

The actions delineated below were taken in open session of the EPSB at the January 10, 2011 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
January 10, 2011**

Call to Order

Chair Lorraine Williams called the meeting to order at approximately 9:05a.m.

Roll Call

The following members were present during the January 10, 2011, EPSB meeting: Frank Cheatham, Michael Dailey, John DeAtley, Cathy Gunn, Zenaida Smith, Bobbie Stoess, Tom Stull, Mark Wasicsko, and Lorraine Williams. Mary Hammons, Lynn May, Sandy Sinclair-Curry, Cassandra Webb, and Cynthia York were absent.

Amendment to January 10, 2011 Agenda

Motion made by Dr. Frank Cheatham, seconded by Ms. Zenaida Smith, to amend the January 10, 2011 agenda to add Consent Item G. 16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Martha O'Bryan on behalf of Morley Wagner

Vote: *Unanimous*

Open Speak

There were no requests for Open Speak.

Moment of Silence

Chair Williams called for a moment of silence in honor of the victims of Saturday's shooting massacre in Arizona.

Approval of Consent Items

Chair Williams requested that board members identify any items on the consent agenda that they wished to discuss prior to taking final action. No items were identified.

2011-001

Motion made by Dr. Mark Wasicsko, seconded by Ms. Bobbie Stoess, to approve the following items on the consent agenda:

Consent Item A. Approval of October 25, 2010 EPSB Minutes

Consent Item B. Approval of Master of Arts in Education with Teacher Leader Endorsement, Eastern Kentucky University

Consent Item C. Approval of Principal Preparation Program, All Grades, Western Kentucky University

Consent Item D. Approval of Principal Preparation Program, All Grades, Murray State University

Consent Item E. Master of Science in Teacher Leadership, Brescia University

Consent Item F. Approval of 16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Cathy Gunn on behalf of Krista Hayslip

Consent Item G. Approval of 16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Martha O'Bryan on behalf of Morley Wagner

Vote: *Unanimous*

Report of the Executive Director

New Staff Member Introduction

Executive Director Phillip Rogers introduced Dr. Kim Walters-Parker, the new Educator Preparation division director, to the board. Dr. Walters-Parker received her teaching credentials from Morehead State University and was most recently an assistant professor at Georgetown College.

New Deans Announcement

Dr. Walters-Parker introduced three new Kentucky deans of colleges and universities to the board: Dr. Yolanda Carter, Interim Dean, Georgetown College; Dr. Robert Cooter, Dean, Bellarmine University; and Dr. Linda Young, Chair, Lindsey Wilson College.

Report from the Kentucky Department of Education

Mr. Michael Dailey reported on recent events at KDE:

- The last Teacher and Principal Effectiveness Steering Committee meetings were held in November and December. KDE plans to pilot a second iteration of the teacher effectiveness rubric during the 2011-12 school year in as many as 50 districts and conduct a full state pilot in the 2012-13 school year.
- The working conditions survey for teachers is scheduled to launch March 1st.

Report from the Council on Postsecondary Education (CPE)

Mr. John DeAtley reported on recent events at CPE:

- CPE anticipates that the 2011-15 strategic agenda for postsecondary and adult education will be ready by late spring. There are 4 subgroups to the strategic agenda – college readiness, student success, research and economic competitiveness, and efficiency and innovation.
- CPE released a Request for Proposals for a host institution for the Center for Mathematics. The mandatory Intent to Submit notices were due on December 10, 2010 and proposals are due March 7, 2011. CPE received three Intent to Submit notices.

Legislative Update

Ms. Alicia Sneed reported on recent legislative session events.

Some current bills of interest for the board to follow are Senate Bill (SB) 3, SB12, SB13, and SB21. EPSB staff will also be monitoring House Bill 120.

At this time it is uncertain what the process for board member confirmations will entail. Currently there are six EPSB vacancies.

Senate Bill 1 (SB1) Update

Ms. Linda Nickel gave a SB1 update PowerPoint presentation. Mr. Michael Dailey stated that he would like to see how all institutions have contributed to the implementation of SB1. Another SB1 update will be given at the May EPSB meeting.

Local Educator Assignment Data (LEAD) Report

Mr. Mike Carr gave a report on the fall Local Educator Assignment Data (LEAD) report. He stated that it was one of the best LEAD reports to date from a compliance standpoint. The spring LEAD report opens this January and will be the basis for the Highly Qualified report in March.

Report of the Chair

Appointment of Committee to Review the Kentucky Teacher Standards

Chair Williams appointed the following individuals to the Committee to Review the Kentucky Teacher Standards: Ann Larson, Alesa Walker, Sharon Brennan, Jim Simpson, Dee Jones, Todd Warren, Terri-Cox Cruey, Robin Chandler, Donna Brockman, John DeAtley, Mary Ann Blankenship, Sylvia Carter, Lou Ann George, Eric Shields, Paul Gray, Blain Click, Chuck Abell, Martha Collier, and Elaine Farris.

Committee Reports

There were no committee reports.

Presentation

NASDTEC Interstate Agreement

Mr. Mike Carr gave a presentation to the board on the NASDTEC interstate agreement. This agreement will be presented to the board at the March meeting as an action item, giving Dr. Rogers the authority to sign the agreement. The board raised serious concerns about out-of-state and online rank change programs. Dr. Rogers stated that this would be a good subject to discuss at a summer retreat.

Information/Discussion Items

Awarded Contracts

Mr. Gary Freeland reported on contracts the agency recently awarded to vendors. The following contracts were awarded:

- Career and Technical Education (CTE) Kentucky Teacher Internship Program (KTIP) contracts with all 8 public universities were awarded a total of \$42,706.50 to support the CTE teacher educators and training of KTIP committee members.
- A legal attorney contract with Cassandra Trueblood was awarded in the amount of \$69,023.00. She replaces Katie Morgan, who recently cancelled her contract with the EPSB to seek a full-time state position.
- Four KTIP contracts were amended with four public universities to allow for additional KTIP interns. These amendments were budget neutral since the increase in

funds to these universities will be offset by a decrease in funds to some of the other university KTIP contracts due to fewer KTIP interns.

Mid-Year Budget Report

Mr. Gary Freeland gave a mid-year financial report to the board. In most cases, the agency expenditures were right at 50% year to date. He also explained that the agency is in the process of converting two attorney contracts for the Legal Services division into full-time state employee positions.

16 KAR 6:030. Examination Prerequisites for Principal Certification, Amendment, Notice of Intent

Mr. Robert Brown reported that this proposed regulation amendment will give responsibility for the maintenance and administration of the Kentucky Principal Test (KYPT) to the Educational Testing Service (ETS). ETS has agreed to update and augment content as well as develop two new test forms, a Test at a Glance document, and a study guide. ETS has also agreed to administer the School Leaders Licensure Assessment (SLLA) test on the same dates as the KYPT. Beginning in September of 2011, the KYPT will initially be paper-based; however, it will soon be administered by computer. The cost of the test will increase from \$80.00 to \$85.00 plus a registration fee. Because most candidates will take the SLLA and KYPT during the same testing year, staff does not anticipate the registration fee to be a financial burden. The test will be available for registration July 2011 with the first administration held September 2011. Staff recommends that the test be required effective September 1, 2011, with no required cut score since a Standard Setting Study (SSS) value for the test will not yet be available. Staff intends to bring the state SSS value for the test to the board as the recommended passing score, effective September 1, 2012. This item will be brought back before the board for final action at the March board meeting.

Action Items

Committee to Review the Kentucky Teacher Standards Charter

2011-002

Motion made by Dr. Cathy Gunn, seconded by Mr. Michael Dailey, to approve the charter for the Kentucky Teacher Standards Review Committee.

Vote: *Unanimous*

16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Amendment, Final Action

Issue 1(a).

2011-003

Motion made by Ms. Smith, seconded by Ms. Bobbie Stoess, to approve the proposed amendments to 16 KAR 6:010 to implement the French: World Language (5174) cut score of 162, the German: World Language (5183) cut score of 163, the Spanish: World Language (5195) cut score of 168, and the Business Education (0101) cut score of 154, effective September 1, 2011.

Vote: *Unanimous*

Issue 1(b).

2011-004

Motion made by Mr. Dailey, seconded by Dr. Frank Cheatham, to approve the proposed amendments to 16 KAR 6:010 to implement the Health and Physical Education: Content Knowledge (0856) cut score of 156, effective September 1, 2011.

Vote: *Unanimous*

Issue 1(c).

2011-005

Motion made by Ms. Smith, seconded by Ms. Stoess, to approve the proposed amendments to 16 KAR 6:010 to implement Teaching Reading (0204) test cut score of 153, effective September 1, 2011.

Vote: *Unanimous*

Issue 2(a)

2011-006

Motion made by Dr. Wasicsko, seconded by Ms. Stoess, to approve the proposed amendments to 16 KAR 6:010 to implement the option to choose either the currently required content tests, 0091 with cut score of 147 and 0092 with cut score of 151, or the newly developed 0095 test with a cut score of 169, effective September 1, 2011, through August 31, 2012.

Vote: *Unanimous*

Issue 2(b)

2011-007

Motion made by Dr. Cathy Gunn, seconded by Ms. Stoess, to approve the proposed amendments to 16 KAR 6:010 to implement the requirement of the Reading Specialist (0300) test and cut score of 520 for the Literacy Specialist endorsement, effective September 1, 2011.

Vote: *Unanimous*

Issue 2(c)

2011-008

Motion made by Mr. John DeAtley, seconded by Ms. Smith, to approve the proposed amendments to 16 KAR 6:010 to implement the following exceptional children (p-12) certification test options, effective September 1, 2011 through August 31, 2012: Education of Exceptional Students: Core Content Knowledge (0353) with cut score of 157 or Special Education: Core Knowledge and Applications (0354) with cut score of 151; Education of Exceptional Students: Mild to Moderate Disabilities (0542) with cut score of 172 or Special Education: Core Knowledge and Mild to Moderate Applications (0543) with cut score of 158; and Education of Exceptional Students: Severe to Profound Disabilities (0544) with cut score of 156 or Special Education: Core Knowledge and Severe to Profound Applications (0545) with cut score of 158.

Vote: *Unanimous*

Issue 3(a)

2011-009

Motion made by Mr. DeAtley, seconded by Dr. Gunn, to approve the proposed amendments to 16 KAR 6:010 to modify language in 16 KAR 6:010 Regarding Assessment Requirements for Applicants of Any Exceptional Children Certificate by adding, "If a teacher is seeking additional certification for any exceptional children certificate area, the applicant shall not be required to take Education of Exceptional Students: Core Content Knowledge (0353) nor Special Education: Core Knowledge and Applications (0354)."

Vote: *Unanimous*

Issue 3(b)

2011-010

Motion made by Mr. DeAtley, seconded by Ms. Stoess, to approve the proposed amendments to 16 KAR 6:010 to modify language in 16 KAR 6:010 to accommodate computer-delivered assessments.

Vote: *Unanimous*

16 KAR 5:010. Standards for Accreditation of Educator Preparation Units and Approval of Programs, Amendment, Final Action

Dr. Kim Walters-Parker acknowledged Eastern Kentucky University, Western Kentucky University, Murray State University, and Brescia University for their programs approved earlier on the consent agenda.

2011-011

Motion made by Dr. Gunn, seconded by Mr. DeAtley, to approve amending 16 KAR 5:010 to establish the Master's Redesign Review Committee as a permanent committee.

Vote: *Unanimous*

Board Comments

The board discussed the new secure website created for the board to review board meeting materials. The general consensus of the board was that they liked the new website and will continue to assess it and make recommendations for improvements.

Dr. Rogers discussed the possibility of a summer retreat this year. Vice Chair Tom Stull agreed to establish a committee to develop a retreat agenda.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
January 10, 2011**

Motion made by Ms. Bobbie Stoess, seconded by Ms. Zenaida Smith, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1) (c) & (j).

Vote: *Unanimous*

Motion made by Dr. Cathy Gunn, seconded by Ms. Zenaida Smith, to return to open session.

Vote: *Unanimous*

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

Frank Cheatham, Lorraine Williams, Tom Stull, Zenaida Smith, Cathy Gunn, Michael Dailey, John DeAtley, Bobbie Stoess, and Mark Wasicsko.

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

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
1008471	Admonish
1009519	Admonish
1010634	Hear
1008466	Defer for proof
1010622	Defer for proof
1009421	Hear
1009547	Hear
1009497	Hear
1010650	Hear
1010652	Hear
1009567	Defer for proof
1011665	Admonish
1009553	Admonish
1009501	Admonish
1009557	Admonish
1010646	Admonish (<i>Dr. Wasicsko recused</i>)
1011734	Admonish
1010592	Admonish
1009503	Defer for proof (<i>Mr. Stull recused</i>)
1009509	Hear
1009505	Hear
1009507	Hear
1010582	Defer for proof
1008440	Admonish
1008453	Hear
1009495	Hear
1009513	Hear
1010584	Hear
1010588	Admonish
1011760	Hear
1009515	Hear
1009499	Hear

1009528	Hear
1010601	Hear
1009511	Hear
1010596	Admonish
1010580	Hear
1010612	Hear
1010632	Hear
1009413	Admonish
1011667	Hear
1009544	Hear
1008442	Admonish
1008474	Hear
1008476	Hear
1009487	Hear
1010590	Hear
1009559	Hear
1010630	Hear
1009561	Hear
1010644	Hear
1009551	Hear
1010620	Hear
1009521	Hear
1010607	Admonish
1010626	Hear
1010624	Hear
1010605	Admonish
1010603	Hear
1011728	Admonish
1010586	Defer for proof
1009489	Hear
0912672	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
10829	Approve
10825	Approve
10834	Approve
10817	Approve
10845	Approve
10848	Approve
10847	Approve
10820	Approve
10851	Defer (<i>Dr. Gunn recused</i>)
10862	Approve
10861	Approve
10863	Approve

10864	Approve
10547	Approve
10866	Approve
10867	Approve
10868	Approve
10869	Approve
10870	Approve
10871	Approve
10875	Approve
10878	Approve
10865	Approve
10880	Approve
10882	Approve
10885	Approve
10889	Approve
10890	Approve
10891	Approve
10892	Approve
10879	Approve
10881	Approve
10883	Approve
10884	Approve
10886	Approve
10887	Approve
10899	Approve
10894	Approve
10896	Approve
10425	Approve
10843	Deny
115 (PC#95-0453)	Approve

Agreed Orders

Case Number

Decision

08111112 (Regina Wallen) Accept Agreed Order admonishing Respondent for her use of inappropriate discipline with a student. The Respondent is charged with maintaining the dignity and integrity of the profession and failed in that duty when she engaged in inappropriate discipline involving this student. The Board will tolerate no further misconduct of this nature by Respondent.

Vote: *Unanimous*

08121290 (Carolyn Filzer) Accept Agreed Order admonishing Respondent for using excessive force with a special needs student. The Board understands that teachers of exceptional children face extraordinary challenges and

inordinate stress. That said, it is the teacher's responsibility to maintain a positive learning environment for each student no matter the circumstance.

Vote: *Unanimous*

1006358 (Kathy Rushing)

Accept Agreed Order admonishing Respondent for neglect of duty. The Board reminds Respondent that, as an educator, she must do everything in her power to properly instruct her students and to maintain order in her classroom. In addition, Respondent must provide written proof, on or before September 1, 2011, that she has completed the following: 1. Six (6) hours of college/university courses that include instruction in research-based differentiated instructional practices; and 2. Twenty-four (24) hours of professional development classes in research-based instructional practices. Should Respondent fail to satisfy the training requirements, her certificate shall be suspended and will remain suspended until the training requirements are met.

Vote: *Unanimous*

CF 10665 (Leslie Campbell)

Accept Agreed Order which states as follows: Respondent shall be issued a teaching certificate upon acceptance of this order by the Board if she meets the educational and testing requirements for certification; however any and all certificates issued to Respondent by the Board shall be subject to the following probationary conditions: 1. Respondent shall have no further criminal convictions. If Respondent is convicted for any crime other than a minor traffic violation, any and all certificates issued to Respondent shall be automatically permanently revoked. 2. Respondent shall submit a state criminal background records report to the Board by June 30 for a period of four (4) years from the date of acceptance of this order by the Board. Any expense for the state criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report by the due date, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met. 3. On or before January 1, 2012, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the

Professional Code of Ethics for Kentucky Certified School Personnel as approved by the Board. Any expense required for said training shall be paid by the Respondent. Respondent agrees that should she fail to complete the required training on or before January 1, 2012, any and all certificates issued to her shall be automatically suspended until such training is completed and the appropriate written proof is provided to the Board. 4. Respondent shall submit a state and federal background records report to the Board with any application for renewal of a certificate or additional certification. Any expense for the state and federal criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report with her application for renewal or additional certification, renewal of her certificate or the additional certification shall be denied. Respondent is aware that should she violate any provision of KRS 161.120 in the future, the Board shall initiate a disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF 10191 (Vanessa Rouse) Accept Agreed Order which states as follows:
Respondent shall be issued a teaching certificate upon the successful completion of her felony probations in Jefferson County Circuit Court Case #08-CR-1122 and Perry County Circuit Court Case #08-CR-83-2 if she meets the educational and testing requirements for certification; however any and all certificates issued to Respondent by the Board shall be subject to the following probationary conditions: 1. Respondent shall have no further criminal convictions. If Respondent is convicted for any crime other than a minor traffic violation, any and all certificates issued to Respondent shall be automatically permanently revoked. 2. Respondent shall submit a state criminal background records report to the Board by June 30 for a period of four (4) years from the date of issuance of her certificate. Any expense for the state criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report by the due date, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met. 3. On or before January 1 of the year following issuance of a certificate to

Respondent, she shall submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel as approved by the Board. Any expense required for said training shall be paid by the Respondent. Respondent agrees that should she fail to complete the required training on or before January 1 of the year following issuance of a certificate to Respondent, any and all certificates issued to her shall be automatically suspended until such training is completed and the appropriate written proof is provided to the Board. Respondent shall submit a state and federal background records report to the Board with any application for renewal of a certificate or additional certification. Any expense for the state and federal criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report with her application for renewal or additional certification, renewal of her certificate or the additional certification shall be denied. Respondent is aware that should she violate any provision of KRS 161.120 in the future, the Board shall initiate a disciplinary action and seek additional sanctions.

Vote: *Unanimous*

05-08138 (Stephen Graham) Accept Agreed Order admonishing Respondent for exercising poor professional judgment, and for failing to uphold the dignity and integrity of the teaching profession. An educator in the Commonwealth of Kentucky has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students, and to set a positive example for students. Students will not respect an educator who fails to appropriately manage the classroom. For future reference, the Board reiterates that a teacher should only place his hands on a student in an emergency situation or to protect the safety of others. The Board will not tolerate any further incidents of misconduct from Respondent. Respondent's certificate is hereby subjected to the following probationary conditions for a period of two (2) years from the date the Board approves this Order: 1. Respondent shall complete professional development/training/counseling in the area of

anger management, as approved by the Board. Respondent shall submit to the Board written proof of completion of anger management training/counseling by May 1, 2011. Any expense required for said counseling shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board. 2. Respondent shall complete professional development/training in the area of classroom management, as approved by the Board, for each year of the probationary period. Respondent must submit written proof of classroom management training to the Board by September 1st of each year of the probationary period. Any expense required for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board. 3. Respondent shall complete a professional development/training course in the area of professional ethics, as approved by the Board. Respondent must submit written proof of completion of professional ethics training to the Board by January 1, 2012. Any expense required for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board. 4. Respondent shall receive no disciplinary action involving inappropriate behavior with a student, inside or outside of the classroom, including, but not limited to, inappropriate language, inappropriate discipline techniques, and/or inappropriate physical force, from any school district in which he is employed during the probationary period. "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. Should Respondent violate this condition, his certificate shall be automatically suspended for a period of ninety (90) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1005272 (JoEllen Meahl) Accept Agreed Order in which Respondent agrees neither to apply for nor accept certified employment at any school district in the Commonwealth of Kentucky at any time in the future. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended for a period of one (1) year, and the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

08091022 (Jo D. Anderson) Accept Agreed Order admonishing Respondent for failing to maintain order in her classroom and for disclosing confidential information about a student. An educator has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students as well as to seek professional development in classroom management and to stay current on proper disciplinary methods. Further, the Professional Code of Ethics mandates teachers keep in confidence student information acquired in the course of professional service. The Board will not tolerate any further incidents of misconduct by Respondent. 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 from the date the Board accepts this Agreed Order: 1. On or before July 1, 2012, Respondent shall submit written proof to the Board that she has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, which shall contain a component in student confidentiality, as approved by the Board. Any expense required for said training shall be paid by the Respondent. 2. On or before July 1, 2012, Respondent shall submit written proof to the Board that she has completed nine (9) hours of professional development or training in classroom management as approved by the Board. Any expense incurred for the professional development or training shall be paid by the Respondent. 3. For the duration of the probationary period, Respondent shall provide the Board with bi-annual written reports from a state certified mental health counselor certifying that she is maintaining the counseling relationship and following all

recommended treatment. 4. Respondent shall receive no disciplinary action involving student confidentiality breaches or classroom management issues. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions during the probationary period, her certificate shall be automatically suspended for a period of thirty (30) days. If applicable, at the conclusion of the thirty (30) day suspension, Respondent's certificate shall remain suspended until such time as the probationary conditions are met. Respondent is aware that should she violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

090157 (Carolyn Brown)

Accept Agreed Order retroactively suspending Respondent's certificate for five (5) days beginning on March 6, 2009 and running through March 10, 2009. Prior to January 1, 2011, Respondent shall provide written proof to the Board that she has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill her duties as an educator. Respondent shall provide proof that she has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide treatment records to the Board until she has been released from treatment by the counselor. Any expense incurred for the assessment or follow-up treatment shall be paid by Respondent. On or before July 1, 2011, Respondent shall provide written proof to the Board that she has received twelve (12) hours of professional development or training in ethics as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Respondent agrees that should she fail to comply with any of the terms of this Agreed Order, her certificate shall be automatically suspended until she is compliance.

Vote: *Unanimous*

100247 (Melissa Bowling) Accept Agreed Order retroactively suspending Respondent's certificate for eighteen (18) months beginning January 15, 2010 and running through July 15, 2011. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate to the EPSB, by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. Respondent has provided written proof to the Board that she has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill her duties as an educator. In addition to any educational requirements, reinstatement of Respondent's certificate at the conclusion of the suspension period is expressly conditioned upon Respondent providing written proof to the Board that she 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. Upon reinstatement, Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years: 1. For the duration of the probationary period, Respondent shall provide the Board with bi-annual written reports from a state certified mental health counselor certifying that she is maintaining the counseling relationship and following all recommended treatment. 2. For the duration of the probationary period, Respondent shall receive no disciplinary action. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions during the probationary period, her certificate shall be automatically suspended for the remainder of the probationary period. If applicable, at the conclusion of the automatic suspension, Respondent's certificate shall remain suspended until such time as

the probationary conditions are met. Respondent is aware that should she violate KRS 161.120, either during or following this three (3) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Dr. Gunn recused)*

0911616 (Gloria Jones)

Accept Agreed Jones admonishing Respondent for neglect of duty as well as for failing to maintain order in her classroom. An educator has duty to take reasonable measures to protect the health, safety, and emotional well-being of students. When an educator fails to maintain order in her classroom, students are at risk for both emotional and physical harm. Further, an educator has a duty to make a reasonable effort to communicate to parents information which should be revealed in the interest of the student. In the future, the Board expects Jones to uphold the Professional Code of Ethics for Kentucky Certified School Personnel and will not tolerate any further incidents of misconduct. As of July 1, 2010, Respondent is a retired educator. Prior to or within one (1) year of accepting any certified position in the Commonwealth of Kentucky, Jones must provide written proof to the Board that she has successfully completed twelve (12) hours of professional development or training in classroom management as approved by the Board as well as an additional twelve (12) hours of professional development or training in ethics as approved by the Board. Any expense incurred for the professional development or training shall be paid by Respondent. If Respondent fails to complete the mandated training prior to or within one (1) year of accepting any certified position in the Commonwealth of Kentucky, her certificate shall be automatically suspended for a period of one (1) year. At the conclusion of the one (1) year suspension, reinstatement of Respondent's certificate shall be conditioned upon Jones providing written proof to the Board that she has completed the above required twenty four (24) hours total of professional development or training in classroom management and ethics.

Vote: *Unanimous*

1005348 (Annie Roberts) Accept Agreed Order in which Respondent agrees neither to apply for nor accept certified employment at any school district in the Commonwealth of Kentucky at any time in the future. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended for a period of one (1) year, and the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1002132 (David Doten) Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher, particularly for lacking professional judgment in his interactions with students. As an educator, Respondent must strive to uphold the responsibilities of the profession by maintaining a positive learning environment for all students and must always treat each student with the utmost dignity and respect. In the future, the Board expects Respondent to uphold the Professional Code of Ethics for Kentucky Certified School Personnel and will not tolerate any further incidents of misconduct. Respondent's certificate is expired. Issuance of any future certificate to Respondent, or on his behalf, is expressly conditioned upon Respondent providing, upon application, written proof to the Board that he has completed the following: twelve (12) hours of professional development/training in teacher ethics as approved by the Board; six (6) hours of professional development/training in classroom management as approved by the Board; and, three (3) hours of professional development/training in professionalism as approved by the Board. Any expense for this training shall be paid by Respondent. Should Respondent fail to satisfy this condition, the Board shall automatically deny any application submitted by Respondent or on his behalf.

Vote: *Unanimous*

1003155 (Charles Marshall) Accept Agreed Order revoking Respondent's certificate for a period of three (3) years beginning February 18, 2010. 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 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 successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. 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 either 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 probation for a period of two (2) years. During such time, Respondent shall receive no disciplinary action. "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 two (2) year probation, his certificate shall be automatically suspended for a period of one (1) year. Respondent is aware that should he violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1004265 (Darren Carman)

Accept Agreed Order admonishing for conduct unbecoming a teacher and for failing to protect the health, safety, and emotional well-being of students. The Professional Code of Ethics for Kentucky Certified School Personnel requires Respondent to exemplify behaviors which maintain the dignity and integrity of the profession. The Board will not

tolerate any further incidents of misconduct from Respondent. Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of six (6) months from the date the Board accepts this Agreed Order: 1. On or before July 1, 2011, Respondent shall submit written proof to the Board that he has successfully completed six (6) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Such professional development or training shall contain a component in student confidentiality. Any expense required for said training shall be paid by the Respondent. 2. While on probation, Respondent shall receive no disciplinary action. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions during the probationary period, Respondent's certificate shall be automatically suspended for a period of thirty (30) days. If applicable, at the conclusion of the thirty (30) day suspension, Respondent's certificate shall remain suspended until such time as the probationary conditions are met. Respondent is aware that should he violate KRS 161.120, either during or following this six (6) month period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

0905315 (Christopher Helm) Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher and for neglect of duty. The Professional Code of Ethics for Kentucky Certified School Personnel requires Respondent to exemplify behaviors which maintain the dignity and integrity of the profession. The Board reminds Respondent that he has an ethical duty to treat members of the community as well as other members of the teaching profession with respect. The Board will not tolerate any further incidents of misconduct from Respondent. 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 from the date the Board accepts this Agreed Order: 1. On or before July 1, 2011, Respondent shall provide written proof to the Board that he has received six (6) hours of professional development or training in ethics as approved by the Board. Any expense incurred for said training shall be paid by Respondent. 2. On or before July 1, 2011, Respondent shall provide written proof to the Board that he has successfully completed a course on sexual harassment awareness in the workplace as approved by the Board. Any expense incurred for said course shall be paid by Respondent. 3. For the entirety of the probationary period, Respondent shall provide the Board with semi-annual reports from his employment supervisor as to his progress. 4. While on probation, Respondent shall receive no disciplinary action. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions during the probationary period, her certificate shall be automatically suspended for a period of five (5) days. If applicable, at the conclusion of the five (5) day suspension, Respondent's certificate shall remain suspended until such time as the probationary conditions are met. Respondent is aware that should he violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

09018 (Kyle Blair)

Accept Agreed Order which states that Respondent shall not apply for nor have applied on his behalf any emergency certificate, including the application for emergency substitute certification. Respondent shall only be permitted to apply for temporary provisional or statement of eligibility if he has met the educational requirements. In addition, within one (1) year of being granted temporary provisional or statement of eligibility, Respondent must present

evidence to the Board that he has completed professional development or training in classroom management and teacher ethics as well as a course in cultural competency/diversity to maintain his certification.

Vote: *Unanimous*

1002116 (Holly Lake)

Accept Agreed Order revoking Respondent's certificate retroactively for a period of seventeen (17) months beginning February 9, 2010. 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 and all copies of her 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, she must comply with the following: 1. Respondent shall provide written proof to the Board that she has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill her duties as an educator. Respondent shall provide proof that she has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide treatment records to the Board until she 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 she has successfully completed twelve (12) hours of ethics training which shall include instruction on appropriate teacher/student boundaries. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy either of these conditions, the Board shall automatically deny any application submitted by Respondent or on her behalf. Upon issuance 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 she fail to satisfy the terms of the permanent probation, Respondent's certificate shall be automatically permanently revoked.

Vote: *Unanimous*

0908480 (Tammy Hooper) Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher. Making inappropriate comments and using inappropriate language on a social networking website in view of students is unprofessional and is a breach of one's duty to maintain the dignity and integrity of the teaching profession. The Board expects Respondent to uphold the Professional Code of Ethics for Kentucky Certified School Personnel in the future. Respondent hereby certifies that she is not presently "friends" on any social networking website with any student in any school district in which she is currently or has previously been employed. Examples of a "social networking website" include but are not necessarily limited to Facebook, MySpace, and Twitter. Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years from the date the Board accepts this Agreed Order: 1. On or before July 1, 2011, Respondent shall provide written proof to the Board that she has completed twelve (12) hours of ethics training as approved by the Board. This requirement shall include training in teacher-student boundaries. Any expense incurred for said training shall be paid by Respondent. 2. On or before July 1st of each year of the probationary period, Respondent shall submit a letter certifying that during the previous school year she was not "friends" on any social networking website with any student in any school district in which she is currently or has previously been employed. Examples of a "social networking website" include but are not necessarily limited to Facebook, MySpace, and Twitter. 3. For the entirety of the probationary period, Respondent shall receive no disciplinary actions involving inappropriate relationships with students or conduct unbecoming a teacher from any school district in which she is employed. "Disciplinary action" is

defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. Should Respondent fail to satisfy the above conditions, his certificate shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1005299 (William McMakin) Accept Agreed Order retroactively suspending Respondent's certificate for one (1) year beginning July 1, 2010. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate to the EPSB, by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. The Board admonishes Respondent for conduct unbecoming a teacher as well as for failing to maintain the dignity and integrity of the teaching profession. In the future, the Board expects Respondent to uphold the Professional Code of Ethics for Kentucky Certified School Personnel and to refrain from housing students unless he does so under a proper legal arrangement (i.e. guardianship, foster care, etc.). In addition to any educational requirements, reinstatement of Respondent's certificate at the conclusion of the suspension period is expressly conditioned upon the following: 1. Respondent shall provide written evidence 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 bi-annual treatment records/reports to the Board until he has been released from treatment by the counselor. Any expense incurred for the assessment, follow-up treatment, and/or bi-annual records/reports shall be paid by Respondent. 2. Respondent shall provide written proof that he has successfully completed twelve (12) hours of training or professional development, as approved

by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. 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 of these conditions, his certificate shall not be reinstated. Upon reinstatement, Respondent's certificate, and any future endorsements or new areas of certification, shall be on probation for a period of two (2) years. For the entirety of the probationary period, Respondent shall receive no disciplinary action. "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 probation, his certificate shall be automatically suspended for a period of six (6) months. Respondent is aware that should he violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1005340 (James Frasure)

Accept Agreed Order suspending Respondent's teaching certificate for a period of forty five (45) days from the date the Board approves this Order. Upon acceptance of this agreement by the Board, Respondent shall surrender the original and all copies of his certificate, by hand delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. Respondent is currently a retired educator. Prior to accepting any teaching and/or administrative position, in any capacity, in any school district in the Commonwealth of Kentucky, Respondent shall submit written proof to the Board that he 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. If Respondent fails to satisfy this condition, his certificate shall be automatically suspended until he completes the required training and provides the appropriate written proof to the Board. Further, upon accepting any teaching and/or administrative position, in any capacity, in any school district in the Commonwealth of Kentucky, Respondent's teaching certificate shall be on probation for a period of three (3) years and subject to the following probationary conditions: 1. In accordance with KRS 161.175, Respondent shall submit to random drug testing during the probationary period, to be administered by a provider approved by the Board, and shall receive no drug test positive for illegal substances or in excess of therapeutic levels generally acceptable in the medical community. Any expense required for the drug testing shall be paid by Respondent. 2. Respondent shall not be convicted of any crime involving the use and/or possession of any controlled substance or alcohol during the probationary period. Respondent shall submit a copy of his current criminal record, as prepared by the Kentucky State Police, by June 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid by Respondent. If Respondent fails to satisfy any of the above conditions, his certificate shall be automatically suspended for a period of one (1) year, and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1002134 (Stephen Brockman) Accept Agreed Order which states that Respondent shall not apply for, nor have applied on his behalf, any emergency certificate, including the application for emergency substitute certification. Respondent shall only be permitted to apply for a temporary provisional or statement of eligibility if he has met the educational requirements necessary for certification in Kentucky. Respondent shall be eligible for an alternative certification option. Additionally, the issuance of any Kentucky teaching certificate to Respondent, or on his behalf, is expressly conditioned upon Respondent providing the following at the time of application, in addition to proof of any academic requirements necessary for certification: 1. Respondent shall provide

written proof to the Board that he has completed a course in professional ethics, as approved by the Board. Any expense required for said training shall be paid by Respondent. 2. Respondent shall provide written proof to the Board that he has completed six (6) hours of professional development/training in classroom management, as approved by the Board. Any expense required for said training shall be paid by Respondent. Further, upon receiving any Kentucky teaching certificate, Respondent's certificate shall be on probation for a period of two (2) years and, during the probationary period, Respondent shall receive no disciplinary action involving improper supervision of students or conduct unbecoming 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. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended for a period of sixty (60) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1004224 (Michael Woods)

Accept Agreed Order suspending Respondent's certificate from March 24, 2010 until July 1, 2011. Upon acceptance of this agreement by the Board, Respondent shall surrender the original and all copies of his certificate, by first class mail or personal delivery, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Prior to the reinstatement of Respondent's certificate at the conclusion of the suspension period, in addition to any educational requirements necessary for certification, Respondent shall comply with the following: 1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process and successfully completed any and all treatment recommendations proposed by the chemical dependency counselor. Respondent shall also

submit quarterly written progress reports from his chemical dependency counselor until such time as the counselor releases him from treatment. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent; 2. Respondent shall submit written documentation to the Board from his assessing physician and/or certified mental health counselor certifying that he is competent and fit to fulfill his duties as an educator. Any expense required to satisfy this condition shall be paid by Respondent; and 3. Respondent shall provide written documentation to the Board that he has successfully 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 reinstatement, Respondent's certificate including any future endorsements and/or new areas of certification, shall be on probation for a period of four (4) years and subject to the following probationary conditions: 1. Respondent shall submit to random drug and alcohol testing, and shall provide written proof to the Board that he has received no positive drug or alcohol tests during the probationary period. Any expense for the drug and alcohol testing shall be paid by Respondent. If any drug or alcohol test is positive for illegal substances or is in excess of therapeutic levels generally acceptable in the medical community, his certificate shall be automatically suspended for a period of one (1) year and shall be subject to additional sanction by the Board pursuant to KRS 161.120; 2. Respondent shall submit written documentation by December 31st and June 30th of each year of the probationary period from his current treatment provider or Alcoholic Anonymous sponsor indicating that he is controlling his alcohol addiction and is still seeking support and continued assistance. If Respondent fails to satisfy this condition, his certificate shall be automatically suspended until Respondent submits the required written documentation to the Board; and 3. Respondent shall not be convicted of any crime involving the use or possession of any controlled substance or alcohol, including driving under the influence, during the probationary period. Respondent shall submit his current criminal record, as prepared by the Kentucky State Police, by August 1st of each year of the probationary period.

Should Respondent violate this condition, his certificate shall be automatically suspended for a period of two (2) years and shall be subject to additional sanction by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

0905351 (Jason Davis) Accept Agreed Order dismissing Case No. 0905351 without prejudice.

Vote: *Unanimous*

Recommended Orders

Case Number

Decision

0804703 (Elizabeth Simms) Adopt the Hearing Officer's Recommended Order of Default and decline to reissue a certificate to Respondent at this time or at any time in the future.

Vote: *Unanimous*

04-101119 (William Murphy) Adopt the Hearing Officer's Recommended Order of Default and permanently revoke Respondent's certificate.

Vote: *Unanimous*

1002101 (Holly Keeney) Adopt the Hearing Officer's Recommended Order and dismiss Petitioner's Appeal.

Vote: *Unanimous*

Motion made by Mr. DeAtley, seconded by Ms. Stoess, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 2:40 p.m.

Next Meeting:

March 7, 2011
9:00 AM
EPSB Board Room
Frankfort, Kentucky