

The actions delineated below were taken in open session of the EPSB at the October 17, 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
October 17, 2011**

Call to Order

Chair Cathy Gunn called the meeting to order at 9:05 a.m. EST.

Roll Call

The following members were present during the October 17, 2011, EPSB meeting: Bradley Bielski, Barbara Boyd, Ellen Blevins, Michael Dailey, John DeAtley, Cathy Gunn, Allen Kennedy, Marie McMillen, Sandy Sinclair-Curry, Zenaida Smith, Anthony Strong, Tom Stull, Mark Wasicsko, and Lorraine Williams. Lynn May and Cassandra Webb were absent.

Open Speak

There were no requests for Open Speak.

Approval of Consent Items

Chair Gunn 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.

2011-045

Motion made by Ms. Lorraine Williams, seconded by Mr. Anthony Strong, to approve the following items on the consent agenda:

Approval of September 19, 2011 EPSB Minutes

Spanish, Grades P-12 (Bachelor's Level), Thomas More College

Vote: *Yes – 13*

Recuse – 1 (Dr. Bradley Bielski)

Dr. Kim Walters-Parker recognized representatives from Thomas More College whose program was approved.

Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

Mr. Michael Dailey reported on recent events at KDE.

- At the Annual Safe Schools, Successful Students Conference in November, ten Kentucky public schools will be recognized for the working conditions, school safety, and student achievement in their buildings. The ten will be selected in a four-phase process based upon data

from the Teaching, Educating, Leading and Learning (TELL) Kentucky survey, which was administered to all public school teachers and principals in March of this year.

- KDE is working on Kentucky's application for relief from parts of the federal No Child Left Behind law. The application must be submitted in November.

Report from the Council on Postsecondary Education

Mr. John DeAtley reported that budget development is almost complete. In addition to its agency budget, CPE must also develop a budget for all Kentucky public institutions of higher education. The goal is for all the public institution presidents to reach consensus on the budget requests.

Update on Senate Bill 1

Ms. Linda Nickel gave an overview of the implementation of Unbridled Learning (SB 1) Initiatives. Mr. DeAtley stated that CPE, in collaboration with the College Readiness Partnership (CRP), is co-hosting a national forum on cross-sector implementation of the Common Core State Standards (CCSS). The CRP is a collaborative effort between the American Association of State Colleges and Universities (AASCU), the Council of Chief State School Officers (CCSSO), and the State Higher Education Executive Officers (SHEEO) to promote broad implementation of the Common Core State Standards (CCSS). This event will be held at the Marriott Louisville Downtown Hotel on February 27th, 28th, and 29th. The first day of the forum is primarily designed to include participants from Kentucky; the remainder of the forum will be open to cross-sector teams from the other CRP states and from additional states deeply engaged in statewide Common Core implementation.

Deputy Executive Director Retirement

Dr. Rogers announced that the agency's Deputy Executive Director, Gary Freeland, will be retiring at the end of October. He recognized Mr. Freeland for his guidance and leadership over the years. Dr. Rogers will be bringing the deputy executive director's job description for approval in January and will begin a search in the spring. Mr. Freeland expressed how much he had enjoyed working for the EPSB.

Report of the Chair

Appointment to the Kentucky Advisory Council for Internships (KACI)

Chair Cathy Gunn appointed Mr. Tom Stull to KACI; he replaces Ms. Sandy Sinclair-Curry.

Committee Reports

Program and Accreditation Review Committee (PARC) Update

Dr. Kim Walters-Parker introduced the following members of PARC, who then shared with the board the current progress of the committee: Dr. Tony Norman, WKU; Dr. Manish Sharma, Thomas More; Dr. Kathryn Polmanteer, Morehead State University; Dr. Verna Lowe, Asbury University; and Dr. Parker Fawson, University of Kentucky. Dr. Walters-Parker stated that she anticipates bringing the board a demonstration on the early stages of the technology involved in the new program review system in early 2012.

Retreat Committee

A draft retreat agenda was placed in the board members' folders. Mr. Tom Stull asked the board to send any other retreat topic suggestions directly to staff.

Presentation

Adolescent Literacy Instruction

Dr. Kim Walters-Parker stated that recent legislation has placed an emphasis on adolescent literacy with some implications for the EPSB. Research continues to support the importance of preparing all secondary teachers with a strong understanding of adolescent literacy. Dr. Kim Walters-Parker introduced Dr. Brenda Overturf, who gave a presentation on this subject. Board discussion ensued. Dr. Walters-Parker said that this discussion will be a topic at the November retreat.

Information/Discussion Items

Cut Score Framework

Mr. Robert Brown reported to the board that staff intends to bring to the January 2012 meeting a recommendation to change the cut score framework as follows:

- Utilize the multi-state standard setting study values as the cut score.
- If the cut score falls below the 25th percentile, increase the cut score within 2 Standard Errors of Measure to ensure legal defensibility.

Listed below are the numerous advantages to using the proposed framework, according to Mr. Brown:

1. Cut scores can be established with all new tests, eliminating the use of no cut score for the first year.
2. There would be no need for the year long transition period between the old tests and new.
3. By using the multi-state SSS values, Kentucky will have scores comparable to those of other states that participated in the studies.
4. If Kentucky is unable to participate in a multi-state SSS, EPSB staff will work with ETS to host a state-specific study for that test.

16 KAR 6:010. Examination Prerequisites for Teacher Certification, Notice of Intent

Mr. Brown reported on proposed changes to 16 KAR 6:010. The three main areas for proposed changes included incorporating newly developed tests and corresponding passing test scores into the regulation, adding a new *Elementary Education: Multiple Subjects* test, and adding the American Sign Language Proficiency Interview (ASLPI) as a testing requirement for the American Sign Language endorsement. These changes will be brought back to the board in January for possible final action.

National Board Incentive Trust Fund

Mr. Brown reported to the board on the National Board Incentive Trust Fund. Funds appropriated do not lapse at the end of a fiscal year or a biennium. The incentive trust fund can be used for the following:

- 75% reimbursement for certification
- reimbursements to districts for substitute teachers employed to allow up to five (5) days of released time during the school year for a teacher pursuing National Board Certification
- stipend of \$200 per day for two (2) days beyond the school contract year to prepare for the certification assessments
- stipends for National Board Certified teachers who serve as mentors to other teachers within a school district

Due to budget constraints since January 2010, the EPSB has approved suspending the \$200 per day for two (2) days stipend and the substitute teacher reimbursement. In October 2010 EPSB staff informed the board of the possibility of suspending mentoring contracts due to the loss of subsidies resulting from federal budget cuts.

The EPSB has received verification that federal funds will not be available for those who enroll beginning January 2012. This results in a loss of \$525,000 for first-time candidates. The federal subsidies allowed each National Board candidate to receive \$1,250, which covered half the \$2,500 certification fee. The EPSB provides the candidate 75% of the remaining out-of-pocket expenses, resulting in a \$937.50 per candidate reimbursement. Since the subsidies will not be available for the new cohort, the 75% reimbursement will be applied to the entire fee of \$2,500, resulting in a per candidate reimbursement expense of \$1,875. In order to make a final allocation of the 75% reimbursement mandated by KRS 161.134 Section (2), EPSB needs to maintain enough money in the incentive trust fund to cover that expense. The projected rate of expenditures will deplete the incentive trust fund, resulting in a negative balance by FY 2015-2016. In order to ensure adequate funding, the EPSB staff plans to bring a recommendation in January giving the EPSB staff flexibility to limit the number of National Board candidates.

Report of Alternative Route to Certification Proposal (Option 7)- Institute for Chinese Education, Grades P-12, University of Kentucky

In May 2010 the EPSB approved UK's request for a one-year pilot program to implement an Alternative Route to Certification Option 7 Institute for Chinese, Grades P-12. Dr. Gary Schroeder, the director of certification at UK, and Dr. Stayc DuBravac, faculty member in the College of Arts and Sciences at UK, reported to the board their experience with this one-year pilot program. The excellent cohort of teachers admitted into this program gained significant skills, and they were able to build a professional network. In the future, the university plans to submit an Option 6 program for Chinese Education.

Action Items

EPSB Fiscal Year 2013-2014 Biennial Budget Request

2011-046

Motion made by Mr. Strong, seconded by Ms. Williams, to authorize the deputy executive director to submit the 2013-3014 budget request to the Secretary of Education and Workforce Development and the office of the State Budget Director, as presented.

Vote: *Unanimous*

2012 Legislative Agenda

2011-047

Motion made by Mr. Strong, seconded by Mr. John DeAtley, to approve the following 2012 legislative agenda:

- * Support the EPSB's budget requests for FY 2012-2014*
- * Support a FY 2012-2014 budget increase to the Kentucky Teacher Internship Program (KTIP) to secure full funding for the 12-13 and 13-14 school years*
- * Support legislation which furthers the EPSB Mission and Goals*
- * Oppose any attempt to dilute or modify the current authority of the EPSB*

Vote: *Unanimous*

Board Comments

There were no board comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
October 17, 2011**

Motion made by Ms. Lorraine Williams, seconded by Ms. Sandra 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 Mr. Anthony Strong, seconded by Dr. Mark Wasicsko, to return to open session.

Vote: *Unanimous*

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

Lorraine Williams, Tom Stull, Bradley Bielski, Cathy Gunn, Michael Dailey, John DeAtley, Anthony Strong, Allen Kennedy, Barbara Boyd, Marie McMillen, Sandra Sinclair-Curry, Ellen Blevins, and Mark Wasicsko.

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

INITIAL CASE REVIEW

Case Number

Decision

1106367	Defer for training
1106445	Hear
1107543	Defer for training
1107534	Defer for training
1106443	Defer for training
1106371	Dismissed

1108579	Hear
1106441	Defer for training
1108607	Admonish
1105301	Admonish
1107532	Hear
1109679	Dismissed
1108623	Hear
1106405	Admonish (<i>Mr. Strong recused</i>)
1105291	Hear
1106363	Dismissed
1107499	Hear (<i>Ms. Williams recused</i>)
1106447	Hear
1106449	Hear
1106413	Hear
1107556	Hear
1107491	Dismissed (<i>Dr. Gunn recused</i>)
1107489	Dismissed (<i>Dr. Gunn recused</i>)
1108575	Hear
1108573	Hear
1108571	Hear
1105293	Hear
1105338	Hear
1108603	Hear
1107485	Admonish (<i>Ms. McMillen dissented</i>)
1108583	Hear
1107547	Hear
1106439	Hear
1106469	Hear
1109667	Hear
1108654	Dismissed
1106397	Hear
1106461	Hear
1108558	Hear
1108615	Hear
1105334	Hear
1106409	Hear
1106471	Hear
1106391	Admonish
1107536	Hear
1106387	Hear
1106457	Hear
1106377	Admonish
1106401	Hear
1106399	Hear
1106383	Hear
1107526	Hear

1107517	Hear
1106453	Hear
1106451	Hear
1107529	Hear
1103243	Hear
1106403	Hear
1106395	Hear
1108592	Hear
1106369	Admonish
1106381	Admonish
1106459	Dismissed
1106411	Hear
1105289	Hear
1106375	Admonish
1106475	Admonish
1106465	Dismissed
1105326	Hear
1106473	Admonish
1106379	Defer for training
1106477	Admonish
1107519	Hear
1107549	Defer for training
1108567	Hear (<i>Ms. Smith recused</i>)
1106463	Admonish (<i>Ms. Smith recused</i>)
1106389	Hear (<i>Ms. Smith recused</i>)
1106365	Admonish (<i>Ms. Smith recused</i>)
1011726	Hear (<i>Ms. Smith recused</i>)
110280	Dismissed (<i>Ms. Smith recused</i>)
1007437	Dismissed (<i>Ms. Smith recused</i>)

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
11880	Approve
11883	Approve
11879	Approve
11887	Approve
11889	Deny
11848	Approve
11890	Approve
11901	Approve
11900	Approve
11899	Approve
11904	Defer
11903	Approve
11915	Approve

11914	Approve
11921	Approve
11923	Approve
11908	Approve
11928	Approve
11876	Approve
11930	Approve
11893	Approve
11718	Approve
11916	Approve
11696	Approve
11938	Approve

Agreed Orders

Case Number

Decision

06-12312 (Charles Gant)

Accept Agreed Order which states that Respondent shall not be issued any type of teaching certificate including emergency, substitute, probationary, and/or temporary provisional, until he has complied with the following conditions.

