

*The actions delineated below were taken in open session of the EPSB at the August 3, 2009 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 3, 2009**

**Call to Order**

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

**Swearing-In of New Board Members**

The EPSB's newest members, Dr. Mark Wasicsko and Ms. Becky Sagan, were sworn in by Notary Public Ashley Abshire. Dr. Wasicsko expressed his delight to be appointed again as an EPSB member and stated that he is eager to work with the other board members. Ms. Sagan, the EPSB's school board representative, introduced herself to the board. She serves as the Fayette County school board chair and is a former special education teacher.

**Roll Call**

The following members were present during the August 3, 2009 EPSB meeting: Lonnie Anderson, Frank Cheatham, Michael Dailey, John DeAtley, Cathy Gunn, Mary Hammons, Gregory Ross, Becky Sagan, Sandy Sinclair-Curry, Zenaida Smith, Bobbie Stoess, Tom Stull, Mark Wasicsko, Lorraine Williams, and Cynthia York. James Hughley and Lynn May were absent.

**Amendment to the August 3, 2009 EPSB agenda**

*Motion made by Dr. Frank Cheatham, seconded by Mr. Lonnie Anderson, to amend the August 3, 2009 agenda to add the appointment of the Executive Director's Evaluation Committee.*

**Vote:** *Unanimous*

**Approval of May 18, 2009 Minutes**

*Motion made by Dr. Frank Cheatham, seconded by Mr. Lonnie Anderson, to approve the May 18, 2009 minutes.*

**Vote:** *Unanimous*

**Open Speak**

There were no requests for Open Speak.

**Report of the Executive Director**

Dr. Rogers welcomed Dr. Wasicsko and Ms. Sagan to the board and expressed his pleasure at their willingness to serve.

### Report from the Kentucky Department of Education

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

\* Dr. Terry Holliday is Kentucky's fifth commissioner of education. He anticipates working closely with Kentucky's education partners.

\* The Bill and Melinda Gates Foundation awarded Kentucky a grant to hire a consultant to help prepare the state's application for the "Race to the Top" funds. This funding will be awarded to states that propose strategies for raising academic standards, improving teacher quality, and adopting common student assessment standards. Grant money will be distributed in late December and in February or March. Recent legislative changes have been perceived by some as placing Kentucky in a good position to receive the "Race to the Top" money. Kentucky's Senate Bill 1 (SB1) requires the Department of Education to devise new educational standards and a new test for the 2011-12 school year. KDE welcomes the collaborative relationships that may form as a result of work to attain "Race to the Top" funding.

### Report from the Council on Postsecondary Education

Mr. John DeAtley reported on the recent work of CPE as follows:

\* The second Higher Education Workgroup was recreated a few weeks ago. The first meeting was on July 21<sup>st</sup>. This workgroup will focus on student financial aid, transfer, remediation and graduation, and cost savings. The workgroup will meet throughout the fall with a report due to the Governor in November.

\* CPE has worked closely with KDE to discuss components of SB1. Teams have been formed to look at postsecondary and K-12 education.

\* CPE is currently in the process of developing a budget.

### 2008-2009 Goals and Strategies Report

Dr. Rogers asked the board to review the 2008-2009 Goals and Strategies Report that was included in the agenda book packet mailed to board members. He stated that he wants it to be complete, accurate, and reflective of the board's work. He asked the board to let him know if there are any questions. This report will be posted on the EPSB website.

### Senate Bill 1 and EPSB

A literacy committee has been developed as a result of SB1. The group met once and worked to define literacy in a broader sense, primarily as it applies to middle and high school programs, to ensure that all middle and high school teachers understand the basics of literacy instruction. Dr. Rogers is serving on the SB1 steering committee, which is focused on fulfilling the requirements of SB1. One major issue facing the committee will be professional development. The vision is to have Kentucky higher education institutions closely connected with professional development in K-12 schools. The committee is looking at using high quality professional development to renew certificates. Universities would be called upon to provide the high quality professional development training.

## **Report of the Chair**

### **Appointment of the Nominating Committee**

Chair Lorraine Williams appointed Dr. Cathy Gunn (chair), Greg Ross, and Sandy Sinclair-Curry to serve on the Nominating Committee.

### **Appointment to the Kentucky Advisory Council on Internships (KACI)**

Chair Williams appointed Ms. Janet O'Connell to KACI.

### **Appointment of the Executive Director's Evaluation Committee**

Chair Williams appointed Dr. Frank Cheatham (chair), Lonnie Anderson, and Cynthia York to the Executive Director's Evaluation Committee.

### **Committee Report**

There were no committee reports.

## **Information/Discussion Items**

### **Financial Report for Fiscal Year 2009**

Deputy Executive Director Gary Freeland reported on the financial report for fiscal year (FY) 2009. The agency took a 4.5% reduction in July 2008 and another 4% reduction in January 2009. The 2009 budget did not include KTIP reductions because KTIP funding was approved by the board in May 2008 prior to any agency reductions. This meant that other EPSB programs were forced to take deeper reductions. In 2008, EPSB eliminated 2 full-time contractor positions. In 2009, 8 staff positions were eliminated or not filled: 2 full-time state positions, 3 full-time contractors, and 3 part-time contractors.

At the end of FY 2009, the agency had a balance of \$38,489.00 in general funds that lapsed. During the last budget bill, language was removed that would have allowed the EPSB to carry over to the new FY unspent KTIP funds. This balance was a result of underspending of university KTIP contracts and 32 late KTIP timesheets. Chair Williams asked what the board options are to prevent a lapse in agency funds in the future. Mr. Freeland stated that staff will pay close attention to KTIP expenses and ask for allotment adjustments just prior to year-end closing to prevent a lapse in funds.

The 2010 budget has not yet been determined by the Governor's office. Mr. Freeland has submitted documents to the Governor's office regarding how the agency would manage another 2% or 4% reduction.

### **Awarded Contracts**

Mr. Freeland reported that KTIP contracts were awarded to the 8 public universities. Funding for these contracts was increased by about \$200,000 compared to last year. The universities were awarded an amount based upon last year's number of interns. A \$263 per intern cost was determined for the contracts.

### **16 KAR 6:010. Written Examination Prerequisites for Teacher Certification Update**

Mr. Robert Brown reported on potential changes to 16 KAR 6:010 in the future.

He reported that newly developed French, German, and Spanish assessments will ultimately replace the current French, German, and Spanish tests. These new content tests, a combination of multiple choice and constructed response items, will include a

speaking section. The tests will be administered separately from the remainder of the Praxis Series tests in order to reduce ambient noise. In May the newly developed tests were reviewed. As recommended by the review panel, Kentucky will have representation on the upcoming multi-state standard setting studies (SSS) for the content knowledge tests. Panelists agreed that the current *Principles of Learning and Teaching* tests are more suitable for Kentucky use than the *World Language Pedagogy (0841)* tests.

