

The actions delineated below were taken in open session of the EPSB at the May 18, 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
May 18, 2009**

Call to Order

Chair Lorraine Williams called the meeting to order at approximately 9:10 a.m.

Swearing-In of New Board Member

The EPSB's newest member, Ms. Becky Sagan, was out-of-town on business and therefore unable to attend the EPSB meeting and be sworn in.

Roll Call

The following members were present during the May 18, 2009 EPSB meeting: Lonnie Anderson, Frank Cheatham, Michael Dailey, John DeAtley, Mary Hammons, James Hughley, Lynn May, Gregory Ross, Sandy Sinclair-Curry, Zenaida Smith, Tom Stull, and Lorraine Williams. Cathy Gunn, Becky Sagan, Bobbie Stoess, and Cynthia York were absent.

Approval of March 2, 2009 Minutes

Motion made by Mr. Lonnie Anderson, seconded by Dr. Frank Cheatham, to approve the March 2, 2009 minutes as amended to note that Mr. Tom Stull was absent during the meeting.

Vote: *Unanimous*

Open Speak

There were no requests for Open Speak.

Report of the Executive Director

Dr. Rogers asked everyone to remember board member Bobbie Stoess and her husband. He recently had a second heart attack and is on the mend.

Dr. Rogers discussed the EPSB's involvement with an expansion of KDE's Kentucky Statewide Longitudinal Data System (KSLDS), formerly known as KIDS. KSLDS provides information for helping students, reporting, promoting data-driven decision making, and uncovering opportunities to increase efficiency. Currently the project is in its second phase in sharing data among the EPSB, CPE, and KDE. As the goal of the project is to form a central location for sanitized unidentifiable data to use for research, eventually KSLDS will share data with the Kentucky Higher Education Assistance Authority and human resource departments within districts. Dr. Rogers stated the importance of moving forward with KSLDS in order to utilize the aggregated information to make connections with the data in teacher performance and preparation. Through a

federal stimulus fund called Race to the Top, the EPSB, CPE, and KDE anticipate receiving funds to support the original KSLDS project. There is 250 million dollars available for data systems such as this across the nation.

Dr. Rogers recognized Senator Alice Forgy-Kerr in the audience and expressed the pleasure of the board that she was present.

Report from the Kentucky Department of Education

Mr. Michael Dailey reported on the recent work of KDE. The search continues for a new commissioner to replace Jon Draud. Kevin Noland will replace Elaine Farris on July 1st as the interim commissioner. Mr. Dailey also reported that due to Race to the Top efforts, especially concerning strategic management of human capital (an effort to define and measure teacher effectiveness), multi-state efforts are just beginning and will likely include extended partnerships.

Report from the Council on Postsecondary Education

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

- The Governor requested that CPE coordinate an effort for Kentucky to receive economic stimulus funds. As a result, CPE created six (6) working groups who have developed papers on such topics as energy, STEM, NASA, and college readiness. CPE is sending these 58 papers for the Governor to review, and he will determine if further information is needed.
- The Improving Educator Quality (IEQ) RFP year will be released by the end of May.
- CPE continues its work on SB 1 implementation. The next step toward implementation is the creation of groups to develop standards. CPE expects an invitation to report on the groups' work to the Education Assessment & Accountability Review Subcommittee (EAARS) in June.

Legislative Update

Ms. Alicia Sneed reported that the EPSB did not succeed in getting SB 59 (the KTIP bill) passed, but the EPSB does have responsibilities under SB 1. The four (4) initiatives the EPSB must complete within the next 3 years as a result of SB 1 are as follows:

- 1) Immediately analyze current requirements at the pre-service level for writing instruction and determine how writing instruction for prospective teachers can be enhanced or improved. Drs. Rogers and Troupe are working on a plan to implement this requirement. They will present it to the board in the fall.
- 2) Work with KDE in 2009 and 2010 to identify any major weaknesses that may be attributed to the quality of writing instruction and consider where and how these writing skills should best be taught to teachers.
- 3) Beginning in 2011, the EPSB shall ensure that each teacher preparation program includes the use of the academic standards in the pre-service education programs and that all teacher interns after the effective date of SB 1 will have experience planning classroom instruction based on the revised standards.

- 4) In collaboration with KDE and CPE, the EPSB shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards.

Additional bills that passed during the legislative session which may affect the EPSB include HB 315, pertaining to cyber-crimes; HB 322, providing districts with the ability to request waivers for makeup days from the commissioner and allowing for the possibility of extended instructional days; and SB 148, requiring parent members of site-based councils to have criminal background checks.

Ms. Sneed informed the board of the strong possibility of a special session in June to discuss the upcoming state budget.

Report of the Chair

Appointments/Reappointments to the Kentucky Advisory Council on Internships (KACI)

Ms. Lorraine Williams made the following new appointments to the Kentucky Advisory Council on Internships (KACI): Roger Wagner, Randy McCallon, Andrea Nielsen, and Melanie Robbins. Aimee Webb and Megan Purcell were reappointed to KACI.

Committee Report

There were no committee reports.

Information/Discussion Items

SLLA and Teaching Reading Test Reviews

Mr. Robert Brown reported that EPSB staff and the Educational Testing Service (ETS) recently hosted a review of the redesigned *School Leadership Licensure Assessment (SLLA)-1011* and the newly developed Praxis II *Teaching Reading (0204)* test.

