review and disposition.
3. Sizemore shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of her certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Sizemore. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Sizemore or on her behalf.

**Vote:** *Unanimous*

1608509 Paulette Vaughn Accept Agreed Order stating Vaughn is currently retired, and has no plans to return to the education profession. Upon acceptance of this agreement by the Board, Vaughn agrees not to apply for, nor be issued any administrative or teaching certificate in the Commonwealth of Kentucky at any time in the future.

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**Vote:** *Unanimous*

1609651 Mark Martin Accept Agreed Order admonishing Martin for failing to exemplify behaviors, which maintain the dignity and integrity of the profession. Driving under the influence of alcohol is an especially dangerous activity that demonstrates a strong disregard for the health, welfare, and safety of others. The Board will not tolerate any further incidents of misconduct from Martin.

Furthermore, Certificate 000027645 shall be subject to the following probationary conditions for a period of two (2) years:

1. Martin has provided written proof to the Board that he has complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and has successfully completed all treatment recommendations proposed by the counselor.
2. By July 1, 2017, Martin shall provide written proof to the Board that he has successfully completed educator ethics training, as approved by the Board. Martin shall pay any expense incurred. If Martin fails to satisfy this condition by July 1, 2017, Certificate Number 000027645 shall be administratively suspended until such condition is satisfied.
3. Martin shall have no further criminal convictions involving the use and/or possession of alcohol/controlled substance. If Martin is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of alcohol/controlled substance, he shall provide such documentation to the Board within thirty (30) days. If Martin fails to satisfy any portion of this condition, Certificate Number 000027645 shall be administratively suspended pending Board review and disposition.

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4. Martin shall not receive any disciplinary action involving alcohol/controlled substance from any school district in which he is employed. If Martin fails to satisfy this condition, Certificate Number 000027645 shall be administratively suspended pending Board review and disposition.

“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.

Martin 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*

- 1405331 Danny Thomas Accept Agreed Order stating Thomas has provided written proof to the Board that he has completed at least twenty one (21) hours of professional development on effective instructional strategies and technology in the classroom, and at least fifteen (15) hours of professional development on positive behavior interventions and classroom management. Thomas 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*

- 1608501 Teresa Mathis Accept Agreed Order admonishing Mathis for failing to exemplify behaviors, which maintain the dignity and integrity of the profession. Driving under the influence of alcohol is an especially dangerous activity that demonstrates a strong

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disregard for the health, welfare, and safety of others. The Board will not tolerate any further incidents of misconduct from Mathis.

Furthermore, Certificate Number 200003031 shall be subject to the following probationary conditions for a period of ten (10) years:

1. By June 1, 2017, Mathis shall provide written proof to the Board that she has complied with a comprehensive alcohol/substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, and has successfully completed all treatment recommendations proposed by the counselor. If Mathis is unable to complete all treatment recommendations by June 1, 2017, she shall provide quarterly written progress reports to the Board from the chemical dependency counselor until she is released from treatment or the probationary period concludes, whichever occurs first. If Mathis fails to satisfy any portion of this condition, Certificate Number 200003031 shall be administratively suspended pending Board review and disposition.
2. By July 1, 2017, Mathis shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics training, as approved by the Board. Mathis shall pay any expense incurred. If Mathis fails to satisfy this condition, Certificate Number 200003031 shall be administratively suspended pending Board review and disposition.
3. Mathis shall have no further criminal convictions involving the use and/or possession of alcohol/controlled substance. If Mathis is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of alcohol/controlled substance, she shall provide such documentation to the Board within thirty (30)

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days. If Mathis fails to satisfy any portion of this condition, Certificate Number 200003031 shall be administratively suspended pending Board review and disposition.

4. Mathis shall not receive any disciplinary action involving alcohol/controlled substance from any school district in which she is employed. If Mathis fails to satisfy this condition, Certificate Number 200003031 shall be administratively suspended pending Board review and disposition.

“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.

Mathis 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*

1408574 Kelly Schario Accept Agreed Order suspending Certificate Number 200001764 retroactively from November 12, 2014 through December 12, 2014, a period of thirty (30) days.

Schario is not currently teaching, and has no immediate plans to return to the education profession. However, prior to accepting a position that requires Kentucky certification, Schario shall first comply with the following conditions:

1. Schario shall provide written proof to the Board that she has complied with a comprehensive evaluation

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from a licensed or certified psychiatrist or mental health professional, as approved by the Board, and is fit to 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. Schario shall pay any expense incurred. If Schario fails to satisfy this condition prior to accepting certified employment, Certificate Number 200001764 shall be administratively suspended until such condition is satisfied.

2. Schario shall provide written proof to the Board that she has completed educator ethics training, as approved by the Board. Schario shall pay any expense incurred. If Schario fails to satisfy this condition prior to accepting certified employment, Certificate Number 200001764 shall be administratively suspended until such condition is satisfied.

Schario 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*

1608517 Dana MacAllister Accept Agreed Order admonishing MacAllister for exercising poor professional judgment in his discourse with students and players. The Board recognizes that students may misconstrue an educator's statement on occasion, but that is why MacAllister must always remain cognizant of the manner in which he addresses students to avoid any misunderstandings. The Board reminds MacAllister that as a certified educator in the Commonwealth of Kentucky, he has a duty to exemplify behaviors which maintain the dignity and integrity of the profession. The Board will not tolerate any further incidents of misconduct by MacAllister.

MacAllister 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

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capacity that requires certification, MacAllister shall first submit written proof to the Board that he has completed educator ethics training, as approved by the Board. MacAllister shall pay any expense incurred. If MacAllister fails to satisfy this condition prior to accepting certified employment, Certificate Number 200409118 shall be administratively suspended until such condition is satisfied.

MacAllister 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*

1507525 Troy Young Accept Agreed Order admonishing Young for violation of state school law, and for failing to exemplify behaviors, which maintain the dignity and integrity of the profession when he hired the assistant principal without consulting the SBDM council and when he changed the high school's schedule without the approval of the SBDM council. The Board reminds Young that as an administrator, it is his responsibility to ensure proper procedures are being followed in his school at all times. The Board will not tolerate any further incidents of misconduct by Young.

1. Young has provided written proof to the Board that he has completed three (3) hours of training by a Kentucky Department of Education (KDE) approved trainer on the topic of "The Role of the Principal and the Council in the Hiring Process."
2. Young has provided written proof to the Board that he has completed three (3) hours of training from a KDE approved training on the topic of "The SBDM's Council's Authority."

Young 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*

1609645 Regina Farrell Accept Agreed Order admonishing Farrell for failing to exemplify behaviors which maintain the dignity and integrity of the



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teaching profession. The Board reminds Farrell that driving under the influence of alcohol is an especially dangerous activity that demonstrates a strong disregard for the general health, welfare, and safety of others. The Board will not tolerate any further incidents of misconduct from Farrell.

Furthermore, Certificate Number 200102841, including any and all endorsements, is hereby subject to the following probationary conditions for a period of two (2) years from the date the Board accepts this Agreed Order:

1. By July 1, 2017, Farrell shall provide written proof to the Board that she has complied with a comprehensive alcohol/substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, and has successfully completed all treatment recommendations proposed by the counselor. If Farrell is unable to complete all treatment recommendations by June 1, 2017, she shall provide quarterly written progress reports to the Board from the chemical dependency counselor until she is released from treatment or the probationary period concludes, whichever occurs first. If Farrell fails to satisfy any portion of this condition, Certificate Number 200102841 shall automatically be suspended pending Board review and disposition.
2. By July 1, 2017, Farrell shall provide written proof to the Board that she has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Farrell shall pay any expense incurred. If Farrell fails to satisfy this condition, Certificate Number 200102841 shall automatically be suspended pending Board review and disposition.

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3. Farrell shall have no further criminal convictions involving the use and/or possession of alcohol/controlled substance. If Farrell is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of alcohol/controlled substance, she shall provide such documentation to the Board within thirty (30) days. If Farrell fails to satisfy any portion of this condition, Certificate Number 200102841 shall automatically be suspended pending Board review and disposition.
4. Farrell shall not receive any disciplinary action involving alcohol/controlled substance from any school district in which she 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 a tribunal and/or arbitration process." If Farrell fails to satisfy this condition, Certificate Number 200102841 shall automatically be suspended pending Board review and disposition.

Farrell 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*

1407468 Anthony Feltner Accept Agreed Order admonishing Feltner for failing to exemplify behaviors which maintain the dignity and integrity of the profession. Failing to properly account for student progress and achievement through the use of accurate grading is unethical. The Board will not tolerate any further misconduct of this type from Feltner in the future.

Feltner is currently on disability retirement. Prior to or within one (1) year of accepting a teaching and/or administrative position in the Commonwealth of Kentucky, Feltner shall provide written proof to the Board that he has

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successfully completed six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Feltner.

Should Feltner fail to satisfy the above conditions, Certificate Number 199802659, including any and all future endorsements or new areas of certification, shall be automatically suspended until Feltner submits the required written proof to the Board.

**Vote:** *Unanimous*

1606409 Micah Jackson Accept Agreed Order admonishing Jackson for exercising poor professional judgment and for conduct unbecoming for assigning students to report on their favorite curse word. The Board reminds Jackson that as a teacher, he has a duty to uphold the dignity and integrity of the teaching profession. Additionally, Jackson has a responsibility to maintain a safe and positive learning environment at all times. He must make every effort to protect the health, safety, and emotional well-being of those in his care. The Board will not tolerate any further incidents of misconduct by Jackson.

**Vote:** *Unanimous*

1512845 Jacqueline Burton Accept Agreed Order stating Burton voluntarily, knowingly, and intelligently surrenders her teaching certificate, number 000016028, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Burton 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*

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CF141221 Jennifer Bernard Accept Agreed Order stating Bernard shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Bernard 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 she has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Bernard.
2. Bernard shall submit written proof to the Board that she has completed a course on professional ethics training, as approved by the Board. Any expense required for said training shall be paid by Bernard.

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

1. If Bernard's chemical dependency counselor makes any treatment recommendations, Bernard shall comply with the treatment recommendations. Bernard shall submit quarterly written progress reports from her counselor to the Board until such time as the counselor releases her from treatment. Any expense for the treatment and/or written reports shall be paid by Bernard. Failure to comply with this condition will result in Bernard's certificate being automatically suspended until Bernard is in compliance.
2. Bernard shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use or possession of alcohol. If Bernard is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use or possession of alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will

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result in Bernard's certificate being automatically suspended pending Board review and disposition.

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

**Vote:** *Unanimous*

1309685 Leesha Heitzman Accept Agreed Order stating Heitzman has resigned and has no plans to return to the classroom. Heitzman shall neither apply for nor accept a position that requires certification in the Commonwealth of Kentucky at any time in the future. Should Heitzman fail to satisfy this condition, Certificate Number 201130041 shall be automatically permanently revoked.

**Vote:** *Unanimous*

CF161336 Philipp Fox Accept Agreed Order stating Fox shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

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

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

1. Fox shall not be convicted of nor enter a guilty or no contest plea to any criminal charge other than minor traffic violations. If Fox is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, he shall

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submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Fox's certificate being automatically suspended pending Board review and disposition. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed.

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

**Vote:** *Unanimous*

1608511 Jon Mansfield Accept Agreed Order stating Mansfield voluntarily, knowingly, and intelligently surrenders his teaching certificate, number 28726, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Mansfield 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*

*Motion made by Mr. William Owens, seconded by Mr. Thomas Salyer, to adjourn the meeting.*

**Vote:** *Unanimous*

Meeting adjourned at 2:14 p.m.

Next Meeting: April 10, 2017  
10:00 AM  
EPSB Board Room  
Frankfort, Kentucky

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Consent Item B

#### Action Item:

Campbellsville University – Grades 8-12: Biological Science, Chemistry, English, Mathematics, and Social Studies (Initial Graduate Level - MAT traditional and Option 6)

#### Applicable Statutes and Regulation:

KRS 161.028; KRS 161.030  
16 KAR 5:010; 16 KAR 5:020; 16 KAR 5:040; 16 KAR 5:060  
16 KAR 5:050; 16 KAR 9:080

#### 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 additions?

#### CAMPBELLSVILLE UNIVERSITY

##### **4.0 SECONDARY SCHOOL FOR GRADES 8-12**

Biological Science	Mathematics
Chemistry	Social Studies
English	

##### **12.0 ALTERNATIVE ROUTE TO CERTIFICATION**

Secondary Grades 8-12: Biological Science, Chemistry, English, Mathematics, and Social Studies

#### Background:

The Master of Arts in Teaching for Secondary Grades 8-12 (traditional and Option 6 routes) proposed by Campbellsville University (CU) is designed to provide instructional opportunities that empower candidates to be effective teachers in their respective disciplines. The program includes two routes to certification: a 36-hour traditional route and 30-hour alternative route (Option 6). The program includes low candidate to faculty ratio; curriculum based on needs of 21st century classrooms and designed around intentional field experiences; excellent, hands-on advising; systematic mentoring for alternative certification candidates; and, a small core faculty that work together to create opportunities for promoting academic excellence, preparing

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candidates for lifelong learning in the teaching profession and continued scholarship. Courses will be taught in an online format. The MAT program is designed for coursework and requirements to be completed in six 8-week graduate terms. Typically, candidates begin either KTIP (Kentucky Teacher Internship) or student teaching during the second year of the program. The secondary grades certification MAT program consists of education and special teaching methods coursework, as well as an action research project and a semester long student-teaching experience for traditional candidates. Option 6 alternative route candidates will have a mentor while functioning in their own classroom setting.

The assessment plan for candidates in the Campbellsville University (CU) Master of Arts in Teaching (MAT) program involves three candidate assessment points (CAPs): CAP 5 – admission to the program; CAP – 6 – midpoint check, candidacy for degree; CAP 7 – program exit. The CAPS include criteria for academic achievement; disposition assessments; critical assessments, including portfolios for student teaching and for exit that document proficiency on the 10 Kentucky Teacher Standards (KTS); and, commitment to the *Kentucky Code of Ethics* for teachers. For program evaluation, CAP data and graduate survey data are summarized for analysis and reviewed during annual unit retreats.

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, Content Area Program Review Committees, and the Reading Committee evaluated the program review documents submitted for approval against performance-based program certification guidelines established by the EPSB. These program proposals meet all the requirements set forth by the EPSB. A Letter of Support from the Academic Dean of Campbellsville University and Executive Summary are included in the program review document that is available on the EPSB secure website.

### **Groups/Persons Consulted:**

Content Area Review Committee  
Reading Committee

### **Potential Actions:**

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

### **Recommendation:**

Potential Action 1

### **Rationale:**

The proposed educator preparation programs follow the appropriate regulations (16 KAR 5:010 and 16 KAR 9:080) outlining program requirements for program approval as established by the EPSB.



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**Contact Person:**

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**Date:**

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### EDUCATION PROFESSIONAL STANDARDS BOARD

#### STAFF NOTE

#### Consent Item C

#### **Action Item:**

University of the Cumberlands – English as a Second Language P-12 Endorsement

#### **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?

### **UNIVERSITY OF THE CUMBERLANDS**

#### **8.0 ENDORSEMENTS**

English as Second Language P-12

#### **Background:**

The English as a Second Language P-12 Endorsement program proposed by University of the Cumberlands (UC) is designed to provide a certified teacher the opportunity to earn the ESL endorsement by completing a fifteen-hour course of study. The five sequential courses are designed to be taken in three semesters. The courses require candidate participation in 55 hours in a variety of field and clinical experiences that include both observation and participation. The program provides for a hybrid delivery method including online learning using audio and video, regular face-to-face classroom instruction through occasional weekend coursework and seminars, and through university faculty mentoring visits to candidate's schools. Each course includes a signature assessment that is aligned with the TESOL Standards, the Kentucky Teacher Standards, and the Knowledge and Themes of the UC School of Education (conceptual, communicative, evaluative, and strategic). Through these signature assessments UC faculty and administrators will collect data to determine candidate performance, the efficacy of the program, and the impact on P-12 student learning.

The assessment process for the program includes four transition points: (1) Admission to the University which requires evidence of a bachelor's degree, a minimum 2.75 GPA, a valid teaching certificate, and a signed copy of the Kentucky Professional Code of Ethics; (2) Pillar IV (admission to the program) includes an entry level writing assessment, a minimum 3.0 GPA, and a completed UC Character and Fitness evaluation; (3) Pillar V (midpoint) includes a review of the candidate's portfolio, a minimum 3.0 GPA, two favorable dispositions, review of field

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experiences completed, signed Kentucky Professional Code of Ethics, and completed UC Character and Fitness evaluation; and (4) Pillar VI (exit requirements) include completion of coursework, passing score on the Praxis II exam, minimum 3.0 GPA, satisfactory candidate portfolio, completion of all field and clinical experiences, signed copy of the Kentucky Professional Code of Ethics, and completion of UC Character and Fitness evaluation.

KRS 161.028 and KRS 161.030 provide for the EPSB to establish curricula for educator preparation programs in Kentucky and approve such programs for Educator Preparation Providers. The Division of Educator Preparation, Content Area Program Review Committee, and the Reading Committee evaluated the program review documents submitted for approval against performance-based program certification guidelines established by the EPSB. This program proposal meets all the requirements set forth by the EPSB. A Letter of Support from the Vice President of Academic Affairs of the University of the Cumberlands and the program review document with Executive Summary are available on the EPSB secure website.

### **Groups/Persons Consulted:**

Content Area Review Committee  
Reading Committee

### **Potential Actions:**

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

### **Recommendation:**

Potential Action 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:**

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## **Agenda Book**

### **EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE**

#### **Consent Item D**

##### **Action Item:**

University of the Cumberlands – Learning and Behavior Disorders P-12 (Certification and Rank I)

##### **Applicable Statutes and Regulation:**

KRS 161.028; KRS 161.030  
16 KAR 5:010; 16 KAR 2:010; 16 KAR 8:010

##### **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?

#### **UNIVERSITY OF THE CUMBERLANDS**

##### **9.0 CONTINUING EDUCATION**

Learning and Behavior Disorders Grades P-12 (Certification and Rank I)

##### **Background:**

The Rank I with LBD program is intended for Rank II teachers to add LBD P-12 certification and earn Rank I. The program includes 30 hours of pedagogical teaching and content coursework which is delivered in a synchronous/online environment with weekly class sessions. The coursework includes 76-86 hours of field and clinical experiences in which candidates have authentic experiences and interaction with ideal models in the field and are immersed in school and classroom experiences. During the field and clinical experiences, candidates are required to complete a variety of instructional activities, develop a variety of plans to serve students with disabilities, collaborate with P-12 special education teachers, and monitor student progress related to IEP goals. The coursework is aligned to the Kentucky Teacher Standards as well as the Council for Exceptional Children Standards (CEC).

The assessment process for the program includes four transition points: (1) Admission to the University which requires evidence of a master's degree, a cumulative 3.0 GPA, a valid teaching certificate, three references/dispositional surveys, the UC Character and Fitness, and a signed copy of the Kentucky Professional Code of Ethics; (2) Pillar IV (admission to the program) includes an entry level writing assessment, a cumulative 3.0 GPA, and a completed UC Character and Fitness evaluation; (3) Pillar V (midpoint) includes an advisory session, a cumulative 3.0 GPA, a 3.0 GPA in content and professional GPA, two favorable dispositions,

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signed Kentucky Professional Code of Ethics, and completed the UC Character and Fitness evaluation; and (4) Pillar VI (exit requirements) include completion of coursework, minimum 3.0 GPA, satisfactory candidate e-portfolio, signed copy of the Kentucky Professional Code of Ethics, and completion of the UC Character and Fitness evaluation.

KRS 161.028 and KRS 161.030 provide for the EPSB to establish curricula for educator preparation programs in Kentucky and approve such programs for Educator Preparation Providers. The Division of Educator Preparation, Content Area Program Review Committee, and the Reading Committee evaluated the program review documents submitted for approval against performance-based program certification guidelines established by the EPSB. This program proposal meets all the requirements set forth by the EPSB. A Letter of Support from the Vice President of Academic Affairs of the University of the Cumberlands, the Executive Summary, and the program review document are available on the EPSB secure website.

### **Groups/Persons Consulted:**

Content Area Review Committee  
Reading Committee

### **Potential Actions:**

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

### **Recommendation:**

Potential Action 1

### **Rationale:**

The proposed educator preparation program follows the appropriate regulations (16 KAR 5:010 and 16 KAR 8:010) outlining program requirements for program approval as established by the EPSB.

### **Contact Person:**

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### **Date:**

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## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item A

##### **Information/Discussion Item:**

16 KAR 1:\_\_\_\_. Standards for Certified Teacher Leader

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, 161.030

##### **Applicable Goal(s):**

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

##### **Background:**

KRS 161.020(1) states that “No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Education Professional Standards Board.” Furthermore, KRS 161.028(1)(a) states that EPSB is to “Establish standards and requirements for obtaining and maintaining a teaching certificate;”.

During the October 2016 meeting the Board accepted the recommendations from the Teacher Leader Master’s Review Committee. The committee recommended that the Teacher Leader programs reflect the Teacher Leader Model Standards, which align with InTASC Standards. These standards identify the knowledge, skills, and competencies that teachers need to assume leadership roles in their schools, districts, and the profession.

16 KAR 1:\_\_\_\_ establishes the standards required for certified teachers to obtain or maintain certification as a teacher leader. The proposed standards are aligned with the Council for the Accreditation of Education Preparation (CAEP) Standards for Advanced Programs.

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1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (New Administrative Regulation)

4 16 KAR 1:\_\_\_\_\_. Standards for Certified Teacher Leader.

5 RELATES TO: KRS 161.020, 161.028, 161.030

6 STATUTORY AUTHORITY: KRS 161.020, 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires the Education  
8 Professional Standards Board to establish standards for obtaining and maintaining educator  
9 certification. This administrative regulation establishes the standards required for certified  
10 teachers to obtain or maintain certification as a teacher leader.

11 Section 1. Teacher Leader Standards for Educator Preparation and Certification. Effective  
12 August 2019, the Education Professional Standard Board shall use the standards established in  
13 this section in the evaluation and assessment of a teacher leader for advanced certification and  
14 for the approval of teacher leader master preparation programs.

15 (1) Standard 1. Foster a Collaborative Culture to Support Educator Development and  
16 Student Learning.

17 (a) The teacher leader shall be well versed in adult learning theory and shall use that  
18 knowledge to create a community of collective responsibility within his or her school; and

19 (b) In promoting this collaborative culture among fellow teachers, administrators, and  
20 other school leaders, the teacher leader shall ensure improvement in educator instruction and,  
21 consequently, student learning. (2) Standard 2. Access and Use Research to Improve Practice and  
22 Student Learning.

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1 (a) The teacher leader shall keep abreast of the latest research about teaching  
2 effectiveness and student learning, and shall implement best practices where appropriate; and

3 (b) He or she shall model the use of systematic inquiry as a critical component of  
4 teachers' ongoing learning and development.

5 (3) Standard 3. Promote Professional Learning for Continuous Improvement.

6 (a) The teacher leader shall understand that the processes of teaching and learning are  
7 constantly evolving; and

8 (b) The teacher leader shall design and facilitate job-embedded professional development  
9 opportunities aligned with school improvement goals.

10 (4) Standard 4. Facilitate Improvements in Instruction and Student Learning.

11 (a) The teacher leader shall possess a deep understanding of teaching and learning, and  
12 model an attitude of continuous learning and reflective practice for colleagues; and

13 (b) The teacher leader shall work collaboratively with other teachers to improve  
14 instructional practices constantly.

15 (5) Standard 5: Promote the Use of Assessments and Data for School and District  
16 Improvement.

17 (a) The teacher leader shall be knowledgeable about the design of assessments, both  
18 formative and summative; and

19 (b) He or she works with colleagues to analyze data and interpret results to inform goals  
20 and to improve student learning.

21 (6) Standard 6: Improving Outreach and Collaboration with Families and Community

22 (a) The teacher leader shall understand the impact that families, cultures, and  
23 communities have on student learning;

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1 (b) As a result, the teacher leader shall seek to promote a sense of partnership among  
2 these different groups toward the common goal of excellent education.

3 (7) Standard 7: Advocate for Student Learning and the Profession.

4 (a) The teacher leader shall understand the landscape of education policy and shall  
5 identify key players at the local, state, and national levels; and

6 (b) The teacher leader shall advocate for the teaching profession and for policies that  
7 benefit student learning.

**DRAFT**

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item B

##### **Information Item:**

Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers

##### **Applicable Statutes and Regulation:**

KRS 161.010, 161.028(1), 161.030(3), (4)  
16 KAR 6:020

##### **Applicable Goal:**

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

##### **Background:**

EPSB shall require the specialty assessments and passing scores for new applicants and educators seeking additional certificate under 16 KAR 6:020, which was amended and approved by the Board on February 13, 2017. 16 KAR 6:020 no longer specifically identifies every specialty assessment in the occupational area for which teacher certification is requested. Examination prerequisites for Occupation-Based Career and Technical Education, determined by EPSB in consultation with KDE, will be the same assessments that must be taken and passed to receive appropriate state or national industry licensure or certification. The occupational area determines the appropriate assessment to be taken. Neither the KDE nor the EPSB has control or input over specialty assessments in occupational areas that result in state or national industry licensure or certification. The EPSB, in conjunction with the KDE, makes information relating to these assessments available to new teachers and teachers seeking certification in an additional certification area. Given the fast pace of ever-changing industry, it is more efficient for the EPSB and the KDE to periodically review and update, as necessary, the specialty assessments and the corresponding scores necessary for teacher certification. The information will be posted on the EPSB website. The current assessment items and / or criteria are as follows:

<i>Program Area</i>	<i>NOCTI Test Name</i>	<i>NOCTI Passing Score in Proposed Regulation</i>	<i>Certification Required (applicant does not need to take NOCTI test if these requirements are met)</i>
Allied Health Sciences	N/A	N/A	Active licensure, certification, or registration by a state or nationally-recognized accrediting agency as a professional health care practitioner following completion of a minimum of an associate degree or technical

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			diploma preparation program
Auto Body Technology	NOCTI Collision Repair/Refinishing Technology Test	61	Automotive Service Excellence (ASE) certification
Automotive Technology	NOCTI Automotive Technology	63	Automotive Service Excellence (ASE) certification
Aviation Flight Technician	N/A	N/A	Federal Aviation Administration certified commercial license with instructor endorsement
Aviation Ground Instructor	N/A	N/A	Federal Aviation Administration basic ground instructor rating
Aviation Maintenance Technician	N/A	N/A	Federal Aviation Administration certified airframe and power plant
Barbering	N/A	N/A	A license for teacher of barbering issued by the Kentucky Board of Barbering
Biomedical Sciences	N/A	N/A	Baccalaureate or higher degree in biomedical or health science area
Building and Apartment Maintenance	NOCTI Building Trades Maintenance	52	
Collision Repair and Refinish	NOCTI Collision Repair/Refinishing Technology Test	61	Automotive Service Excellence (ASE) certification
Commercial Art	NOCTI Graphic Production Technology	48.5	Adobe Certified Associate (Illustrator or Photoshop) OR Adobe Certified Expert (Illustrator or Photoshop)
Computer Aided Drafting and Drafting Technology	NOCTI Technical Drafting	62	
Computer Graphics	N/A	N/A	Adobe Certified Associate (Flash) OR Adobe Certified Expert (Flash) OR Autodesk Certified User (eds Max) OR Autodesk Certified User (Maya) OR Autodesk Certified Professional (Maya) OR Unity Certified Developer
Construction Carpentry	NOCTI Carpentry	58	

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Cosmetology	N/A	N/A	Kentucky Board of Hairdressers and Cosmetologists License
Culinary Arts	NOCTI Commercial Foods	55	American Culinary Federation Professional Certification
Diesel Technology	NOCTI Diesel Mechanics	62	Automotive Service Excellence (ASE) certification
Digital Media	N/A	N/A	Adobe Certified Associate (Illustrator or InDesign) OR Adobe Certified Expert (Illustrator or InDesign)
Early Childhood	N/A	N/A	Interdisciplinary Early Childhood Education Bachelors of Education Degree AND the applicants must also have earned two of the five credentials: Early Childhood Director's Credential; Child Development Associate; Pediatric Abuse and Head Trauma Credential; Commonwealth Child Care Credential; Early Care and Education Orientation Credential
Electrical Technology	NOCTI Electrical Technology Construction	45	
EMS Training	N/A	N/A	First Responder Instructor Certification and EMT Instructor Certification by the Kentucky Board of Emergency Medical Services
Engineering Technology	N/A	N/A	Bachelor's degree in engineering or engineering technology
Fire and Rescue Training	N/A	N/A	State Fire Commission Instructor Certification
Food Science and Dietetics	N/A	N/A	Bachelor of Science in Dietetics AND Demonstrated ACEND accredited supervised practice AND passed an ACEND national examination AND registered through the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics

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Health Science	N/A	N/A	Active Registered Nurse License in Kentucky and meet applicable accrediting body state and federal requirements; OR Practical Nursing (an active Registered Nurse License in Kentucky and baccalaureate or higher degree in nursing. Medicaid Nurse Aid (MNA) instruction requires additional certification per 907 KAR 1:450.
Heavy Equipment	N/A	N/A	Commonwealth of Kentucky license for equipment taught
HVAC and Air Conditioning Technology	NOCTI HVAC	54.5	
Industrial Chemical Technology	N/A	N/A	Bachelor's degree in Chemistry or related sciences
Industrial Electronics Technology	NOCTI Electronics Technology	54	
Industrial Maintenance Technology	NOCTI Industrial Maintenance Mechanic	44	
Information Technology	NOCTI Computer Technology Test	63	(a) Computing Technology Industry Association (CompTIA): (1) A+ Certification OR (2) Security+Certification OR (3) Network+Certification; (b) Cisco Certified Network Associate (CCNA) OR (c) Microsoft Certified Professional (MCP) OR (d) Novell Certified Administrator (CAN)
Law Enforcement	N/A	N/A	Certification as a police officer or police instructor from the Kentucky Law Enforcement Council
Machine Tool Technology	NOCTI Precision Machining	50	
Manufacturing	NOCTI Industrial Maintenance Mechanic	44	
Marine Technology	N/A	N/A	Automotive Service Excellence (ASE) certification Diesel and Electrical/Electronic Systems



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			Technology
Masonry	NOCTI Masonry	46.8	
Metal Fabrication	N/A	N/A	
Multimedia Technology	N/A	N/A	Adobe Certified Associate (Illustrator or InDesign) OR Adobe Certified Expert (Illustrator or InDesign)
Plumbing Technology	NOCTI Plumbing	55	
Pre-Law	N/A	N/A	Bachelor's Degree and active license to practice law
Printing Technology	NOCTI Graphic Production Technology	48.5	
Radio and TV Productions	NOCTI Audio-Visual Communications	52.1	Apple Final Cut Pro OR Adobe Premier
Small Engine and Motorcycle Repair Technology	NOCTI Small Engine Technology	71	Equipment and Engine Training Council (EETC) Outdoor Power Equipment Certification
Visual Communication Art	NOCTI Advertising and Design	69	Adobe Certified Associate (Photoshop or Illustrator or InDesign) OR Adobe Certified Expert (Photoshop or Illustrator or InDesign)
Welding	NOCTI Welding	53	American Welding Society (AWS) Certified Welder
Wood Manufacturing Technology	N/A		

This information item provides additional assessment details to the administrative regulation, and affects candidates for Kentucky certification. The KDE submits Kentucky certification recommendations on behalf of candidates for provisional teaching certificates for technical programs, institutions of higher education that offer educator preparation programs for technical programs, and the 173 Kentucky public school districts who hire teachers to teach technical programs.

Teacher candidates will be required to demonstrate content mastery on the identified assessment(s) prior to being hired as an occupation-based career and technical education teacher. Verification of these assessment scores will be required of the Kentucky Department of Education, Office of Career and Technical Education.

Teacher quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classrooms prepared to excel. All teacher candidates must successfully demonstrate essential knowledge via comprehensive assessments which help measure skills and content knowledge.

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### **Groups/Persons Consulted:**

KDE staff provided the list of tests to EPSB.

### **Contact Person:**

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### **Date:**

April 10, 2017

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item A

##### **Action Item:**

KRS 161.030 and 16 KAR 7:030. Kentucky Teacher Internship Program Budget

##### **Applicable Statutes and Regulation:**

KRS 161.017 (1) (e)

KRS 161.030 (7)

16 KAR 7:030

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board (EPSB) approve the allocation of FY18 funds for administering the Kentucky Teacher Internship Program (KTIP) based upon the proposed budget?

##### **Background:**

Per the state budget approved by the 2016 General Assembly, the KTIP budget for the 2018 fiscal year is \$3,034,700. Additionally, financial support not to exceed \$90,000 for interns in career and technical education classrooms has been approved for the EPSB. The biennial budget allows for the use of restricted funds for KTIP to ensure that no interns are deferred to Year 2. Therefore, restricted funds will provide for any additional funds needed.

##### **Potential Actions:**

1. Approve the recommended KTIP allocations as presented. Allow EPSB staff to make modifications to the maximum number of interns should additional funds become available.
2. Do not approve the budget as presented.
3. Modify the budget as presented.

##### **Staff Recommendation:**

Staff Recommendation 1

##### **Rationale:**

EPSB staff is requesting approval of the allocation of KTIP funds for FY18. This allocation will allow staff to communicate to universities and districts the amount of the resource teacher stipend, the number of hours for resource teacher consulting services, the allocation of funds for university services, and the maximum number of interns to be funded. It will also allow EPSB to move forward with contracts for FY18 and CTE contracts through the allocated Perkins funds.

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As of the writing of this staff note, there are 2,271 full time interns and 270 half (spring) interns serving across the Commonwealth.

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### **Date:**

April 10, 2017

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### FY18 KTIP Budget as of April 10, 2017

Based on the current KTIP allocations, EPSB will set the resource teachers' stipends and hours of out-of-class service, the rate to be paid to universities for teacher educator services, and the maximum number of teachers that can be funded with KTIP funds in FY18. The resource teacher stipend will remain at an hourly rate of \$28 per hour for 40 hours in consultation with the intern outside the regular classroom, resulting in a resource teacher stipend of \$1,120 per intern. The EPSB is able to reduce the number of out-of-class hours from 50 to 40 hours due to notwithstanding language included in the biennial budget. The budget spreadsheet is provided below. The maximum intern enrollment into KTIP will increase to coincide with the number of interns that are funded by CTE funds. The biennial budget allows for the use of restricted funds for KTIP to ensure that no interns are deferred to Year 2. Therefore, restricted funds will provide for any additional funds needed.

2018	
Fiscal Year 2018 Budget	
\$1120 Stipend for Resource Teachers	
	\$ 3,034,700
	3,034,700
\$ 1,120	\$ 2,457,280
	\$ -
\$ 263	\$ 577,022
	3,034,302
	\$ 398
	<b>2,194</b>
	-
	<b>2,194</b>
	\$ 90,000
\$ 1,120	\$ 66,080
	\$ -
\$ 401	\$ 23,659
	\$ 89,739
	\$ 261
	<b>59</b>
	-
	<b>59</b>

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## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item B

##### **Action Item:**

Board Committee Composition Procedure

##### **Applicable Statutes and Regulation:**

KRS 161.028

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board create a procedure that relates to Board committee composition and duties?

##### **Background:**

The Board committee composition procedure describes the composition, powers, and duties of the Board as well as the Board's committees. It also establishes procedures for the performance of their functions. In these procedures, the Board delegates certain responsibilities to the Executive Director to provide for the responsible and efficient administration of the Board and the accomplishments of the Board goals.

##### **Groups/Persons Consulted:**

This draft procedure was included as part of the Board's agenda for the February 2017 Board meeting and will be included as part of the Board's agenda for the April 2017 Board meeting.

##### **Potential Actions:**

1. Approve the procedure as drafted.
2. Do not approve the procedure as drafted.
3. Modify the procedure as drafted.

##### **Staff Recommendation:**

Potential Action 1

##### **Rationale:**

This proposed procedure will ensure that the EPSB is effective and efficient with transparency.

## **Agenda Book**

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### **Date:**

April 10, 2017



## Agenda Book

### Education Professional Standards Board

#### BOARD ADMINISTRATION PROCEDURES

APPROVED \_\_\_\_\_

- I. Purpose: This procedure describes the composition, powers, and duties of the Board, as defined by Kentucky Revised Statutes, and establishes procedures for the performance of its functions. In these procedures, the Board delegates certain responsibilities to the Executive Director to provide for the responsible and efficient administration of the Board and the accomplishment of the Board goals.
- II. Authority:
- A. Executive Director of the EPSB
1. The Board recruits, selects, employs, and evaluates the EPSB Executive Director. KRS 161.028(1)(n).
  2. The Board authorizes the Executive Director to be responsible for the day-to-day operations of the EPSB pursuant to KRS 161.017(1) which includes, but is not limited to, the following:
    - a. Setting up appropriate organizational structure and personnel policies for the EPSB;
    - b. Appointing all staff, including the Deputy Executive Director;
    - c. Preparing annual reports on the Board's program of work;
    - d. Carrying out policy and program directives of the Board;
    - e. Preparing and submitting to the Board for its approval a proposed biennial budget; and
    - f. Performing all other duties and responsibilities assigned by state law.
  3. The Board authorizes the Executive Director to enter into agreements with any state agency or political subdivision of the state, any postsecondary education institution, or any other person or entity necessary to implement the duties and responsibilities of the Board. KRS 161.017(3).
  4. The Executive Director shall have access to the papers, books, and records of education personnel as part of an inquiry or investigation relating to disciplinary actions against a certified employee. KRS 161.017(4).
  5. The Executive Director is authorized pursuant to KRS 161.120 to issue administrative subpoenas for the attendance of witnesses and the production of documents relevant to disciplinary cases under consideration.

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### B. Board

1. The Board is a public board, corporate and politic. KRS 161.028(1) with its membership requirement set forth in KRS 161.028(2).
2. Board Membership
  - a. Governor Appointments. The Board, appointed by the Governor, consists of fifteen (15) members who then must be confirmed by the Senate and the House of Representatives under KRS 11.160.
    - (1) Nine (9) members shall be teachers representing elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
    - (2) Two (2) members shall be school administrators, one (1) of whom shall be a school principal;
    - (3) One (1) member shall be a member of a local board of education; and
    - (4) Three (3) members shall be representatives of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
  - b. Ex Officio Voting Members. Two (2) members or their designees serve on the Board as ex officio voting members.
    - (1) The Commissioner of Education; and
    - (2) The President of the Council on Postsecondary Education.

### C. Board Officers

1. Board Chair
  - a. The Chair shall be selected by and from the membership. KRS 161.028(2)(f).
  - b. The Chair shall be selected by the membership at the August meeting or later, at the discretion of the Board, in accordance with the Board Meeting Procedure.
  - c. The Chair of the Board shall serve no more than three (3) one (1) year terms in succession as chair. KRS 161.028(2)(f).
  - d. The Chair shall encourage full participation in decision making; conduct/chair Board meetings; sign orders on behalf of the Board; make reports at Board meetings; form committees.
2. Vice Chair
  - a. The Vice Chair shall also be selected by and from the membership in accordance at the August meeting or later, at the discretion of the Board, in accordance with Board's Election of Officers Procedure.

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- b. The Vice Chair of the Board shall serve no more than three (3) one (1) year terms in succession as chair.
- c. The Vice Chair shall assume the responsibilities and assist Chair as necessary.
- 3. Secretary
  - a. While the Executive Director is ultimately responsible for keeping records of the board meetings pursuant to KRS 161.028(2)(f), the Executive Director may delegate the role of Board Secretary to an EPSB staff member.
  - b. The Secretary shall be responsible for keeping the minutes of all meetings, issue notices of meetings, and provide for the publication and distribution of the minutes in accordance with instructions from the Board.

### III. Standing and Ad Hoc Committees:

- A. The purpose of standing and ad hoc committees is to assist the Board in its oversight role by gathering information, discussing, and providing advice on policy proposals prior to their coming before the entire Board. Members of the general public may attend any committee meeting. An individual desiring to address a particular committee or otherwise participate in a committee meeting should contact the committee chair.
- B. Standing Committee
  - 1. General Rules
    - a. Unless otherwise provided in the Board Procedures, membership of standing committees shall include at least three (3) members of the Board including the committee chair.
    - b. Unless otherwise provided in the Board Procedures, committee members shall be appointed by the Chair of the Board for one (1) year terms.
    - c. Unless otherwise provided in the Board Procedures, the Chair of the Board shall select the Chair for each committee from the Board members.
    - d. Board members may be reappointed to a committee for consecutive terms.
    - e. Any vacancy occurring before the expiration of the term of the appointment shall be filled for the unexpired term.
    - f. A quorum of the committee members must be present in order to conduct business.
  - 2. Types

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- a. Officer Nomination Committee
  - (1) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
  - (2) The Nomination Committee shall be responsible for providing nominations for the Chair and the Vice Chair on an as needed basis in accordance with the Board Election of Officers Procedure.
  - (3) Meetings may be held as necessary at the call of the Chair.
  
- b. Executive Director Evaluation Committee
  - (1) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
  - (2) This committee is responsible for ensuring that the Board completes a mid-year evaluation in accordance with Board Executive Director Evaluation Procedure.
  - (3) Meetings may be held as necessary at the call of the Chair.
  
- c. Waiver Request Committee
  - (1) The waiver committee shall consist of three (3) Board members. One (1) committee member shall be a Board member who is serving as a teacher representative; one (1) committee member shall be a Board member who is serving as an administrator representative; and one (1) committee member shall be a Board member who is serving as a postsecondary representative. An alternate waiver committee member shall also be selected. The alternate waiver committee member will only serve if one (1) of the other members of the committee is unavailable to attend a committee meeting.
  - (2) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
  - (3) The waiver committee is responsible for reviewing waiver requests pursuant to KRS 161.028(r) with Education Professional Standards Board staff and for making recommendations on those waivers to the full Board in accordance with the Board Waiver Request Procedure.
  - (4) Meetings shall immediately precede meetings of the Board unless another time is designated by the Committee Chair.

### C. Ad Hoc Committees

- 1. Ad hoc committees may be established and appointed at any time by the Chair and with such charge as the Board Chair may determine.

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2. Ad hoc committees shall carry out their duties as specified and report to the Board. Such committees shall function until discharged, unless otherwise stipulated in the specific Committee Charter. Membership may include Board members, and it may also include persons who are not Board members.
- IV. Board Statutory Authority and Responsibilities: The Board's statutory authority and areas of responsibility are set forth in KRS 161.028(1)(a) - (x) and KRS 161.028(2)(g):
- A. Establish standards and requirements for obtaining and maintaining a teaching certificate;
  - B. Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:
    1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
    2. Research-based classroom practices, including effective classroom management techniques;
    3. Emphasis on subject matter competency of teacher education students;
    4. Methodologies to meet diverse educational needs of all students;
    5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
    6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
    7. The diversity of faculty;
    8. The effectiveness of partnerships with local school districts; and
    9. The performance of graduates on various measures as determined by the board;
  - C. Conduct an annual review of diversity in teacher preparation programs;
  - D. Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
  - E. Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the Board;
  - F. Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
  - G. Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

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- H. Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- I. Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;
- J. Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
- K. Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
- L. Develop a professional code of ethics;
- M. Set the qualifications and salary for the positions of executive director and deputy executive director to the Board, notwithstanding the provisions of KRS 64.640;
- N. Recruit, select, employ and evaluate the executive director to the Board;
- O. Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
- P. Approve the biennial budget request;
- Q. Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
- R. Waive a requirement that may be established in an administrative regulation promulgated by the Board. A request for a waiver shall be submitted to the Board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The Board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
- S. Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Kentucky Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;
- T. Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a post-baccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An

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administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the Board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the Board;

- U. Employ consultants as needed;
- V. Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the Board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
- W. Sponsor studies, conduct research, conduct conferences, and publish information as appropriate;
- X. Issue orders as necessary in any administrative action before the Board; and
- Y. As set for in 161.028(2)(g), to carry out the functions relating to its duties and responsibilities, the Board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

### V. Board Action:

- A. Any action relating to the Board's statutory authority or areas of responsibility are set forth in KRS 161.028(1)(a) - (x) and KRS 161.028(2)(g) and will require Board approval.
- B. EPSB staff shall bring before the Board any actions that require Board approval first as an information item and then as an action item.
- C. The Board shall consider the recommendations of EPSB staff and then approve, modify, or deny the action proposed.

### References and Related Materials

Kentucky Revised Statutes:

Kentucky Administrative Regulations:

Board Policies and/or Procedures:

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item C

##### **Action Item:**

Waiver Request Procedure

##### **Applicable Statutes and Regulation:**

KRS 161.028

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendments to the Waiver Request Procedure?

##### **Background:**

The Waiver Request Procedure identifies the process by which an applicant for certification, a postsecondary institution, or a superintendent of a local school district, submits a request for a waiver of an administrative regulation promulgated by the Board.

The proposed amendment seeks to accomplish the following objectives:

1. Reformats the existing procedure;
2. Clarifies existing practice; and
3. Creates a conditional waiver that EPSB staff will only use in exceptional circumstances after consultation with the Board chair and the committee chair.

##### **Groups/Persons Consulted:**

This draft procedure was included as part of the Board's agenda for the February 2017 Board meeting and will be included as part of the Board's agenda for the April 2017 Board meeting.

##### **Potential Actions:**

1. Approve the procedure as drafted.
2. Do not approve the procedure as drafted.
3. Modify the procedure as drafted.

##### **Staff Recommendation:**

Potential Action 1

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### **Rationale:**

This proposed procedure will ensure that the EPSB is effective and efficient with transparency.

### **Contact Person:**

Ms. Lisa Lang, General Counsel  
Division of Executive Office  
502-564-4606  
E-mail: Lisa.Lang@ky.gov

### **Date:**

April 10, 2017

## Agenda Book

### Education Professional Standards Board

#### WAIVER REQUEST PROCEDURE

**APPROVED** September 28, 1998  
Amended August 14, 2000; August 26, 2002; \_\_\_\_\_

- I. The Board has the authority to waive regulatory requirements promulgated by the Board pursuant to KRS 161.028(1)(r).
  - A. Request
    1. Applicant for Certification;
    2. Postsecondary Institution; or
    3. Superintendent of a local school district.
  - B. Format of Request
    1. All waiver requests submitted to the Board pursuant to KRS 161.028(1)(r) shall be submitted in writing to the Board's Executive Director at least 30 days before the next regularly scheduled Board meeting. Each waiver request shall set forth all facts to support the extraordinary circumstances necessary for waiver and shall stipulate the specific regulation for which the waiver is requested.
    2. If the applicant for waiver wishes to be considered for a conditional waiver while the request for waiver is pending consideration by the Board, the applicant shall include in his/her application an explanation as to: 1) why the applicant did not submit the application sooner; and 2) why the applicant will suffer significant hardship if the application has to wait until the Board makes a final decision.
    3. The waiver request, along with all supporting documentation, shall be included in the agenda materials for the next Board meeting. The waiver request agenda item shall be assigned to the Board Waiver Committee for initial review and recommendation.
  - C. EPSB Staff Review
    1. EPSB staff shall conduct a preliminary review of the request.
    2. If the applicant is seeking a conditional waiver, the Executive Director will consult with the Board Chair and the Waiver Committee Chair regarding the request for a conditional waiver.
    3. If approval is obtained by the Board Chair and the Waiver Committee Chair, the EPSB shall approve a conditional waiver prior to review by the full Board Waiver Committee and final decision of the full Board.

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### D. Conditional Waiver

1. A conditional waiver is exceptional relief granted in limited circumstances.
2. The granting of a conditional waiver does not limit the Board's ability to deny the waiver once presented to the full Board.

### E. Acknowledgement of Waiver Request

1. The Executive Director shall send a letter to the applicant notifying him/her of the date, time, and location of the Board Waiver Committee Meeting as well as the Board meeting at which his/her request will be considered.
2. If the application included a request for a conditional waiver, the Executive Director shall inform the applicant of the status (approved/not approved) of the conditional waiver request.

### F. Recommendation by Waiver Committee

1. The Waiver Committee shall review the request for waiver, along with any attached supporting documentation submitted by the applicant in the presence of EPSB Staff in an open meeting prior to a regularly scheduled Board meeting.
2. The Waiver Committee shall hear a presentation from EPSB staff regarding the waiver during its meeting and shall have the opportunity to ask EPSB staff questions.
3. The Waiver Committee has the sole discretion in determining whether or not the waiver applicant may address the committee.
4. The Waiver Committee shall formulate a recommendation to be made to the full Board at the next regularly scheduled Board meeting.
5. When considering a waiver request, the Waiver Committee shall only recommend that the Board approve the waiver if the applicant has demonstrated extraordinary circumstances.
6. The Waiver Committee shall make a recommendation to the Board.

### G. Final Decision by Board

1. After receiving the committee's recommendation, the Board shall vote in open session on the committee's recommendation and render a final decision.
2. The Board shall only grant waiver requests if the applicant demonstrates that extraordinary circumstances exist.
3. The Executive Director shall notify the applicant in writing of the decision of the Board.

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4. Any waiver granted pursuant to KRS 161.028(1)(r) shall be subject to revocation if the person or institution falsifies information or fails to meet the intent of the waiver.
5. Waivers are limited to a one-year period. If a waiver is sought for a period that exceeds one year, the applicant must reapply at the end of each one-year period.

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### EDUCATION PROFESSIONAL STANDARDS BOARD

#### STAFF NOTE

#### Action Item D

##### **Action Item:**

Adopt proposed revisions to the Procedures Relating to Board Action Against an Educator's Certification to align with 16 KAR 1:030

##### **Applicable Statutes and Regulation:**

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

##### **Applicable Goal(s):**

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 Board adopt revisions to the Procedures Relating to Board Action Against an Educator's Certification?

##### **Background:**

At the August 15, 2016, meeting, the Board approved the Procedures Relating to Board Action Against a Certificate Holder's Certification. The procedures corresponded with the revisions to 16 KAR 1:030, and were set to become effective on the same day as the regulation.

Through the legislative process, additional revisions were made to 16 KAR 1:030. At the December 12, 2016, meeting, the Board approved amendments to 16 KAR 1:030 after comments were received from Mary Ruble, Executive Director of the Kentucky Education Association (KEA), during the public comment period. Additional agency amendments were made based upon suggestions from the Legislative Research Commission (LRC) staff. Based on these updates, the EPSB staff recommends making revisions to the Procedures Relating to Board Action Against an Educator's Certificate to align the procedures with the final version of 16 KAR 1:030.

Staff also recommends updating the language in the procedures to ensure that terms are used consistently in the regulation and procedures. Specifically, EPSB staff recommends: using the EPSB to refer to the agency, and the Board to refer to the Board; and, replacing the term certificate holder with educator.

##### **Potential Actions:**

1. Approve the revisions to the Procedures Relating to Board Action Against an Educator's Certification.
2. Do not approve the revisions to the Procedures Relating to Board Action Against an Educator's Certification.

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3. Modify the revisions to the Procedures Relating to Board Action Against an Educator's Certification.

### **Staff Recommendation:**

Potential Action 1

### **Rationale:**

These revisions will align the procedures with the final version of 16 KAR 1:030 which became effective on March 3, 2017. The revisions will also ensure that consistent language is used throughout the regulation and the procedures.

### **Contact Person:**

Ms. Cassie Trueblood, Division Director  
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502-564-4606  
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### **Date:**

April 10, 2017



## Agenda Book

### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 1 Types of Actions

###### APPROVED \_\_\_\_\_

- I. In order to support the mission of the Education Professional Standards Board<sup>1</sup>, the Board may take action against an educator's certificate in an effort to either 1) ensure that an educator 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 Board is authorized to take the actions set forth below.
- A. **Admonishment:** an admonishment (or reprimand<sup>2</sup>) is a formal written censure that is placed in the case file of the educator. 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 Board temporarily deactivates an educator'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 staff is required to reactivate the educator's certificate upon a demonstration that the educator has complied with any reinstatement conditions that may be set forth in an Agreed Order or Final Order. KRS 161.120(10).
  - C. **Revocation:** a revocation is a permanent forfeiture of an educator'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 Board 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:** the Board also has the authority to impose probationary or supervisory conditions upon an educator's certificate. KRS 161.120(1). This authority shall include the authority to require training.
  - E. **Surrender:** a surrender occurs when an educator voluntarily agrees to a permanent forfeiture of the educator's certificate.
- II. The Board 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).

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<sup>1</sup> The Board shall be used to refer to the board and the EPSB shall be used to refer to the agency.

<sup>2</sup> For the purpose of KRS 161.120, the EPSB considers an admonition and a reprimand to be synonymous.

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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 2

##### Intake and Review of Reports and Complaints

##### APPROVED \_\_\_\_\_

- I. **Intake.** The EPSB receives reports or complaints 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 the 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 that might reasonably warrant action against an educator's certificate under KRS 161.120(1).
    1. A superintendent's duty to report includes reporting those convictions committed by an educator that occurred prior to the date an educator'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 an educator'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), the EPSB may consider complaints or reports from any other source, but the EPSB will only accept written, signed complaints.
- II. **Review.** The EPSB's Executive Director and the EPSB staff will review all reports and complaints to determine whether the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred.
  - A. If the report or the complaint contains insufficient credible evidence that conduct may have occurred that would constitute a violation of KRS 161.120(1), the 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, the EPSB's Executive Director and the 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) may have occurred. If there is still

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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.

1. Reports or complaints that relate to an educator where there is insufficient credible evidence that a violation of KRS 161.120(1) occurred will be kept on file for five (5) years from the date the EPSB's Executive Director and the EPSB staff determined there is insufficient evidence that a violation occurred.
2. Reports or complaints that relate to a non-certified individual will be kept on file for one (1) year after the notification of the death of that individual.
3. Reports or complaints kept on file are not subject to disclosure pursuant to KRS 61.878(1)(h). See OAG 91-198.

### III. Notice to Educator.

- A. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred, the EPSB staff will open a case file and assign that file a number.
  1. If multiple reports or complaints are received regarding an educator before any action is taken by the Board, all of the reports and/or complaints will be consolidated into a single case file;
  2. If multiple reports or complaints are received regarding an educator after the Board has issued a dismissal; a deferral for training; an admonishment (and the educator has not requested that the matter be referred to hearing); or an admonishment with training (and the educator has not requested that the matter be referred to hearing) and the matter is otherwise closed, the reports or complaints will be given a new case file number; or
  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, the additional report or complaint will be consolidated with the existing case file.

When a complaint or report is consolidated with an existing case file, a copy of the complaint or report will be sent to the educator or the educator's attorney. The educator or the educator's attorney will be given the opportunity to submit a rebuttal. If a rebuttal is submitted, it will be included in the educator's case file.

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- B. When a case file is opened, the EPSB staff shall ensure that the educator 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 educator's last known address on file with the EPSB. The Notification shall:
1. Notify the educator that the EPSB has received a report or complaint pursuant to KRS 161.120(1);
  2. Provide the educator with a copy of the report or complaint;
  3. Notify the educator that the educator has thirty (30) days from the date the educator receives the Notification to provide the EPSB with a written rebuttal.
  4. Notify the educator that the Board will review the report or complaint and written rebuttal to determine whether further action is necessary.
  5. Notify the educator that the report or complaint is deemed confidential and should not be disclosed by the educator for any other purpose other than for preparing a rebuttal.
  6. Notify the educator that all names, addresses, and counties will be redacted in order to protect the confidentiality of the educator and witnesses.
- IV. The educator shall have the right to file a rebuttal with the EPSB within thirty (30) days from the date the educator receives the complaint or report from the EPSB, unless the parties agree to extend the time.
- V. The EPSB staff shall add the case to the EPSB's docket and prepare the case file for the Board to review by redacting all the educator's identifiers if one (1) of the following occurs:
1. the educator's rebuttal is received;
  2. the Notice is returned as undeliverable; or
  3. the educator:
    - a) fails to file a rebuttal with the EPSB; and
    - b) has not requested to extend the thirty (30) day deadline.

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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 3 Board Action on Reports and Complaints

###### APPROVED \_\_\_\_\_

- I. In advance of each of its regularly scheduled Board meetings, the Board 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 a member of the Board 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 Board member wishing to access the redacted case file shall make a request to the Executive Director, in advance of the Board meeting to give the EPSB staff sufficient time to redact the case file.
- II. **Board Review.** At each regularly scheduled Board meeting, the Board will discuss the Reports and Complaints in closed session.
- A. When making a determination as to how to proceed, the Board shall 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; and
    - 7. any other relevant circumstances or facts.
  - B. 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;

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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; or
7. sanctioned misconduct in another jurisdiction. The findings of fact contained in final orders from any other 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 jurisdiction is a violation of Kentucky law.

**III. Board Action.** The Board may take 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 Board decides that it would like additional information before taking any further action, the Board shall direct the EPSB staff to gather additional information from the reporting school district and/or from public sources and bring the case back before the Board as part of the Docket.
2. The EPSB staff shall either provide the additional information sought by the Board 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 the EPSB staff anticipates that the additional information will be received.
3. A deferral does not constitute a final action.

**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. An Order of Dismissal constitutes final action.
2. The Board reserves the right to review the case file at a later date should additional information be received in the future.
3. Orders of Dismissal are filed as part of the case file. Pursuant to the EPSB's Records Retention Schedule, Educator Disciplinary Records must be retained one (1) year after notification of the educator's death.

**C. Deferral for Training.** Deferral for Training is appropriate when the Board determines that additional professional development of an educator is warranted. The Board shall require the educator to undergo specific training within a specific

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time period. Upon completion of training, the educator will be required to present written proof of training to the Board. The Board will then enter an Order of Dismissal if satisfied that the educator has satisfied the training requirement.

1. If the educator fails to either complete training or fails to provide evidence to the Board of completed training during the required timeframe, the EPSB staff will put the case back on the Docket for possible further action by the Board.
2. Deferral for Training does not constitute final action.

D. **Admonishment.** The Board may issue a written admonishment to the educator 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 educator's address on file with the EPSB.
2. Upon receipt of the written admonishment, the educator may:
  - a. Accept the written admonishment;
  - b. Accept the written admonishment, but provide a response within thirty (30) days of receipt of the admonishment and have it placed in the educator's case file along with the written admonishment; or
  - c. Not accept the written admonishment and, within thirty (30) 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 educator to respond has ended, the EPSB shall take one of the following actions:
  - a. If the educator accepts the admonishment, the EPSB will place the admonishment and the educator's response (if any) in the educator's case file; or
  - b. If the educator does not accept the admonishment and requests a hearing, the EPSB staff will recommend to the Board that the matter be referred for hearing.
4. If the educator accepts the admonishment, the admonishment is considered final action.
5. The EPSB staff, a hearing officer, and the Board 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 educator.

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- 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 is warranted to prevent future violations. The Board shall require the educator to undergo specific training within a specific time period. Upon completion of training, the educator will be required to present written proof of training to the Board. If the educator fails to complete the training within the specified timeframe, the Board may consider taking additional action. In all other respects, the process for imposition of an Admonishment with Training will be handled in the same manner as the Admonishment alone.
- F. **Referral for Attorney Review and Investigation.** Referral for Attorney Review is appropriate when the alleged conduct, should it be substantiated, would warrant sanctions. 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. 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 final disposition.
  2. The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the educator.
  3. Contents of Notice of Referral.
    - a. The Notice of Referral shall notify the educator that the Board has referred the report or complaint for further review and investigation.
    - b. The Notice of Referral shall notify the educator of the right to provide evidence that the educator's conduct did not constitute a violation of law or ethics.
    - c. The Notice of Referral shall be sent to the educator's address on file with the EPSB.
  4. Review and Investigation.
    - a. The assigned attorney will review the evidence contained in the investigative case file and determine what additional evidence is needed to evaluate the case.
    - b. The assigned attorney will take all steps necessary to gather information or evidence necessary to evaluate case.



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5. Recommendations for Resolution
  - a. Once the assigned attorney is satisfied that all information and evidence reasonably available has been collected, the attorney shall:
    - i.* recommend that the case be referred for hearing;
    - ii.* recommend that an agreed order be approved; or
    - iii.* 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 an educator or an educator'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 educator is willing to accept sanctions without going to the expense of a hearing.
  - d. All agreed orders must be approved by a majority of the Board, and signed by the Board chair.
6. The educator has the right to request a hearing at any point after an Agreed Order has been offered and rejected.

**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 educator 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 educator.

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

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## Agenda Book

### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

#### Section 4 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 the 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 educator 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 sought.
- B. The Notice of Hearing and Statement of Charges shall be sent to the educator's address on file with the EPSB.
- C. Pursuant to KRS 161.120(5)(c), 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, the 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.
- 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.

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- E. **Location of Hearing.** Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the EPSB, 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, KY 40601.
- F. **Right to Private Hearing.** The educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the educator fails to specifically request a private hearing, the 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 an 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 Board 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.

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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 5 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 the EPSB, and copies of any filed item shall be served on all parties and the hearing officer by mail, or any other means permitted by law. The EPSB shall stamp the time and date upon the 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

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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 or her 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. The EPSB's proposed action on a certification currently held.
  - a. 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.
  - b. The EPSB must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate.
  - c. The educator has the burden of asserting an affirmative defense and has the burden to establish that defense.
2. Applicant's appeal on the EPSB's denial of an application of certification.
  - a. The applicant has the burden of proof and the ultimate burden of persuasion as to that issue.
  - b. The applicant must demonstrate by the preponderance of evidence in the record entitlement to the benefit sought.
  - c. 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.

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1. Timeframe.
  - a. The hearing officer shall complete and submit that Recommended Order to the EPSB no later than 60 days after receiving a copy of the official record of the proceeding. KRS 13B.110(1).
  - b. 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 and procedures.
  - a. 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).
  - b. The hearing officer shall consider the factors set forth in Procedure Section 3, IIA when recommending sanctions.

**VII. Filing of Exceptions.** A party may file any exceptions to the Recommended Order within 15 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 Board.

### A. Service

1. Exceptions shall be served upon the other party by mail or any other means permitted by law.
2. Original shall be mailed to the offices of the EPSB.

**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.

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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.** 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 an educator elects to proceed with a private or public hearing, the Recommended Order and hearing transcript are considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order.



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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 6 Post-Hearing Phase

###### APPROVED \_\_\_\_\_

- I. **Review of Recommended Order.** In making the Final Order, the Board 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 or request for issuance of a Default Judgment.
  - A. The Board 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 Board 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 Order 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 Order within 90 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 Board may delegate to the chair the authority to sign on behalf of a majority of the Board members a decision made or order issued under this section.
- V. **Disclosure of Case File After Final Decision Issued.** Regardless of whether an educator elected to proceed with a public or private hearing, the case file including, but not limited to, the Final Order, the Recommended Order, and the hearing transcript, is subject to disclosure upon the Board's issuance of its Final Order unless specifically closed by the hearing officer pursuant to a provision of law.
- VI. **Redaction.** Prior to the public disclosure of the case file in accordance with KRS 61.805,

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et seq., the EPSB staff shall ensure that any information otherwise prohibited from disclosure by law or regulation is redacted.

### **VII. Administrative Finality.**

- A. In accordance with KRS Chapter 13B, Final Orders issued by the Board shall be subject to judicial review by the Franklin Circuit Court. KRS 161.120 (12).
- B. A petition for judicial review shall not automatically stay a Final Order 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, of 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).

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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 7

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

APPROVED \_\_\_\_\_

- I. When the Board issues an order of suspension, surrender, or revocation, the EPSB staff shall mail a copy of the order to the educator's 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 educator's case file maintained by the EPSB staff.
- III. Immediately following the issuance of the order, 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 the EPSB website. The period of suspension shall only be noted on the website while the certificate is suspended.
- 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.

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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'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(6).
- A. A certificate that has been suspended by the Board shall not be reinstated until the educator has met all conditions and requirements ordered by the 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 Board, the educator shall apply for the renewal of the certificate and shall meet all educational requirements for renewal of the certificate.
  - C. The burden to reinstate a certificate that has been suspended is on the educator.
  - D. Conditions.
    - 1. When the terms of the suspension did not include conditions:
      - a. The EPSB staff will reinstate the certificate and remove the reference to the suspension from the EPSB website.
      - b. The EPSB staff will notify the educator in writing to the home address on file with the EPSB that the certificate has been reinstated.
      - c. The EPSB will notify the school district that employs the educator.
    - 2. When the terms of the suspension included conditions:
      - a. The burden to reinstate the educator's certificate is on the educator.
      - b. The EPSB staff will review the file to determine if the educator has submitted evidence demonstrating that the conditions of suspension were met.
      - c. The EPSB staff will reinstate the certificate after the suspension period is concluded and remove from any reference to the suspension from EPSB's website once the educator has provided evidence that the conditions of suspension have been met.

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- E. The record of suspension as well as reinstatement of the certification shall become part of the educator's case file, but the suspension will not be noted on any future certificate issued to the educator.
- II. Reinstatement of a suspended certificate for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6).
- A. In addition to conditions for reinstatement or reissuance set forth above, the educator shall, at the educator's own expense, provide written evidence that the educator has submitted to a drug test administered by a drug testing facility approved by the Board within thirty (30) days of reinstatement or submission of an application for reissuance of the certificate.
- B. The educator shall arrange for the drug testing facility to send the results of the drug test directly to the EPSB.
- C. An educator subject to the terms of this subsection may petition the EPSB to approve a drug testing facility of the educator's choice.
1. Petition to Approve Drug Testing Facility. The petition shall contain the following information:
    - a. the drug testing facility's name and location;
    - b. the name and telephone number for the director of the facility;
    - c. the method of test specimen collection;
    - d. the drug testing facility's method of assuring identity of the test subject;
    - e. procedures for testing specimens, including forensic testing methods; and
    - f. chain of custody protocols.
  2. The Drug Testing Facility must test, at a minimum, the following controlled substances:
    - a. Marijuana;
    - b. Cocaine;
    - c. Opiates;
    - d. Amphetamines;
    - e. Phencyclidine;
    - f. Morphine;
    - g. MDMA (Ecstasy);
    - h. Methadone;
    - i. Benzodiazepines;
    - j. Barbiturates; and
    - k. Oxycodone.

## **Agenda Book**

- D. If the results of the drug test indicate drug use by the educator, the certificate shall not be reinstated or reissued.

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# Agenda Book



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### Education Professional Standards Board

#### PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR'S CERTIFICATION

##### Section 9

##### Procedure for the Reissuance of a Certificate After Surrender or Revocation

APPROVED \_\_\_\_\_

- I. When surrender or revocation was for a reason other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6), 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 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 surrender or revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6), 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.
- IV. The record of surrender or revocation as well as reissuance shall become part of the educator's case file.

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item E

##### **Action Item:**

Intent to Amend 16 KAR 2:020 Occupation-Based Career and Technical Education Certificate

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, and 161.030  
16 KAR 2:020, and 704 KAR 3:303

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 2:020 Occupation-Based Career and Technical Education Certificate?

##### **Background:**

16 KAR 2:020 identifies the process by which the Education Professional Standards Board issues certificates to applicants seeking occupation-based teacher certification.

The proposed amendment seeks to accomplish the following objectives:

1. Ensure that all applicants complete an approved program of preparation that prepares the applicants to be successful teachers for any information technology, industrial education, public service, health science, or human services occupation area that may be offered under 704 KAR 3:303.
2. Ensure that all certified occupation-based career and technical education teachers have the credentials necessary for their students to receive both high school credit and college credit for the classes taught by these occupation-based teachers.

##### **Groups/Persons Consulted:**

EPSB staff has worked closely with KDE staff to develop these recommended changes.

##### **Potential Actions:**

1. Approve the proposed amendments to 16 KAR 2:020.
2. Do not approve the proposed amendments to 16 KAR 2:020.
3. Modify the proposed amendments to 16 KAR 2:020.

##### **Staff Recommendation:**

Potential Action 1

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### **Rationale:**

Teacher quality is the most important school-based factor in determining student success, and we must ensure that all Kentucky educators enter their classrooms prepared to excel. This amendment reflects Kentucky's commitment to ensure that the EPSB issues certificates for Occupation-Based Career and Technical Education to applicants prepared to excel in the classroom and to support student success.

### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

### **Date:**

April 10, 2017

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1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 2:020. Occupation-based career and technical education certification.

5 RELATES TO: KRS 156.095, 158.070, 158.816, 160.380, 161.020, 161.028, 161.030

6 STATUTORY AUTHORITY: KRS 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030

8 require that teachers and other professional school personnel hold certificates of legal  
9 qualifications for their respective positions to be issued upon completion of programs of  
10 preparation prescribed by the Education Professional Standards Board. This administrative  
11 regulation establishes the qualifications for teachers of occupation-based career and technical  
12 education and implements the testing and internship requirements of KRS 161.030.

13 Section 1. (1) The Education Professional Standards Board (EPSB) shall issue and reissue  
14 certificates for occupation-based career and technical teachers~~[education established in this~~  
15 ~~administrative regulation shall be issued and renewed for occupation-based career and technical~~  
16 ~~education teachers]~~ employed by the public schools, the Kentucky Community and Technical  
17 College System, or the Kentucky Department of Education Office of Career and Technical  
18 Education (KDE).

19 (2) The EPSB may issue certificates~~[may be issued]~~ for any information technology,  
20 industrial education, public service, health science, or human services occupation area for which  
21 programs may be offered under the required Kentucky Academic Standards established in 704  
22 KAR 3:303.

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23 (3) The EPSB shall issue certificates~~[Certificates]~~ for occupation-based career and technical  
24 teachers~~[education]~~ established in this administrative regulation to~~[shall]~~:

25 (a) ~~[Be initially issued to]~~Teacher~~[teacher]~~ candidates who are employed based upon  
26 required occupational experience in the occupation~~[subject]~~ area to be taught; and

27 (b) The EPSB shall not~~[Not]~~ require a college degree for initial issuance.

28 Section 2. Issuance and Renewal of One (1) Year Provisional Certificates. (1) Initial issuance.

29 The EPSB shall issue a~~[A]~~ provisional~~[internship]~~ certificate to~~[for teaching]~~ occupation-based  
30 career and technical teacher candidates~~[education, valid for teaching only the subject or subjects~~  
31 ~~stated on the face of the certificate, issued to an applicant who has submitted a completed CA-3]~~  
32 for a duration period of one (1) year. The EPSB shall only issue the provisional certificate after  
33 the KDE and, if applicable, an accredited provider of an occupation-based educator preparation  
34 program recommends the teacher candidate for certification and the teacher candidate completes  
35 the requirements set forth in this Section.~~[upon completion of the following requirements:]~~

36 (a) For those teacher candidates who do not hold at least an associate degree in the  
37 occupation area in which the teacher candidate is seeking certification, the teacher candidate  
38 shall:~~[A minimum of a high school diploma or its equivalent determined by evidence of an~~  
39 ~~acceptable score on the general education development test administered by an approved testing~~  
40 ~~center;]~~

41 1. Demonstrate that he or she has at least a high school diploma or its equivalent;

42 2. Demonstrate that he or she has four (4) years of successful and appropriate occupational  
43 experience in the occupation area in which certification is sought along with:

44 a. At least two (2) years of the occupational experience completed within the last five (5)  
45 years. A maximum of one (1) year of the required work experience may be satisfied by

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46 completion of an occupation-based educator preparation program for the occupation to be taught;

47 and

48 b. Proof that KDE confirmed the occupational experience;

49 3. Demonstrate that he or she meets the assessment requirements set forth in 16 KAR 6:020;

50 4. Answer “no” to the EPSB’s background disclosure questions set forth in Section 4; and

51 5. Demonstrate that a local school district, the KDE, or the Kentucky Community and

52 Technical College System has made an offer of employment.

53 (b) For those teacher candidates who hold either an occupation-based degree in the

54 occupation area in which certification is sought or a degree from an approved occupation-based

55 educator program, the teacher candidates shall provide proof of that degree to the EPSB. [~~Four~~

56 ~~(4) years of successful and appropriate occupational experience in the area to be taught, with:~~

57 ~~1. At least two (2) years of the occupational experience completed within the last five (5)~~

58 ~~years. A maximum of one (1) year of the required work experience may be satisfied by~~

59 ~~completion of an accredited occupational preparation program for the occupation to be taught;~~

60 ~~and~~

61 ~~2. The occupational experience confirmed by the Kentucky Department of Education Office~~

62 ~~of Career and Technical Education;]~~

63 (c) For those teacher candidates who answer “yes” to the EPSB’s background disclosure

64 questions set forth in Section 4, the EPSB may issue provisional certificates to those teacher

65 candidates, but the board shall retain final authority to deny the request for a certificate if the

66 board so chooses. [~~The testing provisions established in 16 KAR 6:020;~~

67 ~~(d) A national and state criminal background check performed in accordance with KRS~~

68 ~~160.380(5) within twelve (12) months prior to the date of application; and~~

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69 ~~(e) An offer of employment from a local school district, the Kentucky Department of~~  
70 ~~Education, the Department of Workforce Development Investment, or the Kentucky Community~~  
71 ~~and Technical College System.]~~

72 (2) First renewal of one (1) year provisional certificates. The EPSB shall issue the first  
73 renewal of the one (1) year provisional certificate to a requesting teacher candidate only after the  
74 KDE and, if applicable, an accredited provider of an occupation-based educator preparation  
75 degree recommends the renewal of the provisional certificate and the teacher candidate meets the  
76 requirements set forth in subsection (2)(b).~~[shall require the successful completion of:]~~

77 (a) The KDE or the accredited provider of an occupation-based educator preparation degree  
78 program shall only recommend renewal of the first provisional certificate for a teacher candidate  
79 who does not hold an occupation-based degree in the area in which certification is sought after  
80 that teacher candidate:~~[Kentucky Teacher Internship Program established in 16 KAR 7:010; and]~~

81 1. Completes three (3) semester hours of credit in laboratory or classroom management.  
82 The teacher candidate may meet this requirement by successfully completing professional  
83 learning through the New Teacher Institute (NTI) sponsored by the KDE;

84 2. Completes professional learning through the NTI;

85 3. Receives a recommendation by the KDE or an accredited provider of an occupation-  
86 based educator preparation program for enrollment in the Kentucky Teacher Internship Program  
87 (KTIP);

88 (b) The teacher candidate answers “no” to the EPSB’s background disclosure questions set  
89 forth in Section 4. . If the teacher candidate answers “yes” to the questions set forth in Section 4,  
90 the EPSB may renew the provisional certificates for those teacher candidates, but the board shall  
91 retain final authority to deny a request for certification if the board so chooses.~~[Three (3)]~~



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92 ~~semester hours of credit in occupation-based career and technical education laboratory/classroom~~  
93 ~~management. This requirement may be met by successfully completing New Teacher Institute~~  
94 ~~sponsored by the Kentucky Department of Education Office of Career and Technical Education.]~~

95 (3) Subsequent renewal of one (1) year provisional certificate. The EPSB shall issue  
96 any[~~Any~~] subsequent renewal of the one (1) year provisional certificate to a requesting teacher  
97 candidate only after the KDE or the provider of an approved occupational preparation program  
98 recommends to the EPSB that the EPSB renew the one (1) year provisional certificate. The KDE  
99 or an approved occupation-based preparation program shall ensure that the teacher candidate  
100 meets the following requirements before recommending renewal[~~an applicant who has submitted~~  
101 a completed CA-3 after the successful completion of the internship shall require]:

102 (a) The completion of a minimum of six (6) semester hours of college credit for each renewal  
103 selected from the approved degree program [~~sixty four (64) semester hour planned program for~~  
104 ~~the preparation of teachers in information technology, industrial education, public service, health~~  
105 ~~science, or human services occupations established in Section 4 of this administrative regulation;~~  
106 ~~and]~~

107 (b) Documentation of completion of four (4) days of professional development as required by  
108 KRS 156.095 and 158.070; and[-]

109 (c) Answers “no” to the EPSB’s background disclosure questions set forth in Section 4. If  
110 the teacher candidate answers “yes” to the questions set forth in Section 4, the EPSB may renew  
111 the provisional certificates for those teacher candidates, but the board shall retain final authority  
112 to deny a request for certification if the board so chooses.

113 (4) The one (1) year provisional certificate shall be limited to five (5), one (1) year renewals  
114 for a total validity period of six (6) years which do not need to be consecutive.[~~Credit granted by~~

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115 ~~a regionally or nationally accredited postsecondary institution for occupational proficiency~~  
116 ~~based upon past relevant experience or credit by examination shall not be applied toward the~~  
117 ~~provisional certificate renewal requirements.~~

118 ~~(5) The one (1) year provisional certificate shall be limited to nine (9), one (1) year renewals~~  
119 ~~for a total validity period of ten (10) years, which do not need to be consecutive.~~

120 ~~(6) Upon completion of the sixty four (64) hour planned program established in Section 4 of~~  
121 ~~this administrative regulation, the teacher shall :~~

122 ~~(a) receive the professional certificate established in Section 3 of this administrative~~  
123 ~~regulation; and~~

124 ~~(b) Adhere to the subsequent renewal requirements established in Section 3(3) of this~~  
125 ~~administrative regulation.]~~

126 Section 3. Issuance and Renewal of the Professional Certificate. (1) [Initial] Issuance. The  
127 EPSB shall issue a [A] professional certificate pursuant to this administrative regulation [for  
128 teaching occupation based career and technical education, valid for teaching only the subject or  
129 subjects stated on the face of the certificate, shall be issued] for a duration period of five (5)  
130 years [one (1) year] to a requesting teacher candidate only after the KDE and, if applicable, a  
131 provider of an approved occupation-based preparation program recommends that the EPSB issue  
132 the professional certificate. Neither the KDE nor the provider of the approved occupation-based  
133 preparation program shall recommend issuance of the professional certificate until the teacher  
134 candidate has met [an applicant who submitted a completed CA-3 upon completion of] the  
135 following requirements:

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136 (a) The teacher candidate receives an occupation-based degree or an occupation-based  
137 educator preparation degree;~~[Compliance with Section 2(1) of this administrative regulation;~~  
138 ~~and]~~

139 (b) The teacher candidate completes the two years professional learning through NTI  
140 sponsored by KDE; and~~[The completion of a planned program consisting of a minimum of sixty-~~  
141 ~~four (64) semester hours of college credit established in Section 4 of this administrative~~  
142 ~~regulation.]~~

143 (c) The teacher candidate successfully completes KTIP.

144 (2) ~~[First]~~Renewal. The EPSB shall renew the professional certificate in accordance with 16  
145 KAR 4:060.

146 ~~[(a) The first renewal shall require the successful completion of the Kentucky Teacher~~  
147 ~~Internship Program established in 16 KAR 7:010.~~

148 (b) ~~Upon meeting the requirements established in paragraph (a) of this subsection, the teacher~~  
149 ~~shall receive the professional certificate valid for an additional four (4) years.~~

150 (c) ~~An occupation-based career and technical education teacher who has successfully~~  
151 ~~completed the Kentucky Teacher Internship Program prior to issuance of the initial professional~~  
152 ~~certificate or who is not required to complete the internship program under the requirements for~~  
153 ~~out of state teachers established in KRS 161.030(5) shall not be required to complete the~~  
154 ~~internship program again while serving on the professional certificate.~~

155 (3) ~~Subsequent renewal. The professional certificate shall be renewed for subsequent five (5)~~  
156 ~~year periods upon completion of:~~

157 (a) ~~Three (3) years of teaching or occupational experience in the occupational specialty; or~~

158 (b) ~~Six (6) semester hours of college credit related to the certification area.]~~

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159 Section 4. Disclosure of Background Information.~~[The planned program for occupation-~~  
160 ~~based career and technical education teachers shall:]~~

161 (1) Teachers and teacher candidates shall disclose certain background information to the  
162 EPSB whenever those teachers and teacher candidates apply for the issuance and renewal of the  
163 provisional certificate and the professional certificate by answering the following questions:

164 ~~[Include a minimum of sixty four (64) semester hours of college credit with at least twenty four~~  
165 ~~(24) semester hours in academic and professional education preparation during the first four (4)~~  
166 ~~years of certificate validity;]~~

167 (a) Have you ever had a professional certificate, license, credential, or any document issued  
168 for practice denied, suspended, revoked, or voluntarily surrendered? If you have had a  
169 professional certificate, license, credential, or any other document issued for practice initially  
170 denied by a licensing body, but later issued, you must answer “yes.”

171 (b) Have you ever been suspended or discharged from any employment or military service  
172 because of allegations of misconduct?

173 (c) Have you ever resigned, entered into a settlement agreement, or otherwise left  
174 employment as a result of allegations of misconduct?

175 (d) Is any action now pending against you for alleged misconduct in any school district,  
176 court, or before any educator licensing agency?

177 (e) Have you ever been convicted of or entered a guilty plea, an “Alford” plea, or a plea of  
178 nolo contendere (no contest) to a felony or misdemeanor, even if adjudication of the sentence  
179 was withheld in Kentucky or any other state? Minor traffic violations should not be reported.  
180 Convictions for driving while intoxicated (DWI) or driving under the influence of alcohol or  
181 other drugs (DUI) must be reported.

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182 (f) Do you have any criminal charges pending against you?

183 (g) If you answered affirmatively to any of the questions in this Section, has the EPSB

184 previously reviewed the information?

185 (2) The EPSB shall provide teachers and teacher candidates with the opportunity to submit a  
186 narrative to the board to consider before the board approves the request for issuance or renewal  
187 of a provisional certificate or a professional certificate. The teacher or teacher candidate may  
188 include in their narrative any dates, locations, school systems, court records, or any other  
189 information the teacher or teacher candidate would like the board to consider. [~~Utilize the~~  
190 proficiency evaluation established in 16 KAR 5:030;

191 ~~(3) Be based upon the experienced teacher standards established in 16 KAR 1:010;~~

192 ~~(4) Meet the specialty program association standards established in 16 KAR 5:010; and~~

193 ~~(5) Be accredited by the Education Professional Standards Board using the applicable~~  
194 ~~standards and procedures established in 16 KAR 5:010.]~~

195 Section 5. Effective August 1, 2018, the EPSB shall not issue provisional or professional  
196 certificates to those teacher candidates who do not have at least an associate degree in the area in  
197 which the teacher candidate is seeking certification, and who have not completed the two (2)  
198 year professional learning through NTI sponsored by KDE. [~~Information Technology Teachers.~~

199 ~~(1) A teacher shall possess one (1) of the following credentials to instruct in the field of~~  
200 ~~information technology:~~

201 ~~(a) Provisional certificate established in Section 2 of this administrative regulation;~~

202 ~~(b) Professional certificate established in Section 3 of this administrative regulation;~~

203 ~~(c) Computer information systems certificate established in 16 KAR 2:010;~~

204 ~~(d) Computer science endorsement established in 16 KAR 2:010; or~~

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205 ~~(e) Instructional computer technology endorsement established in 16 KAR 2:010.~~  
206 ~~(2) If a qualified teacher is not available for the position of information technology teacher,~~  
207 ~~as attested to by the local school superintendent or the Associate Commissioner of the Kentucky~~  
208 ~~Department of Education Office of Career and Technical Education, a one (1) year probationary~~  
209 ~~certificate may be issued under the requirements established in 16 KAR 2:190.~~  
210 ~~Section 6. Incorporation by Reference. (1) "CA 3", 3/15, is incorporated by reference.~~  
211 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law,~~  
212 ~~at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort,~~  
213 ~~Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.]~~

**Agenda Book**

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Date

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David Whaley, Board Chair  
Education Professional Standards Board

**DRAFT**

## Agenda Book

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on April 21, 2017 at 9:00 a.m., at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov), telephone number (502) 564-4606, and facsimile (502) 564-7080.



## Agenda Book

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 2:020

Contact Person: Lisa K. Lang, Phone 502-564-4606, Email [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov)

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes the qualifications for teachers of occupation-based career and technical education and implements the assessment and internship requirements of KRS 161.030.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to make applicants aware of the qualifications and procedures for occupation-based career and technical education certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 provides that no person shall be eligible to hold the position of a teacher for which a certificate may be issued, or receive a salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position. KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate; it also provides the EPSB with the authority and responsibility to set standards for and approve programs for the preparation of teachers. KRS 161.030 provides that the EPSB alone has the authority to certify all teachers in public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the qualifications for occupation-based career and technical education and establishes the procedures by which an applicant may apply for teaching certification in certain career and technical education areas.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment will require that all teacher candidates seeking certification in occupation-based career and technical education obtain the minimum of an associate degree.

This amendment will reduce the amount of time teacher candidates seeking certification in occupation-based career and technical education may take to complete the required degree from ten years to six years.

This amendment require all teacher candidates seeking certification in occupation-based career and technical education to complete the internship in their second year rather than their first year of teaching.

This amendment will increase the support provided to all new teacher candidates seeking certification in occupation-based career and technical education by a professional development program sponsored by Kentucky Department of Education (New Teacher Institute) over a two year time period rather than delivering it in a two week time period.

This amendment will no longer incorporate an application form by reference.

This amendment will incorporate the character and fitness questions from the application into the regulation.

This amendment will eliminate the specific reference to one type of certification (information technology teachers).

This amendment will eliminate the requirement that all degree programs leading to certification

## Agenda Book

for teacher candidates seeking certification in occupation-based career and technical education be approved by the Education Professional Standards Board using the applicable standards and procedures established in 16 KAR 5:010.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to retain teachers of occupation-based career and technical education by improving the support they receive in the initial years of teaching.

This amendment is necessary to ensure that teachers of occupation-based career and technical education are completing their degrees sooner thereby making them available to teach dual-credit courses sooner.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.020, 161.028, and 161.020 require that teachers hold legal qualifications for their respective positions to be issued upon completion of programs prescribed by the EPSB.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the criteria necessary for certification of teachers of occupation-based career and technical education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact the Kentucky Department of Education; it will impact 173 public school districts; it will impact at least five (5) educator preparation programs; it will impact teacher candidates seeking certification in occupation-based career and technical education areas not covered by 16 KAR 2:010; it will affect those students enrolled in 173 public school districts interested in enrolling in dual-credit courses.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: KDE and educator preparation providers will be responsible for supporting teacher candidates as teacher candidates work to complete their programs necessary for certification in a shorter time period.

Educator preparation providers will need to evaluate their programs to determine whether the programs will still be viable options for teacher candidates seeking certification in specific occupation-based career and technical areas.

Kentucky school districts will need to support teacher candidates seeking certification in occupation-based career and technical education in a shorter time period.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There may be a loss of revenue of some educator preparation providers who previously provided 64 credit programs that did not result in the issuance of a degree, but did result in a teaching certification.

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(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Teaching quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These amendments reflect Kentucky's commitment to recruit and retain quality teachers of occupation-based career and technical education that are on a path to achieving credentials necessary to teach dual credit.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no cost to the EPSB to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the EPSB to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds appropriated by the General Assembly to the Education Professional Standards Board.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The EPSB does not anticipate an additional fee or funding increase.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly nor does it indirectly increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No, tiering will not apply because all applicants for certification are required to meet the same requirements.

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### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 2:020

Contact Person: Lisa K. Lang, Phone: (502) 564-4606, Email: LisaK.Lang@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Education Professional Standards Board, the KDE, institutions of higher education, Kentucky public school districts, and occupation-based career and technical education teacher candidates.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.028(1)(a) requires that the EPSB establish requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3)(a) states that the certification of all new teachers and teachers seeking additional certification shall require the successful completion of the appropriate assessments prior to certification.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There should be no effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this regulation.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

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Expenditures (+/-):  
Other Explanation:

**DRAFT**

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item F

##### **Action Item:**

Intent to Amend 16 KAR 5:020 Standards for Admission to Educator Preparation

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, 161.030, 161.048; 16 KAR 5:020

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 5:020: Standards for Admission to Educator Preparation?

##### **Background:**

16 KAR 5:020 identifies the minimum standards for admission to approved educator preparation programs.

The proposed amendment seeks to accomplish the following objectives:

1. Adds the minimum standards for admission for occupation-based career and technical education.
2. Adds the minimum standards for admission to advanced programs.
3. Makes clear that all educator preparation program providers must notify the EPSB when a candidate is admitted into an approved program; it provides a timeline for that notification; and it provides a consequence if notification is not made.
4. Adjusts the timeframe in which educator preparation providers have to exit candidates who have not enrolled in at least one course required for program completion.
5. Adds an assessment recency requirement.
6. Removes out dated language that is no longer necessary.

Teacher quality is the most important school-based factor in determining student success. The EPSB has the responsibility to ensure that all educator candidates are of high quality and are equipped to enter their classrooms prepared to excel. This amendment reflects Kentucky's commitment that only quality educator candidates are admitted into approved educator preparation programs.

##### **Potential Actions:**

1. Approve the recommended amendment as presented.
2. Do not approve the recommended amendment as presented.

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3. Modify the recommended amendment.

### **Staff Recommendation:**

Potential Action 1

### **Rationale:**

This amendment to 16 KAR 5:020 is necessary to ensure that the educator candidates admitted to educator preparation programs are of high quality and have the professional dispositions expected of professional educators. It applies to all traditional educator preparation programs, alternate education preparation programs, and educator preparation programs for occupation-based career and technical education.

The regulation also aligns with changes made to KRS 161.048 during the 2017 regular session of the Kentucky General Assembly.

### **Contact Person:**

Dr. Ben Boggs, Division Director  
Division of Educator Preparation  
502-564-4606  
E-mail: [Ben.Boggs@ky.gov](mailto:Ben.Boggs@ky.gov)

### **Date:**

April 10, 2017



## Agenda Book

1  
2 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

3 Education Professional Standards Board

4 (Amendment)

5 16 KAR 5:020. Standards for admission to educator preparation.

6 RELATES TO: KRS 161.020, 161.028, 161.030,161.048[(7)]

7 STATUTORY AUTHORITY: KRS 161.028, 161.030

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(b) requires that the  
9 Educational Professional Standards Board (EPSB)[~~to~~] promulgate administrative regulations  
10 setting standards for educator preparation programs[~~approval of an educator preparation~~  
11 ~~institution that offers a preparation program corresponding to a particular certificate~~]. KRS  
12 161.030(1) requires that the board[~~to~~] promulgate administrative regulations establishing  
13 requirements for issuance of a certificate authorized under KRS 161.010 to 161.126. This  
14 administrative regulation establishes the standards for admission to an educator preparation  
15 program that is required for certification.

16 Section 1. Selection and Admission to Educator Preparation Programs. (1) Each[~~In addition~~  
17 ~~to the National Council for Accreditation of Teacher Education standards incorporated by~~  
18 ~~reference in 16 KAR 5:010, each~~] accredited provider of an approved program of educator  
19 preparation[~~educator preparation institution~~] shall develop minimum standards for admission to  
20 its[~~initial~~] certification educator preparation programs[~~;~~] including those[~~university-based~~  
21 ~~alternative~~] programs established pursuant to KRS 161.048[(7)] in accordance with this  
22 section. (2) Admission to an approved undergraduate initial certification preparation program

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1 including those programs established pursuant to KRS 161.048(1), KRS 161.048(2), KRS  
2 161.048(5), KRS 161.048(7), and KRS 161.048(8) shall require the following:

3 (a) 1. A cumulative grade point average of 2.75 on a 4.0 scale; or

4 2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit  
5 completed; and

6 (b) Successful completion of the following pre-professional skills assessments of basic  
7 knowledge administered by the Educational Testing Service with the corresponding minimum  
8 score:

9 1. "Praxis Core Academic Skills for Educators (CASE): Reading (5712)" – 156;~~Until~~  
10 ~~August 31, 2014:~~

11 a.(i) ~~"Pre-Professional Skills Test: Mathematics (0730)" – 174; or~~

12 ~~(ii) "Computerized Pre-Professional Skills Test: Mathematics (5730)" – 174;~~

13 b.(i) ~~"Pre-Professional Skills Test: Reading (0710)" – 176; or~~

14 ~~(ii) "Computerized Pre-Professional Skills Test: Reading (5710)" – 176; and~~

15 e.(i) ~~"Pre-Professional Skills Test: Writing (0720)" – 174; or~~

16 ~~(ii) "Computerized Pre-Professional Skills Test: Writing (5720)" – 174.]~~

17 2. ~~[Beginning September 1, 2014:~~

18 a. ~~"Praxis Core Academic Skills for Educators (CASE): Reading (5712)" – 156;~~

19 ~~b.] "Praxis Core Academic Skills for Educators (CASE): Writing (5722)" - 162; and~~

20 ~~3.[e.] "Praxis Core Academic Skills for Educators (CASE): Mathematics (5732)" - 150.~~

21 (3) Admission to an approved graduate level initial certification educator preparation

22 program~~[including an educator preparation program established pursuant to KRS 161.048[(7)],~~  
23 ~~shall require the following]:~~

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1 (a) 1. A bachelor's degree or advanced degree awarded by a regionally accredited college or  
2 university with a cumulative grade point average of 2.75 on a 4.0 scale; or

3 2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit  
4 completed, including undergraduate and graduate coursework; and

5 (b) 1. Successful completion of the pre-professional skills assessments in subsection (2)(b) of  
6 this section; or

7 2. Successful completion of the Graduate Record Exam (GRE) administered by the  
8 Education Testing Service with the following corresponding scores on the corresponding  
9 sections:

10 a. Verbal reasoning – 150~~[(i) Verbal Reasoning taken prior to August 1, 2011 – 450; or~~  
11 ~~(ii) Verbal Reasoning taken after August 1, 2011 – 150];~~

12 b. Quantitative Reasoning - 143~~[(i) Quantitative Reasoning taken prior to August 1, 2011 –~~  
13 ~~490; or~~

14 ~~(ii) Quantitative Reasoning taken after August 1, 2011 – 143]; and~~

15 c. Analytical Writing - 4.0.

16 (4) Each accredited provider of an approved program of educator preparation~~[accredited~~  
17 ~~educator preparation institution]~~ shall have a formal application procedure for admission that~~[to~~  
18 ~~an initial teacher preparation program, which]~~ shall include the following:

19 (a) Documentation that the applicant demonstrates the following:

20 1. Critical thinking;

21 2. Communication;

22 3. Creativity; and

23 4. Collaboration;

## Agenda Book

1 (b) Evidence that the applicant has reviewed the[:

2 ~~1. The] Professional Code of Ethics for Kentucky School Certified Personnel established in~~

3 ~~16 KAR 1:020[; and~~

4 ~~2. The character and fitness questionnaire contained in Section III of the TC 1 incorporated~~

5 ~~by reference in 16 KAR 2:010]; and~~

6 (c) A method to allow the applicant to demonstrate that the applicant understands professional  
7 dispositions expected of professional educators.

8 (5) The educator preparation program~~[Undergraduate students]~~ shall not enroll undergraduate  
9 students in any educator preparation program courses restricted to admitted candidates.

10 (6) The educator preparation program shall maintain electronic records that document that all  
11 students~~[admitted after September 1, 2012,]~~ meet the requirements established in subsection (2)  
12 of this section.

13 Section 2. Selection and Admission to an Approved Educator Preparation Program for  
14 Occupation-Based Career and Technical Education.

15 (1) Admission to an approved program of preparation for occupation-based career and  
16 technical education that results in certification pursuant to 16 KAR 2:020 shall require:

17 (a) A minimum of a high school diploma or equivalency exam.

18 (b) Four (4) years of successful and appropriate occupational experience in the area to be  
19 taught:

20 1. At least two (2) years of occupational experience completed within the last five (5)  
21 years. A maximum of one (1) year of the required work experience may be satisfied by  
22 completion of an approved program of preparation for the occupation to be taught; and

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1        2. The occupational experience confirmed by the Kentucky Department of Education,

2        Office of Career and Technical Education;

3        (c) The assessment provisions established in 16 KAR 6:020;

4        (d) An offer of employment from a state or local technology center, or a school district.

5        (2) Each accredited provider of an approved program of educator preparation shall have a  
6        formal application procedure for admission that shall include the following:

7        (a) Evidence that the applicant has reviewed the Professional Code of Ethics for Kentucky  
8        School Certified Personnel established in 16 KAR 1:020; and

9        (b) A method to allow the applicant to demonstrate that the applicant understands  
10       professional dispositions expected of professional educators.

11       (3) The educator preparation provider shall not enroll undergraduate students in any educator  
12       preparation program courses restricted to admitted candidates.

13       (4) The educator preparation program shall maintain electronic records that document that all  
14       students meet the requirements established in subsection (2) of this section.

15       (5) A provider of approved educator preparation programs shall provide notice to the EPSB  
16       which candidates it has admitted to an approved program of educator preparation within six  
17       months of the candidate's admission.

18       (6) Failure of an approved educator preparation provider to provide EPSB with notice of each  
19       candidate it admitted to an approved program of preparation in accordance with this section may  
20       result in action against the provider's accreditation status.

21       Section 3. Assessment Recency. A passing score on an assessment established at the time of  
22       admission shall be valid for the purpose of applying for admission for five (5) years from the  
23       assessment administration date.

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- 1        Section 4. Annual Report. (1) Each educator preparation provider ~~[unit]~~ shall submit an  
2        electronic report annually to the EPSB~~[Education Professional Standards Board]~~ that includes  
3        the following program data on each candidate admitted to educator preparation programs:
- 4        (a) EPSB~~[Education Professional Standards Board]~~ Person Identifier;
  - 5        (b) Student School Identification number;
  - 6        (c) Social Security number;
  - 7        (d) Full name;
  - 8        (e) Birth date;
  - 9        (f) Reported ethnicity;
  - 10       (g) Reported gender;
  - 11       (h) Email address;
  - 12       (i) Present home mailing address;
  - 13       (j) Permanent home mailing address;
  - 14       (k) Phone number;
  - 15       (l) Admission date;
  - 16       (m) Total number of credit hours prior to admission to the provider's~~[institution's]~~ educator  
17       preparation program;
  - 18       (n) Total number of credit hours in educator preparation courses completed prior to  
19       admission to the provider's~~[institution's]~~ educator preparation program;
  - 20       (o) Grade point average at admission;
  - 21       (p) Current program enrollment status;
  - 22       (q) Program completion date;
  - 23       (r) Grade point average at program completion;

## Agenda Book

1 (s) Academic major at program completion; and

2 (t) Academic minor or minors at program completion, if applicable.

3 (2) The report shall be submitted in the following manner:

4 (a) The provider~~[institution]~~ shall electronically submit all data identified in subsection (1) to  
5 the EPSB~~[Education Professional Standards Board]~~; and

6 (b) By September 15 of each year, each institution shall provide written confirmation by  
7 electronic mail to the EPSB~~[Director of the Division of Educator Preparation]~~ that all required  
8 information has been entered.

9 (3) The preparation program shall exit any candidate who has not been enrolled in at least  
10 one (1) course required for program completion within the last twelve (12)~~[eighteen (18)]~~  
11 months.

12 (4) Failure to submit the annual report in accordance with this section may result in action  
13 against the program's accreditation status~~[pursuant to 16 KAR 5:010, Section 21]~~.

**Agenda Book**

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Date

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David Whaley, Board Chair  
Education Professional Standards Board

**DRAFT**



## Agenda Book

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on April 21, 2017 at 9:00 a.m., at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov), telephone number (502) 564-4606, and facsimile (502) 564-7080.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 5:020

Contact Person: Lisa K. Lang, Phone 502-564-4606, Email [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov)

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes the admission standards that all educator preparation providers are to use when admitting educator candidates into educator preparation programs.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that the educator candidates admitted to educator preparation programs are of high quality and have the professional dispositions expected of professional educators.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.028(1)(b) provides that the Educational Professional Standards Board (EPSB) is responsible for promulgating administrative regulations that set standards for educator preparation providers. KRS 161.030(1) requires that the board promulgate administrative regulations establishing requirements for issuance of a certificate authorized under KRS 161.010 to 161.126.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the minimum requirements for admission into an educator preparation program that will lead to certification. This regulation applies to all traditional educator preparation programs, alternate education preparation programs, and educator preparation programs for occupation-based career and technical education.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds the admission requirements for educator candidates enrolling educator preparation programs for occupation-based career and technical education. This amendment will

## Agenda Book

also align this regulation with the changes made to KRS 161.048 during the 2017 regular legislative session.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to ensure the educator candidates admitted to educator preparation programs for occupation-based career and technical education are of high quality and have the professional dispositions expected of professional educators. The amendment is necessary to ensure that this regulation is not inconsistent with the admission requirements set forth in KRS 161.048.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.028 requires that the EPSB set standards for educator preparation providers.

(d) How the amendment will assist in the effective administration of the statutes: This amendment sets forth the admission requirements for both alternate educator preparation programs as well as educator preparation programs for occupation-based career and technical education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will have an impact on the EPSB as well as educator preparation providers of educator preparation programs of occupation-based career and technical education that have not previously complied with this regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The EPSB will have to update its Admission and Exit System to ensure that it is tracking all educator preparation programs for teachers of occupation-based career and technical education; educator preparation program providers that offer programs for occupation-based career and technical education will need to begin complying with this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Any cost would be de minimus.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No cost is anticipated.

(b) On a continuing basis: No cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds appropriated by the General Assembly to the Education Professional Standards Board would be used for the implementation and enforcement of this

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administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The EPSB does not anticipate an additional fee or funding increase.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly nor does it indirectly increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No, tiering will not apply because all educator preparation providers are required to meet the same requirements.

**DRAFT**

## Agenda Book

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 5:020

Contact Person: Lisa K. Lang, Phone: (502) 564-4606, Email: LisaK.Lang@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation will impact the Education Professional Standards Board and educator preparation providers.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.028(1)(b) provides that the Educational Professional Standards Board (EPSB) is responsible for promulgating administrative regulations that set standards for educator preparation providers. KRS 161.030(1) requires that the board promulgate administrative regulations establishing requirements for issuance of a certificate authorized under KRS 161.010 to 161.126.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There should be no effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

No cost is anticipated.

(d) How much will it cost to administer this program for subsequent years?

No cost is anticipated.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD

#### STAFF NOTE

#### Action Item G

##### **Action Item:**

Intent to Amend 16 KAR 8:040 Ranking of Occupation-Based Career and Technical Education Teachers

##### **Applicable Statutes and Regulation:**

KRS 156.095, 161.020, 161.028, 161.030, 161.1211  
16 KAR 8:040

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 8:040 Ranking of Occupation-Based Career and Technical Education Teachers?

##### **Background:**

16 KAR 8:040 identifies the classification requirements for occupation-based career and technical education teachers. The proposed amendment seeks to eliminate the three year teaching experience requirement for all occupation-based career and technical education teachers seeking classification for Ranks I and II. This proposed amendment also makes Occupation-Based Career and Technical Education Teachers eligible for a rank change based on college degrees earned.

##### **Groups/Persons Consulted:**

EPSB staff has worked closely with KDE staff to develop these recommended changes.

##### **Potential Actions:**

1. Approve the proposed amendments to 16 KAR 6:020.
2. Do not approve the proposed amendments to 16 KAR 6:020.
3. Modify the proposed amendments to 16 KAR 6:020.

##### **Staff Recommendation:**

Potential Action 1

##### **Rationale:**

Teacher quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These amendments reflect Kentucky's commitment to ensure that only qualified individuals are issued

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a teaching certificate, thus enabling them to provide quality instruction to Kentucky's children.

### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

### **Date:**

April 10, 2017

## Agenda Book

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 8:040. Ranking of occupation-based career and technical education teachers.

5 RELATES TO: KRS 156.095, 161.020, 161.028, 161.030, 161.1211

6 STATUTORY AUTHORITY: KRS 161.1211

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.1211 requires the Education  
8 Professional Standards Board (EPSB) to rank teachers. KRS 161.1211 requires the EPSB to give  
9 consideration to apprenticeship training and industrial experience to occupation-based career and  
10 technical education teachers when defining rank change requirements.~~[to determine equivalent~~  
11 ~~qualifications for the salary ranks and directs that consideration be given to the apprenticeship~~  
12 ~~and industrial experience of certain vocational and career and technical teachers]. This~~  
13 administrative regulation defines rank change requirements for occupation-based career and  
14 technical education teachers~~[equivalency for Rank III, Rank II, and Rank I classifications taking~~  
15 ~~into account the factors of apprenticeship and industrial experience].~~

16 Section 1. (1) Equivalent ranking qualifications for occupation-based career and technical  
17 education teachers, as provided for in KRS 161.1211, shall be limited to those persons who are  
18 serving in positions identified as occupation-based career and technical education and who hold  
19 one (1) of the certificates established in 16 KAR 2:020.

20 (2) Occupation-based career and technical education teachers identified in subsection (1) of  
21 this section who achieve certification as principal, supervisor or coordinator of career and

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1 technical education may retain the same rank, or advance to a higher rank, earned on the basis of  
2 the provisions of this administrative regulation.

3 Section 2. A Rank III Classification for an occupation-based career and technical education  
4 teacher identified in Section 1 of this administrative regulation shall require the following:

5 (1) A one (1) year provisional certificate for teaching occupation-based career and technical  
6 education issued [~~established~~] in accordance with 16 KAR 2:020;

7 (2)(a) High school graduation; or

8 (b) The equivalent determined by evidence of an acceptable score on the general education  
9 development test administered by an approved testing center; and

10 (3) Four (4) years of successful and appropriate occupational experience in the area to be  
11 taught, in accordance with 16 KAR 2:020[~~, Section 2(1)(b)~~].

12 Section 3. A Rank II classification for an occupation-based career and technical education  
13 teacher identified in Section 1 of this administrative regulation shall require one of the following:

14 (1) an occupation-based career and technical educator associate degree issued in accordance  
15 with 16 KAR 2:020.[~~Enrollment in an a planned program consisting of a minimum of sixty-four~~  
16 ~~(64) semester hours of approved college credit established in 16 KAR 2:020]; or~~

17 (2) an occupation-based associate degree within the specific technical field in which  
18 certification issued in accordance with 16 KAR 2:020.[~~Three (3) years of teaching experience as~~  
19 ~~an occupation based career and technical education teacher. The experience shall be further~~  
20 ~~defined as follows:~~



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1 ~~(a) A full year of experience shall include at least 140 days of employment performed within~~  
2 ~~the academic year; and~~

3 ~~(b) A half year of experience shall include at least seventy (70) days of employment~~  
4 ~~performed within an academic semester;~~

5 ~~(3) One (1) of the following certificates:~~

6 ~~(a) Certificate for Vocational Education—Industrial Education, Ten (10) Year Certificate;~~

7 ~~(b) Certificate for Vocational Education—Industrial Education, Five (5) Year Certificate;~~

8 ~~(c) Any high school certification with an area of concentration in vocational industrial and~~  
9 ~~technical education (certification code A77) or industrial education—preparation level~~  
10 ~~(certification code A96);~~

11 ~~(d) Certificate for Trades and Industrial Education; or~~

12 ~~(e) A professional certificate for teaching occupation based career and technical education~~  
13 ~~established in 16 KAR 2:020.]~~

14 Section 4. A Rank I classification for an occupation-based career and technical education  
15 teacher identified in Section 1 of this administrative regulation shall require an occupation-based  
16 degree beyond an associate's degree within the technical field in which certification was issued  
17 in accordance with [the following:

18 ~~(1) An approved bachelor's degree from a regionally accredited institution defined as~~  
19 ~~follows:~~

20 ~~(a) A bachelor's degree in technical education, industrial education, health occupations,~~  
21 ~~health science, human services occupation, public service, information technology, personal~~

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1 ~~services occupation or which has been planned with a teacher education institution and is~~  
2 ~~specifically related to the occupation to be taught; or~~

3 ~~(b) A bachelor's degree leading to a provisional high school certificate with an area of~~  
4 ~~concentration identified in subsection (2)(c) (3)(c) of this section;~~

5 ~~(2) Six (6) years of teaching experience identified as occupation-based career and technical~~  
6 ~~education teacher. The experience shall be further defined as follows:~~

7 ~~(a) A full year of experience shall include at least 140 days of employment performed within~~  
8 ~~the academic year; and~~

9 ~~(b) A half year of experience shall include at least seventy (70) days of employment~~  
10 ~~performed within an academic semester;~~

11 ~~(3) One (1) of the following certificates:~~

12 ~~(a) Certificate for Vocational Education—Industrial Education, Ten (10) Year Certificate;~~

13 ~~(b) Certificate for Vocational Education—Industrial Education, Five (5) Year Certificate;~~

14 ~~(c) Any high school certification with an area of concentration in vocational industrial and~~  
15 ~~technical education (certification code A77) or industrial education—preparation level~~  
16 ~~(certification code A96);~~

17 ~~(d) Certificate for Trades and Industrial Education; or~~

18 ~~(e) A professional certificate for teaching occupation-based career and technical education~~  
19 ~~established in]16 KAR 2:020.~~

**Agenda Book**

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Date

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David Whaley, Board Chair  
Education Professional Standards Board

**DRAFT**

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**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on April 21, 2017 at 9:00 a.m., at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov), telephone number (502) 564-4606, and facsimile (502) 564-7080.

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## Agenda Book

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 8:040

Contact Person: Lisa K. Lang, Phone 502-564-4606, Email [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov)

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes the requirements for achieving a Rank I and Rank II for occupation-based career and technical education teachers.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to attract and retain occupation-based career and technical education teachers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.1211 provides that the Education Professional Standards Board shall rank teachers. When determining ranks, KRS 161.1211 provides that the EPSB shall consider apprenticeship training and industrial experience.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of KRS 161.1211 by defining rank change requirements for occupation-based career and technical education teachers.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will eliminate teaching experience as a requirement for occupation-based career and technical education teachers. The EPSB shall award a Rank II based on the relevant occupational experience of the occupation-based career and technical education teacher and the attainment of an associate degree; the EPSB shall award a Rank I based on the relevant occupational experience of the occupation-based career and technical education teacher and the attainment of a bachelor degree or higher.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to attract and retain teachers of occupation-based career and technical education by allowing them to be eligible for a rank change earlier in their teaching career.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.1211 provides that the Education Professional Standards Board shall rank teachers. When determining ranks, KRS 161.1211 provides that the EPSB shall consider apprenticeship training and industrial experience. The EPSB will be better able to satisfy the original intent of KRS 161.1211 by eliminating teaching experience as a requirement.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will ensure that the prior occupational experience and education of an occupation-based career and technical education teacher are the sole considerations when determining rank.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact those entities that operate and manage Area Technology Centers, public school districts, and occupation-based career and technical education teachers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by

## Agenda Book

either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Occupation-based career and technical education teachers (OCTE teachers) will be eligible for rank changes earlier in their careers. Once occupation-based career and technical education teachers apply to the EPSB for their rank change, those public entities that employ those occupation-based career and technical education teachers will be required to pay those teachers more.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will result in OCTE teachers receiving a pay increase earlier in their career. By increasing the salaries of OCTE teachers, it will assist the public entities retain OCTE teachers. The impact on any public entity will depend on the number of OCTE teachers that the public entity employs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Teaching quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These amendments reflect Kentucky's commitment to recruit and retain quality teachers of occupation-based career and technical education that are on a path to achieving credentials necessary to teach dual credit. This amendment may help entities recruit teacher candidates for occupation-based career and technical education.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially:

The public entities that employ OCTE teachers include, but are not limited to, the KDE and public school districts. The cost of implementation of this regulation for these public entities will vary depending on the public entity, the number of OCTE teachers employed by the public entity, and the salary schedule of the public entity.

The KDE administers Area Technology Centers across the Commonwealth of Kentucky. OCTE teachers make up the majority of employees in these Area Technology Centers. The KDE anticipates that this amendment will result in numerous OCTE teachers applying for a rank change. Once the OCTE teachers receive a rank change, the KDE will be required to pay these OCTE teachers at a higher rate of pay. KDE estimates that this increased rate of pay will increase its personnel costs by \$150,000.00 per year.

The EPSB also anticipates that this amendment will result in OCTE teachers employed by local school districts also applying for a rank change. These local school districts will also be required to pay their OCTE teachers at a higher rate of pay. The total increase in personnel cost will vary by local school district. KDE estimates that this increased rate of pay will cost an average of \$3,500 per school district.

(b) On a continuing basis:

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The KDE anticipates that it will cost the KDE a total of \$60,000.00 per year after the first year in increased personnel costs. The cost from year to year, however, will depend on the total number of OCTE teachers entering the teaching field as an occupation-based career and technical education teacher. As stated above, the cost for local school districts with local Area Technology Centers will vary by district.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds appropriated by the General Assembly to the Education Professional Standards Board.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The EPSB does not anticipate an additional fee or funding increase.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly nor does it indirectly increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is applied based on level of occupation-based experience and level of education.

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### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 8:040

Contact Person: Lisa K. Lang, Phone: (502) 564-4606, Email: LisaK.Lang@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact those entities that employ occupation-based career and technical education teachers.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.1211 provides that the Education Professional Standards Board shall rank teachers. When determining ranks, KRS 161.1211 provides that the EPSB shall consider apprenticeship training and industrial experience.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? There is no additional cost for the EPSB to administer this program.

(d) How much will it cost to administer this program for subsequent years? There is no additional cost for the EPSB to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item, Waiver A

##### **Action Item:**

Extension of Teaching Certification

##### **Applicable Statutes and Regulation:**

16 KAR 2:010, Section 3a

##### **Applicable Goal:**

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

##### **Issue:**

Should the Education Professional Standards Board grant a one-year extension to complete the Master's Degree?

##### **Background:**

The following individual is requesting a waiver of 16 KAR 2:010, Section 3a due to medical conditions

Andy Price, 1 year Waiver Request for extension to allow for completion of Master's Degree

Supporting documentation will be sent under separate cover.

##### **Potential Actions:**

1. Approve the waiver to allow for extension
2. Do not approve the waiver to allow for extension

##### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

##### **Date:**

April 10, 2017

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### 16 KAR 2:010. Kentucky teaching certificates.

RELATES TO: KRS 158.6451, 160.380, 161.020, 161.028(1), 161.030

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

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

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

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

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

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

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

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

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

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

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item, Waiver B

##### **Action Item:**

Approve applicant's other administrative experience for admission to a superintendent certification program.

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, 161.030  
16 KAR 3:010

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the other administrative experience provided by the applicant for admittance into a superintendent certification program?

##### **Background:**

The following individual is an experienced educator and is requesting approval of his other administrative work experience to allow for admission into a superintendent certification program.

John D. Elliott, potential candidate for school superintendent certification.

##### **Groups/Persons Consulted:**

Certification staff  
Executive Director Adams

##### **Potential Actions:**

1. Approve the other administrative experience provided by the applicant which will allow admission to a superintendent certification program.
2. Do not approve the other administrative experience provided by the applicant.

## Agenda Book

### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

### **Date:**

April 10, 2017



## Agenda Book

### 16 KAR 3:010. Certification for school superintendent.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(b) requires that the Educational Professional Standards Board promulgate administrative regulations establishing standards and approval requirements for teacher and other professional school preparation programs. KRS 161.030 requires the board to promulgate administrative regulations establishing requirements for the authorization of a certificate issued under KRS 161.010 to 161.126. This administrative regulation establishes the preparation and certification program for school superintendent.

Section 1. Conditions and Prerequisites. (1) The professional certificate for instructional leadership - school superintendent shall be issued to an applicant who has completed:

(a) An approved program of preparation, as required by this administrative regulation and pursuant to 16 KAR 5:010;

(b) The appropriate requirements for certification, as established in 16 KAR Chapter 3; and

(c) At least two (2) years of experience in a position of school principal, supervisor of instruction, guidance counselor, director of pupil personnel, director of special education, school business administrator, local district coordinator of vocational education, or a coordinator, administrator, or supervisor of district-wide services. Other administrative experience may be substituted for this requirement with the approval of the Education Professional Standards Board.

(2) The professional certificate for instructional leadership - school superintendent shall be valid for the position of school superintendent or assistant superintendent.

(3) Prerequisites for the program of preparation for the professional certificate for instructional leadership - school superintendent shall include:

(a) Qualifications for a Kentucky teaching certificate;

(b) Admission to the preparation program on the basis of criteria developed by the teacher education institution pursuant to 16 KAR 5:010;

(c) Completion of a master's degree;

(d) 1. Except as provided in subparagraph 2 of this paragraph, completion of the Levels I and II preparation and certification for the position of school principal, or supervisor of instruction; or

2. For a candidate who completed preparation for principal prior to 1988, completion of the assessments for administration; and

(e) Completion of at least three (3) years of full-time teaching experience, including at least 140 days per year.

Section 2. A preparation program for the professional certificate for instructional leadership - school superintendent shall be consistent with the six (6) standards included in "Educational Leadership Policy Standards: ISLLC2008" and the six (6) standards included in "Technology Standards for School Administrators" incorporated by reference in 16 KAR 3:050. (1) Beginning August 1, 2014, each accredited educator preparation institution shall have a formal application procedure for admission to a superintendent preparation program, which shall include the following:

(a) A written letter of recommendation from a supervisor or an education agency representative attesting to the applicant's suitability for school leader;

(b) An admissions portfolio which documents that the applicant demonstrates the following:

1. The ability to improve student achievement;

2. Knowledge of school laws related to school finance, school operations, and personnel matters;

3. The ability to implement curriculum, instruction, and assessment;

4. A commitment to ongoing professional growth;

5. Effective communication skills; and

6. The ability to build relationships, foster teamwork, and develop networks; and

(c) Proof the applicant has completed a master's degree program.

(2) Beginning August 1, 2014, each superintendent preparation program shall:

(a) Utilize a clinical model which requires candidates to:

1. Work in diverse school and district central office settings; and

2. Solve problems based on the school district's needs;

(b) Develop a mentoring plan for each candidate; and

(c) Design a method to assess the effectiveness of a candidate's field experience.

(3) Beginning August 1, 2014, a superintendent preparation program's course work shall include a minimum of twelve (12) credit hours.

(4) Beginning August 1, 2014, a superintendent preparation program's curriculum of study shall include the following:

(a) The study of the roles and responsibilities of a superintendent which includes:

1. Leadership theory and development;

2. The impact of board leadership on student learning;

3. Community engagement focused on student learning;

4. Capacity building;

5. District management;

6. Culturally responsive leadership;

7. Ethics;

8. Time management; and

9. Professional development;

(b) The federal, state, and local laws governing school system administration with an emphasis on the following school functions:

1. Finance;

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2. Personnel;
3. Food service;
4. Facilities;
5. Transportation;
6. School safety; and
7. School-based councils; and

(c) Coursework which will assist the candidate to:

1. Develop skills that facilitate rigorous curriculum, engaging instruction, professional development, and a comprehensive assessment system;
  2. Implement an aligned, rigorous, standards-based curriculum in every school which prepares all students to be globally competitive for postsecondary education and work;
  3. Collaborate with district staff and school leaders to coordinate a system of support that ensures engaging and relevant instruction in every classroom;
  4. Ensure that a comprehensive assessment system is appropriately used at the district, school, and classroom level for informed decision making that improves learning;
  5. Work with district and school staff to develop and implement a coordinated system of student academic support for students whose achievement does not meet established benchmarks; and
  6. Ensure that the school system has an articulated design for preschool, early childhood, middle childhood, adolescent, and adult education that represents research and best practice.
- (5) Beginning August 1, 2014, a superintendent preparation program shall require all candidates to complete a capstone project to be presented to a panel of program faculty and practicing school administrators prior to completion of the program.

Section 3. Issuance and Renewal. (1) The initial professional certificate for instructional leadership - school superintendent shall be issued for five (5) years to a candidate who has completed an approved program of preparation for superintendent at the postmaster's level. Application shall be made on Form TC-1, incorporated by reference in 16 KAR 2:010.

(2) Each five (5) year renewal shall require:

- (a) The completion of two (2) years of experience as a school superintendent or assistant superintendent;
- (b) Three (3) semester hours of additional graduate credit or the equivalent related to the position of school superintendent; or
- (c) Forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Instructional Leadership Training Program.

(3) If a lapse in certification occurs for lack of the renewal requirements, the certificate shall be reissued for a five (5) year period after the completion of an additional six (6) semester hours of graduate study or the equivalent appropriate to the program. (13 Ky.R. 1826; eff. 5-14-87; Am. 20 Ky.R. 2908; eff. 6-2-94; 24 Ky.R. 1949; 2373; eff. 5-18-98; 27 Ky.R. 858; 1472; eff. 12-21-2000; Recodified from 704 KAR 20:420, 7-2-02; 30 Ky.R. 1321; 1757; eff. 1-23-04; 39 Ky.R. 497; 944; eff. 11-19-12.)

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### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item, Waiver C

##### **Action Item:**

Certification Application to Waive KTIP

##### **Applicable Statutes and Regulation:**

KRS 161.028, 161.030, 161.048  
16 KAR 2:010 , 16 KAR 9:080

##### **Applicable Goal(s):**

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

##### **Issue:**

Should the Education Professional Standards Board approve the application to waive KTIP?

##### **Background:**

The following individual is requesting a waiver of KTIP for completion of an Option 6 program and issuance of the professional certificate.

Marlin Alexander Gregg, Elementary, Grades Primary-5

Mr. Gregg was admitted into a traditional program for Elementary, Grades P-5 in 2014 and exited in 2015 to enter an Option 6 program while he was employed as a teacher with a Temporary Provisional Certificate for the 2015-16 school year in Grant County. He did not complete the Option 6 program because he did not complete KTIP; he moved to China and has taught one year without a Kentucky teaching certificate. Although he did complete the Master's Degree requirement, he was not considered an Option 6 program completer.

The application will be sent under separate cover.

##### **Potential Actions:**

1. Approve the KTIP waiver application.
2. Do not approve the KTIP waiver application.

##### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

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**Date:**

April 10, 2017

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## 16 KAR 2:010. Kentucky teaching certificates.

RELATES TO: KRS 158.6451, 160.380, 161.020, 161.028(1), 161.030

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

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

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

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

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

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

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

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

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

2. An approved program of preparation; and

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

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

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

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

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

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

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

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

2. An approved program of preparation;

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

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

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

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

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### Education Professional Standards Board

#### Staff Note

#### Action Item, Waiver D

##### **Action Item:**

Waiver of the Student Teacher Placement

##### **Applicable Statutes and Regulation:**

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

##### **Application Goal:**

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

##### **Issues:**

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

##### **Background:**

Dr. Sam Evans, Dean, Western Kentucky University College of Education & Behavioral Sciences, is requesting a waiver of regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the Spring 2017 semester. Sydney Meaux, a Western Kentucky University (WKU) student teacher seeking certification in Foreign Language (French) P-12 needs to have her entire placement with a secondary teacher, David Hatcher, at White House High School. There are no foreign language programs for elementary schools in the Warren County/Bowling Green School area.

Ms. Meaux will be expected to gain multi-grade level experiences through ESL experiences. The principal, Scott Langford, has written a letter in support of the waiver request, providing positive evidence of the prospective cooperating teacher’s success in the classroom. A copy of that letter and a letter from WKU were sent under separate cover. A copy of the regulation is attached to this request.

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### **Potential Actions:**

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

### **Contact Person:**

Bennett G. Boggs, Ph.D.  
Director, Division of Educator Preparation  
Kentucky Education Professional Standards Board  
(502) 564-4606  
E-mail: [Ben.Boggs@ky.gov](mailto:Ben.Boggs@ky.gov)

### **Date:**

April 10, 2017



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

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Providing opportunities for the student teacher to:

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

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

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

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

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

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

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

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

(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.

Section 7. Compensation of Cooperating Teachers. (1) The Education Professional Standards Board may make arrangements with local school districts to compensate a cooperating teacher.

(2)(a) The educator preparation institution shall electronically submit a report of all cooperating teachers and their corresponding student teachers to the Education Professional Standards Board:

1. On or before October 15 for a cooperating teacher supervising a student teacher during the fall semester; or

2. On or before February 15 for a cooperating teacher supervising a student teacher during the spring semester.

(b) Each report shall include:

1. The number of contract weeks that the cooperating teacher is working with each student teacher for that semester;

2. The cooperating teacher's full name and Social Security number;

3. The student teacher's full name, Social Security number, demographic data, and contact information;

4. The student teacher's preparation and certification area by assigned certification code; and

5. The names of the school district and school where the cooperating teacher is employed and the student teaching requirement is being fulfilled. If the certified cooperating teacher is employed in a nonpublic school which meets the state performance standards

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### Education Professional Standards Board

#### Staff Note

#### Action Item, Waiver E

##### **Action Item:**

Waiver of the Student Teacher Placement

##### **Applicable Statutes and Regulation:**

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

##### **Application Goal:**

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

##### **Issues:**

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

##### **Background:**

Dr. Sam Evans, Dean, Western Kentucky University College of Education & Behavioral Sciences, is requesting a waiver of Regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the Spring 2017 semester. Hannah Shirley, a Western Kentucky University (WKU) student teacher seeking certification in Foreign Language (Spanish) P-12 needs to have her entire placement with a secondary teacher, Jorge Venegas, at Larue County High School. There are no foreign language programs for elementary schools in the Warren County/Bowling Green School area.

Ms. Shirley will be expected to gain multi-grade level experiences through ESL experiences. The principal, Denise Skaggs, has written a letter in support of the waiver request, providing positive evidence of the prospective cooperating teacher’s success in the classroom. A copy of that letter and a letter from WKU were sent under separate cover. A copy of the regulation is attached to this request.

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### **Alternative Actions:**

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

### **Contact Person:**

Bennett G. Boggs, Ph.D.  
Director, Division of Educator Preparation  
Kentucky Education Professional Standards Board  
(502) 564-4606  
E-mail: [Ben.Boggs@ky.gov](mailto:Ben.Boggs@ky.gov)

### **Date:**

April 10, 2017

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Action Item, Alternative Route to Certification Application A

##### **Action Item:**

Alternative Route to Certification Application

##### **Applicable Statutes and Regulation:**

KRS 161.028, 161.030, 161.048  
16 KAR 9:010

##### **Applicable Goal(s):**

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

##### **Issue:**

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

##### **Background:**

The following individual is requesting a 1-year provisional certification and allowance to complete coursework in order to earn full certification on the basis of exceptional work experience:

Edith Ballestero, Spanish, Grades Primary-12

The application will be sent under separate cover.

##### **Potential Actions:**

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

##### **Contact Person:**

Ms. Donna Brockman, Division Director  
Division of Certification  
502-564-4606  
E-mail: [Donna.Brockman@ky.gov](mailto:Donna.Brockman@ky.gov)

##### **Date:**

April 10, 2017

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

RELATES TO: KRS 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

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

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

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

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

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

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

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

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

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