

The actions delineated below were taken in open session of the EPSB at the August 2, 2010 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
August 2, 2010**

Call to Order

Chair Lorraine Williams called the meeting to order at approximately 9:00 a.m.

Roll Call

The following members were present during the August 2, 2010 EPSB meeting: Frank Cheatham, Michael Dailey, John DeAtley, Cathy Gunn, Mary Hammons, Lynn May, Becky Sagan, Zenaida Smith, Bobbie Stoess, Tom Stull, Mark Wasicsko, Cassandra Webb, and Lorraine Williams. Sandy Sinclair-Curry and Cynthia York were absent.

Approval of May 17, 2010 EPSB Meeting Minutes

Cassandra Webb noted a correction to the minutes to reflect that she was absent during the May meeting.

Motion made by Dr. Mark Wasicsko, seconded by Dr. Frank Cheatham, to approve the May 17, 2010 minutes with the noted correction.

Vote: 12 – Yes

1 – Abstain (Ms. Cassandra Webb)

Open Speak

There were no requests for Open Speak.

Report of the Executive Director

Report from the Council on Postsecondary Education (CPE)

Mr. John DeAtley reported on the recent events at CPE.

- At its last meeting, members of the CPE visited the site of the future home of Pikeville College School of Osteopathic Medicine (PCSOM). The \$25 million dollar expansion project will provide PCSOM and the undergraduate college with a new education facility and an expanded clinical skills center.
- Approved tuition rates are set for this coming year.
- Kevin Noland, former Interim Commissioner of Education, will be assisting CPE to design professional development for higher education faculty on the new Common Core Standards.
- CPE has a Race to the Top (RTTT) interview on August 10th.

Vice-chair Tom Stull asked Mr. DeAtley if he knew who would be developing the assessments for the Common Core Standards. Mr. DeAtley said Kentucky is a part of three consortia to develop the assessments. Mr. Stull expressed concern that there will not be adequate time to develop accurate assessments.

Report from the Kentucky Department of Education (KDE)

Mr. Michael Dailey reported on the recent events of KDE.

- The department was strategically reorganized.
- Kentucky is a finalist again to receive Race to the Top (RTTT) grant funds.
- KDE has launched a teacher and principal professional growth and evaluation system. The participating districts will meet for the second time on August 25th to begin the development, deployment, and design of the entire project.

Vice-chair Tom Stull also asked Mr. Dailey if he knew who will develop the assessments for the Common Core Standards and when the assessments will be used in Kentucky. Mr. Dailey said that the selection for the company to develop the assessments is still being negotiated. Mr. Stull then asked if each state is responsible for its own assessment or if there will be one assessment nationwide. Mr. DeAtley said that only 32 states have committed to the Common Core Standards. Without the commitment from all 50 states, a nationwide assessment would be unlikely.

New Staff Member Introduction

Dr. Rogers welcomed and introduced Linda Nickel. Ms. Nickel has a distinguished career in P-12 and higher education. She replaces Cindy Owen and will be working on the P-20 data collaborative initiative.

Board Member Resignations

Dr. Rogers notified the board of two board member resignations. Lonnie Anderson retired and Greg Ross, who held a teacher's position on the board, recently accepted an administrative position as an assistant principal at Paducah Independent. Their resignations were sent to the Governor's Boards and Commissions Office, and we currently await the Governor to name replacement appointees.

Teacher and Principal Working Conditions Survey

Dr. Rogers said that until about four years ago, one of the board's goals was to conduct a teacher and principal working conditions survey. The board decided not to include the survey as one of its goals when the agency no longer had the resources to pursue it. As the new Commissioner of Education, Dr. Terry Holliday is dedicated to issuing a teacher and principal working conditions survey. The New Teacher Center in California will be conducting the survey. Dr. Rogers said this survey will bring some excellent data and provide insight on issues in schools. The survey will be conducted around March 2011 with data available around the fall 2011.

Legislative Update

Ms. Alicia Sneed gave updates on recent legislative events that may affect the EPSB.

- The Governor will be furloughing executive branch state employees for six (6) days through June 30, 2011.

- There was a significant decrease in the EPSB's budget for 2011, and the budget may be decreased further in 2012.
- The state's health care costs and/or benefits may change, which may affect teachers. We will know more about health care benefit information during the open enrollment period in October.
- The General Assembly gave the EPSB flexibility to set the minimum number of hours for the activity set forth in the Kentucky Teacher Internship Program (KTIP). Therefore, the resource teacher mentoring hours may be reduced from fifty (50) out-of-class and in-class hours. The Kentucky Principal Internship Program (KPIP) is suspended for two more years due to a lack of funding.
- In an effort to give teachers more time to pay for tuition, the General Assembly granted a two-year extension to complete a 5th year program. Teachers will still have to complete half their credits within five (5) years.

Report of the Chair

Appointment of the Nominating Committee

Chair Lorraine Williams made the following appointments to the Nominating Committee for EPSB chair and vice-chair: Cathy Gunn (chair), Lynn May, and Sandy Sinclair-Curry. The committee will have a report at the September EPSB meeting.