The SLLA is now tied directly to the 2008 Interstate School Leadership Licensure Consortium (ISLLC) standards, and the length and format have changed substantially. The three (3) changes to the SLLA assessment are detailed in the table below.

Current SLLA	Revised SLLA
Six-hour test	Four-hour test
25 constructed response items	100 multiple choice items; 7 constructed response
\$430.00	\$350.00

The purpose of the review was to provide administrator educators the opportunity to review the new test prior to the Standard Setting Studies (SSS).

Since the old SLLA test will no longer be administered, the new assessment will be used this fall. ETS will be facilitating two multi-state SSSs for the SLLA, and cut scores will not be established for the test until both panels meet. Each state will ultimately determine the passing score requirement for licensure in that state. Mr. Brown stated that EPSB staff would like to conduct its own SSS when creating a cut score for the SLLA.

He further reported that currently there is no Kentucky-validated assessment appropriate for deeming teachers highly qualified (HQ) to teach reading. A review of *Teaching Reading (0204)* was conducted to determine whether to proceed with a SSS for possible

use of the test as a measure for determining HQ status for teaching reading. The test would not be required for certification, but it would serve as an option for teachers whose certification grants them the ability to teach reading and who also want to be deemed HQ to teach reading. Panelists agreed that this assessment would be a good option for teachers seeking to be deemed HQ to teach reading at all grade levels.

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

Mr. Brown reported on three (3) proposed changes to 16 KAR 7:010 based upon KTIP Task Force recommendations. He noted that some task force recommendations were unable to come to fruition due to the failure of Senate Bill 59.

The first proposed regulation change would provide the opportunity for an intern to receive mentoring in a collaborative setting if such collaboration meets the needs of the intern as defined in the professional growth plan and is documented on the resource teacher timesheet.

The second proposed regulation change would allow a resource teacher to serve up to two (2) interns. If a resource teacher serves two (2) interns, an additional 50 hours is not required since the 50 hours may be used in a collaborative setting.

The third proposed regulation change is revision to language referring to tasks A- J to align with updates to the Teacher Performance Assessment handbook.

Mr. Brown will bring this item back at the August board meeting for action.

Union College: Report of Accreditation Issues

Dr. Lou Ann Hopper, Dean of Graduate Programs at Union College, gave a second 6-month progress report on Union College's program improvements. She stated that the staff has gone from being reactive to proactive and the college hired an outside consultant who has been a great source of information and support. Other improvements included adding an instruction technology specialist position, conducting a data review meeting in February, holding a spring retreat at the end of the semester that focused on a continuous assessment plan, researching how to improve the reliability of rubrics, and increasing the involvement of P-12 partners. Additionally, the college's conceptual framework includes a stronger focus on the dispositions, knowledge, and pedagogical skills related to diversity.

Dr. Hopper stated that the progress report has allowed faculty to accurately reflect on the progress of its programs. She added that EPSB staff has been very supportive, and she appreciates the assistance given to Union.

Mr. Tom Stull asked how Union College can ensure that the reported changes have improved candidate preparation. Discussion ensued. Dr. Hopper stated that feedback from P-12 committees and data collected at the end of each semester will create a feedback loop that will be useful in determining the effects of the changes. Chair Lorraine Williams asked Dr. Hopper to consider reflecting on progress throughout the school semester instead of just at the end. Dr. Troupe asked that this progress report be the last in order for Union College representatives to prepare for the college's 2010 accreditation visit.

FY 2010 EPSB Budget

Deputy Executive Director Gary Freeland reported that no information is available on the FY 2010 EPSB budget at this time due to the ongoing Governor's office review of the state budget. He added that staff from the Office of Financial Management and Economic Analysis will submit a report next week, forecasting the state's revenue for FY 2010. Budget information will probably not be released until after that report is released.

Mr. Freeland informed the board that the agency's budget has been reduced by 21% compared to the 2008 budget. He expects the 2010 budget to remain at a 21% reduction with another possible cut if a special session is called by the Governor this June.

Mr. Freeland inquired with the Governor's office and cabinet secretary's office to see if federal stimulus funds would be given to the EPSB. He has not received a response yet. More details of the FY 2010 EPSB budget will be available at the August board meeting.

Amended Contracts

Mr. Gary Freeland reported that two (2) KTIP contracts – the University of Kentucky and Morehead State University - were amended for \$6,000.00 each.

Action Items

KTIP Budget Issues

Mr. Robert Brown reported that in FY 2009 the EPSB supported 2,731 interns under the regular KTIP program, along with 107 Career and Technical Education (CTE) interns. Due to the lack of appropriate funding and budget, 231 interns were denied entry into KTIP in FY 2009.

Additionally, teacher educators and universities have been affected by the EPSB's shortage of funds for the KTIP program. Mr. Brown stated that many districts have been supporting resource teacher pay for interns denied entry into KTIP.

Mr. Freeland reviewed the KTIP funding scenarios with the board. The following three (3) options were presented for the board to consider:

- 1) Reduce the resource teacher (RT) stipend to \$1300.00
- 2) Reduce the RT stipend to \$1250.00
- 3) Reduce the RT stipend to \$1200.00.

All scenarios have a 2404 intern cap, and an estimated 201 interns would be unable to enter the KTIP program in options 1 and 2. In options 2 and 3, the available funding for university contracts is increased to \$632,000, just over 50% of the funding universities received prior to 2009.

Board discussion ensued over the resource teacher (RT) pay.

Mr. James Hughley stated that if the EPSB receives additional resources for KTIP he would like the EPSB to set priorities on how to use those funds. His first priority would be to enroll those interns unable to enter into KTIP. His second priority would be to restore the resource teacher stipend.

Mr. Greg Ross stated that reducing the RT stipend by \$200 may deter some from becoming resource teachers, but he understands the seriousness of the effects on

universities by reducing their contracts as well. He asked if EPSB staff could develop scenarios for how districts could use Title I and Title II money to subsidize the RT stipend.

Ms. Smith stated that the decision of the board is not easy, but she is proud to be a member of the EPSB. She added that the board has made extreme efforts over the past few years to increase funding for KTIP. Dr. Rogers stated that he is very encouraged about the commitment to KTIP from all stakeholders. He asked Lynn May, James Hughley, and Greg Ross to send a message to KEA (as well as JCTA for Mr. Hughley) in hopes the organization(s) will support the EPSB's decision.

2009-006

Motion made by Mr. John DeAtley, seconded by Ms. Zenaida Smith, to approve option 2 with a stipend of \$1,250.00 and a cap of 2,404 interns. If first year teachers are not admitted to KTIP because of a cap, they shall be issued a provisional certificate. If additional resources for KTIP are received, the first priority shall be to enroll those interns unable to enter into the program. The second priority shall be to restore the resource teacher stipend. Communication from EPSB staff shall be sent to districts and schools outlining how to access Title I and Title II funds and other resources that may be used to support KTIP.

Vote: *Unanimous*

Approval of Contracts

2009-007

Motion made by Mr. DeAtley, seconded by Mr. James Hughley, to approve 8 KTIP university contracts at \$632,112.00 or \$263.00/intern.

Vote: *Unanimous*

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

Mr. Robert Brown reported that recommendations for amendments to this regulation were reviewed at the March board meeting. At that time board members requested that the task force further discuss the requirement of graduate course work. The board's areas of concern were as follows:

- * Should all course work completed for the CEO be graduate level?
- * Should allowances be made for those individuals who could support with documentation the need for content level courses not at the graduate level?

The task force met in response to these concerns and gave the following recommendation:

A minimum of six (6) graduate credit hours of university course work should be required. However, candidates seeking Rank 2 may take undergraduate course(s) if a graduate level course(s) that supports the CEO Professional Growth Plan (PGP) is unavailable and a written request is submitted to and approved by EPSB staff. All course work is initiated after plan approval. Evidence of successful completion of the course work is provided in the CEO portfolio.

Mr. Brown explained that the \$900.00 fee schedule recommended at the March board meeting was increased to \$1,100.00 during the task force's last meeting.

2009-008

Motion made by Ms. Lynn May, seconded by Ms. Sandy Sinclair-Curry, to approve the CEO Task Force recommendations and revise 16 KAR 8:030.

Vote: *Unanimous*

Dr. Rogers thanked the CEO task force for its outstanding work.

Certification Task Force Recommendations

Mr. Carr reviewed the Certification Task Force recommendations (see March 2, 2009 minutes for details). He noted that recommendations 9 and 10 would require a KTIP statute change. Mr. Carr advised that the board may not want to open this statute immediately, due to the failure of Senate Bill 59 during the last legislative session. Approval of the recommendations would require the Director of Legal Services, Ms. Alicia Sneed to place these items on the legislative agenda immediately.

Mr. Carr noted that after the last board meeting, an American Sign Language P-12 endorsement certificate was added to recommendation V.

2009-009

Motion made by Dr. Frank Cheatham, seconded by Ms. Zenaida Smith, to approve the Certification Task Force recommendations with the exception of recommendations IX and X.

Vote: *Unanimous*

EPSB Meeting Schedule

2009-010

Motion made by Mr. DeAtley, seconded by Mr. Tom Stull, to approve the EPSB meeting schedule as presented for 2009 – 2010.

Vote: *Unanimous*

Midway College: Accreditation of the Educator Preparation Unit

Dr. Marilyn Troupe noted that accreditation approval for Midway College would apply to the School for Career Development off-campus sites only.

2009-011

Motion made by Mr. DeAtley, seconded by Dr. Frank Cheatham, to accept the recommendation of the AAC and grant ACCREDITATION for Midway College School for Career Development.

Vote: *Unanimous*

Chair Williams thanked Midway representatives for their compliance and wished them the best.

Approval of Educator Preparation Program: Master of Arts in Education: Teacher as Leader Program, Northern Kentucky University

2009-012

Motion made by Dr. Cheatham, seconded by Ms. Smith, to approve the NKU request for the Master of Arts in Education: Teacher as Leader and Endorsement Program.

Vote: *Unanimous*

Dr. Rogers congratulated Northern Kentucky University for becoming the first public university to have a Teacher as Leader program. He added that the program is an excellent model.

Approval of Educator Preparation Program: Master of Arts in Education: School Guidance Counselor, University of the Cumberlands

2009-013

Motion made by Mr. Lonnie Anderson, seconded by Mr. DeAtley, to approve the proposed educator preparation program addition.