Additionally, Mr. Brown reported on the *Health and Physical Education: Content Knowledge (0856)* test. Requests from several constituents have asked for an assessment option for those seeking dual health and physical education (PE) certification. Currently individuals seeking certification in both health and PE must successfully complete *Health Education (0550)*, *Physical Education: Content Knowledge (0091)*, *Physical Education: Movement Forms, Analysis, and Design (0092)*, and one of the *Principles of Learning and Teaching* tests. Staff hosted a review of the *Praxis II Health and Physical Education: Content Knowledge (0856)* test in June 2009. Mr. Brown reported that panelists agreed that in a situation where an individual was seeking dual certification, 0856 could replace the current physical education content and health education content tests; however, panelists did not think it should replace the *Physical Education: Movement Forms, Analysis, and Design (0092)* test. In essence, if an individual is seeking certification in health education or physical education, the content test for that area will need to be taken. If an individual is seeking dual certification, he/she would take the new test (0856) plus 0092 and one of the *Principles of Learning and Teaching* tests. Staff plans to nominate individuals to participate in an upcoming standard setting study for the new assessment.

Finally, Mr. Brown discussed a scaled score and test code change for the *Library Media Specialist (0310)* and *Speech Communication (0221)* tests. A similar situation was brought to the board last year. ETS is in the process of transitioning the older NTE scaled tests (250-990) scale) to the Praxis score scale (100-200). The tests will not change, but a concordance model will be used to compare old NTE scores to the Praxis II score. The following test code and cut score changes will be effective with the September 2009 test administration. EPSB staff will use a concordance table provided by ETS in determining successful completion of the assessments.

Current Test Name and Code	Test Name and Code Effective September 2009	Current (NTE) Cut Score	Cut Score Effective September 1, 2009
<i>Library Media Specialist (0310)</i>	<i>Library Media Specialist (0311)</i>	640	156
<i>Speech Communication (0220)</i>	<i>Speech Communication (0221)</i>	580	146

Ms. Zenaida Smith voiced concerns regarding the ETS language tests. She asked staff to check with ETS to ensure that assessment instructions indicate whether to place answers in the booklet or on a computer and whether accent marks are expected to be used.

## **Action Items**

### Murray State University Accreditation

#### **Issue 1**

##### **2009-018**

*Motion made by Dr. Mark Wasicsko, seconded by Dr. Cathy Gunn, to accept the recommendation of the AAC and grant accreditation for Murray State University.*

**Vote:** *Unanimous*

#### **Issue 2**

##### **2009-019**

*Motion made by Dr. Gunn, seconded by Mr. John DeAtley, to accept the recommendation of the AAC and grant approval for the initial and advanced level educator preparation programs at Murray State University.*

**Vote:** *Unanimous*

Ms. Allison Bell read a letter addressed to Murray State University (MuSU) from NCATE commending its institutional report, noting that it was exemplary. NCATE asked permission from MuSU to post the university's institutional report on the NCATE website to assist other institutions undergoing the accreditation process.

Dr. Russ Wall, Dean of the MuSU College of Education, thanked the national and state review teams, Dr. Renee Campoy, and Dr. Alesa Walker. He also thanked MuSU's faculty, staff, and students who made them proud. He stated that MuSU is proud of its accomplishments and will continue to strive to improve.

### University of Louisville Accreditation

#### **Issue 1**

##### **2009-020**

*Motion made by Mr. DeAtley, seconded by Mr. Lonnie Anderson, to accept the recommendation of the AAC and grant accreditation for the University of Louisville (UofL).*

**Vote:** *Yes – 14*

*Recuse – 1 (Ms. Becky Sagan)*

Ms. Zenaida Smith voiced concerns about the institution's 2 new areas for improvement (AFIs). These AFIs are listed below.

*Standard 1: Candidate Knowledge, Skills, and Dispositions. The Speech Language Pathology program has not developed a comprehensive data assessment system as required by the Council on Academic Accreditation in Audiology and Speech-Language Pathology.*

*Standard 6: Unit Governance and Resources. The university curriculum approval process does not include a formal structure that ensures unit oversight of curriculum changes from other colleges that would impact unit requirements.*

Dr. Blake Haselton responded that Uof L has begun to address the two new AFIs cited by the Board of Examiners.

To correct the area for improvement for Standard 1, the Program in Communicative Disorders is actively working to address this issue and has been communicating with ASHA regarding the structures they are implementing.

In regard to the area for improvement for Standard 6, since the NCATE/EPSC on-site visit, the charge of the University Educator Preparation Committee (UEPC) has been modified to specify this oversight as a UEPC responsibility. The office of the Provost at U of L has developed a plan whereby the UEPC would review curriculum needs and changes from both the College of Education and Human Development and other units.

Dr. Rogers stated that the institution will address these areas for improvement in its annual reports.

## **Issue 2**

### **2009-021**

*Motion made by Dr. Frank Cheatham, seconded by Dr. Gunn, to accept the recommendation of the AAC and grant approval for the initial and advanced level education preparation programs at the University of Louisville.*

**Vote:** Yes- 14

*Recuse – 1 (Ms. Becky Sagan)*

Dr. Blake Haselton recognized Dr. Cheryl Kolander, Dr. Ann Larson, Dr. Diane Kyle, and Ms. Joann Webb for their years of hard work in preparing for the accreditation. Dr. Haselton echoed Dr. Wall's comments and thanked both the EPSB, especially Dr. Marilyn Troupe, and the Board of Examiners for their guidance as they went through the process.

Approval of Educator Preparation Program: Moderate and Severe Disabilities (Bachelor's Level) and Moderate and Severe Disabilities (Graduate Level), Asbury College

## **Issue 1**

### **2009-022**

Ms. Bell noted that this program is a dual certification option only.

*Motion made by Dr. Gunn, seconded by Ms. Zenaida Smith, to approve the proposed Moderate and Severe Disabilities (undergraduate level) preparation program addition.*

**Vote:** Unanimous

## **Issue 2**

### **2009-023**

*Motion made by Dr. Cheatham, seconded by Dr. Wasicsko, to approve the proposed Moderate and Severe Disabilities (graduate level) preparation program addition.*

**Vote:** Unanimous

Dr. Wasicsko commended Asbury for the excellent program design and the innovative joint venture with the University of Kentucky.

Approval of Educator Preparation Program: Interdisciplinary Early Childhood Education (Bachelor's Level), Campbellsville University

**Issue 1**

**2009-024**

*Motion made by Dr. Wasicsko, seconded by Dr. Gunn, to approve the proposed educator preparation program addition.*

**Vote:** *Yes – 14*

*Recuse – 1 (Dr. Frank Cheatham)*

Dr. Brenda Priddy recognized Ms. Donna Fohl and Sharon Hundley for being instrumental in the preparation of this program.

Approval of Educator Preparation Program: Environmental Education P-12 Endorsement (Graduate Level), Morehead State University

**2009-025**

*Motion made by Dr. Wasicsko, seconded by Mr. Michael Dailey, to approve the proposed educator preparation program addition for Morehead State University.*

**Vote:** *Yes – 13*

*Recuse- 2 (Dr. Cathy Gunn, Ms. Zenaida Smith)*

Approval of Educator Preparation Program: Instrumental Music P-12 (Bachelor's Level) and Vocal Music P-12 (Bachelor's Level); and Supervisor of Instruction P-12 and Superintendent, University of the Cumberlands

**Issue 1**

**2009-026**

*Motion made by Dr. Wasicsko, seconded by Dr. Cheatham, to approve the proposed Instrumental Music P-12 (Bachelor's level) preparation program addition.*

**Vote:** *Unanimous*

**Issue 2**

**2009-027**

*Motion made by Dr. Wasicsko, seconded by Mr. Anderson, to approve the proposed Vocal Music P-12 (Bachelor's level) preparation program addition.*

**Vote:** *Unanimous*

**Issue 3**

**2009-028**

*Motion made by Mr. Anderson, seconded by Dr. Cheatham, to approve the proposed Supervisor of Instruction and Superintendent (Ed.S) preparation program additions.*

**Vote:** *Unanimous*

Mr. John DeAtley asked Dr. Gary Pate how the Ed.S program differs from an Ed.D program. Dr. Pate responded that an Ed.S program leads to superintendent or supervisor certification whereas an Ed.D does not provide a certification.