Appointment of the Evaluation of the Executive Director Committee

Chair Williams made the following appointments to the Evaluation of the Executive Director Committee: Frank Cheatham (chair), Tom Stull, Becky Sagan, Bobbie Stoess, Zenaida Smith, and Mark Wasicsko. Ms. Williams stated that the committee's charge is to develop a way to receive EPSB staff input that is external to the executive director's evaluation but by which the board can judge the climate, culture, and needs of EPSB staff.

Board attorney Angela Evans stated that in listening to the board's thought and concerns regarding the executive director's evaluation, she does believe that the evaluation should be modified to make it directly about the executive director's performance. Ms. Evans agreed to work with the committee if it needs her assistance in modifying the current executive director evaluation instrument.

Kentucky Advisory Council on Internships (KACI) Appointments

Chair Williams appointed Ms. Sandy Sinclair-Curry to KACI.

Transforming Education in Kentucky (TEK)

Chair Williams notified the board that TEK Talk will be hosted on August 17th at 7:00 p.m. (EST). TEK Talk is a community forum where Kentuckians gather across the state to show their support for education in the Commonwealth and to share questions, concerns, and ideas on how to better prepare our students for success in the 21st century. Chair Williams is serving as co-chair for the Bluegrass Region.

Committee Reports

There were no committee reports.

Information/Discussion Items

Amendment to the EPSB's Professional Conduct Procedure

Ms. Alicia Sneed reported that according to the current EPSB policy, if a board member recuses from a board vote, then that individual is not allowed to be counted as present for quorum purposes. *Robert's Rules of Order* states that "quorum refers to the number of such members present, not to the number actually voting on a particular question." Therefore, in order to align the Board's policies with *Robert's Rules of Order* and to prevent loss of quorum if a member chooses to recuse from voting on a particular issue, the policy was proposed to be amended. Additionally, the principles of conduct in the policy have been changed to be mandatory, not a suggestion.

16 KAR 6:020. Written Examination Prerequisites for Occupation-Based Career and Technical Education Teachers, Notice of Intent

Mr. Mike Carr reported that most of the proposed changes for this regulation result from the recommendations of the Certification Task Force. Changes in this regulation reflect deletions in some areas for the primary assessments used in occupation-based certification, the National Occupational Competency Testing Institute (**NOCTI**) tests.

Due to the low incidence of these K-12 certifications nationwide, NOCTI is ending production on some tests. As has been the practice in the past, the work group is suggesting alternative licensures or other requirements in each certification area possible where no NOCTI test exists. Leadership at KDE and Workforce Investment will continue to work with higher education institutions to develop alternative means to determine occupational competence where a NOCTI test does not exist or where industry certifications have been determined to be more meaningful and up-to-date. The regulation also modifies some certificate names and prerequisites which reflect changes in the industry and the needs of CTE schools.

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

Mr. Carr reported that changes to this regulation would reflect the change in the name of the technology education certificate (now Engineering and Technology) as adopted by the EPSB in 16 KAR 2:010 during the October 2009 meeting. The change would also incorporate by reference a new application form for this type of certificate, Form TC-ET.

Financial Report for Fiscal Year 2010

Mr. Gary Freeland reported that the agency did well in controlling its budget over the past year, considering the significant cuts it had to take.

Awarded Contracts

Mr. Gary Freeland reported that Linda Nickel was awarded a contract to replace Cindy Owen as the project specialist for the P-20 data collaborative initiative.

Action Items

Approval of Contract

2010-038

Motion made by Dr. Cathy Gunn, seconded by Ms. Lynn May, to validate the emergency approval of the ACT agreement and authorize the executive director to continue the acquisition of data.

Vote: *Unanimous*

Kentucky Teacher Internship Program (KTIP) Appeals

Chris Huff:

2010-039

Motion made by Ms. May, seconded by Dr. Frank Cheatham, to approve the appeals committee recommendation that procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship should be nullified and the intern allowed to repeat the internship without penalty.

Vote: *Unanimous*

James Leal:

2010-040

Motion made by Mr. John DeAtley, seconded by Ms. Bobbie Stoess, to approve the appeals committee recommendation that the decision of “unsuccessful” by the intern committee be upheld. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.

Vote: *Unanimous*

Peter Mokhatas:

2010-041

Motion made by Dr. Gunn, seconded by Mr. Michael Dailey, to approve the appeals committee recommendation that the decision of “unsuccessful” by the intern committee not be upheld. The Division of Certification shall issue the appropriate certificate to the teacher intern pursuant to 16 KAR 7:010 Section 9(5).

Vote: *Unanimous*

Callie Oneal:

2010-042

Motion made by Ms. May, seconded by Dr. Cheatham, to approve the appeals committee recommendation that procedural errors by the intern committee make it impossible to determine if the intern was, in fact, unsuccessful. The internship should be nullified and the intern allowed to repeat the internship without penalty.

Vote: *Unanimous*

Viren Patel:

2010-043

Motion made by Mr. DeAtley, seconded by Ms. Zenaida Smith, to approve the appeals committee recommendation that the decision of “unsuccessful” by the intern committee be upheld. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.