Vote: *Unanimous*

Application for Off-Site Campus, Campbellsville University

2009-014

Motion made by Mr. DeAtley, seconded by Mr. Michael Dailey, to approve the Campbellsville University request to establish three (3) off-site campuses.

Vote: *Yes – 11*

Recuse – 1 (Dr. Frank Cheatham)

Waivers

16 KAR 2:010. Request for Extension to Complete Master's Degree, Ms. Roselle Calisti

2009-015

Motion made by Ms. May, seconded by Mr. Anderson, to approve the waiver request.

Vote: *Unanimous*

16 KAR 2:010. Request for Waiver of 15 New Graduate Hours for the Initial 5-Year Renewal of a Certificate, Mr. Henry Hayes

Motion made by Mr. Greg Ross, seconded by Ms. Smith, to deny the waiver request.

Vote: *Yes – 2 (Mr. Greg Ross, Ms. Zenaida Smith)*

No – 10

Board discussion ensued. Mr. Carr stated that Mr. Hayes is aware that he must complete his entire Master's degree in three (3) years. When asked why he voted to deny the waiver, Mr. Greg Ross replied that he didn't believe Mr. Hayes' reasoning was an extenuating circumstance. In response to a board member's question, Mr. Carr stated that Mr. Hayes must have 15 hours of his Master's degree completed between now and September 1 or he will no longer be able to teach. Ms. Sandy Sinclair-Curry stated that

she is willing to grant Mr. Hayes three (3) more years to complete his full degree after reviewing district documentation of his good work.

2009-016

Motion made by Ms. May, seconded by Ms. Sinclair-Curry, to approve the waiver request.

Vote: Yes – 10

No – 2 (Mr. Greg Ross, Ms. Zenaida Smith)

Alternative Route to Certification Application

Charles Stevens, Mathematics, Grades 8-12

Ms. Lynn May asked if Mr. Stevens would be required to have professional development in pedagogy. Mr. Carr responded that Option I was designed for individuals with work experience outside the teaching profession. He added that Mr. Stevens would be required to complete KTIP where he would learn pedagogy.

2009-017

Motion made by Mr. DeAtley, seconded by Dr. Cheatham, to approve the alternative route to certification application.

Vote: Unanimous

Board Comments

The board had no further comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
May 18, 2009**

Motion made by Sandy Sinclair Curry, seconded by Lynn May, 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. Mary Hammons, 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, James Hughley, Lorraine Williams, Tom Stull, Mary Hammons, John DeAtley, Lonnie Anderson, Michael Dailey, and Gregory Ross.

Attorneys present were Alicia A. Sneed, Gary A. Stephens, Bryan West, Cynthia Grohmann, Courtney Baxter, Jason Rothrock, and Angela Evans.

Vote: Unanimous

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
08111137	Hear
09018	Hear
08101092	Admonish
08101090	Hear
08121204	Defer for proof
08121216	Hear
08121210	Hear
090131	Defer for proof
08101076	Hear
09011	Admonish
08121202	Hear
0903105	Admonish
08121198	Hear
08121164	Hear
08111134	Admonish
090265	Defer for proof
090263	Defer for proof
08121200	Defer for proof
090139	Defer for proof
08111161	Defer for proof
09015	Admonish
090134	Dismiss
08121208	Admonish
08111128	Hear
08111126	Admonish
08121232	Hear
08111139	Admonish
08121180	Hear
08111190	Admonish
090151	Hear
090261	Hear
090141	Hear
08121168	Admonish
08121170	Hear
090147	Hear
0903111	Hear
090283	Admonish
08121214	Hear
08121228	Hear
090281	Admonish
08121212	Hear
090127	Hear
08111188	Hear

090153	Hear
090120	Hear
090257	Hear
08121184	Hear
08111144	Defer
090287	Hear
08121234	Hear
08121166	Hear
08121194	Hear
09013	Hear
090149	Hear
090137	Hear
08121230	Defer for proof
090155	Defer for proof
090267	Defer for proof
08101070	Hear
08121206	Hear
08111155	Defer
0903151	Hear
090259	Defer
08101096	Hear
0804780	Dismiss
07-05103	Dismiss
08010167	Dismiss
0805822	Defer for proof
06-09237	Dismiss
08091004	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
09166	Approve
09167	Approve
07139	Approve with Conditions
09177	Approve
09130	Approve
09183	Approve
09184	Approve
09187	Approve
09186	Approve
09193	Approve
09196	Approve
09197	Approve
09198	Approve
09209	Approve
09212	Approve
09231	Approve

09234	Approve
081417	Approve
09238	Approve
09263	Approve
09260	Approve
09271	Approve
09273	Approve
09275	Approve
09285	Approve
09264	Approve
09287	Approve
09293	Approve
09294	Approve
09295	Approve
09213	Approve
09310	Approve
09276	Approve
09296	Approve
09278	Approve
09313	Approve
09219	Approve
09305	Approve
09331	Approve
09325	Approve
09336	Approve
09334	Approve
09355	Defer
09185	Approve
09364	Approve
09365	Approve
09371	Approve
09378	Approve

Agreed Orders

Case Number

07-09165 (Terrace Dillow)

Decision

Accept Agreed Order which provides that upon completion of six (6) hours of professional development training, with at least three (3) of those hours being in the area of ethics, the case against Respondent shall be dismissed. Respondent shall bear the cost of the training. If Respondent has not completed all training by December 31, 2009, this Agreed Order shall be null and void, and the Board will consider other sanctions.

Vote: *Unanimous*

0803683 (Judy Jennings)

Accept Agreed Order which provides for the following:

1. Respondent is admonished for damaging the dignity and integrity of the teaching profession by driving under the influence of alcohol and by having a minor child in the car at the time.

2. Respondent shall be placed on probation for a period of two (2) years beginning on the date the Board approves this Agreed Order. During the period of probation, Respondent shall attend at least two (2) Alcoholics Anonymous meetings per week, and Respondent shall not be convicted of any criminal offense involving alcohol, such as public intoxication or driving under the influence. Should Respondent violate these conditions, the Board may initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

0808994 (Mark Bennett)

Accept Agreed Order which states as follows:

1. Respondent is admonished for damaging the dignity and integrity of his profession by consuming alcohol during the lunch hour of a work day.

2. Respondent is placed on probation for a period of two (2) years beginning on the date the Board approves this Agreed Order. The probation is subject to the following conditions: Respondent shall be assessed for substance abuse counseling and/or treatment by a service provider approved by the Board within sixty (60) days of the date the Board approves this Agreed Order. Respondent shall follow all counseling and/or treatment recommendations. It shall be Respondent's responsibility to report his compliance to the Board. Should Respondent violate the requirements of this paragraph, his certificate and all endorsements shall be immediately suspended until he provides proof that he is in compliance with the requirements of this paragraph.

Vote: *Unanimous*

07-0336 (Jon Charles)

Accept Agreed Order revoking Respondent's Kentucky Teaching Certificate, retroactively in part, for a period of five (5) years effective December 8, 2004. During this revocation period, Respondent shall neither apply for, nor be issued, a teaching

certificate in the Commonwealth of Kentucky. Respondent agrees that he is ineligible to hold a teaching certificate and he is voluntarily, knowingly, and intelligently surrendering his certificate for cause. Respondent shall surrender the original Certificate and all copies to EPSB, by hand delivery or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky, 40601. In addition to any educational requirements, re-issuance of Respondent's teaching certificate at the conclusion of the five (5) year 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 ethics training. Any expense for required training shall be born by the Respondent.
2. With his application for re-issuance, Respondent shall supply the Board with a current national and state criminal background check. Any expense for the criminal background check shall be born by the Respondent.
3. With his application for re-issuance, 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. Failure to meet any of the above conditions will result in Respondent being denied re-issuance of a Kentucky teaching certificate at the conclusion of the five (5) year period.

Vote: *Unanimous*

07-0593 (Harold Litteral)

Accept Agreed Order Agency dismissing case number 07-0593 without prejudice on the following condition.

1. On or before July 31, 2009, Respondent shall present written evidence to the Board that he has successfully completed twelve (12) hours of Board-approved ethics training, any expense for which will be born by the Respondent. Should Respondent fail to satisfy this condition, his certificate shall be automatically suspended until this condition is met.

Vote: *Unanimous*

08020636 (Sheila Lynch)

Accept Agreed Order admonishing Respondent for failing to use appropriate means of discipline and discourse with students. The Board reminds

Respondent that as an educator it is her duty to protect the health, safety and emotional well-being of each and every student in her classroom and to refrain, no matter how difficult the situation, from disparaging those in her care. On or before August 1, 2009, Respondent shall present written evidence to the Board that she has successfully completed six hours of anger management counseling and six hours of training/professional development in the area of sensitivity and/or teaching diverse student populations, approved by the Board and at her own expense. Should Respondent fail to satisfy these conditions, her certificate shall be automatically suspended until these conditions are met.

Vote: *Unanimous*

0805865 (Edward Hughes) Accept Agreed Order dismissing Case number 08-05865 on the condition that Respondent provide written evidence to the Board, on or before June 1, 2009, that he has successfully completed both the anger management counseling and classroom management training required by Fayette County Public Schools. If Respondent fails to satisfy this condition, his certificate shall be suspended until this condition is met.

Vote: *Unanimous*

0805869 (Michael Jones) Accept Agreed Order which states as follows: Respondent shall complete twelve (12) hours of anger management training as approved by the Board by August 31, 2009. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy the conditions of this Agreed Order or he receives any additional criminal charges, his certificate shall be automatically suspended until the training has been completed. If Respondent shall received additional criminal charges, this matter will be reopened, his certificate suspended and remain suspended pending investigation into any additional pending charges.

Vote: *Unanimous*

05-08158 (Michael Ashley) Accept Agreed Order which states as follows: The parties agree that the Respondent's teaching certificate is temporarily suspended pending the appeal of his criminal conviction out of the Harlan Circuit Court, Criminal Action No. 05-CR-00180. Respondent's teaching certificate shall remain

suspended until an Order has been issued on the appeal of his criminal case. Should his conviction be upheld once all appeals have been exhausted, his teaching certificate will be converted from a suspension to a permanent revocation.

Should Respondent receive a reversal and remand on his criminal conviction, his certificate shall remain suspended pending the resolution of a new trial and any appeals that follow. Should Respondent's criminal conviction be overturned, his teaching certificate shall be reinstated pending any further action by the Kentucky Education Professional Standards Board.

Vote: *Unanimous*

07-0348 (Joan Carter)

Accept Agreed Order revoking Respondent's certificate for a period of seven (7) years from January 30, 2008. 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. 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 seven (7) year revocation period is expressly conditioned upon Respondent providing written evidence 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 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*

07112183 (Zach Wagner)

Accept Agreed Order revoking Respondent's certificate for three (3) years beginning July 1, 2006 through July 1, 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 three year period,

issuance of any certificate to or on behalf of Respondent, is expressly conditioned upon Respondent providing to the Board, in addition to proof of any academic requirements, the following.

1. Respondent shall submit a letter from his probation officer stating that Respondent has complied and continues to comply with all terms of probation set forth in the Court's Order of April 25, 2006.
2. Respondent shall undergo a comprehensive physical assessment by a Kentucky licensed and/or certified physician, approved by the Board. Respondent shall present written evidence to the Board from the assessing physician that Respondent is fit to return to the classroom. Should Respondent fail to satisfy either of these conditions, any application for certification submitted by him, or on his behalf, shall be denied. From the date of the Board's acceptance of this Order, 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 his 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 April 25, 2006 until he is released from supervision and the period of probation expires. Respondent shall also provide written proof that he has been released from the probation set forth in the Court's Order of April 25, 2006.
 3. Respondent shall not be convicted of any crime involving the use of any controlled substance and/or alcohol.
 4. On or before July 1, 2009, Respondent shall submit written proof to the Board that he has completed 50 hours of community service work at a placement approved by the Board. Should Respondent violate any of these conditions, his 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 61.120.

Vote: *Unanimous*

07-0234 (Gretchen Gilkey)

Accept Agreed Order suspending Respondent's certificate from the date this order is approved by the Board until January 1, 2011. 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.

Vote: *Unanimous*

07-06111 (Mary Drummond) 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 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*

05-11216 (Robert Mudd) Accept Agreed admonishing Respondent for engaging in inappropriate physical interactions with a student and for using profanity in his classroom. A teacher in the Commonwealth of Kentucky has a duty to protect the health and safety of students and must remain aware of the line between appropriate and inappropriate physical interaction when disciplining a student. The Board reminds Respondent that as a teacher, he has a duty to maintain the dignity and integrity of the profession and to set a positive example for his students. This settlement agreement is expressly conditioned upon Mudd's completion of twelve (12) hours of professional development/training in the area of ethics. All training must be approved by the Board. Respondent must provide written proof to the Board that he has completed the training by May 31, 2010. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to meet any of the requirements listed above, his certificate shall be automatically suspended until he provides written proof to the Board that he has completed the conditions.

Vote: *Unanimous*

07122830 (Norma Tucker) Accept Agreed Order admonishing Respondent for failing to follow a directive. As an experienced educator, Respondent should be aware that such behavior is tantamount to insubordination. 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 completed an eight (8) hour course in classroom management and a course in Core Content Review by September 1, 2009. All training must be approved by the Board and any expense incurred for said training shall be paid by Respondent. Respondent agrees that should she fail to satisfy the above conditions, her certificate shall be automatically suspended until she provides written proof to the Board that she has completed the conditions.

Vote: *Unanimous*

05-10186 (Gregory Dean) Accept Agreed Order suspending Respondent's certificate for a period of two (2) years retroactively from September 19, 2005 through September 19, 2007. Upon acceptance of this Agreed Order by the Board, Respondent shall immediately surrender the original and all copies of his certificate to the EPSB, by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. In addition to any educational requirements, re-issuance of Respondent's certificate at the conclusion of the two (2) year suspension period is expressly conditioned upon the following: 1. Respondent shall complete twelve (12) hours of professional development/training in the area of ethics, as approved by the Board. Respondent must provide written proof of said training to the Board prior to reinstatement. Any expense for training shall be incurred by Respondent. 2. Prior to reinstatement of Respondent's certificate, Respondent shall submit to a random drug test to be administered by a clinical provider approved by the Board pursuant to 16 KAR 1:030. Respondent shall pay all costs associated with the drug testing. Respondent's certificate will not be reinstated if said drug test comes back positive for any of the substances listed in 16 KAR 1:030.

3. Prior to reinstatement, Respondent shall supply the Board with a report from a licensed and Board approved alcohol/substance abuse counseling program that he has been assessed and complied with all recommended treatment. Any expense for said assessment and treatment shall be paid by Respondent. Should Respondent fail to meet any of the requirements listed above, his certificate will not be reinstated. Upon re-instatement, Respondent's certificate shall be subject to the following probationary conditions for a period of five (5) years: 1. Respondent, in accordance with KRS 161.175, 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 any illegal substances or byproducts of illegal substances, Respondent's certificate shall be suspended for a period of two (2) years. Reinstatement of Respondent's certificate shall be conditioned upon Respondent submitting to a random drug test to be administered by a provider approved by the Board. Any expense for the drug test shall be paid by Respondent. Respondent's certificate will not be reinstated if the test is positive for any illegal substances or byproducts of illegal substances. 2. Respondent shall receive no further drug related criminal convictions. 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 or receives any drug related criminal convictions, his certificate shall be automatically suspended until this condition has been met. Respondent is aware that should he violate KRS 161.120, either during or following this five (5) year probationary period, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

06-05146 (James Owen)

Accept Agreed Order dismissing Case number 0605146 upon Respondent providing written proof to the Board that he has completed a Board-approved course in classroom management and de-escalation techniques by January 1, 2010. Any

expense incurred for the professional development or training shall be paid by Respondent. Should Respondent fail to provide written proof to the Board by January 1, 2010 that he has completed the training requirement outlined above, his certificate will be automatically suspended until he has provided written proof to the Board that he has completed the training.

Vote: *Unanimous*

07112090 (Glenda Layne) Accept Agreed Order suspending Respondent's certificate, including any and all endorsements, for five (5) days retroactively from May 7, 2007 through May 11, 2007. The issuance of any future teaching or administrative certificate to Respondent is expressly conditioned upon Respondent providing written proof to the Board that she has completed professional development/training in appropriate student safety and classroom management, as approved by the Board. Any expense incurred for said training shall be paid by Respondent.

Vote: *Unanimous*

0808967 (Jason Bates) 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. Respondent shall surrender the original and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

08020584 (Jonathan Moore) Accept Agreed Order suspending Respondent's certificate for two (2) years beginning February 15, 2008. 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. At the conclusion of the two year period, reinstatement of Respondent's certificate is expressly conditioned upon Respondent providing to the Board the following. 1. Respondent shall submit written proof that he has completed six (6) hours of professional development/training in the area of student/teacher

boundaries as approved by the Board. Any costs associated with this training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall not be reinstated until the condition has been met. Upon reinstatement, Respondent's certificate shall be 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. Respondent shall receive no disciplinary action involving student/teacher boundaries 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. 3. Respondent shall not participate in any social networking websites. Should Respondent violate any of these conditions, his certificate and any and all endorsements shall be automatically revoked for a period of five (5) years and subject to additional disciplinary sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

08010086 (Eric Zempter)

Accept Agreed Order suspending Respondent's certificate, including any and all endorsements, is suspended for a period of forty five (45) days, with ten (10) days of the suspension period to be served retroactively from January 7, 2008 through January 21, 2008. The remaining thirty five (35) days shall be served beginning June 10, 2009. 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. Upon reinstatement after the forty five (45) day suspension period, Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of two (2) years. 1. By December 31, 2008, Respondent shall

undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor as approved by the Board and shall 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 by December 31, 2008, he shall submit quarterly written progress reports from his chemical dependency counselor until such time as the counselor releases him from treatments. If Respondent has not successfully completed all treatment recommendations by the end of the two (2) year probationary period, Respondent agrees that the probationary period shall be extended and he shall submit quarterly written progress reports from the chemical dependency counselor to the Board until such time as the counselor releases him from treatment. Any expense for the assessment, treatment and/or reports shall be paid by Respondent. 2. By December 1, 2009, Respondent shall provide written proof to the Board that he has received twelve (12) hours of professional development/training in ethics as approved by the Board. Any expense for this professional development/training in ethics shall be paid by Respondent. 3. Respondent shall be subject to random drug testing and shall have no positive drug tests during the two (2) year probationary period. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall be automatically suspended for a period of six (6) months. If applicable, at the conclusion of the six (6) month suspension, his certificate shall remain suspended until such time as all of the above conditions are met. Respondent is aware that should he violate KRS 161.120 either during or following this two year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

07-08143 (Walter Mojsejenko) Accept Agreed Order admonishing Respondent for damaging the dignity and integrity of the teaching profession by driving under the influence

of alcohol and by having minor children in the car at the time.

Vote: *Unanimous*

05-09164 (Joshlyn Collins) Accept Agreed Order suspending Respondent's certificate for a period of two (2) years beginning August 16, 2005, until August 16, 2007.

Vote: *Unanimous*

0804784 (Tracy Durham) Accept Agreed Order suspending Respondent's certificate for a period of two years from the date of acceptance of this Order by the Board. 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. Reinstatement of Respondent's certificate is expressly conditioned on Respondent providing written proof to the Board that she has successfully completed 12 hours of professional development/training, approved by the Board and at her own expense, in the areas of appropriate teacher/student boundaries and ethics. If Durham fails to satisfy this condition, her certificate shall remain suspended until this condition is met.

Vote: *Unanimous*

08020424 (Michael Respondent) Accept Agreed Order suspending Respondent's certificate, including any and all endorsements, from the date of acceptance of this Order by the Board to August 1, 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. Reinstatement of Respondent's certificate is expressly conditioned upon Respondent providing, in addition to proof of any academic requirements, written evidence to the Board that he has successfully completed twelve (12) hours of professional development/training, approved by the Board, in the areas of appropriate teacher/student boundaries and ethics. Any expense for this training shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall remain suspended until the condition is met. Upon reinstatement, Respondent's certificate is subject to the following condition for

five years. The Board shall automatically suspend Respondent's certificate if a school district and/or superintendent 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 his right to a hearing pursuant to KRS 161.790 and the disciplinary action stands as a result, the Board shall automatically suspend the certificate. If Respondent violates this condition, the Board may seek sanctions beyond the automatic suspension.

Vote: *Unanimous*

06-09231 (Michael Figgins) Accept Agreed Order dismissing Case number 06-09231 on the following conditions. 1. Within four months from the date of acceptance of this Order by the Board, Respondent shall submit written proof from a chemical dependency counselor, certified in Kentucky and approved by the Board, that he has completed a full chemical dependency and/or substance abuse evaluation and/or assessment and has completed any and all treatment recommendations. Any expense for the evaluation, assessment, written report, and/or treatment shall be paid by Respondent. If Respondent fails to comply with this condition, his certificate shall be suspended until this condition is met. 2. 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 one year from the date of acceptance of this Order by the Board. Any expense for the drug test shall be paid by Respondent. If any drug test is positive for any illegal substances or byproducts of illegal substances, Respondent's certificate shall be automatically suspended for a period of two years and subject to additional sanction by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

0807932 (William Covington) Accept Agreed Order suspending Respondent's certificate, including any and all endorsements, from June 3, 2008 through August 1, 2009. Respondent shall immediately surrender the original and all copies of his certificate to the Board, by delivery or mail, to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601. Reinstatement of

Respondent's certificate is conditioned on the following: 1. Respondent shall present to the Board a written offer of employment from a Kentucky public school district. Respondent's certificate shall remain suspended until this condition is met. Once reinstated, Respondent's certificate shall be subject to the following probationary conditions: 1. Within thirty (30) days of the date of Respondent's first meeting with his assigned federal probation officer, but not later than January 31, 2010, Respondent shall submit a written explanation of the terms and duration of his federal probation, including a statement from his assigned probation officer that he is in compliance with those terms. If Respondent fails to satisfy this condition, the Board shall suspend Respondent's certificate until this condition is met. 2. The Board may automatically suspend or revoke Respondent's certificate if a Kentucky school district and/or Superintendent 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 his right to a hearing pursuant to KRS 161.790 and the disciplinary action stands as a result, the Board may automatically suspend or revoke the certificate. 3. The Board may automatically suspend or revoke Respondent's certificate if Respondent violates any term of his federal probation/release. 4. The Board may automatically suspend or revoke Respondent's certificate if Respondent is convicted of any misdemeanor or felony under either state or federal law. These conditions apply to Respondent's certificate until Respondent provides written proof to the Board from the United States Probation and Parole Office that he has successfully completed his probation and is permanently released from their supervision and all terms of any supervised and/or unsupervised release.

Vote: *Unanimous*

07112159 (Leslie Senn)

Accept Agreed Order admonishing Respondent for her failure to manage student behavior in her classroom. As a teacher, it is Respondent's responsibility to maintain a safe and positive learning environment at all times. She must make every effort to protect the health, welfare and safety

of those in her care. Respondent has submitted written proof to the Board that in the Spring of 2009 she completed six hours of professional development/training in the areas of supervision and classroom management approved by the Board.

Vote: *Unanimous*

0808958 (Beverly Smith)

Accept Agreed Order suspending Respondent's certificate from June 5 to August 2, 2009.

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.

Vote: *Unanimous*

07-0474 (Craig See)

Accept Agreed Order which states the Respondent shall neither apply for nor be issued any type of teaching certificate, including emergency, probationary, and temporary provisional certificates, until he has completed all educational and assessment requirements necessary for teacher certification in Kentucky. The Board shall not approve Respondent for any type of alternative certification option.

Vote: *Unanimous*

06-11266 (John Martin)

Accept Agreed Order admonishing Respondent for making threatening statements regarding a student. An educator has a duty to take reasonable measures to protect the health, safety and emotional well-being of students. It is inappropriate for a teacher to make threatening remarks regarding a student no matter what the circumstances. The Board recognizes that students will misbehave and disrupt classrooms; however, certified teachers are expected to handle these situations rationally and judiciously and not react in a juvenile manner to juvenile behavior. 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 professional ethics and appropriate classroom management/discipline, as approved by the Board, no later than August 31, 2007. 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*

06-12303 (Carolyn Broderick) Accept Agreed Order which states that the Board reminds Respondent that she has a duty to take reasonable measures to preserve the health, safety, and emotional well-being of students. The Board reiterates that physical force should only be used against a student in case of an emergency or when the student may pose a significant threat 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 completed professional development/training in appropriate classroom management by December 31, 2009. Any expense incurred for said training shall be paid by Respondent. Respondent agrees that should she fail to satisfy the above conditions, her certificate shall be automatically suspended until she provides written proof to the Board that she has completed the conditions.

Vote: *Unanimous*

05-09169 (Glen Ripkoski) Accept Agreed Order admonishing Respondent for using threatening language towards a student. A teacher in the Commonwealth of Kentucky has a duty to protect the health and safety of students and must remain aware of the line between appropriate and inappropriate physical interaction when disciplining a student. The Board reminds Respondent that as a teacher, he has a duty to maintain the dignity and integrity of the profession and to set a positive example for his students. The Board will not tolerate any further incidents of misconduct from Respondent.

Vote: *Unanimous*

Recommended Order

Case Number

Decision

07-0471 (Jonothan McMillin) Accept the Hearing Officer's Findings of Facts, Conclusions of Law, and Accept Recommended

Order to revoke Respondent's certificate.

Vote: *Unanimous*

06-08213 (Jeffrey Young)

Reject the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and move to enter Final Order finding that the emails were credible, reliable, and relevant and concluding that a violation of the code of ethics and ordering that respondent's certificate be suspended one year beginning June 15, 2009 and requiring respondent to attend student-teacher boundary training.

Vote: *Unanimous*

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

Vote: *Unanimous*

Meeting adjourned at 4:40 p.m.

Next Meeting: August 3, 2009
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky