

The actions delineated below were taken in open session of the EPSB at the October 15, 2012, meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601

**Education Professional Standards Board (EPSB)
Summary Minutes of the Regular Business Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky
October 15, 2012**

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 October 15, 2012, EPSB meeting: Brandy Beardsley, Bradley Bielski, Barbara Boyd, Ellen Blevins, Cathy Gunn, Allen Kennedy, Marie McMillen, Michael Ross, Sandy Sinclair-Curry, Zenaida Smith, Anthony Strong, Tom Stull, Mark Wasicsko, and Cassandra Webb. John DeAtley and Terry Holliday were absent.

Open Speak

There were no requests for Open Speak.

Approval of Consent Items

Chair Cassandra Webb requested that Board members identify any items on the consent agenda which they wished to discuss prior to taking final action. No items were identified.

2012- 043

Motion made by Dr. Bradley Bielski, seconded by Ms. Marie McMillen, to approve the following items on the consent agenda:

Approval of September 17, 2012 EPSB Minutes

Title II Report

Approval of Contract

Vote: *Unanimous*

Report of the Acting Executive Director

Report from the Kentucky Department of Education

The Kentucky Department of Education submitted a written report that was placed in Board members' folders.

Report from the Council on Postsecondary Education

There was no report from the Council on Postsecondary Education.

New Staff Member Introduction

Dr. Kim Walters-Parker introduced the EPSB's newest staff member, Lauren Graves. Lauren replaces Anthony Campbell as the EPSB's education program consultant in the Division of Educator Preparation.

Report of the Chair

Recognition of Former Board Chair

Chair Webb recognized Dr. Cathy Gunn for her wonderful job as Board chair.

Call for Special Meeting

Chair Webb called a special meeting for Monday, November 12, at 8:30a.m. at the EPSB offices for the purpose of interviewing candidates for the executive director position.

Spring Retreat

Chair Webb formed a spring retreat committee and asked Anthony Strong to serve as chair. Mark Wasicsko and Mike Ross volunteered to serve on the committee. Chair Webb stated the purpose of this retreat will be to review the Board's vision, mission, and work with the new executive director.

Appointments

Reappointments to the Accreditation Audit Committee

Chair Cassandra Webb reappointed the following members to the Accreditation Audit Committee: Susan Compton, Jack Rose, Judi Conrad, Joy Gray, and Zella Wells.

Appointment to the Teachers for Exceptional Children Committee

Chair Webb appointed Kennedy Turner to the Teachers for Exceptional Children Committee.

Reappointment to the Kentucky Advisory Council for Internships

Chair Webb reappointed Meghan Purcell to the Kentucky Advisory Council on Internships.

Committee Reports

Executive Director Search Committee

Executive Director Search Committee chair, Cathy Gunn, announced the Board approved four candidates to interview on November 12. These four candidates are Sheila Wright, Verna Lowe, Jill Ratliff, and Robert Brown. Chair Gunn stated the Board plans to deliberate the afternoon of the interviews and hopes to make an offer to be accepted by all parties the following week. The Board would like the new executive director to have a January start date, but understands that personnel timelines may not make that possible.

Update from the Program and Accreditation Review Committee (PARC)

Dr. Walters-Parker introduced Dr. Manish Sharma, Thomas More College, and Dr. Margaret Moore, Eastern Kentucky University, who serve on PARC and came to give an update to the Board on the progress of the committee. Dr. Moore stated that members of PARC are reviewing current EPSB program approval and state accreditation processes. She said recommended changes will allow approved efficiency in teacher preparation programs without sacrificing the quality of the programs. Dr. Sharma stated the committee is focused on ensuring a transparent and ongoing process by making university data available online to review by institutions and

other organizations. Dr. Walters-Parker stated the committee is looking for this information to be a cost and efficiency savings for accreditation visits. Dr. Cathy Gunn stated that critics of teacher education have been very public with their criticism. This transparent data will help those with incorrect information. Dr. Walters-Parker stated the committee plans to finalize procedures for program approval at the next meeting in November with recommendations near the end of the academic semester.

Information/Discussion Item

Determining Probable Cause Policy Amendment

Ms. Alicia Sneed stated that in 2004, the Board voted to approve the surrender of suspended or revoked certificates, to note the periods of suspension and revocation on certificates when reissued, and to display final and pending actions taken against educator certificates on the EPSB website with access limited to school district administrators. A notation indicating a complaint is pending appears in the Kentucky Educator Certification Inquiry (KECI) that staff uses to display this information. This notation is only viewable by school district superintendents, human resource personnel, and the educator's homepage in KECI.

If an educator's certificate is suspended or revoked upon the resolution of the disciplinary case, the educator surrenders his or her certificate. Upon reinstatement or reissuance of the certificate, the educator is issued a new certificate with the suspension and revocation dates printed on the certificate. At the November 2011 board retreat, the Board instructed staff to continue this practice and to also include this information on KECI.

The 2004 changes to disciplinary practice were not adopted as a policy; therefore, staff drafted an amendment to the Determining Probable Cause to Take Disciplinary Action Procedure incorporating the August 2004 motions and the Board's directives at its November 2011 retreat. This item will be brought back to the Board in January for final action.

Chair Webb stated she wanted to appoint a committee to assist Ms. Sneed on disciplinary issues that are important to the Board. Discussion among the Board ensued. Sandy Sinclair-Curry, Zenaida Smith, and Barbara Boyd volunteered to serve on the committee. The purpose of the committee will be to look at the flagging of pending cases and the disciplinary review flow chart.

Presentation

Chamber of Commerce: Leadership Institute for School Principals (Mr. Dave Adkisson)

Mr. Dave Adkisson gave an overview on the Kentucky Leadership Institute for School Principals. He explained how this institute delivers training to help principals build a high-performance culture, influence others to ensure student success, explore how knowledge of individual strengths and developmental needs can produce positive outcomes for students, schools, and communities, and practice new behaviors for positive results.

Action Item

2013 Legislative Agenda

Acting Executive Director Alicia Sneed proposed that the Board approve the following framework for use when evaluating bills during the 2013 Legislative Session since this is not a budgetary session and the Board has not approved any recommendations for statutory amendments:

- Support any legislation which further supports the EPSB's mission and goals
- Oppose any attempt to dilute or modify the current authority of the EPSB

2012-044

Motion made by Dr. Cathy Gunn, seconded by Ms. Lorraine Williams, to approve the 2013 Legislative Agenda.

Vote: *Unanimous*

16 KAR 8:030. Continuing Education Option for Certificate Renewal and Rank Change, Final Action

2012-045

Motion made by Ms. Williams, seconded by Ms. Sandy Sinclair-Curry, to approve the amendments to 16 KAR 8:030.

Vote: *Unanimous*

16 KAR 6.010. Examination Prerequisites for Teacher Certification, Final Action

2012-046

Motion made by Dr. Mark Wasicsko, seconded by Mr. Mike Ross, to approve the proposed amendments to 16 KAR 6:010.

Vote: *Unanimous*

Board Comments

Dr. Mark Wasicsko asked that an asterisk be placed in the Title II report next to universities that require candidates to pass the praxis as a graduation requirement in the summary information on praxis pass rates. He stated that he feels the summary information is misleading the way it is presented.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
October 15, 2012**

Motion made by Ms. Lorraine Williams, seconded by Ms. Ellen Blevins, 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. Marie McMillen, seconded by Ms. Barbara Boyd, to return to open session.

Vote: *Unanimous*

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

Tom Stull, Cathy Gunn, Allen Kennedy, Barbara Boyd, Brandy Beardsley, Ellen Blevins, Cassandra Webb, Michael Ross, Anthony Strong, Zenaida Smith, Sandra Sinclair-Curry, Lorraine Williams, and Mark Wasicsko.

Attorneys present were Alicia A. Sneed, Cassie Trueblood, Whitney Crowe, Gary Stephens, and Angela Evans.

Initial Case Review

| <u>Case Number</u> | <u>Decision</u> |
|---------------------------|---|
| 1208506 | Hear |
| 1207464 | Hear (<i>Ms. McMillen recused</i>) |
| 1207431 | Defer for training |
| 1207439 | Hear |
| 1207399 | Hear (<i>Mr. Ross recused</i>) |
| 1207433 | Hear |
| 1207468 | Hear |
| 1207413 | Defer for training |
| 1207425 | Admonish |
| 1206322 | Hear |
| 1207394 | Hear |
| 1108569 | Hear |
| 1207401 | Hear |
| 1207470 | Hear |
| 1208522 | Hear |
| 1208480 | Hear |
| 1207409 | Hear |
| 1207407 | Hear |
| 1208472 | Dismissed |
| 1207435 | Admonish |
| 1207423 | Hear |
| 1207429 | Hear |
| 1207391 | Defer for training |
| 1207419 | Defer for training (<i>Mr. Stull dissented</i>) |
| 1207405 | Admonish |
| 1208512 | Admonish |
| 1012838 | Dismissed |
| 1204240 | Dismissed |
| 120123 | Dismissed |

Character/Fitness Review

| <u>Case Number</u> | <u>Decision</u> |
|---------------------------|------------------------|
| 121029 | Approve |
| 121098 | Approve |
| 11835 | Deny |
| 121094 | Approve |
| 121093 | Approve |
| 121091 | Approve |
| 121121 | Approve |

| | |
|--------|---------|
| 121130 | Approve |
| 121141 | Approve |
| 121076 | Deny |
| 121089 | Deny |
| 121085 | Approve |
| 121087 | Deny |
| 121120 | Approve |
| 12941 | Approve |
| 121124 | Approve |
| 121129 | Deny |
| 121135 | Approve |
| 121136 | Deny |
| 121127 | Deny |
| 121137 | Approve |
| 121034 | Deny |
| 121060 | Deny |
| 121144 | Approve |
| 121146 | Approve |

Agreed Orders

Case Number

Decision

070226 (Nancye Fields)

Accept Agreed Order which states that Respondent has retired from the education profession and has no plans to return to the classroom. Respondent agrees that she shall not seek, nor accept, any certified position in Kentucky at any point in the future.

Vote: *Unanimous*

1112941 (Carolyn Ford)

Accept Agreed Order admonishing Respondent for using an inappropriate restraint method on an autistic student. An educator has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. Respondent failed in this duty when she placed her foot on the student's abdomen while the student was having an autistic event. The Board will tolerate no further acts of misconduct by Respondent.

Respondent shall provide to the Board, on or before January 1, 2013, written proof that she has completed a course in Safe Crisis Management. Any expense for this training shall be paid by Respondent.

Should Respondent fail to comply with the training requirement, her certificate shall be suspended and will remain so until she shows proof that she has completed the requirement.

Vote: *Unanimous*

1203160 (Marian Berryman) Accept Agreed Order admonishing Respondent for failing to take reasonable measures to protect the health, safety, and emotional well-being of students. The Board reminds Respondent that an educator must manage her emotions in the classroom especially when the need arises use physical restraint on a student.

In addition, Respondent shall not seek employment as a certified educator in Kentucky until March 1, 2014. After March 1, 2014, Respondent shall not be employed as a certified educator in a Kentucky school until she has met the following conditions:

1. Respondent shall provide proof that she has completed counseling or training in anger management or stress management, as approved by the Board. Any expense for the counseling or training shall be paid by Respondent; and

2. Respondent shall provide proof that she has completed a professional development or training in classroom management for special education teachers as approved by the Board. Any expense for the training or professional development shall be paid by Respondent. By entering into this agreement, Respondent agrees that should she fail to satisfy the above conditions prior to her re-employment as a certified educator in Kentucky, Respondent's certificate shall be automatically suspended until Respondent provides written proof to the Board that he has completed the conditions.

Respondent is aware if she should have any future violations of KRS 161.120, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1009487 (Dustin Brown) Accept Agreed Order revoking Respondent's certificate for a period of three (3) years beginning June 13, 2011. 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, Brown shall immediately surrender the original and all copies of his certificate to the EPSB, by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. 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 incurred for the assessment or follow-up treatment shall be paid by Respondent.

2. Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of ethics training, as approved by the Board, which shall include instruction on appropriate teacher/student boundaries. Any expense incurred for said training shall be paid by Respondent.

3. Respondent shall provide the Board with at least two (2) letters of recommendation stating that Respondent is morally and ethically fit to hold a teaching certificate. Such letters of recommendation must be written by educators who hold valid Kentucky teaching certificates that are currently in good standing.

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 of Respondent's certificate, Respondent shall be on permanent probation. Accordingly, Respondent shall receive no disciplinary action involving teacher/student boundaries. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

By entering into this Agreed Order, Respondent agrees that should he fail to satisfy the terms of the permanent probation, his certificate shall be automatically permanently revoked.

Vote: *Unanimous*

CF12903 (Ashley Spencer) Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed

and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that she has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional ethics training, as approved by the Board. Any expense required for said training shall be paid by Respondent. Any and all certificates issued to Respondent shall be subject to the following conditions:

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

2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use or possession of alcohol. If Respondent 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 Respondent's certificate being automatically suspended pending Board review and disposition.

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

Vote: *Unanimous*

1203207 (Earl Barlow)

Accept Agreed Order revoking Respondent's certificate. Respondent shall immediately surrender the original and all copies of this certificate to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Respondent shall neither apply for nor be

issued a teaching certificate in the Commonwealth of Kentucky for the remainder of his lifetime.

Vote: *Unanimous (Ms. McMillen recused)*

CF12940 (Sandra Hall)

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

Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional ethics training, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Upon issuance, any and all certificates issued to Respondent shall be on probation for a period of five (5) years, and subject to the following condition:

With any application for renewal of her certification(s) and/or for additional certification(s), Respondent shall submit a letter from her substitute coordinator, or similar district level supervisor, stating that there were no issues with Respondent's performance during the previous school year. Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

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

Vote: *Unanimous (Dr. Gunn recused)*

CF121048 (Bradley Grier)

Accept Agreed Order admonishing Respondent. Respondent or engaging in dishonest conduct by falsifying an application for teacher certification. Regardless of whether the falsification is intentional or negligent, misrepresenting records of fact relating to one's qualifications or fitness violates the Professional Code of Ethics for Kentucky Certified School Personnel. The Board will not tolerate any further incidents of misconduct by Respondent.

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; however, any and all certificates issued to Respondent by the Board shall be subject to the following probationary condition:

Within six (6) months of issuance of any teaching certificate to Respondent, 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. If Respondent is unable to complete all treatment recommendations within six (6) months of issuance, Respondent shall continue to provide quarterly written progress reports from his chemical dependency counselor until such time as the counselor releases him from further treatment. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent's certificate being automatically suspended until Respondent is in compliance.

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

1. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board.
2. Respondent shall submit a current criminal background check, as prepared by the Administrative Office of the Courts, to the Board with any application for renewal of his certification(s) and/or for additional certification(s). Any expense for the criminal background check shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on his behalf.

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

Vote: *Unanimous*

Motion made by Dr. Gunn, seconded by Ms. Boyd, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 12:40 p.m.

Next Meeting: January 7, 2012
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky