

*The actions delineated below were taken in open session of the EPSB at the June 8, 2015, 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**

**Call to Order**

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

**Roll Call**

The following Board members were present during the June 8, 2015, EPSB meeting: Brandy Beardsley, Ellen Blevins, Barbara Boyd, Tolya Ellis, Robert King, Marie McMillen, Mary John O'Hair, Cindy Parker, Laura Schneider, Sandy Sinclair-Curry, Anthony Strong, Shannon Treece, Cassandra Webb, and David Whaley. Allen Kennedy and Michael Ross were absent.

**Board's Mission Statement**

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

**Open Speak**

There were no requests for Open Speak.

**Approval of Consent Items**

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

**2015-017**

*Motion made by Ms. Marie McMillen, seconded by Dr. David Whaley, to approve the following items on the consent agenda:*

Approval of March 23, 2015, EPSB Minutes

Approval of April 13, 2015, EPSB Minutes

Approval of May 4, 2015, EPSB Minutes

English as a Second Language, Grades P-12 Endorsement (Graduate Level), Union College

**Vote:** *Unanimous*

Educator Preparation Division Director Dr. Kim Walters-Parker recognized a representative from Union College whose program was approved by the Board.

**Report of the Executive Director**

Acting Executive Director Jimmy Adams recognized Ms. Bobbie Biby as the new program consultant for the Division of Professional Learning & Assessment. Ms. Biby recently worked

for Grand Valley State University in Michigan as a professor. Her work at the university required her to be involved in assessments and the accreditation process.

#### Report from the Kentucky Department of Education

In addition to the report included in the Board folders, Dr. Cindy Parker updated the Board on the search criteria for the next Commissioner. She said the Kentucky Board of Education would review applications at its August meeting and anticipated the interview and hiring process to be approved by the end of June. Additionally, Dr. Parker said KDE submitted the state's equity plan on June 1 and posted it on the KDE website for feedback. She thanked the EPSB staff for providing input on the equity plan.

#### Report from the Council on Postsecondary Education

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

#### Strategic Plan Update

Acting Executive Director Adams said progress was made on two of the goals for the Strategic Plan. A more in-depth update was given as an Action Item later in the meeting.

#### KTIP/PGES Alignment Update

Professional Learning & Assessment Division Director Donna Brockman introduced Dr. Sharon Brennan, chair of the Kentucky Advisory Council on Internships (KACI), and Ms. Janet O'Connell, a KACI teacher representative. Ms. Brockman said a Train the Trainers meeting was held on May 20 with 43 KTIP trainers and regional coordinators in attendance. The meeting received positive feedback.

Dr. Sharon Brennan said the process of aligning KTIP and PGES was a two- year project. She said that training with fidelity and consistency was important to KACI. A state-wide pilot will take place next year and KACI will continue to collect data and make changes in response to feedback. She said that KTIP is a national model and should be complimented as Kentucky is the only state in the nation that has a model that has been adopted by teacher educator programs. Dr. Brennan commended EPSB staff for working diligently to carefully align KTIP and PGES.

Ms. Janet O'Connell said online homework was available for all committee members and feedback indicates it was very helpful. She said that all 8 universities have begun summer trainings across the state. Ms. O'Connell said the Board can be assured that the statewide pilot implementation next year can be met with confidence.

Dr. Mary John O'Hair commended KACI and EPSB staff for their hard work on this project.

### **Report of the Chair**

#### Recognition of Out-Going Board Member

Chair Webb recognized Shannon Treece for her valuable service to the EPSB. Ms. Treece accepted a principal position in Florida for the next school year. Chair Webb said Ms. Treece did an excellent job representing administrators and said her passion for education is evident at EPSB meetings.

### Update from the Regulation Rewrite Committee

Mr. Michael Head said the committee was scheduled to meet on June 7; however, due to one of the committee members being unavailable and some confusion on the meeting date, the meeting was cancelled. Board secretary Ashley Abshire will be sending a Doodle survey to reschedule the meeting. Mr. Head stated that he expected the committee to meet once more to develop a final initial draft for the full board to review at its August meeting.

### **Appointments**

#### Masters Review Committee

Chair Webb appointed the following individuals to the Master's Review Committee: Jonda Tippins, James Neihof, Kathy Fields, David Miller, and Kim Brakmeier.

#### Program and Accreditation Review Committee

Chair Webb appointed Andrea Peach to the Program and Accreditation Review Committee.

#### Nominating Committee for Chair and Vice Chair

Chair Webb appointed the following Board members to the Nominating Committee for Chair and Vice Chair: Dr. Mary John O'Hair (chair), Ellen Blevins, and Sandy Sinclair-Curry.

### **Information/Discussion Items**

#### 16 KAR 2:110. Endorsement for Teachers for Gifted Education, Notice of Intent

Ms. Cindy Godsey reported on proposed amendments to 16 KAR 2:110. This regulation amendment will adopt the new certification form, CA-GP, and incorporate it by reference. This item will come back to the Board for final action at its August regular meeting.

#### 16 KAR 2:140. Probationary Certificate for Teachers of Children, Birth to Primary, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 2:140. This regulation amendment will adopt the new certification form, CA-BP, and incorporate it by reference. Additionally, this amendment will update language in Section 1 to align the definition of "qualified teacher" with all other emergency and probationary regulations. This amendment will also remove language that allowed individuals without a certificate or statement of eligibility to use the probationary route under 16 KAR 2:140. This regulation was originally enacted before the Option 6 alternative route program was developed and now individuals without certification should be enrolled in an Option 6 program. This item will come back to the Board for final action at its August regular meeting.