Vote: *Unanimous*

Zachariah Tufts:

2010-044

Motion made by Ms. Smith, seconded by Ms. Bobbie Stoess, to approve the appeals committee recommendation that the decision of “unsuccessful” by the intern committee be upheld. Another Statement of Eligibility shall be issued to the intern, unless the intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program, or the period of validity for the Statement of Eligibility has expired pursuant to 16 KAR 7:010, Section 10.

Vote: *Unanimous*

KTIP Funding Priority

2010-044

Motion made by Dr. Gunn, seconded by Dr. Mark Wasicsko, to approve the recommended funding scenario that sets the amount of resource teacher stipend to \$1,120 per intern, based on \$28 per hour for 40 hours and the maximum number of interns to be funded at 2,493.

Vote: *Unanimous*

School Safety Endorsement, Eastern Kentucky University

2010-045

Motion made by Dr. Wasicsko, seconded by Dr. Cheatham, to approve the proposed School Safety Endorsement P-12 preparation program addition.

Vote: *Unanimous*

School Social Work, Asbury University

2010-046

Motion made by Dr. Gunn, seconded by Mr. Michael Dailey, to approve the proposed School Social Work preparation program addition.

Vote: *Unanimous*

Approval of Teacher Leader Master of Arts in Education, Spalding University

Dr. Marilyn Troupe reported that the Master’s Review Committee commended the college for the following aspects of its proposal:

- Identified core for teacher leader and student achievement data
- Leadership tasks (field activities) connected to student achievement
- The focus of the capstone project is on candidate's school and involves school partners during the defense of the project
- Addressed literacy and technology throughout the curriculum
- Includes parent involvement in task
- Proposal is well-organized

Dr. Beverly Keepers said collaboration with faculty is the heart of Spalding University's program and gives teachers the opportunity to be a leader in their program and to diagnose their students.

2010-047

Motion made by Mr. DeAtley, seconded by Mr. Dailey, to approve the Spalding University request for the Teacher Leader Master's, Planned Fifth-Year Program and Endorsement Proposal.

Vote: *Unanimous*

Middle School Secondary English, Biology, and Math and LBD MAT, Midway College

2010-048

Motion made by Dr. Gunn, seconded by Ms. Bobbie Stoess, to approve the proposed Master of Arts in Teaching preparation program additions for Midway College.

Vote: *Unanimous*

Umbrella Alternative Route to Certification Proposal for Master of Arts in Teaching, Option 6, Midway College

2010-049

Motion made by Ms. Stoess, seconded by Dr. Cheatham, to approve Midway College's alternative route to certification proposal for Master of Arts in Teaching, Option 6.

Vote: *Unanimous*

Centre College Accreditation

Issue One:

Dr. Cathy Gunn expressed her concern that Centre College was not using Kentucky teacher standards and that faculty is not certified in elementary education. Dr. Bonnie Banker, a board of examiner (BOE) member, stated that the college was using the standards; they just were not as present as they are now. She said that the BOE was not as concerned due to the strong testimony from the districts regarding the quality of the preparation of the teachers. In addition, the associate professor of education underwent extensive training on the Kentucky teacher standards. J. H. Atkins, assistant vice-president of Centre College, stated that he believes that his experiences qualify him to teach students despite not having an elementary education degree. Dr. Banker stated that the BOE was not concerned about the adequacy of faculty at present but believe that in the future faculty should be credentialed.

2010-050

Motion made by Mr. DeAtley, seconded by Ms. Mary Hammons, to accept the recommendation of the Accreditation Audit Committee and grant accreditation for Centre College.

Vote: *Unanimous*

Issue Two:

2010-051

Motion made by Ms. Lynn May, seconded by Ms. Stoess, to accept the recommendation of the Accreditation Audit Committee and grant approval for the initial level educator preparation programs at Centre College.

Vote: *Unanimous*

Union College Accreditation

Issue One:

2010-052

Motion made by Dr. Cheatham, seconded by Ms. Stoess, to accept the recommendation of the Accreditation Audit Committee and grant accreditation for Union College.

Vote: *Yes – 12*

Recuse – 1 (Ms. Mary Hammons)

Mr. John DeAtley noted that it must have taken Union College a great deal of effort to correct so many standards. He asked how the university plans to address the continued areas for improvement that relate to diversity. Dr. Don Musselman stated that the college relies heavily on collaborative efforts with the P-12 community locally and regionally. He said that all graduate students must take a diversity course and an eight (8) hour field course. The college holds several cultural events and gives two (2) minority students a scholarship each semester.

Dr. Cathy Gunn stated that she noticed that there were no interviews conducted with school representatives in far reaching areas. She added that she has heard from a number of superintendents concerned about the quality of education of students who go through Union College's program. She recommended that the BOE look beyond the immediate locale of an institution. She added that there may be differences in institutions' practices from what is documented.

Issue Two:

2010-053

Motion made by Mr. DeAtley, seconded by Ms. Stoess, to accept the recommendation of the Accreditation Audit Committee and grant approval for the initial and advanced level educator preparation programs at Union College.

Vote: *Yes- 12*

Recuse – 1 (Ms. Mary Hammons)

Report of Recommendations from the Committee to Review Admissions and Clinical Experiences (CRACE) for Pre-Service Programs

Dr. Marilyn Troupe reported that committee members were charged with addressing five (5) objectives. She read an excerpt from the recommendations of the committee to emphasize the heart of what the committee hoped to accomplish. It reads as follows:

“A very difficult question for everyone was if admission standards are raised, will institutions of higher education (IHE) be prepared to turn away students. Raising standards to increase the quality of candidates could have a negative impact on institutions, P-12 school districts, and candidate supply. Although the committee is aware of the possible consequences of raising standards, members know from research that teacher quality is the most important factor influencing student achievement. Another major focus of the committee related to the field and clinical experiences that can determine the success of future reform efforts in education preparation. Research supports the colleges and universities’ need to expose candidates to difficult placements early in teacher preparation.”

Dr. Troupe also noted a correction to Objective 1(c) which should read, *“Raise the minimum GPA to 2.75. By 2016-17 school year raise the GPA to 3.00.”* The committee did not set a deadline for when the GPA should be raised to 2.75. Dr. Troupe stated that the idea is to reach for the top 10% of candidates as opposed to the bottom 10% of candidates. Ms. Hilma Prather, a representative of The Prichard Committee, stated that the CRACE committee wanted more consistency among all the institutions of higher education. She asked that when the regulations are written, please pay attention to the narrative of the committee because the narrative is the mindset of the committee.

Ms. Lynn May commented on the wonderful work of the committee. Dr. Cathy Gunn asked about the timeline for the GPA to be moved from 2.5 to 2.75. Dr. Troupe stated that the committee was mindful of giving institutions time, but a decision had not been made. Dr. Rogers stated that he will develop a tentative timeline in October which would include tasks to bring to the board for regulation changes. Ms. Cassandra Webb said that she commends the 200 hours of field experiences.

2010-054

Motion made by Dr. Gunn, seconded by Ms. May, to accept the report of the Committee to Review Admissions and Clinical Experiences and instruct staff to prepare a study for the feasibility of implementing the recommendations for further board review.

Vote: *Unanimous*

Waivers

16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Mary John O’Hair on behalf of Ms. Susan Sharp

2010-055

Motion made by Dr. Wasicsko, seconded by Mr. DeAtley, to approve the waiver request of Dr. Mary John O’Hair on behalf of Ms. Susan Sharp.

Vote: *Unanimous*

16 KAR 4:060. Request to Waive Renewal Requirement for Extension of Certificate, Ms. Chris Clarkson

2010-056

Motion made by Dr. Wasicsko, seconded by Ms. Stoess, to approve the waiver request of Ms. Chris Clarkson.

Vote: *Unanimous*

16 KAR 2:010. Request for Waiver of 15 New Graduate Hours for the Initial 5-Year Renewal of a Certificate, Ms. Amber King

2010-057

Motion made by Dr. Wasicsko, seconded by Ms. Smith, to deny the waiver request of Ms. Amber King.

Vote: *Unanimous*

Alternative Route to Certification Applications

Harlina Churn-Diallo, Dance, All Grades

2010-058

Motion made by Dr. Wasicsko, seconded by Ms. Becky Sagan, to approve the alternative route to certification application of Ms. Harlina Churn-Diallo.

Vote: *Unanimous*

Antoinette Crawford-Willis, Dance, All Grades

2010-059

Motion made by Ms. May, seconded by Dr. Cheatham, to approve the alternative route to certification application of Ms. Antoinette Crawford-Willis.

Vote: *Unanimous*

Sheri Lynn Gregory, Theatre, All Grades

2010-060

Motion made by Dr. Wasicsko, seconded by Ms. Stoess, to approve the alternative route to certification application of Ms. Sheri Lynn Gregory.

Vote: *Unanimous*

Board Comments

Lynn May thanked the board for the prayers, thoughts, cards, emails and phone calls during her difficult time in continuing to recover from a serious illness.

DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW August 2, 2010

Motion made by Dr. Cathy Gunn, seconded by Ms. Becky Sagan, 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. Becky Sagan, seconded by Ms. Bobbie Stoess, 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, Mary Hammons, Cathy Gunn, Becky Sagan, John DeAtley, Bobbie Stoess, Cassandra Webb, Michael Dailey, and Mark Wasicsko.

Attorneys present were Alicia A. Sneed, Gary A. Stephens, Katie Morgan, Whitney Crowe, and Angela Evans.