1. Respondent shall provide written evidence to the Board from a Kentucky licensed and/or certified physician and/or mental health professional, approved by the Board, that he has undergone a comprehensive assessment, including an anger management assessment, has completed any and all treatment recommendations, and is fit to return to the classroom. Any expense for this assessment and any required counseling or treatment shall be paid by Respondent.

2. Respondent shall provide written evidence to the Board that he has successfully completed twelve hours of professional development/training in effective classroom management techniques, approved by the Board and at his own expense.

Should Respondent fail to satisfy either of these conditions, the Office of Certification shall deny any application for certification submitted by Gant or on his behalf.

Vote: *Unanimous*

08121216 (John Hodges)

Accept Agreed Order admonishing Respondent for failing to appropriately manage student behavior in his classroom. While the Board understands that educators in alternative school environments face particularly challenging and often extremely difficult students, each educator must strive to deescalate problem situations and follow administrative

directives to rely on security when necessary.

Respondent has provided documentation to the Board that, in December 2010, he successfully completed a university class on managing classroom behavior. On August 7, 2011, Respondent submitted written proof that he completed a 24 hour anger management and counseling work shop, approved by the Board and at his own expense. Upon entry of this Order, Certificate/EPSB ID. No. 200149999 shall be subject to the following probationary condition for the remainder of the 2010/2011 and the entirety of the 2011/2012 school years. During that time, Respondent shall not be disciplined by any school district for use of excessive force with a student in violation of KRS 161.120 and/or 16 KAR 1:020. Discipline shall be defined as a reprimand, admonishment, suspension, or termination upheld by either the tribunal or arbitration process, if requested. If Respondent violates this condition, the Board shall automatically suspend Certificate/EPSB ID. No. 200149999 for a period of two years and may seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

1103198 (Darrell Estes)

Accept Agreed Order in which Respondent agrees to voluntarily surrender his 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 his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

1103178 (Jennifer Grossman) Accept Agreed Order in which Respondent agrees to voluntarily surrender his 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 his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous (Mr. Stull recused)*

11608 (Lisa Mullins)

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

1. Within six (6) months of acceptance of this agreement by the Board, 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. 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. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for ninety (90) days and subject to further action by the Board.

3. Respondent shall submit a copy of her current criminal record, as prepared by the Kentucky State Police, 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.

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

Vote: *Unanimous*

11609 (Gregory Tichenor)

Accept Agreed Order which states 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; however, any and all certificates issued to Respondent by the Board shall be subject to the following probationary conditions:

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 felony charge(s) or to any misdemeanor charge(s) involving children, firearms, drugs, and/or alcohol. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board. Respondent is aware that should he be convicted of or enter a guilty or no contest plea to any other criminal charge(s) in violation of KRS 161.120, the Board shall initiate disciplinary action and seek additional sanctions.

2. Respondent shall submit current national and state criminal background reports to the Board with all future applications for certification. Any expense for the background reports shall be paid by Respondent. Failure to comply with this condition will result in the denial of all future applications for certification submitted by Respondent or on his behalf.

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

Vote: *Unanimous*

Evaluation of the Executive Director Committee

The Evaluation of the Executive Director Committee chair, Mark Wasicsko, reported to the board that the results from staff and board members on the evaluation of Dr. Rogers were very positive. The board then discussed targets for the next year for Dr. Rogers. Chair Cathy Gunn will outline those targets in a letter to Dr. Rogers.

2011-048

Motion made by Mr. DeAtley, seconded by Ms. Ellen Blevins, that the EPSB's chair and vice chair will negotiate with the executive director regarding his contract. It is the board's desire to

extend Dr. Rogers' contract another four years. Dr. Rogers requested that the provision to allow for the executive director to use a fully equipped state vehicle be taken out of the contract.

Vote: *Unanimous*

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

Vote: *Unanimous*

Meeting adjourned at 4:00 p.m.

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