#### 16 KAR 2:150. Probationary Certificate for Teachers of Engineering and Technology Education, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 2:150. This regulation amendment will adopt the new certification form, CA-ET, and incorporate it by reference. The updated language will include updates to the Office of Career and Technical Education name as well as align program language to match other regulations. This amendment will also remove language that allowed individuals without a certificate or statement of eligibility to use the probationary route under 16 KAR 2:150. This regulation was originally enacted before the Option 6 alternative route program was developed and now individuals without certification should be

enrolled in an Option 6 program. This item will come back to the Board for final action at its August regular meeting.

16 KAR 2:160. Probationary Certificate for Teachers of Exceptional Children, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 2:160. This regulation amendment will adopt the new certification form, CA-I9, and incorporate it by reference. The updated language modified Section 3 to align the renewal requirements with all other probationary certificates to include KTIP if the teacher is a first year teacher. This item will come back to the Board for final action at its August regular meeting.

16 KAR 2:170. Probationary Certificate for Middle School Teachers, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 2:170. This regulation amendment will adopt the new certification form, CA-MG, and incorporate it by reference. This item will come back to the Board for final action at its August regular meeting.

16 KAR 2:200. Probationary Certificate for Teachers for English as a Second Language, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 2:200. This regulation amendment will adopt the new certification form, CA-EL, and incorporate it by reference. This item will come back to the Board for final action at its August regular meeting.

16 KAR 3:030. Professional Certificate for Directors and Assistant Directors of Pupil Personnel, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 3:030. This regulation amendment will adopt the new certification form, CA-40, and incorporate it by reference. Additionally this amendment will update the name of the Educational Leadership Policy Standards: ISLLC 2008 documents to match the currently approved standards. This item will come back to the Board for final action at its August regular meeting.

16 KAR 3:040. Director of Special Education, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 3:040. This regulation amendment will adopt the new certification form, CA-28, and incorporate it by reference, as well as remove previously incorporated by reference documents that are no longer a part of the current regulation. This item will come back to the Board for final action at its August regular meeting.

16 KAR 9:030. Professional Certificate for College Faculty: Secondary Education, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 9:030. This regulation amendment will adopt the new certification form, CA-194, and incorporate it by reference. Additionally this amendment will remove the term “secondary education” to align the regulation with KRS 161.048 as it now allows this route to be used for all grades certification. This item will come back to the Board for final action at its August regular meeting.

16 KAR 9:040. Part-Time Adjunct Instructor Certificate, Notice of Intent

Ms. Godsey reported on proposed amendments to 16 KAR 9:040. This regulation amendment will adopt the new certification form, CA-25, and incorporate it by reference. This item will come back to the Board for final action at its August regular meeting.

### 16 KAR 2:100. Junior Reserve Officers Training Corps Certification, Notice of Intent

Ms. Godsey reported that the proposed regulation amendment to 16 KAR 2:100 will identify the process by which the EPSB can grant a Junior Guard Instructor certification. Additionally language in the regulation has been updated to require applicants to complete a state and federal background check. This item will come back to the Board for final action at its August regular meeting.

### Awarded Contracts

Acting Executive Director Adams reported on awarded KTIP contracts. He noted that funding for these contracts was increased from recent years to add training to align KTIP to PGES.

### **Action Items**

### Charter for Task Force to Study Policies to Review and Make Recommendations on Combating Inappropriate Student-Teachers Relationships

Acting Executive Director Adams said that Representative Regina Bunch requested that the EPSB charter a task force to study policies in order to review and make recommendations on combating inappropriate student-teacher relationships. Her request stems from data reported in the media that Kentucky had the second most inappropriate relationship allegations in the U.S. in 2013 and 2014. Mr. Adams suggested 14 specific organizations with one member each to serve on the task force. Appointments for this task force will be made at the August EPSB meeting. Dr. David Whaley asked for examples of outcomes from the task force. Mr. Adams said that he anticipated the task force would make recommendations to the districts, and the EPSB could work with KDE and possibly KSBA on those recommendations.

### **2015-018**

*Motion made by Ms. McMillen, seconded by Ms. Sandy Sinclair-Curry to approve the recommendation to create and charter a task force to study policies to review and make recommendations on combating inappropriate student-teacher relationships as presented.*

**Vote:** *Unanimous*

### Strategic Plan Revision

Acting Executive Director Adams reported that the Strategic Planning Committee met on May 13 to review and revise the strategic plan. The timelines in the plan were revised as well as the language in Goal 3 to remove CIITS.

### **2015-019**

*Motion made by Dr. Whaley, seconded by Ms. Shannon Treece, to approve the revised Strategic Plan as presented.*

**Vote:** *Unanimous*

### Approval of CAEP Standards

Dr. Walters-Parker gave an update on recent leadership changes to CAEP. Dr. Whaley asked if the timeline for CAEP was being followed. Dr. Walters-Parker said that on some matters the timeline was being followed very closely, but she said there is a delay on the advanced standards as previously reported to the Board at its March meeting. She said the new standards will be

implemented as planned in fall 2016 with an understanding that implementation in some cases means a presentation of plans.

**2015-020**

*Motion made by Mr. Robert King, seconded by Dr. Whaley, to adopt the Council for the Accreditation of Educator Preparation standards as the accreditation standards for all educator preparation providers accredited by the EPSB.*

**Vote:** *Unanimous*

Charter for CAEP Partnership Agreement Task Force

Dr. Walters- Parker said a partnership agreement must be developed between the EPSB and CAEP to reflect a collaborative effort among Kentucky's educator preparation programs, the EPSB, and CAEP. She said that EPSB staff and Board members have previously determined that a CAEP Partnership Agreement Task Force would be formed immediately upon adoption of the CAEP standards.

**2015-021**

*Motion made by Dr. Whaley, seconded by Ms. Laura Schneider, to approve the charter of the CAEP Partnership Agreement Task Force.*

**Vote:** *Unanimous*

16 KAR 4:030. Out-of-State Preparation, Amendment, Final Action

Dr. Walters-Parker explained proposed amendments to 16 KAR 4:030. Dr. Whaley asked if this regulation changed the requirements for out-of-state online providers. Dr. Walters-Parker explained that a change was not currently being contemplated. She said there will be a time when an out-of-state intuition will decide to move to Kentucky and meet the requirements but it has not happened yet. She said that the regulation must address these types of providers in order to specify that the regulation requirements apply to them as well. President Bob King addressed the process for online providers to become licensed and operate in Kentucky.

**2015-024**

*Motion made by Dr. Whaley, seconded by Ms. Brandy Beardsley, to approve proposed amendments to 16 KAR 4:030.*

**Vote:** *Unanimous*

16 KAR 2:020. Occupation-based Career and Technical Education Certification, Amendment, Final Action

**2015-023**

*Motion made by Ms. Schneider, seconded by Ms. Tolya Ellis, to approve proposed amendments to 16 KAR 2:020.*

**Vote:** *Unanimous*

## **Waiver**

### 16 KAR 7:010. Kentucky Teacher Internship Program

#### **2015-024**

*Motion by Ms. McMillen, seconded by Ms. Sinclair-Curry, to accept the waiver that allows pilot districts to use tasks and scoring rubrics based on the Kentucky Framework for Teaching required in the Teacher Professional Growth and Effectiveness System (TPGES) in lieu of the current performance tasks and intern performance record (IPR) of KTIP identified in 16 KAR 7:010.*

**Vote:** *Unanimous*

## **Alternative Route to Certification Applications**

### Ashley Ayer, Dance, All Grades

#### **2015-025**

*Motion made by Ms. Beardsley, seconded by Ms. Treece, to approve the alternative route to certification application for Ms. Ashley Ayer.*

**Vote:** *Unanimous*

### Elizabeth Jones, Music, All Grades

#### **2015-026**

*Motion made by Ms. Sinclair-Curry, seconded by Mr. King, to approve the alternative route to certification application for Ms. Jones.*

**Vote:** *Unanimous*

## **Board Comments**

Dr. Anthony Strong asked for an update on the process for the selection of the executive director. Dr. O'Hair said that the position was advertised in the outlets approved by the Board. The application deadline is June 30. The Education and Workforce Development Cabinet will be screening for qualified applicants and will get the qualified applicant information to the committee by July 15.

Ms. Laura Schneider asked if the portfolio in KTIP was still required or if it was adjusted to match the standards. Ms. Donna Brockman said the KTIP tasks were changed to sources of evidence. These sources of evidence are the same as what is used for the Professional Growth and Effectiveness System. Only one portfolio is required.

Discussion ensued on whether a summer EPSB retreat should be held. Board secretary Ashley Abshire will send a Doodle survey to check the availability of the Board members.

*Motion made by Ms. Blevins, seconded by Ms. Sinclair-Curry, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1) (c) & (j).*

**Vote:** *Unanimous*

*Motion made by Ms. Laura Schneider, seconded by Ms. Sandra Sinclair-Curry, to return to open session.*

**Vote:** *Unanimous*

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

Brandy Beardsley, Ellen Blevins, Barbara Boyd, Tolya Ellis, Marie McMillen, Mary John O’Hair, Laura Schneider, Sandy Sinclair-Curry, Anthony Strong, Shannon Treece, Cassandra Webb, and David Whaley.

Attorneys present were Cassie Trueblood, Chelsea Fannin, Eric Ray, and Michael Head.

**Initial Case Review**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
150237	Dismissed
150217	Dismissed
150268	Admonish
150233	Admonish
150247	Defer for training
1503122	Dismissed
150251	Hear
1503140	Hear
1503136	Admonish
1503138	Admonish
1503112	Admonish
1503124	Hear
1503110	Hear
150239	Hear
1503114	Hear
1504153	Hear
1504195	Dismissed
1504155	Admonish
1412862	Admonish
150235	Hear
1502104	Hear
1503142	Hear
150288	Dismissed
1503134	Hear
150263	Hear
1503118	Hear
150253	Hear
1412843	Hear
150296	Admonish
1412860	Admonish
1504171	Admonish
1412847	Hear

150259	Dismissed
150221	Defer
150255	Admonish
150270	Admonish
150261	Dismissed
1005274	Dismissed
1311832	Dismissed
1405299	Dismissed
1003152	Dismissed
07-0116	Dismissed
1411748	Dismissed
0906392	Dismissed
1408585	Hear
1408574	Hear
1408516	Dismissed
1408494	Dismissed

**Character/Fitness Review**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
15300	Approve
15306	Approve
15119	Approve
15369	Approve
15406	Approve
15244	Deny
15216	Deny
15227	Deny
15325	Deny
15334	Approve
15361	Approve
15278	Approve
15301	Approve
15313	Approve
15333	Approve
15381	Approve
15346	Approve
15337	Approve
15335	Approve
15428	Approve
15424	Approve
15341	Approve
15415	Approve
15382	Approve
15413	Approve
15231	Approve
15308	Deny
15493	Defer
15319	Approve

**Agreed Orders****Case Number****Decision**

130189 (Shawnda Pacheco)

Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher and for violating student confidentiality. As an educator, Respondent has a duty to not reveal confidential information about students except for professional purposes or as required by law. Respondent also has a duty to not subject students to embarrassment or disparagement. Respondent violated these duties by having a student write a letter to a newspaper which contained the disciplinary record of another student. The Board will tolerate no further acts of misconduct by Respondent.

Respondent has provided written proof that she has completed professional development trainings in the areas of FERPA Compliance, A Harassment Free Work Place, and Information Security.

**Vote:** *Unanimous (Ms. McMillan recused)*

1409671 (Steve Petro)

Accept Agreed Order suspending certificate number 201170910 from September 11, 2014, through September 17, 2014. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Respondent has provided written proof that he has completed a training course in Sexual Harassment and three (3) hours of Board-approved professional development/training in the area of Educator Ethics.

**Vote:** *Unanimous*

1205296 (Wanda Barrows)

Accept Agreed Order admonishing Respondent for grabbing a student by the arm and shaking him. As an educator, Respondent has a duty to treat all students with dignity and respect. An educator also

has a duty to protect the health, safety, and emotional well-being of students. The Board will tolerate no further acts of misconduct by Respondent.

**Vote:** *Unanimous (Ms. Schneider recused)*

1311806 (Casey Shumate)

Accept Agreed Order admonishing Respondent for using inappropriate language with students and failing to appropriately manage classroom behavior and instruction. As a certified teaching professional, it is Respondent's duty to consistently maintain a positive and respectful learning environment for each and every student. Additionally, on or before August 1, 2015, Respondent shall submit written proof to the Board that he has completed the following: 1. Six (6) hours of professional development/training in classroom management, approved by the Board and at his own expense; 2. An additional six (6) hours of professional development/training in classroom management techniques for exceptional children; and 3. NEA Diversity Training, approved by the Board and at his own expense. Should Respondent fail to satisfy either of these conditions, certificate number 201129131 shall be suspended until the condition is met.

**Vote:** *Unanimous*

1303234 (Lauren Keepers)

Accept Agreed Order that states that Respondent voluntarily, knowingly, and intelligently surrenders Certificate Number 201137866, 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, Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1408577 (Doris Cooper)

Accept Agreed Order stating that Respondent is retired, and has no plans to return to the profession. If Respondent decides to return to the profession, she must first provide written proof to the Board that she has made full restitution to Bell County Public Schools for the questionable transactions. If Respondent fails to provide proof of restitution prior to accepting a certified position, Certificate Number 000041252 shall be automatically suspended until such proof is provided.

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

**Vote:** *Unanimous*

1312868 (Shavanah Barnes)

Accept Agreed Order stating that upon acceptance of this agreement by the Board, Respondent shall not seek or accept any position of employment in Kentucky that requires a School Guidance Counselor Certificate. Additionally, upon the natural expiration of School Guidance Counselor Certificate Number 199902947 on June 30, 2019, Respondent shall neither apply for, nor be issued a School Guidance Counselor certificate in the Commonwealth of Kentucky at any time in the future. Should Respondent violate this agreement, School Guidance Counselor Certificate Number 199902947 shall be automatically suspended for its remainder and/or the application for certification shall be denied.

Additionally, Teaching Certificate Number 199902947 shall be subject to the following probationary conditions: 1. Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics professional development or training, with an emphasis on professionalism, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Respondent has provided written proof that she has completed twelve (12) hours of educator ethics training. 2. Respondent shall provide written proof to the Board if her disability benefits cease in the future, and that she has been evaluated by a

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

If Respondent fails to satisfy either condition, Certificate Number 199902947 shall be automatically suspended until such condition is satisfied. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

050109 (Cara Sajko)

Accept Agreed Order dismissing case number 050109. In addition to any requirements for certificate renewal, Respondent shall provide written proof with her next application for certification that she has completed twelve (12) hours of professional development/training in the area of ethics, to be approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to provide proof of this condition, her certificate shall not be renewed until she provides proof that the condition has been met.

**Vote:** *Unanimous*

1411765 (Carrie Williams)

Accept Agreed Order stating that Respondent agrees to voluntarily surrender her Kentucky teaching certificate. Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1311800 (Julia Howard)

Accept Agreed Order admonishing Respondent for failing to maintain the dignity and the integrity of the profession. As a teacher, Respondent is expected to be a role model for students and an example of good citizenship. No further acts of misconduct by Respondent will be tolerated by the Board. Certificate Number 000032536 shall be subject to the following probationary conditions:

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

2. By May 1, 2016, Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor as approved by the Board and shall present written evidence to the Board that she has complied with the assessment process and has successfully completed any and all treatment recommendations. If Respondent is not able to complete all treatment recommendations by May 1, 2016, she shall submit quarterly written progress reports from her chemical dependency counselor until such time as the counselor releases her from treatments. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent.

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

**Vote:** *Unanimous*

1405337 (David Schafer)

Accept Agreed Order admonishing Respondent is admonished by the Board for failing to maintain the dignity and integrity of the profession. Additionally, Certificate number 000066897 is subject to the following probationary condition

from the date of acceptance of this order by the Board:

Respondent shall provide written proof to the Board that he has completed twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, before August 15, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition before August 15, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board; and

Respondent shall not work in any K-12 public school in Kentucky for a two (2) year period from the date of this order. If Respondent violates this condition, his certificate shall be automatically suspended for two (2) years from the date of the discovery of his employment in a Kentucky public school.

**Vote:** *Unanimous*

1403205 (Jeri Debord)

Accept Agreed Order stating that Respondent hereby surrenders her teaching and administrative certificates. Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1411790 (Susan Botts)

Accept Agreed Order admonishing Respondent for failing to take reasonable measures to protect the health, safety, and emotional well-being of her students. A teacher must remain calm when dealing with students and may not place their hands on students outside the limits of their restraint training. Additionally, Certificate number 000008172 is subject to the following probationary condition from the date of acceptance of this order by the Board:

Respondent shall provide written proof to the Board that she has completed seven (7) hours of professional development/training in the area of anger management, as approved by the Board, before August 15, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition before August 15, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board; and

Respondent shall provide written proof to the Board that she has completed eight (8) hours of professional development/training in the area of ethics, as approved by the Board, before August 15, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition before August 15, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board; and

**Vote:** *Unanimous*

1403197 (John Devney)

Accept Agreed Order suspending Certificate Number 199702666 for a period of thirty (30) days, with credit for the twenty (20) day employment suspension he was given by his employer served on March 12-31, 2014. The remaining ten (10) days of the suspension shall be served from June 11, 2015 through June 20, 2015. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.

Upon reinstatement after the ten (10) day suspension period, Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of two (2) years.

1. By August 15, 2015, Respondent shall provide written proof to the Board that he has received twelve (12) hours of professional

development/training on the Professional code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense for this professional development/training in ethics shall be paid by Respondent.

2. Respondent shall continue meeting monthly with Michelle Gadberry, Director of Special Education (“DOSE”), or whoever the school designates he should meet with, until the two (2) year probation period expires or until the DOSE releases him from this requirement. Respondent shall submit a letter or email from the DOSE once a year as proof that he is in compliance with this requirement.

3. For the entirety of the probationary period, Respondent shall have no further disciplinary actions taken against him. “Disciplinary action” is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process.

By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall be automatically suspended for a period of six (6) months. If applicable, at the conclusion of the six (6) month suspension, his certificate shall remain suspended until such time as all of the above conditions are met.

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

**Vote:** *Unanimous*

CF141209 (Dennis Mays)

Accept Agreed Order issuing Respondent a Kentucky teaching certificate only after completing a traditional educator preparation program or meeting the requirements for issuance of an alternative certificate under KRS 161.048. Respondent 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.

Additionally, prior to the issuance of a Kentucky teaching certificate, Respondent shall comply with the following conditions:

1. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred.

2. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development or training on classroom management, as approved by the Board. Respondent shall pay any expense incurred. Furthermore, any and all certificates issued to Respondent shall be subject to the following probationary conditions:

1. Upon securing a certified position, Respondent shall furnish the school's principal or his immediate supervisor with a letter describing the circumstances that led to his termination from the Department of Community Based Services as a Social Services Clinician I. A copy of that letter shall be provided to the Board within fifteen (15) days of accepting the position. If Respondent fails to satisfy this condition, any and all certificates issued to Respondent shall be automatically suspended until such condition is satisfied.

2. Respondent shall not receive any discipline for conduct that places a child's safety at risk from any school district in which he is employed. If Respondent fails to satisfy this condition, any and all certificates issued to him or on his behalf shall be automatically permanently revoked.

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

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

**Vote:** *Unanimous*

1302128 (Shelly Lewis)

Accept Agreed Order stating that Respondent voluntarily, knowingly, and intelligently surrenders Certificate Number 200221841, 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, Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1407473 (James Sullivan)

Accept Agreed Order admonishing Respondent for failing to exemplify behaviors, which maintain the dignity and integrity of the profession. Making unwanted sexual advances on a subordinate employee is sexual harassment and is unacceptable conduct. The Board reminds Respondent of his duty to accord just and equitable treatment to all members of the profession, and of his duty to safeguard the freedom to teach. The Board will not tolerate any further acts of misconduct by Respondent.

On or before May 1, 2016, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, on the Professional Code of Ethics for Kentucky Certified School Personnel, and sexual harassment awareness, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition by May 1, 2016, Teaching Certificate Number 200206686 shall be automatically suspended until such condition is satisfied.

Additionally, for a period of two (2) years, Respondent shall not seek or accept any position of employment in Kentucky that requires the use of his

Administrative Certificate, *Professional Certificate For Instructional Leadership- Principal, All Grades, Level 2*. If Respondent seeks or accepts a position in Kentucky that requires the use of his Administrative Certificate prior to June 8, 2017, then his Administrative Certificate shall be automatically suspended for its remainder. At the conclusion of the two (2) year certificate restriction period, Respondent shall be eligible to renew his Administrative Certificate.

Furthermore, Respondent shall not receive any disciplinary action for harassment and/or discrimination from any school district in which he is employed. Should Respondent fail to satisfy this condition, Certificate Number 200206686 shall be automatically permanently revoked.

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

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

**Vote:** *Unanimous*

1304253 (Holli Parys)

Accept Agreed Order suspending Certificate Number 201120652 for a period of forty-five (45) days. Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd floor, Frankfort, Kentucky 40601.

Upon reinstatement, Certificate Number 201120652 shall be subject to the following probationary conditions for a period of two (2) years:

1. By December 1 2015, Respondent shall provide written proof to the Board that she has complied with a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical

dependency counselor, as approved by the Board, and has successfully completed any and all treatment recommendations. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 201120652 shall be automatically suspended until such condition is satisfied.

2. By May 1, 2016, Respondent shall provide written proof to the Board that she has completed professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 201120652 shall be automatically suspended until such condition is satisfied.

3. Respondent shall be subject to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for alcohol or any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Respondent shall pay any expense incurred. If Respondent fails to satisfy this condition, Certificate Number 201120652 shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

**Vote:** *Unanimous*

1412825 (Donald Lawson)

Accept Agreed Order admonishing Respondent for exercising poor professional judgment and for failing to follow proper accounting procedures. As a certified educator in the Commonwealth of Kentucky, Respondent has a statutory obligation to competently perform his duties, which would include the timely completion of purchase orders, and the obtainment of prior approval of purchases. The Board reminds Respondent of his duty to exemplify behaviors, which maintain the dignity and integrity of the profession at all times. The

Board will not tolerate any further incidents of misconduct by Respondent.

Additionally, Certificate Number 000020225 shall be subject to the following probationary conditions for a period of five (5) years:

1. By May 1, 2016, Respondent shall provide written proof to the Board that he has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified Personnel, as approved by the Board. Respondent shall pay any expense incurred. Should Respondent fail to satisfy this condition by May 1, 2016, Certificate Number 000020225 shall be automatically suspended until such condition is satisfied.

2. By May 1, 2016, Respondent shall provide written proof to the Board that he has completed twelve (12) hours of professional development or training on the "Accounting Procedures for Kentucky School Activity Funds" commonly known as Redbook, as approved by the Board. Respondent shall pay any expense incurred. Should Respondent fail to satisfy this condition by May 1, 2016, Certificate Number 000020225 shall be automatically suspended until such condition is satisfied.

1. During the probationary period, Respondent shall provide semi-annual reports, stating that he is in compliance with all proper accounting procedures. The reports shall be in the form of a letter from the employing district's finance officer, or other knowledgeable supervisor, and must be submitted by March 1st and October 1st of each year of the probationary period. Respondent shall pay any expense incurred. Should Respondent fail to satisfy this condition, Certificate Number 000020225 shall be automatically suspended until such condition is satisfied.

2. During the probationary period, Respondent shall not receive any disciplinary action involving school finance from any school district in which he is employed. Should Respondent fail to satisfy this condition, Certificate Number 000020225 shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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

**Vote:** *Unanimous*

CF15199 (Karl Weihe)

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

1. Respondent shall provide written proof to the Board that he has complied with a comprehensive alcohol/substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Respondent shall pay any expense incurred.

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

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

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

2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

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

**Vote:** *Unanimous*

1207397 (Leslie Soderquist)

Accept Agreed Order admonishing Respondent for exercising poor professional judgment and for failing to properly manage student behavior in her classroom. The Board acknowledges that students are going to misbehave and disrupt the classroom setting, and an educator should be allowed the discretion to interact with those students in a way that has proven effective in the past. However, the Board reminds Respondent that she has a duty to take reasonable measures to protect the health, safety, and emotional well-being of her students. Permitting a student to remain in a locker for an extended period of time, even under her supervision, is not an acceptable classroom management technique, as it may increase the likelihood of injury to the student.

Furthermore, Certificate Number 200102190 shall be subject to the following probationary conditions until August 13, 2016:

1. On or before August 13, 2016, Respondent shall provide written proof to the Board that she has completed nine (9) hours of professional development or training in the area of classroom management, as approved by the Board. Any expense required to satisfy this condition shall be paid by Respondent. Should Respondent fail to satisfy this condition by August 1, 2016, Certificate

Number 200102190 shall be automatically suspended until such condition is satisfied.

2. On or before August 13, 2016, Respondent shall provide written proof to the Board that she has completed the Kentucky Department of Education's trainings entitled *Promoting Positive Behavior in Schools I & II*. Any expense required to satisfy this condition shall be paid by Respondent. Should Respondent fail to satisfy this condition by August 1, 2016, Certificate Number 200102190 shall be automatically suspended until such condition is satisfied.

3. Respondent shall not receive any disciplinary action for inappropriate classroom management from any school district in which she is employed during the probationary period. Should Respondent fail to satisfy this condition, Certificate Number 200102190 shall be automatically suspended for a period of three (3) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

**Vote:** *Unanimous*

1409689 (Doria Bugg)

Accept Agreed Order admonishing for exercising poor professional judgment and for impeding the proper implementation of KRS 160.345. The Board reminds Respondent that as an administrator, it is her responsibility to ensure proper procedures are being followed in her school at all times. Furthermore, as School Based Decision Making (SBDM) Council chair, Respondent has a responsibility to understand and follow the SBDM Council policies of her district and her school. The Board will not tolerate any further incidents of misconduct by Respondent.

Upon acceptance of this agreement by the Board, Respondent agrees not to accept any position of employment in Kentucky that requires the use of her administrative certificates, *Professional Certificate for Instructional Leadership Supervisor Of Instruction, Level 2; Professional Certificate For Instructional Leadership-Principal, All Grades, Level 2; Approval For Elementary Education Program Consultant*, through their natural expiration. Furthermore, Respondent agrees not to

apply for, nor be issued an administrative certificate in the Commonwealth of Kentucky at any time in the future.

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

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

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

**Vote:** *Unanimous*

1409687 (Mark Emerson)

Accept Agreed Order suspending Certificate Number 201129040 for a period of two (2) days. Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Upon reinstatement, Certificate Number 201129040 shall be subject to the following probationary conditions for a period of five (5) years:

1. On or before May 1, 2016, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred shall be paid by Respondent. Should Respondent fail to satisfy this condition by May 1, 2016, Certificate Number 201129040 shall be automatically suspended until such condition is satisfied.
2. Respondent shall not receive any disciplinary action involving neglect of duty from any school district in which he is employed. Should Respondent fail to satisfy this condition during the

probationary period, Certificate Number 201129040 shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

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

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

**Vote:** *Unanimous*

1311762 (Andrew Jury)

Accept Agreed Order stating that Respondent 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. Respondent 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.

Additionally, at the time of application for certification, Respondent shall provide written proof that he has completed the following conditions:

1. Respondent shall provide written proof to the Board that he has complied with a comprehensive alcohol abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Any expense required to satisfy this condition shall be paid by Respondent.

1. Respondent shall provide written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any

expense required to satisfy this condition shall be paid by Respondent.

2. Respondent shall provide, in addition to any criminal background reports required for certification, a copy of his criminal background check from the Administrative Office of the Court dated within the month of the date his application is submitted to the Board. Respondent shall have no further criminal convictions, 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.

Failure to meet any of these conditions will result in the denial of Respondent's application for certification. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

14019 (Caleb Cornett)

Accept Agreed Order stating that Respondent shall neither apply for nor be issued any type of teaching certificate, including emergency, probationary, and temporary provisional certificates, until he has completed all the educational and assessment requirements necessary for teacher certification and issuance of a Statement of Eligibility in Kentucky. The Board shall not approve Respondent for any type of alternative certification option.

Prior to being issued a Kentucky Teaching Certificate, Respondent shall submit written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. If Respondent fails to satisfy this condition, the Board shall automatically deny any application submitted by Respondent or on his behalf.

**Vote:** *Unanimous*

1211639 (Eric Good)

Accept Agreed Order stating that Certificate Number 200002024 shall be revoked for a period of three (3) years. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the revocation

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

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

1. Respondent shall provide written proof to the Board that he has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill his duties as an educator. Respondent 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 for the assessment, treatment and/or written reports shall be paid by Respondent.

2. Respondent shall provide written proof to the Board that he has completed a sexual offender risk assessment by a provider approved by the Sexual Offender Risk Assessment Advisory Board as defined in KRS 17.550(3), and that he does not pose a risk to students. Respondent shall provide proof that he has complied with any treatment recommendations proposed by the provider and shall continue to provide treatment records to the Board until he has been released from treatment by the provider. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent.

3. Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of ethics training, as approved by the Board. Any expense incurred for said training shall be paid by Respondent.

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

Upon reissuance, Certificate Number 200002024 shall be on a permanent probation and subject to the following probationary condition:

During the probationary period, Respondent shall not receive any disciplinary action for viewing pornography on school equipment and/or inappropriate relationship with students from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Certificate Number 200002024 shall be automatically permanently revoked.

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

**Vote:** *Unanimous*

CF14871 (Stephen Grubbs)

Accept Agreed Order stating that Respondent shall not apply for nor be issued any emergency teaching certificate, including emergency substitute certification. Respondent shall be issued a temporary provisional or statement of eligibility upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate and upon providing proof that he has complied with the following conditions:

1. Respondent shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall provide written evidence to the Board that he has complied with the assessment process and has successfully completed any and all treatment recommendations. Any expense for the assessment, treatment, and/or written reports shall be paid by Respondent.
2. Respondent shall provide written evidence to the Board that he has completed a course, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by Respondent.

**Vote:** *Unanimous*

1205273 (Barton Short)

Accept Agreed Order stating that Certificate Number 201103944 is revoked for a period of five (5) years beginning on January 28, 2012. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the revocation period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

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

1. Respondent shall provide written proof to the Board that he has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill his duties as an educator. Respondent 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 for the assessment, treatment and/or written reports shall be paid by Respondent.

2. Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent.

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

Upon reissuance of Certificate Number 201103944, Respondent shall be on permanent probation and subject to the following probationary conditions:

1. During the probationary period, Respondent shall not receive any disciplinary action involving conduct unbecoming a teacher from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the

Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Certificate Number 201103944 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

2. During the probationary period, Respondent shall receive no disciplinary action involving teacher/student boundaries from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Certificate Number 201103944 shall be automatically permanently revoked.

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

**Vote:** *Unanimous*

120155 (Heather Holbrook)

Accept Agreed Order admonishing Respondent for subjecting students to embarrassment and disparagement. An educator has a duty to treat all students with dignity and respect. Respondent failed in this duty when she called a student "Buckwheat" and projected a picture of the character for all the class to see. The Board will tolerate no further acts of misconduct by Respondent.

Respondent has provided written proof that she has completed ten (10) hours of training in classroom management dealing with equitable treatment of all students.

**Vote:** *Unanimous*

### **KTIP APPEAL**

#### **Case Name**

McAfee v. EPSB

#### **Decision**

Accept Agreed Order overturning the Appeals Committee's decision and nullifying McAfee's internship.

**Vote:** *Unanimous*

## **Recommended Order**

### **Case Name**

### **Decision**

CF 12646 (Tammie Larkins)

Accept the Hearing Officer's Findings of Fact, Conclusions of Law, Recommended Order and Notice of Appeal Rights affirming the EPSB's denial of Petitioner's application for certification.

**Vote:** *Unanimous*

*Motion made by Cassandra Webb to authorize Michael Head to draft the Final Order on behalf of the Board.*

**Vote:** *Unanimous*

Board attorney Michael Head recommended to the Board that it take action to suspend the policy of "flagging" the certificates of teachers who have pending cases until the disciplinary regulation is amended and until there is some resolution of the litigation against the Board regarding flagging. According to him, he made his recommendation because the plaintiffs in the litigation wanted to know that the procedure of flagging was halted, and the Board was going to write procedures into the disciplinary regulation for flagging. He said there may be some question if what was written into the regulation would be acceptable or legal, but until that process was finalized and the regulation was written, he advised there was no need for anything to happen in the litigation and it would be an added cost to the Board.

Ms. Sinclair-Curry stated that she does not like flagging on cases that become dismissed. She also said she had concerns with removing the flag before the regulation was completed. She said she would rather make changes to the process at the same time the regulation was written.

Dr. Anthony Strong said that from the superintendent perspective, it was helpful to have the availability to know if a teacher has a pending case. He said that perhaps the flag was placed online too early, but he said he did not want to make changes until the regulation has been written.

Ms. Brandy Beardsley said she was concerned with the Board making a decision now and then writing the regulation. She wanted to wait for the Board to write the regulation first.

Chair Cassandra Webb said she had concerns regarding the flagging process. She said it was her understanding from the information received by Mr. Head that superintendents were receiving information from flagged pending cases that they could not find out through an open record request. Staff attorney Cassie Trueblood stated that staff does not release information about a case itself. She said an open record request for a pending case would be denied based on the fact that there was a pending investigation, and a reason must be included with the denial of open records. Mr. Head advised that the problem with open records law was if information was released to an individual who was not entitled to that information; unless the Board waived the right to withhold that information, then the Board must give that information to everyone. He further informed that the fact that the Board only allowed superintendents to view the flags on

the certificates of teachers who have pending litigation, not final action, was, in his legal opinion, troublesome because if the public were to request that information then the Board could not rely upon the privilege to withhold that information since it had already released it. He said the Board cannot release records to someone and not to everyone. He said the open record request exemption, which is the right to withhold information about pending litigation, is there for the Board's use, but if the Board waives the exemption, it loses it. Ms. Cassie Trueblood said staff does not waive the exemption to open records law, because staff does not release actual records about what is reported until after the case is closed.

Ms. Marie McMillen said that she did not want teachers penalized before they know they have a case.

*Motion made by Ms. Marie McMillen to suspend flagging until the Board takes final action on a case.*

Discussion ensued on the definition of final action on cases. Ms. McMillen said final action would be after the Board voted to train, hear, admonishment, etc. Mr. Head said final action would be when there was final resolution of a case. He said final resolution of a case occurred when there was nothing else left to be done with a case – the case has been dismissed, an agreed order has been signed, etc. Ms. Trueblood said that the flag (notification icon) is currently removed in the EPSB online system when there was final action on a case. The flag is still showing while a case is pending a hearing or deferred for training.

Dr. Strong said he would like the flag placed when the Board agreed to hear a case or defer for training.

Mr. Head said the difficulty in understanding what final action meant was that he is using a legal definition and the Board is trying to address something less formally. He said the legal term the Board members are trying to use is “until there is a final resolution of the case” which means that everything currently being flagged would no longer be flagged.

Ms. Trueblood suggested that she heard Ms. McMillen and Dr. Strong state that they wanted a notification to appear in the online system after the Board voted to hear a case or voted to defer for training.

Mr. Head expressed his opinion that the Board “should never put a scarlet A” on someone's certificate, like the current flagging process, until there has been a completion of the adjudication.

Ms. Beardsley said she felt that changing the process now and then changing it again once the regulation was addressed would confuse stakeholders. Mr. Head said that the only individuals that would complain about the change are the individuals that find out their certificate has been flagged, those that are affected by the present policy. Ms. Trueblood said that currently there are superintendents that have been able to see the notification icon in the system so the Board should consider that as well.

Ms. Barbara Boyd said she agreed with Mr. Head that flagging should cease until the disciplinary regulation was amended. She asked to serve on the Regulation Rewrite Committee and Chair Webb appointed her to the committee.