Approval of Educator Preparation Program: Biological Science 8-12 (MAT), Chemistry 8-12 (MAT), Earth Science 8-12 (MAT), and Physics 8-12 (MAT); University of the Cumberlands

The board raised several questions and concerns regarding the University of the Cumberlands MAT and Option 6 programs. The board questioned how methodology for teaching science, classroom management, and the practicum could be done solely online. While the consensus of the board indicated that the members do not have an issue with online programs, many questioned how teacher candidates are able to receive the mentoring and support needed for classroom management and the practicum with these courses being taught entirely online. Dr. Pate responded that both university faculty and mentors at the school guide the student. Mr. Michael Dailey, Ms. Lorraine Williams, and Dr. Cathy Gunn asked how the university determines that the methodology and practicum are aligned. Dr. Pate responded that in some situations students may be required to take the Praxis, but generally the Praxis is taken prior to student teaching. The board asked if there are similar programs in Kentucky that are completely online.

Another concern raised by Dr. Gunn was with the large number of adjunct faculty. She asked what percentage of adjunct faculty live outside Kentucky. Mr. Tom Stull asked if the Principles of Learning and Teaching Praxis is used to assess pedagogical knowledge, and Mr. Brown responded in the affirmative. Dr. Rogers noted, however, that Kentucky is not a test-only state. Mr. DeAtley said that he would like information on the methodology of the practicum course to see how modeling and mentoring are handled. He is concerned about a lack of connectivity between teachers and the university faculty. Chair Williams also expressed concern about expanding a program that may not be working well. Before approving the proposed program, the board would like formal answers to the questions and concerns raised.

*Motion made by Dr. Gunn, seconded by Ms. Smith, to defer Action Items G & H until the September 2009 board meeting. Board questions will be given to Dean Pate to address at the September meeting.*

**Vote:** *Unanimous*

Approval of Educator Preparation Program: School Guidance Counselor, Spalding University

**2009-029**

*Motion made by Dr. Wasicsko, seconded by Dr. Cheatham, to approve the proposed educator preparation program addition.*

**Vote:** *Unanimous*

Dr. Beverly Keepers thanked Dr. James Takona who was instrumental in developing the program.



Approval of Teacher Leader Master's and Planned Fifth-Year Programs, Murray State University

**Issue 1**

**2009-030**

*Motion made by Mr. DeAtley, seconded by Dr. Gunn, to approve the MuSU request for the Teacher Leader Master's, Endorsement, and Planned Fifth-Year Program.*

**Vote:** *Unanimous*

**Issue 2**

**2009-031**

*Motion made by Dr. Gunn, seconded by Mr. Michael Dailey, to approve MuSU's request to establish four (4) off-site campuses.*

**Vote:** *Unanimous*

Dr. Russ Wall thanked MuSU's public school partners who played a key role in developing the program.

Approval of Teacher Leader Master's, Planned Fifth-Year, and Endorsement Program; Morehead State University

**2009-032**

*Motion made by Dr. Cheatham, seconded by Mr. DeAtley, to approve the MoSU request for the Teacher Leader Master's, Planned Fifth-Year, and Endorsement Program.*

**Vote:** *Yes – 13*

*Recuse-2 (Dr. Cathy Gunn and Ms. Zenaida Smith)*

Dr. Rogers stated that Asbury College was the first private college Teacher Leader Master's program approved and that Northern Kentucky University is the first public Teacher Leader Master's approved. He further added that the committee is pleased with the Teacher Leader Master's proposals it is receiving. He said these programs are very focused and deliberate in targeting advanced teacher skills to close achievement gaps. Schools are getting to the heart of what was started about 5 years ago. Dr. David Barnett said MoSU is very excited about the program and hopes to hit the ground running tomorrow.

Approval of Contract

**2009-033**

*Motion made by Mr. Anderson, seconded by Ms. Cynthia York, to authorize the executive director to enter into the contract with the Council on Postsecondary Education.*

**Vote:** *Yes – 14*

*Recuse – 1 (Mr. John DeAtley)*

16 KAR 7:010. Kentucky Teacher Internship Program, Amendment, Final Notice

Mr. Robert Brown clarified the 50 hours that may be used collaboratively with two interns. There will be some situations when a resource teacher may need to mentor an intern independently, such as during a post-observation conference or when discussing an

intern's professional growth plan. In these instances, there may be only 40 or 45 hours of collaborative work between the interns.

#### **2009-034**

*Motion made by Mr. DeAtley, seconded by Mr. Dailey, to approve the amendments to 16 KAR 7:010, Kentucky Teacher Internship Program.*

**Vote:** *Unanimous*

#### **Kentucky Teacher Internship Appeals**

##### **Mary Henson**

Dr. Mark Wasicsko asked if the appeals committee contacted the beginning teacher's committee before making a recommendation to overturn the decision and grant the intern a certificate. Mr. Gary Stephens stated that while sometimes the appeals committee will contact the beginning teacher committee, it did not do so in this case because there was enough evidence to indicate that the intern met the standards. Dr. Wasicsko stated that he has concerns about overturning the beginning teacher's committee decision without contacting the committee members. He stated that he would not object to allowing the intern to repeat KTIP but does not feel comfortable overturning the decision. He stated that standards are designed to be used with professional judgment and in his opinion, the best judgment would come from those observing the intern.

Ms. Williams stated that committee members are told that documentation is key and if concerns are not addressed in the documentation, then there is no evidence that there were problems with the intern. Mr. Robert Brown stated that professional judgment must be supported by documentation, and evidence with indicators must be present for an intern to be deemed successful or unsuccessful. Dr. Wasicsko responded that he believes the board has a responsibility to prohibit individuals from having contact with students in an education setting unless they have met the standards, and he would at the very least like to see the appeals committee meet with the beginning teacher committee. Dr. Rogers stated that with the development of the Teacher Performance Assessment (TPA) within the last 4 years, the committee now has the evidence and confidence to determine whether or not an intern has met the standards. Before the TPA, this was not necessarily true. Mr. Greg Ross stated that he feels sometimes it is beneficial to have a third party strictly review documentation. Mr. Gary Stephens stated that the committee was able to find evidence needed to overturn the beginning teacher's committee decision within the documents submitted.

#### **2009-035**

*Motion made by Ms. Smith, seconded by Ms. York, to approve the Appeals Committee's recommendation that the decision of the intern committee of unsuccessful 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:** *Yes – 14*

*Abstain – 1 (Dr. Mark Wasicsko)*

**Dustin Dabney**

**2009-036**

*Motion made by Mr. DeAtley, seconded by Ms. Smith, to approve the Appeals Committee's recommendation that the decision of the intern committee of unsuccessful 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*

**Ava Bemiss**

**2009-037**

*Motion made by Mr. Greg Ross, seconded by Ms. Smith, to approve the Appeals Committee's recommendation that the decision of the intern committee of unsuccessful 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*

**Alicia Haskell**

**2009-038**

*Motion made by Mr. DeAtley, seconded by Ms. Smith, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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. Additionally, the committee chair and resource teacher of the beginning teacher committee for this intern shall be retrained in KTIP.*

**Vote:** *Unanimous*

**Michael Lewis**

**2009-039**

*Motion made by Dr. Wasicsko, seconded by Mr. Dailey, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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. Additionally, the entire beginning teacher committee for this intern shall be retrained in KTIP.*

**Vote:** *Unanimous*

**Marc Oldham**

**2009-040**

*Motion made by Mr. Anderson, seconded by Ms. Bobbie Stoess, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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. Additionally, the committee chair and resource teacher of the beginning teacher committee for this intern shall be retrained in KTIP.*

**Vote:** *Unanimous*

**Kathleen Parks**

**2009-041**

*Motion made by Mr. DeAtley, seconded by Mr. Dailey, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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. Additionally, the committee chair and resource teacher of the beginning teacher committee for this intern shall be retrained in KTIP.*

**Vote:** *Unanimous*

**Douglas Mobley**

**2009-042**

*Motion made by Mr. Ross, seconded by Ms. Stoess, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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*

**Melanie Smith**

**2009-043**

*Motion made by Dr. Wasicsko, seconded by Mr. DeAtley, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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*

Something sent out to add clarification to training to what is not acceptable? New training developed there is specific sheets of roles and examples

**Stevie Skillman**

**2009-044**

*Motion made by Mr. DeAtley, seconded by Ms. York, to approve the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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. Additionally, the entire beginning teacher committee for this intern shall be retrained in KTIP.*

**Vote:** *Unanimous*

## **James Leonard**

Mr. Gary Stephens reported that the Appeals Committee felt that the reports showed that the intern was on the way to meeting the standards until the final cycle, which appears to be a result of the intern's technological failure. Mr. Greg Ross stated that he believes Mr. Leonard should only have to complete the last cycle of KTIP. Staff responded that it would not be possible since he may have a different beginning teacher committee. Ms. Lorraine Williams asked if there are any guidelines for the fourth KTIP cycle and when it would be appropriate to implement it. Mr. Brown reported that it would be possible to add these guidelines and include it in the KTIP newsletters as well.

### **2009-045**

*Motion made by Mr. DeAtley, seconded by Dr. Wasicsko, to accept the Appeals Committee's recommendation that procedural error(s) by the intern committee make(s) 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*

### **KTIP Funding Priority**

Mr. Robert Brown reported to the board that 16 KAR 7:010 establishes the requirements for the Kentucky Teacher Internship Program (KTIP). The internship may be served in a public school or a non-public school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association.

Participation in KTIP in non-public schools is voluntary, though some non-public schools require all teachers to hold state certification due to accreditation requirements. During the 2008-2009 school year, 108 interns from non-public schools participated in KTIP, utilizing approximately \$150,000 of KTIP funds.

EPSB decided at its May 2009 Board meeting to limit the number of interns for the 2009-2010 school year to 2,404 to accommodate budgetary constraints. EPSB staff will be monitoring the submitted Confirmations of Employment, giving first priority to the 208 interns who were denied in 2008-2009 due to budget. Only one (1) intern from a non-public school was denied.

Since KRS 161.030 does not mandate non-public participation into the internship program, priority of approvals for COEs for 2009-2010 was proposed.

### **2009-046**

*Motion made by Ms. Becky Sagan, seconded by Ms. Smith, to approve the Confirmation of Employment priorities for the Kentucky Teacher Internship Program for 2009-2010 as follows:*

- 1. Interns from public schools who were denied in 2008-2009 due to budget*
- 2. Interns from public schools limited to the approved cap by the EPSB*
- 3. Interns from non-public schools who were denied in 2008-2009 due to budget*
- 4. Interns from non-public schools limited to the approved cap by the EPSB*

**Vote:** *Yes – 13*

*No – 1 (Dr. Frank Cheatham)*

## **Waivers**

16 KAR 6:030. Examination Prerequisites for Principal Certification, Request to Waive the Minimum Score on the School Leaders Licensure Assessment (SLLA)

### **2009-047**

*Motion made by Mr. DeAtley, seconded by Dr. Cheatham, to approve the waiver of the minimum score of the SLLA established in 16 KAR 6:030.*

**Vote:** *Yes – 13*

*Recuse – 1 (Mr. Greg Ross)*

Dr. Mark Wasicsko asked if candidates will be informed of the testing change. Mr. Brown responded that candidates will be informed after the board meeting.

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements, Dr. William Phillips on behalf of Ms. Jenna Fee and Tiffany Welch

### **2009-048**

*Motion made by Dr. Gunn, seconded by Ms. Bobbie Stoess, to approve the waiver requests of 16 KAR 5:040, Section 2 (c).*

**Vote:** *Unanimous*

16 KAR 2:010. Request to Waive 15 New Graduate Hours for the Initial 5-Year Renewal of a Certificate, Ms. Jessica Phillips

### **2009-049**

*Motion made by Mr. DeAtley, seconded by Dr. Gunn, to approve the waiver request of Ms. Jessica Phillips.*

**Vote:** *Unanimous*

## **Alternative Routes to Certification**

Ms. Patricia Smaracko: Business and Marketing, Grades 5-12, Computer Information Systems, Grades P-12

### **2009-050**

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

**Vote:** *Unanimous*

Mr. David Civello, Chemistry, Grades 8-12

### **2009-051**

*Motion made by Mr. DeAtley, seconded by Dr. Gunn, to approve the alternative route to certification application for Mr. Civello.*

**Vote:** *Unanimous*

Ms. Jennifer Almeida, Music, All Grades

**2009-052**

*Motion made by Ms. Sinclair-Curry, seconded by Ms. Stoess, to approve the alternative route to certification application for Ms. Almeida.*

**Vote:** *Unanimous*

**Board Comments**

Dr. Rogers updated the board on the agency's LRC program review audit. He said that a draft report was sent for his review, and overall it is very positive and he is pleased with the report. There were eight recommendations for the EPSB: four of them involved the legal case tracking system and have been resolved. The LRC committee will meet on August 13 to review and finalize the report. This report will be discussed at the September Sunday night meeting.

**DISCIPLINARY MATTERS:  
MINUTES OF CASE REVIEW  
August 3, 2009**

*Motion made by Dr. Cathy Gunn, seconded by Ms. Bobbie Stoess, 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. John DeAtley, 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, Zenaida Smith, Becky Sagan, Lorraine Williams, Tom Stull, Mary Hammons, John DeAtley, Cathy Gunn, Cynthia York, Bobbie Stoess, Mark Wasicsko, and Gregory Ross.

Attorneys present were Alicia A. Sneed, Gary A. Stephens, Cynthia Grohmann, and Angela Evans.