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
0912681	Hear
1002122	Defer for proof
1004242	Defer for proof
1004234	Defer for proof
1004227	Defer for proof
1004263	Defer
1003173	Admonish
1003179	Admonish
100279	Hear
1004261	Admonish
1004236	Admonish
1004207	Hear (<i>Ms. Webb recused</i>)
1004259	Admonish
1005310	Hear
1005281	Admonish
1005278	Admonish
1005297	Hear
1006377	Admonish
1004214	Hear
1003166	Hear
1004194	Admonish
1004205	Defer for proof (<i>Ms. Webb recused</i>)
1004209	Hear
1004250	Hear
1004248	Hear
1004232	Dismiss
1004265	Hear
1005272	Hear

1005325	Defer for proof
1005313	Defer for proof
1005274	Defer for proof
1006379	Defer
1002103	Defer
1003157	Hear
1004224	Hear
1004220	Hear
1004198	Hear
1004196	Hear
1005317	Hear
1003155	Hear
1003185	Hear
1004218	Hear
100291	Dismiss
1005284	Defer for proof
100268	Hear
1003164	Dismiss
1003190	Defer
1003162	Dismiss
1003181	Admonish
1003188	Admonish
1004244	Defer for proof
1004203	Defer
0906368	Dismiss
0912721	Dismiss
100134	Admonish
0912658	Dismiss
100287	Dismiss
0911556	Dismiss
070112	Dismiss
0905270	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
10189	Approve
10208	Approve
10209	Approve
10213	Approve
10222	Approve
10225	Approve
10184	Approve
10166	Approve
10279	Approve
10239	Approve
10241	Approve
10249	Approve

10255	Approve
10258	Approve
10259	Approve
10262	Approve
10264	Approve
10268	Approve
10269	Approve
10490	Approve
10191	Deny
10280	Approve
10281	Approve
10282	Deny
10291	Approve
10301	Approve
10295	Approve
10299	Defer
10294	Approve
10297	Approve
10298	Approve
10300	Approve
10302	Approve
10304	Approve
10305	Approve
10308	Approve
10283	Approve
10237	Approve
10315	Approve
10488	Approve
10326	Approve
10327	Deny
10329	Approve
10328	Approve
10344	Approve
10347	Approve
10355	Approve
10290	Approve
10361	Approve
10367	Approve
10377	Approve
10311	Approve
10388	Approve
10404	Approve
10408	Deny
10418	Approve
10420	Approve
10422	Approve
10423	Approve
10426	Approve

10428	Defer
10431	Approve
10432	Approve
10339	Approve
10437	Approve
10309	Approve
10453	Approve
10452	Approve
10454	Approve
10457	Approve
10476	Approve
10475	Approve
10484	Approve
10491	Approve
10469	Approve
10168	Defer
10499	Approve
10389	Defer
10526	Approve
10530	Approve
10528	Approve
10533	Approve
10535	Approve
10538	Approve
10539	Approve
10546	Approve

Agreed Orders

Case Number

Decision

0609238 (Kerry Chapman)

Accept Agreed Order dismissing Case number 06-09238 upon Respondent providing written proof that he has completed twelve (12) hours of training in the area of ethics, as approved by the Board. Any expense incurred for said training shall be paid by Respondent.

Vote: *Unanimous*

0612306 (Jerry Durall)

Accept Agreed Order admonishing Respondent for use of inappropriate language in the classroom. As an educator, Respondent has a duty to maintain the dignity and integrity of the profession and to refrain from subjecting students to embarrassment or disparagement. The Board expects Respondent to uphold the Professional Code of Ethics for Kentucky Certified School Personnel in the future.

Vote: *Unanimous*

0708141 (Betty Barnett) Accept Agreed Order dismissing Agency Case No. 07-08141.

Vote: *Unanimous*

0910524 (Barbara Greenamy) Accept Agreed Order suspending Respondent's teaching certificate from the date the Board approves this Order until (i) Respondent submits written proof to the Board, from a state certified mental health counselor or physician, approved by the Board, certifying that Respondent is competent and fit to fulfill her duties as an educator, or (ii) KTRS' medical review committee examines Respondent and determines that her disability no longer exists. Respondent's teaching certificate shall be automatically reinstated upon receiving the aforementioned mandatory fitness declaration.

Upon reinstatement, Respondent's teaching certificate shall be on probation for a period of ten (10) years, and subject to the following probationary conditions:

1. Respondent shall provide to the Board a written progress report from her mental health counselor on January 1st of each year of the probationary period. Each progress report shall certify that Respondent has complied with any and all treatment recommendations and that Respondent remains fit and competent to fulfill her duties as an educator. Any expense required for the counseling, follow-up treatment and/or progress reports shall be paid by Respondent. Should Respondent fail to satisfy this condition, Respondent's certificate shall be automatically suspended until Respondent submits the required written progress report to the Board;
2. Within one (1) calendar year from the date of reinstatement of Respondent's teaching certificate, 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. If Respondent fails to satisfy this condition, her certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board; and
3. Respondent shall receive no disciplinary action from any school district in which she is employed during the probationary period. "Disciplinary action" is defined as any suspension, termination, or

public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. Should Respondent fail to satisfy this condition, her certificate shall be automatically permanently revoked.

Vote: *Unanimous*

08101076 (Christopher Tierney) Accept Agreed Order admonishing Respondent for using inappropriate disciplinary techniques to discipline students. The Board reminds Respondent that as a teacher in the Commonwealth of Kentucky, he has a duty to protect the health, safety, and emotional well-being of students. For future reference, the Board reiterates that a teacher should only use physical force to discipline 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.

This settlement agreement is expressly conditioned upon the following:

1. Respondent shall complete twelve (12) hours of professional development/training in the area of ethics.

2. Respondent shall complete twelve (12) hours of professional development/training in the area of classroom management.

All training must be approved by the Board. Respondent must provide written proof to the Board that he has completed the training by June 30, 2011. Any expense incurred for said training shall be paid by Respondent.

Respondent agrees that should he fail to satisfy the above condition, his certificate shall be automatically suspended until he provides written proof to the Board that he has completed the conditions.

Vote: *Unanimous*

08101060 (Peggy Petrone) Accept Agreed Order retroactively suspending Respondent's certificate for a period of five (5) days from May 12, 2008 through May 16, 2008. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate, by first class mail or personal delivery, to the Education Professional

Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Respondent's teaching certificate expired on June 30, 2008. The re-issuance of any Kentucky teaching certificate to Respondent, or on her behalf, is expressly conditioned upon Respondent providing at the time of application, in addition to proof of any educational requirements necessary for certification, written evidence to the Board of the following:

1. Respondent shall provide written proof, with her certification application, that she has been assessed by a state certified mental health counselor, approved by the Board, who certifies that Respondent is competent to fulfill her duties as an educator. Respondent shall provide written proof that she has complied with any and all treatment recommendations proposed by the mental health counselor. Respondent shall continue to provide written quarterly progress reports to the Board from her mental health counselor until she has been released from treatment by the counselor. Any expense required for the assessment, follow-up treatment and/or progress reports shall be paid by Respondent;

2. Respondent shall submit written proof, with her certification application, that she has completed six (6) hours of professional development/training in IEP implementation and student progress data collection, as approved by the Board. Any expense required for said training shall be paid by Respondent; and

3. Respondent shall submit written proof, with her certification application, that she has completed six (6) hours of professional development/training in professional ethics and professional courtesy, as approved by the Board. Any expense required for said training shall be paid by Respondent.

If Respondent fails to satisfy any of the above conditions, the Board shall not re-issue a teaching and/or administrator certificate to Respondent, or on her behalf. Respondent is aware that should she violate KRS 161.120 after receiving a new certificate, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

0903119 (James McCandless) 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. When an educator fails to maintain order in his classroom, students are at risk for both emotional and physical harm. Permitting students to engage in inappropriate and out of control behavior is simply unacceptable. Students cannot learn in a disorderly environment and will not respect an educator who fails to appropriately manage the classroom. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's teaching certificate shall be on probation for a period of three (3) years, and subject to the following probationary conditions:

1. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional ethics training, as approved by the Board, by July 1, 2011. Any expense required for said training shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development/training in classroom management, as approved by the Board, by July 1, 2011. Any expense required for said training shall be paid by Respondent.

3. By December 31, 2010, Respondent shall supply to the Board letters of recommendation from two (2) educators with current Kentucky certification in good standing in which the educators attest that Respondent is morally and ethically fit to hold a teaching certificate.

4. Respondent shall receive no disciplinary action from any school district in which he is employed during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process.

Respondent agrees that, should he fail 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*

0912662 (Erin Osborne)

Accept Agreed Order suspending Respondent's teaching certificate for a period of sixty (60) days from the date this Order is approved by the Board. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Prior to the reinstatement of Respondent's teaching certificate, in addition to any educational requirements, Osborne shall 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, who certifies that Respondent is competent to fulfill her duties as an educator. Respondent shall provide written proof that she has complied with any treatment recommendations proposed by the mental health counselor, and shall continue to provide semi-annual treatment records to the Board until she has been released from treatment by the counselor. Any expense required for the assessment and/or follow-up treatment shall be paid by Respondent;
2. Respondent shall submit written proof to the Board that she 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; and
3. Respondent shall submit a letter to the Board certifying that she is not friends on Facebook with any current students in the school district(s) in which Respondent was and currently is employed. Upon reinstatement, Respondent's teaching certificate shall be on probation for a period of two (2) years and subject to the following probationary conditions:

1. Respondent shall submit a letter on July 1st of each year of the probationary period certifying that she is not currently, nor was she during the previous school year, friends on Facebook with any students in the school district in which she is employed; and

2. Respondent shall not receive any disciplinary action involving unprofessional behavior or conduct unbecoming a teacher from any school district in which she 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 fail to satisfy the above conditions, her 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*

0903125 (Douglas Adams) Accept Agreed Order permanently revoking Respondent's 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.

Vote: *Unanimous*

0909500 (William Adams) Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher. The Board reminds Respondent that, as a teacher, he has a duty to uphold the dignity and integrity of the teaching profession. Driving under the influence of alcohol is dangerous, and this type of behavior sets a horrible example for students. The Board will not tolerate any further incidents of misconduct by Respondent.

On or before July 1, 2010, 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 has successfully completed any and all treatment recommendations. If Respondent is not able to complete all treatment recommendations on or before July 1, 2010, he shall 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.

Failure to fulfill this requirement will result in an automatic suspension of Respondent's teaching certificate, and it will remain suspended until he is in compliance with the terms of the Agreed Order.

Vote: *Unanimous*

0906390 (Bobby Geary)

Accept Agreed Order suspending Respondent's certificate for a period of one year beginning May 18, 2009. In addition Respondent must complete twelve hours of boundary training within six months of the date of this Agreed Order. If Respondent fails to complete said training then his certificate will be automatically suspended and remain suspended until he has completed said training.

Vote: *Unanimous*

0605136 (Brenda Luster)

Accept Agreed Order dismissing the case without prejudice.

Vote: *Unanimous*

070114 (Mitzi Dowdell)

Accept Agreed Order suspending Respondent's certificate from February 28, 2007 to March 6, 2007. Respondent shall surrender the original and all copies of her certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Respondent has submitted written proof to the Board of the following.

1. Respondent has undergone a comprehensive substance abuse evaluation by a chemical dependency counselor, licensed in Kentucky and approved by the Board, and is compliant with any and all treatment recommendations.
2. Respondent has completed an anger management program approved by the Board.

From the date of acceptance of this Agreed Order by the Board, any certificate held by Respondent shall be subject to the following probationary condition. Respondent shall not be convicted of a crime. Upon her conviction for any misdemeanor or felony, the Board may automatically suspend any and all certificates held by Respondent for a period of up to two years and may seek additional disciplinary sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

08091034 (David Steeley) 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 a period of five years from the date of acceptance of this Order by the Board. Issuance of any future certificate to Respondent is conditioned upon Respondent submitting written proof to the Board that he has completed 12 hours of professional development/training, approved by the Board and at his own expense, in maintaining appropriate teacher/student boundaries. If Respondent fails to satisfy this condition, the Office of Certification shall not issue or renew his certificate.

Vote: *Unanimous*

08091020 (Amber Badgett) Accept Agreed Order admonishing Respondent for not following the administrative procedures related to student testing. Further, the Board reminds Respondent that, like every other testing proctor, she signed saying that she had received, read, and would comply with the testing instructions. Strict compliance with the *Administration Code for Kentucky's Educational Assessment Program* ensures the well-being of the students and the integrity of the testing process are maintained. Respondent is not currently employed as a certified teacher. Prior to returning to any position of employment requiring teacher certification, Respondent shall submit written proof to the Board that she has completed three (3) hours of training in the *Administration Code for Kentucky's Educational Assessment Program* and six (6) hours of ethics training, approved by the Board and at her own expense. If Respondent fails to satisfy this condition prior to entering the classroom as a certified teacher, her certificate shall be automatically suspended until this condition is met. Upon Respondent's return to the classroom as a certified teacher, her certificate is subject to the following probationary condition. Respondent shall not violate the *Administration Code for Kentucky's Educational Assessment Program* for two (2) years. If Respondent violates this condition, the Board

may automatically suspend her certificate for two (2) years and seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

08111128 (Joseph Orazen) Accept Agreed Order suspended Respondent's certificate for a period of sixteen months retroactive to February 18, 2009. Further, Respondent must obtain twelve hours of ethics training and twelve hours of anger management training. He must complete said training prior to reinstatement of his teaching certificate. Should Respondent fail to complete said training his certificate will remain suspended until such time as he has completed the training. Respondent shall have no felony convictions involving assault, force or wanton endangerment and any misdemeanor convictions in which a child is the victim. If Respondent is convicted of any of the above referenced crimes all certificates issued to Respondent shall be automatically permanently revoked. Respondent shall submit to a state criminal background records report to the Board with any application for renewal certification by July 1 of each year of the certification. Any expense for the state criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report, renewal of the certificate or any additional certification shall be denied. Respondent's certification will be revoked should he be terminated from any school district in accordance with KRS 161.790. Any other disciplinary matters Respondent acknowledges that the Kentucky Education Professional Standards Board could open a case and proceed with disciplinary action.

Vote: *Unanimous*

08121166 (Kendra Shade) Accept Agreed Order revoking Respondent's certificate for a period of ten (10) years from the date this order is approved by the Board. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of her certificate, by hand delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

In addition to any educational requirements, re-issuance of a Kentucky teaching and/or administrative certificate to Respondent, or on her behalf, at the conclusion of the ten (10) year revocation period is expressly conditioned upon Respondent providing written proof to the Board, at the time of application, that she has completed twelve (12) hours of professional development/training in the areas of professional ethics and appropriate teacher/student boundaries, as approved by the Board. Any expense required for said training shall be paid by Respondent. Additionally, if Respondent obtains a certificate after the ten (10) year period, the certificate shall be on probation for the life of the certificate and, during the probationary period, Respondent shall receive no disciplinary action involving teacher/student boundaries from any school district in which she 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, her certificate shall be automatically permanently revoked.

Vote: *Unanimous*

06-0349 (Brenda Jones)

Accept Agreed Order revoking Respondent's certificate for a period of ten (10) years beginning on January 25, 2006. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the revocation period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. Prior to reissuance of Respondent's certificate at the conclusion of the ten (10) year revocation, Respondent must comply with the following conditions:

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 and has

successfully completed any and all treatment recommendations. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that she has completed a course 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 Respondent.

Should Respondent fail to satisfy these conditions, the Board shall not reissue her certificate.

Vote: *Unanimous*

09013 (Jack Hubbard)

Accept Agreed Order permanently revoking Respondent's 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.

Vote: *Unanimous (Ms. Sagan recused)*

0908486 (Frances Stanley)

Accept Agreed Order which states as follows:
Prior to resuming employment in a Kentucky public school, even as a substitute teacher, Respondent shall provide written proof to the Board that she has completed twelve (12) hours of Board approved training or professional development in the area of educator ethics.

Respondent agrees that should she fail to satisfy the above condition, her certificate shall be automatically suspended until Stanley provides written proof to the Board that she has completed the condition.

Vote: *Unanimous*

100110 (Christopher Sowder)

Accept Agreed Order suspending Respondent's certificate for a period of five (5) days from the date the Board approves this Order. Upon acceptance of this Agreed Order by the Board, Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Upon reinstatement, Respondent's teaching certificate shall be on probation from a period of two (2) years and subject to the following probationary conditions:

1. Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional ethics training, with an emphasis on teacher/student boundaries, as approved by the Board, by June 1, 2011. 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 he completes the required training and provides the appropriate written proof to the Board.

2. Respondent shall not receive any disciplinary action involving inappropriate language and/or unprofessional comments to students from any school district in which he is employed during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

100116 (Richard Cope)

Accept Agreed Order retroactively suspending Respondent's certificate for a period of forty five (45) days, from November 24, 2009 through January 8, 2010. Upon acceptance of this Agreed Order by the Board, Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

By October 1, 2010, Respondent shall submit written proof to the Board from a state certified mental health counselor, approved by the Board, certifying that Respondent is competent and fit to fulfill his duties as an educator. Respondent shall also provide to the Board written progress reports from his mental health counselor on July 1st and January 1st of each calendar year until Respondent is released from treatment by the counselor. Each progress report shall certify that Respondent has complied with any and all treatment recommendations, and that Respondent remains fit

and competent to fulfill his duties as an educator. Any expense required for the counseling, follow-up treatment and/or progress reports shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended until Respondent submits the required written report to the Board.

Additionally, Respondent's teaching certificate shall be on probation from a period of two (2) years from the date the Board approves this Order, and subject to the following probationary conditions:

1. Respondent shall submit written proof to the Board that he has completed six (6) hours of professional ethics training, as approved by the Board, by June 1, 2011. Any expense required for said training shall be paid by Respondent;
2. 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; and
3. 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. Should Respondent fail 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 (Ms. Sagan recused)*

0905241 (Dow Buford)

Accept Agreed Order admonishing Respondent for failing to adequately supervise students in his classroom. As a professional educator, Respondent has a duty to protect the health, safety and welfare of his students. He must continually strive to maintain a positive learning environment at all times.

This agreement is conditioned on the following. On or before August 15, 2010, Respondent shall

provide written proof to the Board that he has completed six hours of professional development/training, approved by the Board and at his own expense, in effective classroom management techniques. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended and not reinstated until the condition is met.

Vote: *Unanimous*

100261 (Nicholas Simonson) Accept Agreed Order suspending Respondent's certificate for a period of six (6) months retroactively from January 7, 2010 through July 7, 2010. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. This settlement is expressly conditioned upon the following:

1. Respondent must provide written proof that he has completed twelve (12) hours of professional development/training in the areas of ethics and boundary training, as approved by the Board, no later than August 1, 2011. Any expense incurred for the training shall be paid by Respondent. Failure to comply with this requirement by August 1, 2011 will result in an automatic suspension of Respondent's teaching certificate and it will remain suspended until he completes the requirements contained in this Agreed Order.

Vote: *Unanimous (Ms. Sagan recused)*

Recommended Orders

Case Number

Decision

0707126 (Kara Peers)

Accept the Hearing Officer's Findings of Facts, Conclusions of Law, and Recommended Order and revoke Respondent's certificate.

Vote: *Unanimous*

070337 (Dan Hampton)

Accept the Hearing Officer's Recommended Order of Default and suspend Respondent's certificate for 20 days and order the Respondent to attend 12 hours of ethics training.

Vote: *Unanimous*

0611255 (Scott Stumbo) Accept the Hearing Officer's Findings of Fact, Accept in part the Hearing Officer's Conclusions of Law, and Reject the Recommended Order and permanently revoke Respondent's certificate.

Vote: *Unanimous*

08121232 (Joy Thomas Ennis) Accept the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order of Default to suspend Respondent's certificate for two years and order the Respondent to attend training in ethics and Redbook.

Vote: *Unanimous*

08101078 (Adrian Sanford) Accept the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order of Default and permanently revoke Respondent's certificate.

Vote: *Unanimous*

0606162 (Timothy Harris) Accept the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order of Default and permanently revoke Respondent's certificate.

Vote: *Unanimous*

KT-09-001 (Ava Bemiss) Accept the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order of Default and dismiss Petitioner's KTIP Appeal.

Vote: *Unanimous*

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

Vote: *Unanimous*

Meeting adjourned at 4:25 p.m.

Next Meeting: September 20, 2010
9:00 AM
EPSB Board Room
Frankfort, Kentucky