**Vote:** *Unanimous*

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
0905270	Defer for proof
090393	Dismiss
0903117	Hear
0903123	Hear
090397	Defer for proof
0905235	Hear
090265	Dismiss

090263	Dismiss
0903147	Dismiss
0904161	Defer for proof
090122	Admonish
0904191	Dismiss
0905301	Dismiss
0905218	Dismiss
08111159	Defer
0903144	Dismiss
0903153	Admonish
0904167	Hear
0905299	Admonish
0904165	Hear
0905220	Hear
0904199	Hear
0903115	Hear
0903140	Admonish
0905308	Admonish
090391	Admonish
0904197	Admonish
0904175	Hear
0903127	Hear
0903101	Hear
0903119	Hear
0903149	Hear
0904187	Hear
0904185	Hear
0905253	Hear
0905227	Hear
0904183	Hear
0904173	Hear
0906390	Hear
090312	Hear
0904193	Hear
0905327	Hear
0904189	Hear
0903103	Hear
0904215	Hear
0905281	Hear
0906358	Hear
0905333	Hear
0905222	Hear
0905259	Dismiss
0905283	Defer for proof
0805822	Dismiss
0805829	Dismiss
08111144	Hear
07-0351	Dismiss



0804414	Dismiss
0805828	Dismiss
081011102	Dismiss
08010206	Dismiss
08111155	Dismiss

**Character/Fitness Review**

<u>Case Number</u>	<u>Decision</u>
09355	Approve
09404	Approve
09383	Approve
09395	Approve
09402	Approve
09407	Approve
09413	Approve
09416	Approve
09421	Approve
09418	Approve
09423	Approve
09432	Approve
09436	Approve
09443	Approve
09451	Approve
09453	Approve
09457	Approve
09381	Approve
09463	Approve
09464	Approve
09466	Approve
09470	Approve
09481	Approve
09482	Approve
09488	Approve
09490	Approve
09493	Approve
09494	Deny
09498	Approve
09499	Approve
09502	Approve
09517	Approve
09518	Approve
09527	Approve
09528	Approve
09530	Approve
09534	Approve
09538	Approve

09542	Approve
09465	Approve
09525	Approve
09553	Approve
09571	Approve
09572	Approve
09557	Approve
09589	Approve
09559	Approve
09599	Approve
09603	Approve
09607	Approve
09606	Approve
09618	Approve
09622	Approve
09638	Approve
09617	Approve
09647	Approve
09642	Approve
09649	Approve
09648	Approve
09544	Approve
09628	Approve
09403	Approve
09662	Approve
09667	Approve
09679	Approve
09694	Approve
09680	Approve
08505	Approve

### **Agreed Orders**

#### **Case Number**

0807946 (Marta Holladay)

#### **Decision**

Accept Agreed Order which admonishes Respondent as follows: A teacher has an obligation to protect the health, welfare, and safety of their students which includes refraining from any physical contact with a student. Respondent failed in that duty when she engaged in a physical altercation with a student. The Board will not tolerate any future misconduct of this nature by Respondent. In addition, Respondent must obtain 12 hour of professional development in the area of anger management within six (6) months from the date of this Agreed Order. Failure to complete said training within this time frame will result in an

automatic suspension of her teacher's certificate and her certificate will remain suspended until such time that Respondent shows proof that she has complied with the terms of this Agreed Order.

**Vote:** *Unanimous*

08010276 (Brian Franklin)

Accept Agreed Order which admonishes Respondent as follows: Teachers are charged with protecting the health, welfare, and safety of their students which includes administering appropriate discipline in the classroom. Respondent failed in that duty when he inappropriately disciplined a student in his classroom. The Board will not tolerate any future misconduct of this nature by Respondent in the future. In addition Respondent attended 18 hours of continuing education training through the Behavior Institute. This training will satisfy the requirement that he seek anger management training. Respondent has supplied a certificate of completion attached to this Agreed Order to establish that he has complied.

**Vote:** *11- Yes*

*1-Dissent (Mr. DeAtley)*

07112217 (John Smart)

Accept Agreed Order dismissing Agency Case Number 07-112217 on the following condition. On or before September 1, 2009, Respondent shall complete twelve (12) hours of professional development/training, approved by the Board and at his own expense, in the areas of appropriate student/teacher boundaries and ethics. If Respondent fails to complete this training, Respondent shall not be issued any type of teaching certificate, including emergency, probationary, and/or temporary provisional certificates.

**Vote:** *Unanimous*

0803662 (Phillip Russell)

Accept Agreed Order admonishing Respondent for using inappropriate language with his students. The Board reminds Respondent that as a coach and educator, he must consistently maintain a positive learning environment both in the classroom and on the basketball court. As part of this agreement, Respondent shall provide written evidence to the Board, prior to December 1, 2009, that he has successfully completed six hours of professional

development/training in the areas of ethics and appropriate teacher/student boundaries, approved by the Board and at his own expense. Should Respondent fail to satisfy this requirement, his certificate shall automatically be suspended and remain so until he submits written proof of completion to the Board.

**Vote:** *Unanimous*

0803666 (Lonnie Winston) Accept Agreed Order Agency admonishing Respondent for conduct unbecoming a teacher. The Board reminds Respondent that he has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. An educator should not touch a student except to assist the student or to defend oneself or others. The Board will not tolerate any further incidents of misconduct from Respondent. This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that he has received twelve (12) hours of professional development/training in classroom management as approved by the Board, no later than December 31, 2009. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be suspended and shall remain so until the condition is met.

**Vote:** *Unanimous*

07-06112 (Kathy Lucas) Accept Agreed Order admonishing Respondent for neglect of duty. The Board reminds Respondent that she has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. As an educator, Respondent must ensure that her students are never placed in potentially dangerous situations. The Board will not tolerate any further incidents of misconduct from Respondent. This agreed order is expressly conditioned upon Respondent providing written proof, by December 31, 2009, that she has attended six (6) hours of safe crisis management training. 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. Any expense for the training shall be paid by Respondent.

**Vote:** *Unanimous*

07-06110 (Kerri Adkins)

Accept Agreed Order admonishing Respondent for neglect of duty. The Board reminds Respondent that she has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. As an educator, Respondent must ensure that her students are never placed in potentially dangerous situations. The Board will not tolerate any further incidents of misconduct from Respondent. This agreed order is expressly conditioned upon Respondent providing written proof, by December 31, 2009, that she has attended six (6) hours of safe crisis management training. 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. Any expense for the training shall be paid by Respondent.

**Vote:** *Unanimous*

06-0107 (Earl Roark)

Accept Agreed Order which states as follows:  
Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky for a period of twenty (20) years from the date of acceptance of this Order by the Board. In addition to any educational requirements, issuance of a Kentucky teaching or administrative certificate to Respondent, or on his behalf, at the conclusion of the twenty (20) year revocation period is expressly conditioned upon Respondent providing written evidence to the Board, at the time of application, that he has complied with the following:  
Respondent shall complete twelve (12) hours of professional development/training in the areas of sexual harassment, ethics and appropriate teacher/student relationships and/or boundary issues, as approved by the Board. Any expense incurred for the program shall be paid by Respondent.

**Vote:** *Unanimous*

081022 (Kim Habig)

Accept Agreed Order which states as follows:  
Respondent shall not apply for certification until July 1, 2009 nor shall any application be submitted to the Board upon her behalf until July 1, 2009. The Board agrees that in considering any

subsequent application for certification on or after July 1, 2010, submitted by Respondent or on her behalf, it may not solely rely upon any of the underlying facts or circumstances that are the subject of *Habig v. Education Professional Standards Board*, Case Number CF #081022 as a basis to deny Respondent's application. The issuance of any Kentucky teaching certificate to Respondent, or on her behalf, on or after July 1, 2009 is expressly conditioned upon Respondent providing at the time of application, in addition to proof of any academic requirements necessary for certification, written evidence to the Board of the following: 1. With her application, Respondent shall supply the Board with a current national and state criminal background check. Any expense for the criminal background check shall be paid by Respondent. 2. With her application, Respondent shall supply to the Board letters of recommendation from two (2) Kentucky certified educators in good standing with the Board and from her current employer which confirm that Respondent is morally and ethically fit to hold a teaching certificate in the Commonwealth of Kentucky. 3. Respondent shall submit documentation from her current treatment provider or Alcoholics Anonymous sponsor that she is maintaining sobriety and is still seeking support and continued assistance in maintaining her sobriety. Failure to meet any of the above conditions will result in Respondent being denied issuance of a Kentucky teaching certificate. Any and all certificates issued to Respondent after July 1, 2009 shall be subject to the following probationary conditions for a period of four (4) years from the date of initial issuance of the first certificate: 1. Respondent shall submit documentation by December 31 and June 30 of each year of the probationary period from her current treatment provider or Alcoholics Anonymous sponsor that she is maintaining sobriety and is still seeking support and continued assistance in maintaining her sobriety. 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. 2. Upon securing any teaching position during the probationary period, Respondent will make written disclosure of her status as a

recovering alcoholic to the school's principal. A copy of this letter will be filed with the Board. If Respondent fails to submit the copy of the letter within fifteen (15) days of accepting the position, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met. 3. Respondent shall have no disciplinary actions involving use of alcohol or any controlled substance by any school district or educational licensing/certification agency in the United States. The parties agree that "disciplinary action" is defined as any admonishment, reprimand, suspension or termination issued by any school district or state agency and upheld after a due process hearing if requested by Respondent. If Respondent receives any disciplinary actions involving the use of alcohol or any controlled substance, any and all certificates issued to Respondent shall be automatically permanently revoked. 4. Respondent shall submit to random drug testing to be administered by a provider approved by the Board. Any expense for the drug test shall be paid by Respondent. If any drug test is positive for alcohol, any illegal substances, or byproducts of alcohol or any illegal substances, Respondent's certificate or certificates shall be automatically permanently revoked. 5. Respondent shall have no further criminal citations, arrests, charges, or convictions involving alcohol. Respondent shall submit a state criminal background records report to the Board by June 30 of each year of the probationary period. 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. If Respondent is criminally cited, arrested, or charged for any crimes involving alcohol, any and all certificates issued to Respondent shall be automatically suspended until the conclusion of the criminal matter. If Respondent is convicted for any crime involving alcohol, any and all certificates issued to Respondent shall be automatically permanently revoked. Respondent is aware that should she violate KRS 161.120, either during or following this four (4) year probationary period, the Board

shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

07-0221 (Jamie Buchshire) Accept Agreed Order suspending Respondent's certificate, including any and all endorsements, for a period of one year from the date of this order. Respondent shall surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. Upon reissuance of Respondent's certificate, and any future endorsements or new areas of certification, the certificate shall be subject to the following probationary conditions for a period of two years from the date of acceptance of this Order by the Board: 1) This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that she has received three (3) hours of CATS training and six (6) hours of ethics training no later than June 1, 2011. Any expense incurred for said training shall be paid by Respondent. Should Respondent violate the condition outlined above, her certificate shall be automatically suspended until she provides written proof to the Board that she has completed said condition. 2) Additionally, should Respondent commit any further violation of testing regulations and procedures during the two year probationary period, her certificate shall be automatically suspended for a period of two years based on the underlying facts of this case. If the violation includes new allegations of misconduct pursuant to KRS 161.120, the Board may open a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

06-12284(KennethKillebrew)Accept Agreed Order suspending Respondent's *Professional Certificate for School Administration and Supervision: Endorsement for Secondary School Principal, Grades 7-12*, for a period of one (1) year retroactively beginning January 1, 2007. In addition, Respondent shall not apply shall neither apply for, nor be issued, an administrative certificate in the Commonwealth of Kentucky during the one (1) year suspension period. Respondent shall immediately surrender the original



certificate and all copies of his certificate to the EPSB, by delivering or mailing to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. Reinstatement of Respondent's *Professional Certificate for School Administration and Supervision: Endorsement for Secondary School Principal, Grades 7-12*, at the conclusion of the one (1) year suspension period or issuance of any other administrative certificate to Respondent is expressly conditioned upon Respondent providing written evidence to the Board that he has complied with the following: 1. Respondent shall be assessed and evaluated by a licensed psychiatrist or psychologist. The psychiatrist or psychologist shall be pre-approved by the Board and shall contact the Division of Legal Services prior to the assessment for records regarding Respondent and shall report his/her findings directly to Board. Prior to re-issuance or issuance of any administrative certificate to Respondent, the approved provider shall file with the Board a release stating that Respondent is released to return to work as an administrator in a school setting. Any expense for the evaluation or the follow-up reports shall be paid by Respondent. 2. Respondent shall undergo a comprehensive drug abuse assessment by a mental health professional certified to assess and treat chemical dependency and approved by the Board. Respondent shall comply with any treatment recommendations recommended by the mental health professional and supply proof of his compliance to the Board. Any expense for the evaluation or the treatment shall be paid by Respondent. 3. Respondent shall successfully complete twelve (12) hours of sexual harassment awareness training. This training must be conducted by a provider approved by the Board and completed at Respondent's expense. If Respondent has not met each of the above conditions by the conclusion of the one (1) year suspension period, Respondent's *Professional Certificate for School Administration and Supervision: Endorsement for Secondary School Principal, Grades 7-12* shall remain suspended until such time as all conditions are met. In addition, Respondent shall neither apply for, nor be issued, additional administrative certification in the Commonwealth of Kentucky until all the above conditions have been met.

Respondent is aware that should he have any further violations of KRS 161.120, the Board shall initiate a new disciplinary action and seek additional sanctions against his teaching and administrative certifications.

**Vote:** *Unanimous*

0805818 (James Ward)

Accept Agreed Order suspending Respondent's certificate for a period of two (2) years retroactively beginning April 22, 2008. Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky until the conclusion of the revocation period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. Reinstatement of any Kentucky teaching or administrative certificate to Respondent following the two (2) year suspension period is expressly conditioned on the following: Respondent shall supply documentation to the Board showing his compliance with any conditions of the pretrial diversion program as stipulated in Boyle County Circuit Court case number 08-CR-88. Respondent's teaching certificate will not be reinstated until he meets the above condition. Upon reinstatement, any and all certificates issued to Respondent shall be subject to the following probationary conditions: 1. Respondent shall submit documentation by September 31, 2013 that he has successfully completed the Boyle County pretrial diversion program and that his felony charges have been Dismissed-Diverted. If Respondent fails to submit the required documentation by the due date, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met. If Respondent fails to successfully complete the Boyle County pretrial diversion program, any and all certificates issued to Respondent shall be permanently revoked. 2. Respondent shall have no disciplinary actions issued by any school district or educational licensing/certification agency in the United States. The parties agree that "disciplinary action" is defined as any admonishment, reprimand,

suspension or termination issued by any school district or state agency and upheld after a due process hearing if requested by Respondent. If Respondent receives any disciplinary actions, any and all certificates issued to Respondent shall be automatically permanently revoked. 1. Respondent shall not take any position in a Kentucky school district or in a Kentucky school or education related agency that allows him any access to money or financial accounts. If Respondent is required to collect money from students in a classroom setting, he shall establish safety protocols with the school principal to ensure any funds collected are properly distributed. These safety protocols shall be filed with the Board. Respondent shall file the safety protocols and documentation substantiating that he does not have any educational position that allows him any access to money or financial accounts upon taking any new school position and with any application for renewal of his certificate or additional certification. If Respondent violates this condition, any and all certificates issued to him shall be automatically permanently revoked. 2. Respondent shall have no further criminal citations, arrests, charges, or convictions other than minor traffic violations. Respondent shall submit a state criminal background records report to the Board with any application for renewal of his certificate or additional 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 his certificate or the additional certification shall be denied. If Respondent is criminally cited, arrested, or charged for any crimes other than minor traffic violations, any and all certificates issued to Respondent shall be automatically suspended until the conclusion of the criminal matter. If Respondent is convicted for any crime other than minor traffic violations, any and all certificates issued to Respondent shall be automatically permanently revoked. Respondent is aware that should he violate KRS 161.120, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

07-09157 (Brett Coogle)

Accept Agreed Order Certificate suspending Respondent's certificate, including any and all endorsements, retroactively beginning May 22, 2007 for a two (2) year period. Reinstatement of Respondent's certificate at the conclusion of the balance of the suspension period is expressly conditioned upon Respondent providing written evidence to the Board that he has complied with the following: 1. Respondent shall complete twelve (12) hours of professional development/training in the areas of professional teaching ethics as approved by the Board. Any expense for the professional development/training shall be paid by Respondent. 2. Respondent shall be assessed and evaluated by a licensed psychiatrist or psychologist who is pre-approved by the Board. The psychiatrist or psychologist shall contact the Division of Legal Services prior to the assessment for records regarding Respondent and shall report his/her findings directly to Board. Prior to reinstatement of Respondent's certificate, the approved provider shall file with the Board a release stating that Respondent is released to return to work in a school setting. Any expense for the evaluation or the follow-up reports shall be paid by Respondent. Upon reinstatement, Respondent's certificate, including all specializations and endorsements, shall be subject to the following probationary condition for a period of two (2) years from the date of acceptance of this Order by the Board. 1. Respondent shall receive no further disciplinary action from any school district in which he is employed. "Disciplinary action" is defined as any public admonishment/reprimand, suspension without pay, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy this condition, his certificate shall be automatically suspended for an additional period of two (2) years. Respondent is aware that should he violate KRS 161.120, either during or following this two (2) year probationary period, the Board shall initiate a new disciplinary action and seek additional sanctions. 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 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. Failure to do so shall result in further disciplinary action by the Board.

**Vote:** *Unanimous*

06-06163 (Donald DeKorte) Accept Agreed reminding Respondent that he has a duty to take reasonable measures to preserve the health, safety, and emotional well-being of students. For future reference, the Board reiterates that an instructor should only place their hands on a student in case of an emergency or to prevent harm to others. The Board will not tolerate any further incidents of misconduct from Respondent. This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that he has met the following conditions no later than December 31, 2009: 1. Professional development/training in appropriate classroom management/discipline; All training must be approved by the Board and any expense incurred for said training shall be paid by Respondent. Respondent agrees that should he fail to satisfy the above conditions, his certificate shall be automatically suspended until Respondent provides written proof to the Board that he has completed the conditions.

**Vote:** *Unanimous*

06-09229 (Linda Crouch) Accept Agreed Order reminding Respondent that she has a duty to take reasonable measures to preserve the health, safety, and emotional well-being of students. For future reference, the Board reiterates that a teacher should only place their hands on a student in an emergency situation or to protect the safety of others. The Board will not tolerate any further substantiated incidents of misconduct from Respondent.

**Vote:** *Unanimous*

08091016 (Jeremy Smith) Accept Agreed Order suspending Respondent's certificate for five (5) years beginning on the date the Board approves this Agreed Order. 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, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. After the five (5) year suspension ends, Respondent shall be placed on probation for a period of two (2) years. Should Respondent be convicted of any felony or misdemeanor offense during the period of probation, his certificate shall be immediately suspended for two (2) years, and the Board reserves the right to seek additional sanctions. During the period of probation, Respondent shall provide the Board with copies of all medication he is prescribed, and Respondent shall submit to random drug testing. If Respondent tests positive for any illegal substance or if testing reveals quantities in excess of therapeutic levels, his certificate shall be immediately suspended for a period of two (2) years, and the Board reserves the right to seek additional sanctions.

**Vote:** *Unanimous*

07-07118 (Howard Fabing) Accept Agreed Order admonishing Respondent for having contact outside of normal school hours with a student he knew, or had reason to believe, had romantic feelings for him. While there is no credible evidence that Respondent had any inappropriate physical, verbal, or written contact with this student, nor did he initiate such contact, Respondent did act out of concern for the student, who had made threats of physical harm to herself, and his actions did create an appearance of impropriety, and resulted in a violation of a no contact order given by his principal. Respondent shall complete six (6) hours of ethics training by December 31, 2010, at his own expense. This requirement shall include training in student-teacher boundaries. If Respondent fails to complete the required training, his certificate shall be suspended until he provides proof that he is in compliance.

**Vote:** *Unanimous*

07122663 (Daniel Mattingly) Accept Agreed Order suspending Respondent's certificate for a period of two (2) years, with the suspension beginning retroactively on January 1, 2008 and ending on December 31, 2009. Respondent shall surrender the original and all copies of this certificate immediately, by first class mail or personal delivery to the Education

Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Reinstatement of Respondent's certificate is conditioned upon Respondent submitting proof from a qualified mental health professional stating that Respondent is mentally fit to return to the classroom. Following reinstatement, Respondent's certificate shall be subject to the following conditions: 1. In accordance with KRS 161.175, Respondent shall submit to random drug testing to be administered by a provider approved by the Board for a period of two (2) years. Any expenses for the drug testing shall be paid by Respondent. If any drug test is positive for illegal substances or is in excess of therapeutic levels generally acceptable in the medical community, Respondent's 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. 2. Respondent shall not be convicted of any crime involving the use or possession of any controlled substance or alcohol, including driving under the influence. Should Mattingly 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*

07-07130 (Phillip Thrasher) Accept Agreed Order which states as follows: While it is admirable that Respondent attempts to engage students who are shy and who do not actively participate in class, he is admonished that his action in this case was ill- advised and further incidents of inappropriate physical contact will not be tolerated.

**Vote:** *Unanimous*

07-07135 (Leah Smith) Accept Agreed Order which states as follows: Respondent shall complete twelve (12) hours of classroom management training, as approved by the Board, by December 31, 2010. Any expenses incurred for said training shall be paid by Respondent. Respondent agrees that should she fail to satisfy this condition, her certificate shall be automatically suspended until she provides written

proof to the Board that she has completed said training.

**Vote:** *Unanimous*

07-09155 (Crystal Wells) 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*

06-05108 (Bonita Greer James) Accept Agreed Order dismissing Case number 06-05108 without prejudice.

**Vote:** *Unanimous*

0805825 (Leslie Smith) Accept Agreed Order revoking Respondent's teaching certificate for a period of twenty (20) 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 certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601. In addition to any educational requirements, issuance of a Kentucky teaching or administrative certificate to Respondent, or on her behalf, at the conclusion of the twenty (20) year revocation period is expressly conditioned upon Respondent providing written proof to the Board, at the time of application, that she has complied with the following: Respondent shall complete twelve (12) hours of professional development/training in the areas of ethics and appropriate teacher/student relationships and/or boundary issues, as approved by the Board. Any expense incurred for the program shall be paid by Respondent.

**Vote:** *Unanimous*

0804740 (Pearl Rivers Murphy) Accept Agreed Order admonishing Respondent for using poor professional judgment in her interactions with students. The Board reminds Respondent that as a teacher she must take care to never use her authority with students for her own personal advantage.

**Vote:** *Unanimous*



07-0119 (David Bird)

Accept Agreed Order admonishing Respondent for creating a situation where a student gained access to his computer password and confidential information regarding her classmates. A teacher should never allow a student access to his computer password nor should he allow a student to enter grades on his behalf. his practice violates FERPA, HIPPA, and the Professional Code of Ethics for School Certified Personnel. As a teacher, it is Respondent's duty to keep confidential all student information and to ensure that no student is given authority, either express or implied, to manipulate the grading or assessment of another. Prior to his return to a position that requires Kentucky certification, Respondent shall provide the following to the board. 1. Written evidence from a Kentucky licensed and/or certified physician, approved by the Board, that he is fit to return to the classroom. 2. Written proof of three hours of professional development/training, approved by the Board, in ethics with an emphasis on student/teacher boundaries and professionalism. Any expense involved in meeting these requirements shall be paid by Respondent. Should Respondent violate this agreement, his certificate shall be automatically suspended and remain so until all conditions are met.

**Vote:** *Unanimous*

06-12287 (Betty Deitsch)

Accept Agreed Order which states as follows: The Board reminds Respondent that she has a duty to take reasonable measures to preserve the health, safety, and emotional well-being of students. For future reference, the Board reiterates that an instructor should only place their hands on a student in case of an emergency or to prevent harm to others. The Board will not tolerate any further incidents of misconduct from Respondent. This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that she has met the following conditions no later than December 31, 2009: 1. Professional development/training in appropriate classroom management/discipline; 2. Assistance in anger management. Any expense incurred for the above training shall be paid by Respondent. Respondent agrees that should she fail to satisfy the above

conditions, her certificate shall be automatically suspended until Respondent provides written proof to the Board that she has completed the conditions.

**Vote:** *Unanimous*

07-0484 (Frank Pierce)

Accept Agreed Order suspending Respondent's certificate for two (2) years retroactively from April 24, 2007 through April 14, 2009. Respondent shall surrender the original and all copies of his certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. From the date this order is approved by the Board, Respondent's certificate shall be reissued and subject to the following probationary conditions for a period of two (2) years. 1. By the end of the probationary period, Respondent shall submit written proof that he has completed twelve (12) hours of professional development/training in the area of ethics as approved by the Board. Any expense for the training shall be paid by Respondent. 2. By December 31, 2009, Respondent shall be assessed for anger management issues and follow through with any treatment recommendations with a provider approved by the Board. Any expense incurred for the assessment or counseling shall be paid by the Respondent. 3. Respondent shall complete a Board-approved course in Classroom Management with a focus on de-escalating violent situations. Any expense for required training shall be paid by the Respondent. 4. Respondent shall receive no disciplinary action from any school district in which he is employed. "Disciplinary action" is defined as any admonishment/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 any of these conditions, his certificate and any and all endorsements shall be automatically revoked for a period of two (2) years and subject to additional disciplinary sanctions pursuant to KRS 161.120.

**Vote:** *Unanimous*

0804785 (Tracey Glass-Lamb) Accept Agreed Order admonishing Respondent for fiscal mismanagement, specifically for failing to

follow appropriate accounting procedures with regard to purchases and reimbursements made with school funds. Respondent's Professional Certificate for Instructional Leadership, Principal, Grades K-12, Level 2, and Professional Certificate for Instructional Leadership- Supervisor of Instruction, Grades K-12, Level II, are subject to the following probationary conditions for two years from the date of acceptance of this Order by the Board. 1. On or before January 1, 2010, Respondent shall submit written proof to the Board that she has completed twelve hours of professional development/training, approved by the Board and at her own expense, in the areas of ethics and professionalism. 2. On or before January 1, 2010, Respondent shall submit written proof to the Board that she has completed three hours of professional development/training, approved by the Board and at her own expense, in school law. 3. On or before August 1, 2010, Respondent shall submit written proof to the Board that she has completed twelve hours of professional development/training, approved by the Board, in Redbook and appropriate accounting procedures. These hours are in addition to the twenty-one participant hours of instructional leadership training required by KRS 156.101(4)(b)2. 4. The Board may automatically suspend the above identified certificates for up to two years if a school district takes any disciplinary action against Respondent that would allow a due process hearing pursuant to KRS 161.790, and if after such hearing, the Tribunal upholds the disciplinary action. If Respondent foregoes her right to a hearing pursuant to KRS 161.790 and the disciplinary action stands as a result, the Board may automatically suspend the above identified certificate for up to two years. Should Respondent fail to satisfy conditions 1 through 3 in the time provided, the Board shall suspend the above identified certificates until such conditions are met. If Respondent violates condition 4, the Board may automatically suspend the above identified certificates for up to two years and may initiate proceedings to seek additional disciplinary sanctions including revocation of any and all issued certificates.

**Vote:** *Unanimous*

08121170 (Elaine Kelleher) Accept Agreed Order retroactively suspending Respondent's certificate for a period of six months beginning June 29, 2009. Respondent shall surrender the original and all copies of this certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. At the conclusion of the six (6) month suspension period, reinstatement of any Respondent's certificate is expressly conditioned upon Respondent providing to the Board the following. 1. Respondent shall submit a letter from her probation officer stating that Respondent has complied and continues to comply with all terms of probation set forth in the Court's Order of July 2, 2009.

2. Respondent shall provide an update from her treating therapist that she remains in compliance with all treatment recommendations and that her alcohol abuse remains in remission. 3. Respondent shall provide proof that she has completed fifty (50) hours of community service at a non-profit rehabilitation hospital. Respondent's certificate shall not be reinstated until each of the above conditions has been met. Upon reinstatement, any certificate the Board issues to or on behalf of Respondent, shall be subject to the following probationary conditions. 1. By July 1 of each year of certification, Respondent shall submit a copy of her current criminal record as prepared by the Kentucky State Police. 2. Respondent shall continue to comply with all terms of probation set forth in the Court's Order of July 2, 2009 until she is released from supervision and the period of probation expires. Respondent shall supply annual reports from her probation officer stating that she is in compliance with the terms of her probation by July 1 of each year she remains on probation. 3. Respondent shall not be convicted of any crime involving the use of any controlled substance and/or alcohol. Should Respondent violate any of these conditions, her certificate and any and all endorsements shall be automatically suspended for a period of two years and subject to additional disciplinary sanctions pursuant to KRS 161.120.

**Vote:** *Unanimous*

**Recommended Order**

**Case Number**

**Decision**

06-0101 (Charles Spartman) Adopt the Hearing Officer's Findings of Facts, Conclusions of Law, and Recommended Order to suspend Respondent's certificate for four days with credit for the local suspension.

**Vote:** *Unanimous*

05-0105 (Dennis Cornett) Adopt the Hearing Officer's Recommended Order of Default and revoke Respondent's certificate.

04-0216 (Wade McNabb) Adopt the Hearing Officer's Recommended Order on Written Record and revoke Respondent's certificate.

**Vote:** *Unanimous*

*Motion made by Ms. Hammons, seconded by Ms. Stoess, to adjourn the meeting.*

**Vote:** *Unanimous*

Meeting adjourned at 4:30 p.m.

Next Meeting:

September 14, 2009  
9:00 AM  
EPSB Board Room  
Frankfort, Kentucky