

Agenda Book  
**EPSB Meeting Agenda**  
**EPSB Offices**  
100 Airport Road, 3<sup>rd</sup> Floor, Conference Room A, Frankfort, KY 40601  
October 19, 2009

**Monday, October 19, 2009**

**9:00 AM EDT**      **Call to Order**

**Roll Call**

**[Approval of September 14, 2009 Minutes](#) (Pages 1-22)**

**Open Speak**

**Report of the Executive Director**

- A. Report from the Kentucky Department of Education
- B. Report from the Council on Postsecondary Education

**Report of the Chair**

Appointment to the Accreditation Audit Committee (AAC)

**Committee Reports**

**Information/Discussion Items**

- A. Update on Senate Bill 1
- B. Principal Redesign Presentation
- C. [Awarded Contracts](#) (Mr. Gary Freeland) (**Pages 23-24**)

**Action Items**

- A. [EPSB Fiscal Year 2011-2012 Biennial Budget Request](#)  
(Mr. Freeland) (**Pages 25-26**)
- B. [2010 Legislative Agenda](#) (Ms. Alicia Sneed) (**Pages 27-28**)
- C. [16 KAR 2:010. Kentucky Teaching Certificates, Final Action](#)  
(Mr. Mike Carr) (**Pages 29-48**)
- D. [16 KAR 2:120. Emergency Certification and Out-Of-Field Teaching, Final Action](#) (Mr. Carr) (**Pages 49-66**)
- E. [16 KAR 2: 200. Probationary Endorsement for Teachers for English as a Second Language, Final Action \(to Promulgate New Regulation\)](#) (Mr. Carr) (**Pages 67-76**)
- F. [Emergency Review of Certification Program Pursuant to 2007-2008 Title II Report](#) (Dr. Marilyn Troupe) (**Pages 77-80**)
- G. [Off-Site Campus Request, Asbury College](#) (Dr. Troupe)  
(**Pages 81-84**)

**Waivers**

- A. [16 KAR 5:040. Admission, Placement, and Supervision in Student Teaching, Request to Waive the Cooperating Teacher](#)

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[Eligibility Requirements, Dr. Cathy Gunn on behalf of Ms. Andrea Wolfe](#) (Dr. Troupe) (Pages 85-88)

- B. [16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Request to Waive Language Pertaining to Elementary and Middle School Mathematics Certification Assessment Requirements](#) (Mr. Robert Brown) (Pages 89-91)

**Board Comments**

*Following a motion in open session, it is anticipated that the board will move into closed session as provided by KRS 61.810 (1)(c) and (1)(j).*

**Certification Review and Revocation: Pending Litigation Review**

*Following review of pending litigation, the board shall move into open session. All decisions will be made in open session.*

**Evaluation of the Executive Director**

**Review of the EPSB Goals and Strategies**

**Adjournment**

Next Regular Meeting:  
January 11, 2010  
EPSB Offices

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*The actions delineated below were taken in open session of the EPSB at the September 14, 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**  
**September 14, 2009**

### **Call to Order**

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

### **Roll Call**

The following members were present during the September 14, 2009 EPSB meeting: Frank Cheatham, Michael Dailey, John DeAtley, Cathy Gunn, Mary Hammons, Lynn May, Gregory Ross, Becky Sagan, Zenaida Smith, Bobbie Stoess, Tom Stull, Mark Wasicsko, Lorraine Williams, and Cynthia York. Lonnie Anderson and Sandy Sinclair-Curry were absent.

### **Recognition of Former Board Member**

Chair Lorraine Williams recognized Mr. James Hughley for his outstanding service as an EPSB board member. She informed the board that it was a historic moment when Mr. Hughley joined the board. He was the first board member to be certified as a teacher through the Troops to Teachers program. Mr. Hughley explained that it was a hard decision to separate himself from the EPSB, but ultimately he decided that it would be an excellent opportunity to work with the Kentucky Education Association (KEA). He stated that the EPSB's work is vital to the education profession and the Commonwealth of Kentucky.

### **Approval of August 3, 2009 Minutes**

*Motion made by Dr. Mark Wasicsko, seconded by Ms. Zenaida Smith, to approve the August 3, 2009 minutes.*

**Vote:** *Unanimous*

### **Open Speak**

There were no requests for Open Speak.

### **Report of the Executive Director**

Dr. Rogers discussed the P-20 Data Collaborative Grant with the board. He explained that the Kentucky Department of Education (KDE), the Council on Postsecondary Education (CPE), and the EPSB entered into a Memorandum of Agreement for the purpose of creating a P-20 Data Collaborative to oversee the project of merging P-20 data and making it available for reporting, analysis, and research. Ultimately, it will allow policymakers to study linkages between preparation programs, teaching success, and student achievement. The system will be constructed via a series of grants; the third phase of the grant is currently being written. Funding through this grant will allow the

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EPSB to contract with the Martin School of Public Policy and Administration for research assistance.

Dr. Rogers referred to the National Education Association (NEA) report, *Children of Poverty Deserve Great Teachers: One Union's Commitment to Changing the Status Quo*, in the board's folders. He stated that this new report discusses NEA's commitment to support quality teaching in high-need schools.

Dr. Marilyn Troupe welcomed and introduced four new Kentucky deans/chairs: Dr. Tom Payne, Brescia University Chair; Dr. Mary John O'Hair, University of Kentucky Dean; Dr. Eve Proffitt, Georgetown College Interim Dean; and Sister Mary Shaughnessy, St. Catharine College Chair.

Ms. Zenaida Smith welcomed nine of her high school students who attended the board meeting. These students translated the Code of Ethics for the board as a project in her Spanish class. One of the students, Ms. Brandi Waggoner, explained how the students translated the Code of Ethics. She said that she and her classmates are always looking for opportunities to help the community. She presented Dr. Rogers with a final copy of the Code of Ethics and said it would be an honor to assist the board with other projects in the future. Ms. Smith's students introduced themselves to the board. Their names were as follows: Michael Hall, Jenifer Phillips, Brandi Waggoner, Rachael Craig, Haley Abrams, Brittany Meadows, Steven Shorts, Cody Risner, and Loren Huffman. Dr. Rogers thanked the students and said he would be contacting Ms. Smith in the near future with another project for the students.

### Report from the Kentucky Department of Education (KDE)

Mr. Michael Dailey reported on the recent events of KDE. He stated that KDE is focused on Race to the Top efforts. He said that Kentucky is poised well to receive Race to the Top funding due in part to Senate Bill 1 requirements, which call for education reform. He said teacher effectiveness seems to be an emerging lead theme in the Race to the Top proposal. There are four components to the application:

- \* Adopting internationally benchmarked standards and assessments that prepare students for success in college and the workplace;
- \* Recruiting, developing, retaining, and rewarding effective teachers and principals;
- \* Building data systems that measure student success and inform teachers and principals how they can improve their practices; and
- \*Turning around our lowest-performing schools

### Report from the Council on Postsecondary Education

Mr. John DeAtley reported that CPE, KDE, and the EPSB have been working closely together on Senate Bill 1 efforts and the Race to the Top application. He said that CPE is currently waiting for the new CCSSO standards to be published before more work can be done on SB 1 requirements. These standards should be released by the middle of September.

Mr. DeAtley further reported that CPE has been busy scheduling and conducting conferences. On September 11<sup>th</sup>, the 2009 Governor's Conference on Postsecondary Education Trusteeship was held in Bowling Green. An ACT summit will be held on November 19<sup>th</sup> in Bowling Green and on November 20<sup>th</sup> in Lexington.

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Mr. DeAtley stated that CPE leadership has shifted into budget mode in preparation for the biennium budget. The Governor told the Governor's Conference attendees on September 11<sup>th</sup> that the outlook for the state budget is not good as recovery is occurring later in Kentucky, and the 2010 budget promises no new money.

Ms. Zenaida Smith stated that she appreciates the three education agencies' working together. Dr. Rogers stated that he would still like to discuss the possibility of a joint meeting of all three agencies. He has spoken with the other agency heads to see if this could be arranged.

Dr. Rogers informed the board that separate presentations will be given on the SB 1 initiative and the principal preparation redesign at the EPSB's October meeting.

### **Report of the Chair**

#### New Appointment and Reappointments to the Accreditation Audit Committee (AAC)

Chair Williams appointed Ms. Joy Gray to the AAC. Dr. Zella Wells, Dr. Jack Rose, and Ms. Judi Conrad were reappointed.

#### Reappointments to the Continuous Assessment Review Committee (CARC)

Chair Williams reappointed the following individuals to CARC: Dr. Bonnie Banker, Dr. Lenore Kinne, Dr. Ann Larson, Dr. Renee Campoy, and Dr. Paul Erickson.

#### New Appointment to the Master's Redesign Review Committee

Chair Williams appointed Dr. Terri Cox-Cruey and Ms. Harrie Buecker to the Master's Redesign Review Committee.

#### New Appointments and Reappointments to the Reading Committee

Chair Williams appointed the following individuals to the Reading Committee: Ms. Peggy Jones, Ms. Misty Buchanan, Ms. Pam Geisselhardt, Dr. Christopher Cook, Ms. Debra Wakefield, Ms. Claudette Pettus, Dr. Anne Bucalos, Dr. Angela Hurley, and Dr. Melissa Gibson. Dr. Karen Karp and Ms. Kristi Jenkins were reappointed.

### **Committee Reports**

#### Nominating Committee

##### **2009-053**

*Motion made by Dr. Frank Cheatham, seconded by Dr. Mark Wasicsko, to nominate and elect Ms. Lorraine Williams as chair.*

**Vote:** *Unanimous*

##### **2009-054**

*Motion made by Dr. Cheatham, seconded by Dr. Wasicsko, to nominate and elect Mr. Tom Stull as vice-chair.*

**Vote:** *Unanimous*

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### Evaluation of the Executive Director Committee

Dr. Frank Cheatham reported that evaluations for Dr. Rogers were mailed to the board and EPSB staff at the beginning of September. Evaluations should be postmarked to the committee by September 15<sup>th</sup>. The committee will report to the board on the results of the evaluation at its October meeting.

### **Information/Discussion Item**

#### 16 KAR 2:010. Kentucky Teaching Certificates, Notice of Intent

Mr. Mike Carr reported on proposed changes to 16 KAR 2:010. These changes are mostly a result of the Certification Task Force recommendations that were approved at the May 2009 EPSB meeting.

Key areas addressed by the proposed regulation are as follows:

- \* Permission for holders of the current Kentucky certificate for Middle Grades Mathematics, Grades 5-9, to teach Algebra 1 in grades 10 and 11;
- \* The addition of a new endorsement area for Literacy Specialist, P-12;
- \* The addition of a new Reading endorsement, Grades P-12;
- \* The elimination of the endorsement for School Nutrition;
- \* The addition of a new endorsement for Elementary Mathematics Specialist, Grades P-5;
- \* The addition of a new endorsement for American Sign Language, Grades P-12;
- \* Modifications to the TC-HQ certification option to move the successful content assessment score (2) into the 90 point formula, clarify the experience accepted, and make changes in the certification areas affected.

Mr. Carr further reported that the Career/Technical Education Work Group met and recommended a change to the regulation to change a certificate area name from "Technology Education" to "Engineering and Technology." Mr. Carr stated that this change was recommended as it more closely reflects the work in this area as well as helping to eliminate some confusion on the Local Educator Assignment Data (LEAD) report as to what specific areas are covered under the technology education certificate.

#### 16 KAR 2:120. Emergency Certification and Out-Of-Field Teaching, Notice of Intent

Mr. Carr reported that changes to full-time emergency certificates were recommended by the Certification Task Force that convened in early fall 2008. The recommended changes to this regulation would eliminate the subsequent issuance of a full-time emergency teaching certificate to the same individual for a second time except in two limited circumstances. A certificate may be re-issued to the same person for one year and for one time only if the original emergency certificate was issued after February 15<sup>th</sup> of a school year or if the original emergency certificate was used to cover 50 percent or less of the individual's teaching assignment. Mr. Carr stated that upon board approval, this regulation should be approved by next spring, which will give one year's notice to school districts before full implementation on July 1, 2011. This regulation will be brought before the board for final action at the October EPSB meeting.

#### 16 KAR 2:\_\_\_\_. Probationary Endorsement for Teachers for English as a Second Language, Notice of Intent (to Promulgate New Regulation)

Mr. Carr reported that this proposed new regulation and form are the result of a Certification Task Force recommendation that was approved by the EPSB at its May

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2009 meeting. This new regulation would create a new probationary endorsement for teachers of English as a Second Language, grades P-12. He further added that this new endorsement will greatly increase the options for local school districts as they look to fill this shortage teaching area. This regulation will be brought before the board for final action at the October EPSB meeting.

### Awarded Contracts

Mr. Gary Freeland reported that contracts totaling \$43,709 were awarded to the eight public universities for the KTIP program to provide funding to support the Career and Technical Education teacher educators and the training of KTIP committee members. Funding for this contract was given to the EPSB through the Federal Perkins Grant under the Education and Workforce Development Cabinet.

Mr. Freeland further reported that two attorneys (Ms. Katie Morgan and Ms. Whitney Crowe) were each awarded a contract totaling approximately \$40,000. These contracts replaced those of two former attorneys whose contracts were cancelled. Both attorneys will work at the EPSB office under the direct supervision of Ms. Alicia Sneed, the director of the Division of Legal Services.

### **Action Items**

#### Approval of Contracts

##### **2009-055**

*Motion made by Dr. Cathy Gunn, seconded by Mr. Greg Ross, to allow the executive director to request a Request for Application (RFA) to solicit applications for funding to provide National Board Mentoring services. The total estimated amount of these contracts will be \$250,000.*

**Vote:** *Unanimous*

##### **2009-056**

*Motion made by Ms. Cynthia York, seconded by Ms. Bobbie Stoess, to allow the executive director to issue a Request for Proposal (RFP) for a program assistant to assist with KYEducators.org.*

**Vote:** *Unanimous*

##### **2009-057**

*Motion made by Mr. John DeAtley, seconded by Mr. Michael Dailey, to allow the executive director to issue an RFA to solicit candidates to provide CEO scoring services. The total amount of the multi-vendor contract is approximately \$75,000.*

**Vote:** *Unanimous*

##### **2009-058**

*Motion made by Ms. Lynn May, seconded by Ms. Zenaida Smith, to allow the executive director to sign two memoranda of agreement (MOAs) regarding the P-20 Data Warehouse Project.*

**Vote:** *12 – Yes*

*2 – Recuse (Mr. John DeAtley; Mr. Michael Dailey)*

**2009-059**

*Motion made by Ms. May, seconded by Ms. Becky Sagan, to allow the executive director to sign a contract with the National Board for Professional Teaching Standards (NBPTS).*

**Vote:** *Unanimous*

Dr. Mark Wasicsko asked to see a copy of the National Board agreement. Mr. Gary Freeland provided the board with copies of the agreement later in the meeting.

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

Dr. Gary Pate, Dr. Melissa Gibson, and Ms. Norma Patrick from the University of the Cumberlands were called to the table to answer board questions. Dr. Troupe stated that the university is seeking program approval for a Master of Arts in Teaching in Biological Science 8-12, Chemistry 8-12, Earth Science, 8-12, and Physics 8-12. Dr. Pate stated that the University of the Cumberlands has had a good history of providing quality teachers for Kentucky, including its MAT programs.

Dr. Frank Cheatham asked for the distinction between part-time faculty and adjunct faculty. Dr. Pate responded that there are university full-time faculty, department part-time faculty, and adjunct faculty. He added that the adjunct faculty is very involved with students. They attend portfolio defenses, participate in graduations, serve on committees, etc.

Dr. Mark Wasicsko stated his concern that within the last five years, the University of the Cumberlands has graduated a limited number of students in the science areas. Additionally, Dr. Wasicsko stated that content specific methodology is a program expectation; however, the supplied faculty list does not include anyone with a science methodology background. He expressed concern that the programs have insufficient faculty and resources. Dr. Troupe stated that she contacted Dr. Pate regarding similar concerns, and Dr. Pate sent a list of science faculty for each of the science content areas.

Dr. Wasicsko asked University of the Cumberlands representatives about admission criteria for the program. Dr. Melissa Gibson stated that the university primarily uses letters of recommendation and writing samples from applicants for entrance. Dr. Troupe stated that it does not appear that the university is following the admission criteria in the plan submitted to EPSB staff. The plan submitted to staff indicated that applicant interviews were conducted upon admittance.

Dr. Wasicsko asked how staff monitors the programs. Dr. Troupe stated that staff monitors the programs through the accreditation process, Praxis scores, teacher surveys, and annual reports. Dr. Wasicsko stated that he is concerned about the university's admission requirements. He added that research has indicated that letters of reference have proven to be relatively useless. Dr. Gibson asked Dr. Wasicsko for suggestions. Dr. Wasicsko suggested speaking with colleagues who have similar programs.

Mr. John DeAtley said that the program appears to meet the regulatory requirements set forth by the board. Dr. Wasicsko questioned whether the documentation submitted to the Review Committee reflects the way the program will actually be administered.



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### 2009-060

*Motion made by Mr. John DeAtley, seconded by Dr. Frank Cheatham, to approve the proposed Biological Science 8-12 (MAT), Chemistry 8-12 (MAT), Earth Science 8-12 (MAT), and Physics 8-12 (MAT) preparation program addition.*

**Vote:** 13- Yes

1- Abstain (Dr. Mark Wasicsko)

Approval of Educator Preparation Program: Alternative Route to Certification Proposal for Master of Arts in Teaching in Four Science Areas: Chemistry, Physics, Earth Science, and Biology; University of the Cumberlands

Dr. Troupe reported that this is the first mentoring plan the board has reviewed for MAT programs for Alternative Route to Certification programs. The board raised several questions and/or concerns regarding the mentoring plan. Dr. Cathy Gunn expressed concern that a student could be assigned a poor mentor. She recommended that the university be more involved with monitoring mentors, as these candidates are placed directly in the classroom with children upon admission to the program. Chair Williams commented that the board concerns are not confined to the university but pertain to mentoring in general. Dr. Rogers stated that, as the board refines its understanding, it may wish to revisit mentoring in Option 6 programs. Dr. Wasicsko suggested an Option 6 summit.

### 2009-060

*Motion made by Ms. May, seconded by Mr. Ross, to approve University of the Cumberland's alternative route to certification proposal for the MAT in four science areas: Chemistry, Physics, Earth Science, and Biology.*

**Vote:** Yes – 12

No- 1 (Dr. Cathy Gunn)

Abstain- 1 (Dr. Mark Wasicsko)

Approval of Teacher Leader Master's and Endorsement Program, Bellarmine University

### 2009-061

*Motion made by Dr. Cheatham, seconded by Dr. Gunn, to approve the Bellarmine University request for the Master of Arts in Education in Teacher Leadership (P-12) and Endorsement Program.*

**Vote:** Unanimous

Dr. Cindy Gnadinger stated that the entire review experience has been positive and a total team effort among faculty and school partners.

### 2009 Title II Report

Dr. Troupe reported that the annual Title II report is a statutory requirement. She stated that all institutions had at least an 80% pass rate.

### 2009-062

*Motion made by Mr. DeAtley, seconded by Dr. Wasicsko, to approve the 2007-2008 Title II Report for submission to the USDOE.*

**Vote:** Unanimous

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Dr. Troupe explained to the board that the Title II report will change significantly in the near future. Institutions will be required to send their reports to the USDOE directly as well as to the EPSB. Kentucky will also be required to send a report to the USDOE. Institutions will also be required to complete separate reports for traditional and alternative programs.

In addition, Dr. Troupe reported that in order to achieve a 100% pass rate, many institutions require students to pass required Praxis exams before student teaching. Congress is aware that this process is occurring and is asking institutions questions about their clinical practice, the number of students taking courses before and after student teaching, the number of hours spent in clinical practice and coursework, etc. She explained that webinars have been available discussing the changes, and the comment stage has closed. The new official form is now available for use by institutions. Staff will be speaking to the board further about the new form at an upcoming board meeting.

### 2009-2010 Emergency Non-Certified School Personnel Program

#### **2009-063**

*Motion made by Ms. Zenaida Smith, seconded by Mr. DeAtley, to approve the local school districts' applications for the Emergency Non-Certified School Personnel Program, 2009-10.*

**Vote:** *Unanimous*

#### **Waivers**

### 16 KAR 2:010. Kentucky Teaching Certificates, Request for Second Extension to Complete Master's Degree, Ms. Sheila Donaldson

#### **2009-064**

*Motion made by Mr. Ross, seconded by Ms. Mary Hammons, to approve Ms. Sheila Donaldson's waiver request.*

**Vote:** *12- Yes*

*1- No (Dr. Mark Wasicsko)*

*1- Recuse (Dr. Cathy Gunn)*

### 16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Request to Waive All Grade Levels French Certification Assessment Requirements

#### **2009-065**

*Motion made by Mr. DeAtley, seconded by Dr. Gunn, to accept the ICTS APT (104) and ICTS Foreign Language: French (127) in lieu of the Praxis II tests: PLT: Grades K-6 (0522), PLT: Grades 5-9 (0523), or PLT: Grades 7-12 (0524) and French: Content Knowledge (0173).*

**Vote:** *Unanimous*

### 16 KAR 5:040. Admission, Placement, and Supervision in Student Teaching, Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Bobby Starnes on behalf of Mr. Gary Gay

Dr. Kathryn Akural was called to the table to answer board questions.

**2009-066**

*Motion made by Dr. Mark Wasicsko, seconded by Ms. Lynn May, to approve the waiver request of Dr. Bobby Starnes on behalf of Mr. Gary Gay.*

Mr. John DeAtley asked whether the basis for the waiver request is solely due to the student teacher's requesting a male mentor. Dr. Akural responded in the affirmative, that the student teacher specifically requested a male mentor. She added that the student teacher is a very strong, articulate, and committed teacher who is concerned about the lack of male teachers in the elementary school setting. University faculty wanted to honor his request but have been unsuccessful in finding a willing cooperating teacher who meets the requirements. She added that Mr. Gay is an excellent teacher.

Mr. DeAtley responded that from his perspective gender alone is not a good reason to waive a regulation. Mr. Greg Ross stated that as a male elementary school teacher, he understands the request, but Mr. Gay is not even close to meeting the cooperating teacher requirements. Mr. Tom Stull stated his belief that this is a valid waiver request and he will support it. He added that he can understand why the student teacher wants to see another male perform in an elementary school setting. Ms. Lorraine Williams voiced her agreement with Mr. Stull.

Board attorney Angela Evans cautioned the board. She said it does appear that this waiver request was made solely because of gender and that the board may be heading down a path it might want to reconsider because other qualified teachers could serve as a cooperating teacher. Dr. Cathy Gunn stated that the student teacher could be placed with a qualified cooperating teacher and still receive mentoring from a male teacher.

**Vote:** Yes – 5

No – 7

Recuse – 2 (Dr. Cathy Gunn, Mr. Michael Dailey)

**Board Comments**

Mr. Greg Ross commented that with mentoring in mind, it would be a good idea for MAT programs to be structured like the Kentucky Teacher Internship Program. Chair Williams and Dr. Rogers thanked Ms. Zenaida Smith for assigning her students the task of translating the Code of Ethics and bringing the students to the meeting.

**DISCIPLINARY MATTERS:  
MINUTES OF CASE REVIEW  
September 14, 2009**

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

**Vote:** Unanimous

*Motion made by Dr. Cathy Gunn, seconded by Mr. Tom Stull, to return to open session.*

**Vote:** Unanimous

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

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Frank Cheatham, Lorraine Williams, Tom Stull, Mary Hammons, John DeAtley, Cathy Gunn, Cynthia York, Bobbie Stoess, Michael Dailey, Lynn May, and Gregory Ross.

Attorneys present were Alicia A. Sneed and Angela Evans.

**Vote:** *Unanimous*

### INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
0905237	Defer for proof
0905243	Defer for proof
0905353	Dismiss
0905265	Dismiss
0905229	Defer
0905239	Defer for proof
0906368	Defer for proof
0905255	Hear
0905313	Defer for proof
0907449	Defer for proof
0907442	Admonish
0906432	Admonish
0907439	Hear
0905287	Defer
0905249	Defer for proof
0905325	Hear
0905303	Defer for proof
0903137	Hear
0905319	Dismiss
0905337	Hear
0905345	Hear
0906386	Defer for proof
0905341	Admonish
0906392	Defer for proof
0906362	Hear ( <i>Ms. Williams and Mr. Dailey, recused</i> )
0906388	Admonish
0906394	Admonish
0906401	Hear ( <i>Ms. Williams and Mr. Dailey, recused</i> )
0905343	Admonish
0906419	Hear
0906364	Admonish
0907454	Dismiss
0905315	Defer for proof
09005245	Defer
0904177	Dismiss
0905351	Hear ( <i>Ms. Hammons, recused</i> )
0907447	Admonish
0906417	Hear

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0903125	Hear
0906366	Hear
0905335	Hear
0906409	Dismiss
0905349	Hear
0905347	Admonish
0904210	Defer for proof
0905355	Hear
0906403	Admonish
0905274	Defer
0905241	Hear
0905251	Defer for proof
0905311	Dismiss
0905257	Admonish
0905272	Defer for proof
0904195	Hear
0905247	Hear
0906411	Admonish
0906413	Admonish
0906434	Hear
0905331	Hear
090155	Dismiss

## Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
09638	Approve
09697	Approve
09709	Approve
09700	Approve
09702	Approve
09712	Approve
09727	Approve
09734	Defer
09737	Approve
09684	Approve
09747	Approve
09752	Approve
09754	Approve
09765	Approve
09768	Approve
09772	Approve
09776	Approve
09706	Approve
09777	Approve
09789	Approve
09800	Approve

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09801	Approve
09821	Approve
09823	Defer
09483	Approve
09837	Approve
09824	Approve
09851	Approve
09853	Approve
09854	Approve
09767	Approve
09810	Approve
09862	Approve
09866	Approve
09836	Approve
09781	Deny
09871	Approve
09872	Approve
09874	Approve
09858	Deny

### Agreed Orders

#### Case Number

#### Decision

08121234 (Jason Neelly)

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 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.

**Vote:** *Unanimous*

05-05101 (Johnny Turner)

Accept Agreed Order which admonishes Respondent as follows: The Board hereby admonishes Respondent for his failure to maintain the dignity and the integrity of the teaching profession due to his 2007 conviction under 18 United States Code (U.S.C.) § 597 for his campaign making expenditures to influence voting while a candidate for the Kentucky State Senate. Although Respondent was not convicted for a willful violation of 18 U.S.C. § 597, as the leader of his campaign he was responsible for ensuring compliance with all state and federal election law. Even as an elected official, Respondent represents

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the education profession. The Board reminds Respondent that as a leader and an educator, he has a duty to ensure that all applicable laws and regulations are followed. The Board will not tolerate any further incidents of misconduct from Respondent.

**Vote:** *Unanimous*

06-06172 (Stephanie Poynor) Accept Agreed Order which states as follows: Maintenance of Respondent's certificate shall require Respondent to meet the following conditions: 1. Respondent shall provide written proof that she has completed a course in anger management counseling by January 1, 2010, as approved by the Board. Any expenses incurred for said training shall be paid by Respondent; 2. Respondent shall provide written proof that she has completed a twelve (12) hour course in diversity training by June 30, 2010, as approved by the Board. Any expenses incurred for said training shall be paid by Respondent; 3. Prior to taking any certified position in a Kentucky Public School, Respondent shall complete a twelve (12) hour professional development course on the Professional Code of Ethics for Kentucky Certified School Personnel. Respondent shall provide written proof to the Board of completion of the professional development course and any expenses incurred for said training shall be paid by Respondent. Should Respondent fail to complete any of the conditions listed above, the Board shall automatically suspend her certificate for an additional period of one year.

**Vote:** *Unanimous*

0903151 (Pamela Wiggins) Accept Agreed Order Board admonishing Respondent for failing to report to local law enforcement a student's potential involvement in a homicide. An educator is prohibited from demonstrating willful or careless disregard for the health, welfare, or safety of others. Respondent's conduct in this matter jeopardized not only the safety of the student who was potentially involved in the crime, but the safety of herself and other students who may have known of the student's alleged involvement in the homicide. This settlement agreement is expressly conditioned upon the following: 1. Respondent shall provide written

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proof to the Board that she has been assessed by a state certified mental health counselor approved by the board and is competent to fulfill her duties as an educator by December 31, 2009. Respondent shall provide proof that she has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide treatment records to the Board until she has been released from treatment by the counselor. Any expense incurred for the assessment or follow-up treatment shall be paid by Respondent; and

2. Respondent shall provide written proof to the Board by June 30, 2010 that she has completed twelve (12) hours of professional development or training in the area of professional ethics. Any expense incurred for the 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*

07111985 (Terri Turner)

Accept Agreed Order which states as follows:

1. Respondent shall be prohibited from applying for or receiving a certificate for teaching exceptional children with moderate and severe disabilities for a period of three (3) years beginning on the date the Board approves this Agreed Order. 2. If Respondent is issued a certificate, she shall be placed on probation for a period of two (2) years beginning on the date of issuance of the certificate. During the period of probation, Respondent shall receive no disciplinary action from any school district in which she is employed. "Disciplinary action" shall be defined as any public 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. Should Respondent violate this condition, her certificate shall be automatically suspended for one (1) year, and the Board may initiate new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*



Agenda Book

06-09232 (Robin Owsley) Accept Agreed Order revoking Respondent's certificate. Respondent shall neither apply nor be issued a teaching certificate in the Commonwealth of Kentucky for a period of seven years beginning December 18, 2006. 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 end of the seven year period, issuance of any certificate to Respondent or on her behalf is subject to the following conditions.1. Respondent shall submit written proof to the Board that she has complied with all conditions of probation outlined in the Order Granting Shock Probation entered on April 25, 2007 in 06-CR-00054 and is released from probation. 2. Respondent shall submit to the Board a Kentucky State Police criminal records check indicating that she has received no criminal convictions since December 18, 2006. Any expense in meeting these conditions shall be paid by Respondent. If Respondent fails to satisfy these conditions, the Division of Certification shall not issue any certificate to Respondent or on her behalf. If Respondent does satisfy these conditions, any certificate issued to Respondent or on her behalf shall be subject to the following conditions for the life of the certificate. 1. Respondent shall not be convicted of any crime. Should Respondent violate this condition, her certificate shall be automatically suspended for a period of two years and subject to additional sanction by the Board pursuant to KRS 161.120. 2. Respondent shall, in accordance with KRS 161.175, submit to random drug and/or alcohol testing to be administered by a provider approved by the Board. Any expense for this test shall be paid by Respondent. If any test is positive for any illegal substances or byproducts of illegal substances, or registers an alcohol reading of .02 or above, her 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*

06-11262 (Glenn Miller) Accept Agreed Order revoking Respondent's certificate. Respondent shall neither apply nor be issued a certificate in the Commonwealth of

## Agenda Book

Kentucky for a period of seven years beginning August 15, 2007. 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 end of the seven year period, issuance of any certificate to Respondent or on his behalf is subject to the following conditions. 1. Respondent must submit written proof to the Board that he has successfully complied with all conditions of his diversion program as outlined in the Judgment of Conviction and Sentence entered on October 16, 2007 in Perry Circuit Court and that 07-CR-00158 has been dismissed. 2. Respondent must submit to the Board a Kentucky State Police criminal records check indicating that he has no criminal convictions since August 15, 2007. Any expense in meeting these conditions shall be paid by Respondent. If Respondent fails to satisfy these conditions, the Division of Certification shall not issue any certificate to Respondent or on his behalf. If Respondent does satisfy these conditions, any certificate issued shall be subject to the following conditions for the life of the certificate. 1. In accordance with KRS 161.175, 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 any illegal substances or byproducts of illegal substances, Respondent's certificate shall be automatically suspended for a minimum of two years and the Board may pursue additional disciplinary sanctions. 2. Respondent shall not be convicted of any crime. Should Respondent violate this condition, his certificate shall be automatically suspended for a minimum of two years and the Board may pursue additional disciplinary sanctions.

**Vote:** *Unanimous*

0803678 (Robert Haney)

Accept Agreed Order which states as follows: Respondent voluntarily surrenders his certificate. Respondent shall immediately surrender the original and all copies of this certificate to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Issuance of any future certificate to Respondent or on his

## Agenda Book

behalf is conditioned upon Respondent submitting written proof to the Board that he has completed eighteen hours of professional development and or training, at his own expense and approved by the Board, in behavior and classroom management techniques for exceptional children. If Respondent fails to satisfy this condition, the Division of Certification shall not issue a certificate.

**Vote:** *Unanimous*

06-0364 (Vonda Myers)

Accept Agreed Order suspending Respondent's certificate for a period of one (1) year to begin effective May 27, 2009. During the one (1) year suspension period, Respondent shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky. 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 one (1) year period is expressly conditioned upon Respondent providing written evidence to the Board that she 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. Prior to 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. Prior to 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 one (1) year period.

**Vote:** *Unanimous*

0905227 (David Schlosser)

Accept Agreed Order which states as follows: From the date this order is approved by the Board, Respondent's certificate, and any future endorsements or new areas of certification, shall be

## Agenda Book

subject to the following probationary conditions for a period of two (2) years. 1. By December 31, 2009, 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, 2009, 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. Respondent shall be subject to random drug testing and shall have no positive drug tests during the two (2) year probationary period. 3. Respondent shall not be convicted of any crime involving a controlled substance and/or alcohol. 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*

08020507 (Ginger Neace)

Accept Agreed Order suspending Respondent's teaching certificate for a five (5) day period beginning June 30-July 5, 2009. Further, Respondent must successfully complete her diversion with the Bourbon District Court. Respondent must provide the Board with proof

## Agenda Book

within two weeks of the completion of the diversion that she was successful in completing same. Further, Respondent is required to continue in her treatment for her mental health issues and provide quarterly reports to the Board that she is complying with that treatment and taking her medication as required by her treatment provider. Respondent is required to submit quarterly reports for a period of two (2) years following the completion of her diversionary period. If Respondent fails to keep the Board advised through her quarterly reports, or fails her diversion, or commits another crime, it will result in an automatic suspension of her teacher's certificate. Her certificate will remain suspended until she complies with all the requirements of this Agreed Order.

**Vote:** *Unanimous*

0904167 (Annis Tichenor) Accept Agreed Order retroactively suspending Respondent's certificate, including any and all endorsements, for a period of one year from March 31, 2008 through March 31, 2009. 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. Failure to do so shall result in further disciplinary action by the Board.

**Vote:** *Unanimous*

0804690 (Kimberly Hall) Accept Agreed Order suspending Respondent's certificate retroactively, for a period of thirty (30 days), from July 1, 2008 up to and including July 30, 2008. 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. Respondent is admonished 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. By publicly displaying derogatory language on the body of a student and allowing an aide to do the same, Respondent unnecessarily subjected the students to public embarrassment. In the future,

## Agenda Book

Respondent should be more cognizant of appropriate disciplinary techniques. Respondent also needs to take measures to ensure that all special education documentation is completed and all ARC meetings are scheduled and completed on time. The Board recognizes that Respondent has taken professional development to re-familiarize herself with special education law and will continue to do so in the future. Respondent shall provide written proof to the Board that she has received twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, no later than July 1, 2010. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2010, her teaching certificate will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

**Vote:** *Unanimous*

090120 (Creth Boyd)

Accept Agreed Order which states as follows:  
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, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

05-12223 (Brian Spears)

Accept Agreed Order suspending Respondent's certificate for fifteen (15) days beginning September 26, 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. This agreement is expressly conditioned upon Respondent providing proof of the following to the Board: 1. By December 1, 2009, Respondent shall submit written proof from a board certified mental health professional that he is fit to be in the classroom. Any costs associated with this evaluation shall be paid by Respondent. Should Respondent fail to satisfy this condition, his certificate shall be suspended and shall not be reinstated until the condition has been met.

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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 student/teacher boundaries 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. 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*

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

**Vote:** *Unanimous*

Meeting adjourned at 3:30 p.m.

Next Meeting:

October 19, 2009  
9:00 AM  
EPSB Board Room  
Frankfort, Kentucky





**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item C**

**Information Item:**

To inform the EPSB about contracts and amendments which were signed by the executive director since the previous EPSB board meeting

**Applicable Statutes and Regulation:**

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

**Applicable Goal:**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state, and agency policies.

**Background:**

KRS 161.028 (1) (v) authorizes the EPSB to enter into contracts, and KRS 161.017 (3) stipulates that with board approval the executive director may enter into agreements "...to enlist assistance to implement the duties and responsibilities of the board." The following contracts were signed and approved by the executive director:

- Two memoranda of agreement related to EPSB's involvement in the P-20 Data Warehouse project.
  1. A collaborative agreement among EPSB, KDE, and the Council on Postsecondary Education. The collaborative will oversee the project of merging P-20 data and making it available for reporting, analysis, and research. There are no funds involved with this agreement.
  2. An MOA between KDE and EPSB for the distribution of federal funds that were awarded to KDE for the P-20 Data project. EPSB will receive \$190,000 in FY 2010 as a sub-grant from KDE to subsidize the cost of a project manager and other personnel needed to complete our part of the project.
- A Personal Service contract for \$36,968.56 was awarded to an individual, Judith Phillips, to provide technical assistance and training for users of KyEducators.org. The contract is effective October 1, 2009 and expires June 30, 2010. The contract includes fees for 1,237.5 hours of service and an allowance of \$1,000 for travel. This will be part-time work on a year-round basis in the EPSB offices.

**Groups/Persons Consulted:**

N/A

**Contact Person:**

Mr. Gary W. Freeland

Deputy Executive Director

(502) 564-4606

E-mail: garyw.freeland@ky.gov

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**Executive Director**

**Date:**

October 19, 2009

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item A**

**Action Item**

Request approval of the EPSB FY 2011 -2012 biennial budget request, as presented.

**Applicable Statutes and Regulation**

KRS 48.040

**Applicable Goal**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state, and agency policies.

**Issue**

Should the Education Professional Standards Board (EPSB) approve the FY 2011-2012 budget request, as presented, to be submitted to the Education Cabinet and the Governor's Office for Policy and Management?

**Background**

The EPSB budget request booklets must be submitted to the Education Cabinet on October 24, 2009, and then forwarded to the Governor's Office for Policy and Management (GOPM) for review and approval. The budget request has been developed in line with the priorities and guidelines provided by the EPSB, executive director, and the GOPM. The budget request documents are too voluminous to provide an entire set for each board member; however, key information will be presented at the board meeting to provide a clear understanding of additional funding requests, capital project requests, priorities and other information that will be submitted.

Copies of the complete budget request documents are available for any board members who want to review them.

**Alternative Actions**

1. Authorize the deputy executive director to submit the 2011-2012 budget request to the Secretary of Education and Workforce Development and the office of the State Budget Director, as presented.
2. Modify parts of the 2011-2012 budget request and approve the submission of the budget request with modifications.

**Staff Recommendation**

Alternative 1

**Rationale**

Instructions were issued by the State Budget Director in the Governor's Office of Policy and Management on August 25, 2009. "All Executive Branch cabinets, departments, agencies should provide the required budget request forms, attachments, and supporting documentation for both the capital budget and the operating budget no later than November 2, 2009."

**Contact Person:**

Mr. Gary Freeland  
Deputy Executive Director  
(502) 564-4606  
E-mail: garyw.freeland@ky.gov

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**Executive Director**

**Date:**

October 19, 2009

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item B**

**Action Item:**

2010 Legislative Agenda

**Applicable Statute:**

KRS 161.028

**Applicable Goals:**

All Goals.

**Issue:**

Should the Education Professional Standards Board approve the 2010 legislative agenda?

**Background:**

The General Assembly will meet for its regularly scheduled 60-day session beginning in January 2010. Prior to the commencement of the legislative session, the Board customarily prepares with the aid of staff a legislative agenda designed to promote the Board's mission. Staff utilizes the final legislative agenda to prepare proposed bills for statutory amendments and to advance the Board's goals when working with legislators.

During this legislative session, the General Assembly will be required to pass the 2010-2012 budget for the Commonwealth. During the October 19, 2009 board meeting, the Board will review and approve the EPSB's FY 2011-2012 budget request, which shall be submitted to the Governor's office. In combination with that application, staff recommends including in the legislative agenda requests that the General Assembly fully fund the EPSB and all the EPSB's programs in the next biennium and designate the Kentucky Teacher Internship Program (KTIP) a "necessary governmental expense." Such a designation will allow KTIP to receive additional funds if the number of interns spikes during the biennium. Also included in the agenda is a request to allow the EPSB to carry over unused KTIP funds from one year to the next.

Finally, the legislative agenda includes opposing any change to the EPSB's current statutory authority and supporting any legislation which further supports the EPSB's mission and goals so that the current direction of the EPSB to improve teacher quality may continue.

**Alternative Actions:**

1. Approve the 2010 legislative agenda.
2. Modify and approve the 2010 legislative agenda.
3. Do not approve the 2010 legislative agenda.

**Staff Recommendation:**

Alternative 1

## Agenda Book

### **Rationale**

This agenda was created after soliciting input from the staff. It accurately reflects the current legislative needs of the agency.

### **Contact Person:**

Ms. Alicia A. Sneed  
Director of Legal Services  
(502) 564-4606  
E-mail: alicia.sneed@ky.gov

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**Executive Director**

### **Date:**

October 19, 2009

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item C**

**Action Item:**

16 KAR 2:010. Kentucky Teaching Certificates, Final Notice

**Applicable Statutes:**

KRS 161.6451, 161.020, 161.028, and 161.030

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board approve changes to 16 KAR 2:010?

**Background:**

In early fall 2008, EPSB staff convened the Certification Task Force composed of university certification officers, district personnel directors, and other stakeholder groups to study current certification regulations and recommend to the EPSB possible changes to be enacted in this area. These recommendations were approved by the EPSB in its May 2009 meeting. The final adoption of many of the recommendations will require changes to 16 KAR 2:010.

Key areas addressed by the proposed regulation:

- Permission for holders of the current Kentucky certificate for Middle Grades Mathematics, Grades 5-9, to teach Algebra I in grades 10 and 11;
- The change in the certificate title of Technology Education to Engineering and Technology;
- The addition of a new endorsement for Literacy Specialist, Grades P-12;
- The addition of a new Reading endorsement, Grades P-12;
- The elimination of the endorsement for School Nutrition;
- The addition of a new endorsement for Elementary Mathematics Specialist, Grades P-5;
- The addition of a new endorsement for American Sign Language, Grades P-12;
- Modifications to the TC-HQ certification option to move the successful content assessment score(s) into the 90 point formula, clarify the experience accepted, and make changes in the certification areas affected.

**Groups/Persons Consulted:**

Certification Task Force members

Career and Technical Education Certification Workgroup members

Kentucky Association of Colleges for Teacher Education

## Agenda Book

Kentucky Association of School Human Resource Managers

Center for Middle School Academic Achievement

Bluegrass Council of Teacher Educators (Fayette County Public Schools)

Mathematics faculty members at Northern Kentucky University, Eastern Kentucky University, Western Kentucky University and Murray State University

Mathematics program personnel with the Kentucky Department of Education

Electronic survey sent to state superintendents, human resources directors, principals, higher education deans/chairs and Teacher Education Committee members

### **Alternative Actions:**

1. Approve the changes as noted to 16 KAR 2:010;
2. Modify and approve the changes as noted to 16 KAR 2:010;
3. Do not approve the changes as noted to 16 KAR 2:010.

### **Staff Recommendation:**

Alternative Action 1

### **Rationale:**

The changes to 16 KAR 2:010 represent modifications approved by the EPSB during its May 2009 meeting. These changes were the result of the work of the EPSB's Certification Task Force during the 2008-09 school year.

### **Contact Person:**

Mr. Michael C. Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

### **Date:**

October 19, 2009



1 **EDUCATION PROFESSIONAL STANDARDS BOARD**  
2 **(AMENDMENT)**

3 **16 KAR 2:010. Kentucky teaching certificates.**

4 RELATES TO: KRS 158.6451, 161.020, 161.028(1), 161.030

5 STATUTORY AUTHORITY: KRS 161.028(1)(a), (b), (f), 161.030

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) requires the  
7 Education Professional Standards Board to establish the standards for obtaining and  
8 maintaining a teaching certificate. KRS 161.028(1)(b) requires the board to set standards  
9 for programs for the preparation of teachers and other professional school personnel.  
10 KRS 161.028(1)(f) requires the board to issue and renew any certificate. This  
11 administrative regulation establishes the Kentucky certification to be issued for teaching  
12 positions.

13 Section 1. Definitions. (1) "Approved program of preparation" means a program  
14 which has been approved by the Education Professional Standards Board under 16 KAR  
15 5:010 for a specific certification or which has been approved for certification by the state  
16 education agency of another state.

17 (2) "Assessments" means the tests of knowledge and skills authorized by KRS  
18 161.030 and established in 16 KAR 6:010.

19 (3) "Base certificate" means a stand-alone license to teach which encompasses  
20 authorization to teach introductory and interdisciplinary courses in related fields.

21 (4) "Beginning teacher internship" means one (1) year of supervision, assistance, and  
22 assessment required by KRS 161.030 and established in 16 KAR 7:010.

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1 (5) "Certificate endorsement" means an addition to a base or restricted base certificate,  
2 which is limited in scope and awarded on the basis of completion of an endorsement  
3 program or a combination of educational requirements, assessments and experience as  
4 outlined in Section 5 of this administrative regulation.

5 (6) "Certificate extension" means an additional base or restricted base certificate in a  
6 content area or grade range.

7 (7) "Kentucky teacher standards" means the standards established in 16 KAR 1:010  
8 that identify what a Kentucky teacher shall know and be able to do.

9 (8) "Major" means an academic area of concentration consisting of at least thirty (30)  
10 hours of coursework.

11 (9) "Professional teaching certificate" means the document issued to:

12 (a) An individual upon successful completion of the beginning teacher internship; or

13 (b) An applicant for whom the testing and internship requirement is waived under  
14 KRS 161.030 based on preparation and experience completed outside Kentucky.

15 (10) "Provisional teaching certificate" means the document issued to an individual for  
16 the duration of the beginning teacher internship program.

17 (11) "Restricted base certificate" means a stand-alone license to teach in a specific  
18 subject area of certification which is the only subject area that can be taught under this  
19 limited certificate.

20 (12) "Statement of eligibility" means the document issued to an applicant upon  
21 completion of an approved program of preparation and successful completion of the  
22 assessments.

Agenda Book

1 Section 2. Certificate Issuance. (1) A statement of eligibility for a provisional  
2 teaching certificate shall be issued to an applicant who has submitted a completed TC-1  
3 application form and has successfully completed:

4 (a)1. At least a bachelor's degree with:

5 a. A cumulative grade point average of 2.50 on a 4.0 scale; or

6 b. A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit  
7 completed, including undergraduate and graduate coursework; or

8 2. As required by Section 4(2)(g)6 or (4)(e) of this administrative regulation, a  
9 master's degree with:

10 a. A cumulative grade point average of 2.50 on a 4.0 scale; or

11 b. A grade point average of 3.00 on a 4.0 scale on the last sixty (60) hours of credit  
12 completed, including undergraduate and graduate coursework;

13 (b) An approved program of preparation; and

14 (c) The assessments corresponding to the certificate identified in Section 4 of this  
15 administrative regulation for which application is being made.

16 (2) Upon confirmation of employment in an assignment for the grade level and  
17 specialization identified on a valid statement of eligibility, a Provisional Teaching  
18 Certificate shall be issued for the duration of the beginning teacher internship established  
19 under KRS 161.030.

20 (3) Upon successful completion of the internship, a Professional Teaching Certificate  
21 shall be issued, valid for a four (4) year period.

22 Section 3. Professional Teaching Certificate Renewal. (1) The renewal shall require  
23 completion of a fifth-year program of preparation which is consistent with:

## Agenda Book

1 (a) The Kentucky teacher standards established in 16 KAR 1:010; or

2 (b) The standards adopted by the Education Professional Standards Board for a  
3 particular professional education specialty and established in an applicable administrative  
4 regulation in KAR Title 16.

5 (2) The first five (5) year renewal shall require:

6 (a) Completion of a minimum of fifteen (15) semester hours of graduate credit  
7 applicable to the fifth-year program established in 16 KAR 8:020 by September 1 of the  
8 year of expiration of the certificate; or

9 (b) Completion of the required components of the Continuing Education Option for  
10 initial certificate renewal as [the professional development plan and a partial portfolio for  
11 the continuing education option] established in 16 KAR 8:030.

12 (3) The second five (5) year renewal shall require:

13 (a) Completion of the fifth-year program established in 16 KAR 8:020 by September  
14 1 of the year of expiration of the certificate; or

15 (b) Successful completion of the Continuing Education Option as [professional  
16 development plan and a full portfolio for the continuing education option] established in  
17 16 KAR 8:030.

18 (4) Each subsequent five (5) year renewal shall require completion of the renewal  
19 requirements established in 16 KAR 4:060.

20 Section 4. Grade Levels and Specializations. (1) Preparation for a teaching certificate  
21 shall be based on:

22 (a) The Kentucky teacher standards established in 16 KAR 1:010;

Agenda Book

1 (b) The accreditation and program approval standards established in 16 KAR 5:010,  
2 including the content standards of the relevant national specialty program associations;  
3 and

4 (c) The goals for the schools of the Commonwealth specified in KRS 158.6451 and  
5 the student academic expectations established in 703 KAR 4:060.

6 (2) A base certificate shall be issued specifying one (1) or more of the following  
7 grade level and specialization authorizations:

8 (a) Interdisciplinary early childhood education, birth to primary, established in 16  
9 KAR 2:040;

10 (b) Elementary school: primary through grade five (5) to include preparation in the  
11 academic disciplines taught in the elementary school.

12 1. The elementary certificate shall be valid for teaching grade six (6) if grade six (6)  
13 is taught in a self-contained classroom or in a school organization in which grade six (6)  
14 is housed with grade (5) in the same building.

15 2. A candidate for the elementary certificate may simultaneously prepare for  
16 certification for teaching exceptional children.

17 (c)1. Middle school option 1: grades five (5) through nine (9) with the equivalent of  
18 one (1) major to be selected from:

19 a. English and communications;

20 b. Mathematics;

21 c. Science; or

22 d. Social studies;

## Agenda Book

1           2. Middle school option 2: grades five (5) through nine (9) with two (2) middle school  
2 teaching fields to be selected from:

3           a. English and communications;

4           b. Mathematics;

5           c. Science; or

6           d. Social studies;

7           3. The grades five (5) through nine (9) mathematics certificate shall be valid for  
8 teaching Algebra I grades ten (10) and eleven (11).

9           4. A candidate who chooses to simultaneously prepare for teaching in the middle  
10 school and for an additional base or restricted base certificate issued under this subsection  
11 or subsection (3) of this section, including certification for teaching exceptional children,  
12 shall be required to complete one (1) middle school teaching field;

13           (d) Secondary school: grades eight (8) through twelve (12) with one (1) or more of  
14 the following majors:

15           1. English;

16           2. Mathematics;

17           3. Social studies;

18           4. Biology;

19           5. Chemistry;

20           6. Physics; or

21           7. Earth science;

22           (e) Grades five (5) through twelve (12) with one (1) or more of the following majors:

23           1. Agriculture;

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- 1 2. Business and marketing education;
- 2 3. Family and consumer science;
- 3 4. Industrial education; or
- 4 5. Engineering and technology; [~~Technology education~~];
- 5 (f) All grade levels with one (1) or more of the following specialties:
  - 6 1. Art;
  - 7 2. A foreign language;
  - 8 3. Health;
  - 9 4. Physical education;
  - 10 5. Integrated music;
  - 11 6. Vocal music;
  - 12 7. Instrumental music; or
  - 13 8. School media librarian; or
- 14 (g) Grades primary through twelve (12) for teaching exceptional children and for
- 15 collaborating with teachers to design and deliver programs for preprimary children, for
- 16 one (1) or more of the following disabilities:
  - 17 1. Learning and behavior disorders;
  - 18 2. Moderate and severe disabilities;
  - 19 3. Hearing impaired;
  - 20 4. Hearing impaired with sign proficiency;
  - 21 5. Visually impaired;
  - 22 6. Communication disorders, valid at all grade levels for the instruction of exceptional
  - 23 children and youth with communication disorders, which shall require a master's degree

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1 in communication or speech language pathology, in accordance with 16 KAR 2:050,  
2 Section 2; or

3 7. Communication disorders - SLPA only, valid at all grade levels for the instruction  
4 of exceptional children and youth with communication disorders, which shall require a  
5 baccalaureate degree in communication or speech language pathology, in accordance  
6 with 16 KAR 2:050, Section 3.

7 (3) A restricted base certificate shall be issued specifying one (1) or more of the  
8 following grade level and specialization authorizations:

9 (a) Psychology, grades 8-12;

10 (b) Sociology, grades eight (8) through twelve (12);

11 (c) Journalism, grades eight (8) through twelve (12);

12 (d) Speech/media communications, grades eight (8) through twelve (12);

13 (e) Theater, primary through grade twelve (12);

14 (f) Dance, primary through grade twelve (12);

15 (g) Computer information systems, primary through grade twelve (12); or

16 (h) English as a second language, primary through grade twelve (12).

17 (4) An endorsement to certificates identified in subsection (2) or (3) of this section  
18 shall be issued specifying one (1) or more of the following grade level and specialization  
19 authorizations:

20 (a) Computer science, grades eight (8) through twelve (12);

21 (b) English as second language, primary through grade twelve (12);

22 (c) Gifted education, primary through grade twelve (12);

23 (d) Driver education, grades eight (8) through twelve (12);



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1       (e) Literacy specialist, primary through grade twelve (12), which shall require a  
2 master's degree in reading or literacy; [~~Reading and writing which shall require a~~  
3 ~~master's degree in reading, primary through grade twelve (12);~~]

4       (f) Reading, primary through grade twelve (12);

5       (g) Instructional computer technology, primary through grade twelve (12);

6       (h) [~~(g)~~] Teacher Leader, all grades;

7       (i) [~~(h)~~] Other instructional services - school safety, primary through grade twelve  
8 (12);

9       (j) [~~(i)~~] Other instructional services - environmental education, primary through grade  
10 twelve (12);

11       (k) [~~(j)~~] Other instructional services – elementary mathematics specialist, primary  
12 through grade five (5); [~~school nutrition, primary through grade twelve (12). The~~  
13 ~~endorsement for school nutrition shall be obtained by either:~~

14 ~~—1. Completion of the requirements of Section 5(2) of this administrative regulation; or~~

15 ~~—2. Obtaining the school food service and nutrition specialist (SFSN) credential issued~~  
16 ~~by the American School Food Service Association (ASFSA); or]~~

17       (l) [~~(k)~~] Learning and behavior disorders, grades eight (8) through twelve (12).

18       1. This endorsement shall be issued following completion of the requirements of  
19 Section 5(2) of this administrative regulation; and

20       2. This endorsement shall only be issued to candidates with preparation and  
21 certification for a base or restricted base certificate for the secondary grades eight (8)  
22 through twelve (12); or

23       (m) American Sign Language, primary through grade twelve (12).

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1 Section 5. Additional Certification. (1) A certificate extension may be issued for any  
2 base or restricted base certificate area offered in Section 4(2) or (3) of this administrative  
3 regulation and shall require:

4 (a) A valid base or restricted base certificate, including a statement of eligibility;

5 (b) Successful completion of the applicable assessments; and

6 (c) Recommendation from an approved preparation program upon demonstration of  
7 competency in the relevant teaching methodology verified via coursework, field  
8 experience, portfolio, or other proficiency evaluation.

9 (2) A certificate endorsement may be issued for any area listed in Section 4(4) of this  
10 administrative regulation and shall require:

11 (a) A valid base or restricted base certificate, including a statement of eligibility;

12 (b) Successful completion of the applicable assessments; and

13 (c) Recommendation from an approved preparation program.

14 (3)(a) [~~In order to assist districts in meeting the "highly qualified" teacher~~  
15 ~~requirements of the No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq.,] A  
16 professionally-certified teacher may add a certificate endorsement or extension if the  
17 teacher meets the requirements established in paragraph (b) of this subsection.~~

18 (b) A certificate extension or certificate endorsement shall be issued if an educator  
19 submits a completed TC-HQ application and meets the following requirements:

20 1. A valid Kentucky professional teaching certificate;

21 2. a. Current employment in a certified position,

22 b. [~~or~~] A bona fide offer of employment in a certified position in a Kentucky public  
23 school; or

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1        c. Approval of the local district superintendent;

2        3. Successful completion of the applicable content assessments; and

3        4. Either:

4        a. A declared major in the area of certification being sought; or

5        b. A combination of education, experience, professional development, awards and  
6 achievements in the area of certification being sought sufficient to demonstrate subject  
7 matter competency as evidenced by a score of ninety (90) points on the index contained  
8 within the application form, TC-HQ.

9        i. Points shall be granted only for experience, professional development, awards or  
10 achievements earned relative to the specific content area, student population taught, and  
11 grade range served;

12        ii. Coursework shall be validated on the application by a Kentucky college or  
13 university approved by the EPSB to serve as a "clearinghouse" for the purposes of this  
14 option; and

15        iii. Successful completion of the appropriate content assessment or assessments for  
16 the certificate area being added shall count for forty-five (45) points.

17        (4) If a teacher currently holds a professional certificate in the secondary grades, eight  
18 (8) through twelve (12), and applies for a certificate extension or endorsement in the  
19 same content area for middle school grades five (5) through nine (9), the teacher shall not  
20 be required to complete the content assessment.

21        (5) A certificate extension or endorsement issued under the requirements established  
22 in paragraph (b) of this subsection shall be permitted in the areas of English,

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1 mathematics, sciences, foreign languages, social studies. Health and physical education  
2 areas may be added only for those teachers holding the correlative certificate.

3 Section 6. A candidate pursuing certification via an alternative route to certification  
4 shall receive the same certificates delineated in Section 4 of this administrative regulation  
5 following completion of the appropriate requirements specific to each alternative route.

6 Section 7. Application for certification or additional certification shall be made on  
7 Form TC-1 and shall be accompanied by the fees required by 16 KAR 4:040.

8 Section 8. Incorporation by Reference. (1) The following material is incorporated by  
9 reference:

10 (a) Form TC-1, rev. 4/2004, Education Professional Standards Board; and

11 (b) Form TC-HQ, edition 10/2009 [4/2004], Education Professional Standards Board.

12 (2) This material may be inspected, copied, or obtained, subject to applicable  
13 copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd  
14 Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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Date

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Lorraine Williams, Chairperson  
Education Professional Standards Board

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**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 30, 2009 at 9:00 a.m. at the offices of the Education Professional Standards Board, 100 Airport Road, 3<sup>rd</sup> Floor, Conference Room A, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 4, 2010. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Alicia A. Sneed, Director of Legal Services

Education Professional Standards Board

100 Airport Road, Third Floor

Frankfort, KY 40601

(502) 564-4606

FAX: (502) 564-7080

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A. Sneed

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Kentucky certification to be issued for teaching positions.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to inform teacher candidates and school districts of the appropriate certification for public school teaching positions in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. KRS 161.028(1)(b) requires the Education Professional Standards Board to set standards for programs for the preparation of teachers and other professional school personnel. KRS 161.028(1)(f) requires the Education Professional Standards Board to issue and renew any certificate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the specific types of teaching certifications available in the Commonwealth.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will expand the teaching permission for holders of the current Kentucky certificate for Middle Grades Mathematics, Grades 5-9, to teach Algebra I in grades 10 and 11 and adds a new endorsement for Elementary Mathematics Specialist, Grades Primary through Five (5). This amendment adds a new certification area for Literacy Specialist, Primary through Twelve (12) and a new Reading endorsement, Grades Primary through Twelve. This amendment also modifies the highly qualified option to expand one's certification to move the successful content assessment score or scored into the ninety (90) point formula, clarifies the experience accepted, and makes changes in the certification areas affected. Finally, this amendment eliminates the endorsement for School Nutrition.

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(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow school districts greater flexibility in using their current work force to serve the needs of students. This amendment also creates new certification areas in literacy and mathematics that will assist both students and teachers in these critical learning areas.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. KRS 161.028(1)(b) requires the Education Professional Standards Board to set standards for programs for the preparation of teachers and other professional school personnel. KRS 161.028(1)(f) requires the Education Professional Standards Board to issue and renew any certificate.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will allow educators and school districts more flexibility in assigning appropriately prepared educators to teaching assignments. This amendment will assist districts in identifying educators who have specializations in literacy and mathematics so that these educators can be used as resource in the district.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts, educators, and students.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts and students will not have to take any action to comply with this amendment. Educators will have to either complete a program or apply for additional certificate if they have completed the program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An educator who chooses to pursue additional certification will have to pay a \$50 application fee for certification. There are no other costs associated with this regulation.



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(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): School districts will have the ability to use their current work force in additional teaching areas. School districts will have the use of educators who have specialized in reading and mathematics to assist other teachers and students. Educators will have the opportunity to expand their certification specialties and students will benefit from the availability of additional certified teachers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs.

(b) On a continuing basis: No additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) NO, all educators who meet the requirements for a certification area shall be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 16 KAR 2:010

Contact Person: Alicia A. Sneed

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No \_\_\_\_\_

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board and school districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.028, and KRS 161.030.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(c) How much will it cost to administer this program for the first year? There shall be no additional cost to any government entity.

(d) How much will it cost to administer this program for subsequent years? There shall be no additional cost to any government entity.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):N/A

Other Explanation: This regulation simply outlines the types of certifications available to Kentucky teachers, therefore it should not have any fiscal impact other than giving school districts additional options when locating a certified teacher for a classroom.

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item D**

**Action Item:**

16 KAR 2:120. Emergency Certification and Out-of-Field Teaching, Final Notice

**Applicable Statutes:**

KRS 157.390, 161.020, 161.028, and 161.030, 161.100, 161.1211, 161.1221, 334A.030, 334A.030, 334A.035, 334A.050, 334A.060

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board approve changes to 16 KAR 2:120?

**Background:**

In early fall 2008, EPSB staff convened the Certification Task Force composed of university certification officers, district personnel directors, and other stakeholder groups to study current certification regulations and recommend to the EPSB possible changes to be enacted in this area. These recommendations, which included restricting the re-issuance of full-time emergency teaching certificates, were approved by the EPSB in its May 2009 meeting.

Changes to this regulation would eliminate the subsequent issuance of a full-time emergency teaching certificate to the same individual for a second time except in two limited circumstances. Such a certificate could be issued to the same person for one year and for one time only if the original emergency certificate was issued after February 15 of a given school year or if the original emergency certificate was used to cover 50 percent or less of the individual's teaching assignment.

Changes are also being proposed to this regulation to incorporate by reference the Form TC-4 and Form TC-4VE which are used for the certification of emergency teaching personnel.

**Groups/Persons Consulted:**

Certification Task Force members

Career and Technical Education Certification Workgroup members

Kentucky Association of Colleges for Teacher Education

Kentucky Association of School Human Resource Managers

Center for Middle School Academic Achievement

Bluegrass Council of Teacher Educators (Fayette County Public Schools)

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Mathematics faculty members at Northern Kentucky University, Eastern Kentucky University, Western Kentucky University and Murray State University

Mathematics program personnel with the Kentucky Department of Education

Electronic survey sent to state superintendents, human resources directors, principals, higher education deans/chairs and Teacher Education Committee members

### **Alternative Actions:**

1. Approve the changes as noted to 16 KAR 2:120;
2. Modify and approve the changes as noted to 16 KAR 2:120;
3. Do not approve the changes as noted to 16 KAR 2:120.

### **Staff Recommendation:**

Alternative Action 1

### **Rationale:**

The changes to 16 KAR 2:120 represent modifications approved by the EPSB during its May 2009 meeting. These changes were the result of the work of the EPSB's Certification Task Force during the 2008-09 school year.

### **Contact Person:**

Mr. Michael C. Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

### **Date:**

October 19, 2009

1 **EDUCATION PROFESSIONAL STANDARDS BOARD**

2 **(AMENDMENT)**

3 **16 KAR 2:120. Emergency certification and out-of-field teaching.**

4 RELATES TO: KRS 157.390, 161.020, 161.028, 161.030, 161.100, 161.1211,  
5 161.1221, 334A.030, 334A.033, 334A.035, 334A.050, 334A.060

6 STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(1), 161.100, 161.1221(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.100 authorizes the  
8 Education Professional Standards Board to establish qualifications for granting  
9 emergency certificates if qualified teachers are not available for specific positions. KRS  
10 161.1221(1) requires the Education Professional Standards Board to establish a definition  
11 for out-of-field teaching. This administrative regulation establishes the qualifications and  
12 procedures for emergency certifications and establishes the definition for out-of-field  
13 teaching.

14 Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate  
15 certification for the position unless the superintendent of the employing school district  
16 has documented evidence that the teacher is unsuitable for appointment.

17 Section 2. (1) In order to comply with KRS 161.100 in establishing the need for  
18 employing emergency teaching personnel, the superintendent of the local school district  
19 and the board of education shall make the following declaration to the Education  
20 Professional Standards Board on Form TC-4F:

21 (a) No qualified teachers have applied for the vacant position and to our knowledge  
22 qualified teachers are not available for the position;

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1 (b) Diligent efforts have been made to recruit a qualified teacher for the vacant  
2 position, and furthermore, this vacancy has been made known locally by appropriate  
3 means;

4 (c) The local school district has been unsuccessful in recruiting qualified teachers for  
5 the vacant position from the listings of teachers supplied by the placement services of the  
6 teacher education institutions;

7 (d) The position will be filled by the most suitable applicant available, giving  
8 preference to the factors of academic preparation, prior teaching experience or related  
9 educational work, and personal attributes compatible with the demands of the teaching  
10 profession; and

11 (e) The local school district has conducted a criminal records check as required by  
12 KRS 160.380 for each applicant prior to applying for the emergency certificate.

13 (2)(a) The Education Professional Standards Board, depending upon the assessment  
14 of need for the position and the availability or anticipated availability of qualified  
15 teachers, shall approve or disapprove a request for the employment of emergency  
16 teachers.

17 1. The term of validity of an emergency certificate may be limited to a period less  
18 than the full school year.

19 2. The beginning date shall be no earlier than the date the request form is received by  
20 the Education Professional Standards Board.

21 3. In accordance with the licensure requirements of KRS 334A.030, 334A.033,  
22 334A.035, 334A.050, and 334A.060, the Education Professional Standards Board shall  
23 not issue an emergency certificate for teaching exceptional children with communication  
24 disorders.

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1 (b) Until June 30, 2011, the issuance of an emergency certificate for a full-time  
2 assignment for each subsequent year shall require completion of six (6) hours of credit  
3 from the preparation program leading to the required certification for the position.

4 (c) Beginning July 1, 2011, an emergency certificate shall not be issued to the same  
5 person in any subsequent year unless the original emergency certificate was issued under  
6 the following conditions:

- 7 1. The emergency certificate was issued after February 15 of a school year; or
- 8 2. The emergency certificate was issued for less than fifty percent (50%) of the  
9 person's class schedule.

10 (d) If an emergency certificate is issued to a person pursuant to sub-paragraphs (c)1.  
11 or (c)2. of this subsection, there shall be no more than one (1) subsequent issuance of an  
12 emergency certificate to the same person.

13 (3)(a) Emergency certification for an assignment as teacher of exceptional children  
14 shall be issued with the condition that the applicant shall receive intensive training on  
15 special education topics, including IEP, assessment, evaluation, individualized  
16 instruction, methods, and management. This training shall be accomplished as follows:

17 1. The applicant shall complete twelve (12) clock hours of training as required by the  
18 Office of Special Instructional Services of the Kentucky Department of Education;

19 2.a. The applicant shall complete an additional six (6) clock hours of training during  
20 the fall conference conducted by the Division of Exceptional Children Services of the  
21 Kentucky Department of Education. Teachers employed after the fall conference shall  
22 complete these six (6) clock hours of training during the spring conference of the Council  
23 for Exceptional Children; or

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1        b. If the applicant is unable to attend either the fall conference or the spring  
2 conference, the applicant shall complete an additional six (6) clock hours of training  
3 offered through one (1) of the state's eleven (11) special education cooperatives. The  
4 training shall be similar to the topics covered at the conferences; and

5        3. The applicant shall participate in at least one (1) day of flexible in-service training,  
6 relevant specifically to special education. The training shall be limited to visitation in a  
7 classroom of an exemplary special education teacher, special education training relevant  
8 to the identified needs of the teacher, or other training provided by the Office of Special  
9 Instructional Services.

10        (b) The Kentucky Department of Education shall report to the Education Professional  
11 Standards Board those emergency certified teachers of exceptional children who have not  
12 completed the training requirements established in this subsection by June 30 of each  
13 year for the preceding school year.

14        (4)(a) The superintendent of the local school district and the board of education may  
15 establish the need for emergency substitute teachers on the basis of anticipated shortages  
16 of regularly certified teachers and in accordance with district policies and procedures  
17 established for the selection and employment of substitute teachers. Emergency  
18 certificates for substitute teaching may then be issued by the local school district subject  
19 to the priority schedule for the employment of substitute teachers as established by  
20 KAR 2:030.

21        (b) Each local school district shall report by June 30 of each year the number of days  
22 of substitute teaching performed by each emergency teacher.



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1 (5) The Education Professional Standards Board shall periodically review the  
2 numbers of emergency certificates issued for full-time, part-time, and substitute teaching  
3 by school district, by position, and by academic preparation.

4 (6)(a)1. An emergency certificate for full-time or part-time employment shall be  
5 issued only to individuals who:

6 a. Have completed a minimum of a bachelor's degree from a regionally accredited  
7 college; and

8 b.(i) Have a cumulative minimum grade point average of 2.5 on a 4.0 scale; or

9 (ii) Have a minimum grade point average of 3.0 on a 4.0 scale on the last sixty (60)  
10 hours of credit completed, including undergraduate and graduate coursework.

11 2. An emergency certificate for full-time or part-time employment shall not be issued  
12 to individuals who have been judged to be unsatisfactory in the beginning teacher  
13 internship established in 16 KAR 7:010.

14 (b)1. An emergency certificate for substitute teaching shall be issued to individuals  
15 who:

16 a. Have completed a minimum of sixty-four (64) semester hours of credit from a  
17 regionally accredited institution; and

18 b.(i) Have a cumulative minimum grade point average of 2.5 on a 4.0 scale; or

19 (ii) Have a minimum grade point average of 3.0 on a 4.0 scale on the last sixty (60)  
20 hours of credit completed, including undergraduate and graduate coursework.

21 2. An emergency certificate for substitute teaching issued for the 1992-93 school year  
22 may be reissued for 1993-94 and for succeeding consecutive years.

23 (c) An emergency certificate for substitute teaching in any career and technical  
24 education or occupation-based position [~~health, technical, or industrial occupation~~] may

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1 be issued to persons who have a minimum of four (4) years of occupational experience in  
2 the area to be taught and a high school diploma or its equivalent as determined by  
3 evidence of a passing score on the General Education Development Test.

4 (7)(a) A Form TC-4F signed by the local school superintendent and approved by the  
5 local board of education shall be submitted for each anticipated emergency position for  
6 full-time or part-time employment. The application shall be accompanied by official  
7 transcripts of all college credits earned by the prospective emergency teacher.

8 (b) A TC-4VE signed by the local school superintendent and approved by the local  
9 board of education shall be submitted for each anticipated career and technical or  
10 occupation-based emergency position for full-time or part-time employment. The  
11 application shall be accompanied by official transcripts and certification of all  
12 educational attainment and work experience earned by the prospective emergency  
13 teacher.

14 (c) An emergency certificate for substitute teaching shall not require application to  
15 the Education Professional Standards Board. Local school districts shall issue emergency  
16 certificates for substitute teaching pursuant to the requirements of this administrative  
17 regulation and other pertinent Kentucky statutes and administrative regulations regarding  
18 school personnel.

19 1. A local school district shall require candidates for an emergency certificate for  
20 substitute teaching to complete a Form TC-4.

21 2. A local school district shall require candidates for an emergency certificate for  
22 substitute teaching for career and technical education or occupation-based emergency  
23 positions to complete a Form TC-4VE.

1        3. A local school district shall submit any TC-4 or TC-4VE application on which the  
2 candidate has provided an affirmative answer to any question in Section IV. Character  
3 and Fitness of the application to the Education Professional Standards Board for approval  
4 prior to employing the candidate in a substitute teaching position.

5        Section 3. Rank and Salary Provisions. (1) The Education Professional Standards  
6 Board shall issue the emergency certificate for full-time or part-time employment  
7 established in Section 2 of this administrative regulation with a rank designation based  
8 upon the following criteria:

9        (a) A teacher holding a valid Kentucky teaching certificate shall be issued an  
10 emergency certificate for full-time or part-time employment at the rank designated on the  
11 teacher's regular certificate.

12        (b)1. A new teacher holding a valid one (1) year provisional certificate issued upon  
13 enrollment in the Kentucky Teacher Internship Program established in 16 KAR 7:010  
14 shall be issued an emergency certificate for part-time employment at the rank designated  
15 on the teacher's one (1) year provisional certificate.

16        2. The teacher shall maintain a half-time enrollment in the internship as defined in 16  
17 KAR 7:010 to remain eligible for the higher rank established in this paragraph.

18        3. If the teacher terminates or otherwise fails to continue enrollment in the internship  
19 prior to its successful completion, the teacher shall be reclassified at Rank IV until the  
20 teacher is properly reenrolled in the internship program.

21        (c) A new teacher holding a valid Kentucky Statement of Eligibility shall be issued an  
22 emergency certificate for full-time or part-time employment at Rank IV until the teacher:

23        1. Is properly enrolled in the Kentucky Teacher Internship Program on at least a half-  
24 time basis as established in 16 KAR 7:010; and

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1        2. Possesses the one (1) year provisional certificate referenced in paragraph (b)1 of  
2 this subsection.

3        (d) An applicant for the emergency certificate for full-time or part-time employment  
4 who does not hold a valid Kentucky teaching certificate shall be issued the emergency  
5 certificate at Rank IV.

6        (2) Local school districts issuing the emergency certificate for substitute teaching  
7 established in Section 2 of this administrative regulation shall adhere to the Rank  
8 classifications established in KRS 161.1211.

9        Section 4. Out-of-field Teaching. (1) Pursuant to KRS 161.1221(1), out-of-field  
10 teaching shall be classified in the following four (4) categories:

11        (a) The number of emergency certificates issued by grade range, subject field, and  
12 district;

13        (b) The number of probationary certificates issued by grade range, subject field, and  
14 district;

15        (c) The number of temporary provisional certificates issued by grade range, subject  
16 field, and district; and

17        (d) The number of teachers who do not possess a certificate of legal qualifications for  
18 the professional position they hold in the public schools, including a breakout of:

19        1. The number of teachers who hold no certificate;

20        2. The number of teachers who hold an expired certificate;

21        3. The number of certified teachers who are teaching outside of the subject field or  
22 fields indicated on their certificate who do not hold a credential listed in paragraph (a),  
23 (b), or (c) of this subsection; and

## Agenda Book

1        4. The number of certified teachers who are teaching outside the grade range  
2 indicated on their certificate who do not hold a credential listed in paragraph (a), (b), or  
3 (c) of this subsection.

4        (2) If data is available, reports on out-of-field teaching in the four categories  
5 established in subsection (1) of this section shall differentiate between teachers who  
6 possess the equivalent of a college major, minor or area of concentration in the subject  
7 area they are teaching.

8        Section 5. Incorporation by Reference. (1) The following material is incorporated by  
9 reference:

10        (a) Form TC-4, 10/2009;

11        (b) Form TC-4F, revised 10/2009; and [6/2000, is incorporated by reference.]

12        (c) Form TC-4VE, 10/2009.

13        (2) This material may be inspected, copied, or obtained, subject to applicable  
14 copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd  
15 Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Agenda Book

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Date

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Lorraine Williams, Chairperson  
Education Professional Standards Board

## Agenda Book

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 30, 2009 at 9:00 a.m. at the offices of the Education Professional Standards Board, 100 Airport Road, 3<sup>rd</sup> Floor, Conference Room A, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 4, 2010. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Alicia A. Sneed, Director of Legal Services  
Education Professional Standards Board  
100 Airport Road, Third Floor  
Frankfort, KY 40601  
(502) 564-4606  
FAX: (502) 564-7080

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A. Sneed

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the definition for out-of-field teaching and establishes the qualifications and procedures for emergency certifications.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to inform school districts of the appropriate certification for public school teaching positions in Kentucky and to make candidates aware of the requirements for an emergency teaching certificate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.100 authorizes the Education Professional Standards Board to establish qualifications for granting emergency certificates if qualified teachers are not available for specific positions. KRS 161.1221(1) requires the Education Professional Standards Board to establish a definition for out-of-field teaching.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative delineates the qualifications for an emergency teaching certificate and establishes the procedures by which a school district may apply for an emergency teaching certificate.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will eliminate the subsequent issuance of a full-time emergency teaching certificate to the same individual for a second full year unless the original certificate was issued after February 15 of the a given school year or if the original emergency certificate was used to cover fifty (50) percent of less of the individual's teaching assignment.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that students in Kentucky are receiving instruction from a highly qualified teacher.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.100 authorizes the Education Professional Standards Board to establish qualifications



## Agenda Book

for granting emergency certificates if qualified teachers are not available for specific positions.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will allow a school district to obtain an emergency teaching certificate for an individual if it is unable to find a qualified, suitable candidate for a teaching position, but limits the issuance of this certificate to one year. This amendment will allow school districts flexibility in staffing when emergency situations arise while ensuring that the district is employing qualified candidates for positions

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts, educators, and students.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts will have to increase their recruitment efforts in teaching fields or areas where they have requested an emergency certificate to ensure a qualified candidate is employed in the position the year after the district hires an emergency. Students will not have to take any action to comply with this amendment. Educators who receive an emergency certificate will either have to give up the position or enter and complete an alternative certification program to seek the same teaching position in the following year.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs associated with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): School districts will benefit from the flexibility to use an emergency certified teacher. Students will benefit from limiting the use of the emergency certificate.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs.

(b) On a continuing basis: No additional costs.

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(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) **NO, all educators and school districts shall be treated the same.**

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 16 KAR 2:010

Contact Person: Alicia A. Sneed

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No \_\_\_\_\_

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board and school districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.028, and KRS 161.030.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(c) How much will it cost to administer this program for the first year? There shall be no additional cost to any government entity.

(d) How much will it cost to administer this program for subsequent years? There shall be no additional cost to any government entity.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):N/A

Other Explanation: This regulation simply outlines the requirements and procedures for obtaining an emergency teaching certificate, and therefore should have no fiscal impact.



**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item E**

**Action Item:**

16 KAR 2:200. Probationary Endorsement for Teachers for English as a Second Language, Final Action

**Applicable Statutes:**

KRS 161.020, 161.028, and 161.030

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board approve the adoption of 16 KAR 2:200?

**Background:**

In early fall 2008, EPSB staff convened the Certification Task Force composed of university certification officers, district personnel directors, and other stakeholder groups to study current certification regulations and recommend to the EPSB possible changes to be enacted in this area. These recommendations, which included this probationary endorsement, were approved by the EPSB in its May 2009 meeting. The attached regulation would create a new probationary endorsement for teachers of English as a second language, grades P-12.

This new endorsement will greatly increase the options for local school districts as they look to fill this shortage teaching area in a field where the need for teachers is increasing annually. The attached regulation and application form were reviewed by a group of professionals in the field of English as a Second Language representing all Kentucky institutions which offer such programs for teacher certification.

**Groups/Persons Consulted:**

Certification Task Force members

Career and Technical Education Certification Workgroup members

Members of Kentucky institutions offering English as a Second Language programs

Kentucky Association of Colleges for Teacher Education

Kentucky Association of School Human Resource Managers

Center for Middle School Academic Achievement

Bluegrass Council of Teacher Educators (Fayette County Public Schools)

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Mathematics faculty members at Northern Kentucky University, Eastern Kentucky University, Western Kentucky University and Murray State University

Mathematics program personnel with the Kentucky Department of Education

Electronic survey sent to state superintendents, human resources directors, principals, higher education deans/chairs and Teacher Education Committee members

### **Alternative Actions:**

1. Approve the changes as noted to 16 KAR 2:200;
2. Modify and approve the changes as noted to 16 KAR 2:200;
3. Do not approve the changes as noted to 16 KAR 2:200.

### **Staff Recommendation:**

Alternative Action 1

### **Rationale:**

The changes to 16 KAR 2:200 represent modifications approved by the EPSB during its May 2009 meeting. These changes were the result of the work of the EPSB's Certification Task Force during the 2008-09 school year.

### **Contact Person:**

Mr. Michael C. Carr, Director  
Division of Certification  
(502) 564-4606  
E-mail: mike.carr@ky.gov

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**Executive Director**

### **Date:**

October 19, 2009

1 **EDUCATION PROFESSIONAL STANDARDS BOARD**

2 **(NEW ADMINISTRATIVE REGULATION)**

3 **16 KAR 2:200 Probationary endorsement for teachers for English as a second**  
4 **language**

5 RELATES TO: KRS 161.020, 161.028, 161.030

6 STATUTORY AUTHORITY: KRS 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028 and  
8 161.030 require that teachers and other professional school personnel hold certificates of  
9 legal qualifications for their respective positions to be issued upon completion of programs  
10 of preparation approved by the Education Professional Standards Board. This  
11 administrative regulation establishes a plan for recruiting certified classroom teachers into  
12 positions for teachers of English as a second language.

13 Section 1. Definitions. (1) "Qualified teacher" means a teacher who holds the  
14 appropriate certification as a teacher for English as a second language unless the  
15 superintendent of the employing school district has documented evidence that the teacher is  
16 unsuitable for appointment.

17 (2) "Teacher for English as a second language" means a teacher who works:

18 (a) Directly with identified English as a second language pupils, in addition to the  
19 regularly assigned classroom teacher; or

20 (b) In a classroom made up only of properly identified English as a Second Language  
21 students.

22 Section 2. (1) If a qualified teacher is not available for the position of teacher for English  
23 as a second language as attested by the local school superintendent, the superintendent, on

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1 behalf of the local board of education, may request by filing a Form TC-EL with the  
2 Education Professional Standards Board a probationary endorsement for teaching English  
3 as a second language for a teacher who:

4 (a) Has a bachelor's degree;

5 (b) Has a valid Kentucky teaching certificate;

6 (c) Has completed at least one (1) year of successful teaching experience;

7 (d) Has been admitted to the preparation program for the endorsement for teachers for  
8 English as a second language; and

9 (e) Is currently enrolled in graduate studies related to the education profession.

10 (2) The request for the probationary endorsement shall be submitted on Form TC-EL to  
11 the Education Professional Standards Board for each teacher for English as a second  
12 language requiring the probationary endorsement.

13 (3)(a) The probationary endorsement for teachers for English as a second language shall  
14 be valid for a period of two (2) years from the initial request.

15 (b) A teacher receiving this probationary endorsement shall complete the required  
16 curriculum for recommendation for the endorsement for teacher for English as a second  
17 language within the two (2) year validity of the probationary endorsement.

18 (c) The probationary endorsement shall not be renewed.

19 Section 3. Incorporation by Reference. (1) Form TC-EL, 10/2009, is incorporated by  
20 reference.

21 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
22 law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor,  
23 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.



Agenda Book

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Date

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Lorraine Williams, Chairperson  
Education Professional Standards Board

## Agenda Book

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 30, 2009 at 9:00 a.m. at the offices of the Education Professional Standards Board, 100 Airport Road, 3<sup>rd</sup> Floor, Conference Room A, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 4, 2010. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person:       Alicia A. Sneed, Director of Legal Services  
  
                                  Education Professional Standards Board  
  
                                  100 Airport Road, Third Floor  
  
                                  Frankfort, KY 40601  
  
                                  (502) 564-4606  
  
                                  FAX: (502) 564-7080

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A. Sneed

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the qualifications and procedures for obtaining a probationary endorsement for Teachers for English as Second Language.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to give school districts assistance in filling positions for Teachers for English as Second Language which is a teacher shortage area.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020, 161.028 and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation approved by the Education Professional Standards Board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the qualifications for applying and receiving a probationary endorsement for Teachers for English as a Second Language.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not Applicable.

(b) The necessity of the amendment to this administrative regulation: Not Applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not Applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not Applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts, educators, and students.

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(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts and students will not have to take any action to comply with this amendment. Educators who wish to pursue the probationary endorsement for Teachers for English as a Second Language will have to follow the procedures outlined in this administrative regulation and complete an approved educator preparation program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs associated with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): School districts will benefit from the potential increase in available faculty in this shortage area. Students will benefit from the increase in available qualified staff. Educators will benefit from the ability to add a certification endorsement while teaching in the field.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs.

(b) On a continuing basis: No additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) NO, all educators and school districts shall be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 16 KAR 2:200

Contact Person: Alicia A. Sneed

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No \_\_\_\_\_

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board and school districts.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.028, and KRS 161.030.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This is not a revenue generating regulation, and therefore no revenue shall be generated.

(c) How much will it cost to administer this program for the first year? There shall be no additional cost to any government entity.

(d) How much will it cost to administer this program for subsequent years? There shall be no additional cost to any government entity.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):N/A

Other Explanation: This regulation simply outlines the procedures for applying and obtaining a probationary endorsement, therefore it should not have any fiscal impact other than giving school districts additional options when locating a certified teacher for a classroom.



**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item F**

**Action Item:**

Emergency Review of Certification Program Pursuant to the 2007-2008 Title II Report

**Applicable Statutes and Regulation:**

KRS 161.028 and 030  
16 KAR 5:010

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

**Issue:**

Should the Education Professional Standards Board (EPSB) accept the Executive Director's recommendation subsequent to the emergency review conducted on the basis of the 2007-2008 Title II Report?

**Background:**

Pursuant to KRS 161.028 (1), the EPSB oversees all educator preparation programs in the Commonwealth. Accordingly, the board established the Emergency Review of Certification Programs Procedure (September 22, 2003), which authorizes the Executive Director to request information regarding any program in which one or more Praxis (or state) assessments required for certification in the respective area evidence a pass rate below 80 percent on the annual Title II Report. For cells of fewer than 10 persons, an aggregate of program completer data from the past three years is used. Any certification area having less than a total of three program completers for the past three years is not reported.

Based on the 2007-2008 Title II Report results, the Executive Director requested submission of documentation indicating what plans had been implemented to improve the pass rate on Praxis II exams from three institutions: Lindsey Wilson College, Murray State University, and Mid-Continent University. Letters were mailed June 2009, giving the institutions until August 28, 2009 to respond. The individual programs and the pass rate for each are listed in the staff note. Each institution's plan will be provided under separate cover.

The recommendation of the Executive Director is to accept the plans with no follow-up action necessary. The following areas reflect a pass rate of less than 80 percent on the 2007 – 2008 Title II Report:

- \* Lindsey Wilson College: Middle School English Language Arts (0049) with a 67 percent pass rate
- \* Mid-Continent University: Elementary Education Content Knowledge (0014) with a 75 percent pass rate
- \* Murray State University: Health Education (0550) with a 79 percent pass rate for

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2007 – 2008 and Physical Education Content Knowledge (0091) with a 79 percent pass rate

### **Alternative Action:**

1. Accept and approve the recommendation of the Executive Director
2. Modify and approve the recommendation of the Executive Director
3. Do not approve the recommendation pursuant to the Executive Director's emergency program review

### **Staff Recommendation:**

Alternative 1

### **Rationale:**

The institutions were responsive in addressing the Executive Director's concerns regarding Praxis II pass rates. Staff will review the 2008-2009 pass rates to determine if the implemented procedures improved the score.

### **Contact Person:**

Dr. Marilyn K. Troupe, Director  
Division of Educator Preparation  
(502) 564-4606  
E-mail: marilyn.troupe@ky.gov

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**Executive Director**

### **Date:**

October 19, 2009



**Education Professional Standards Board**

**EMERGENCY REVIEW OF CERTIFICATION PROGRAMS PROCEDURE**

**Approved August 26, 2002  
Amended September 22, 2003**

Pursuant to KRS 161.028(1), the Education Professional Standards Board (“the Board”) has the authority to discontinue approval of educator preparation programs whose graduates do not perform according to criteria set by the Board. If the criteria set forth below is met, the following two-phase procedure will be used to conduct an emergency review of a program to determine if the deficiencies can be corrected or if the Board should take action to discontinue its approval.

**Criteria:**

A certification program<sup>1</sup> is subject to emergency review if any one or more PRAXIS (or state<sup>2</sup>) assessments required for that respective certification evidence a pass rate below 80 percent, effective with the 2003-04 Title II Report.<sup>3</sup> (The current 70 percent pass rate will be used for the 2002-03 Title II Report.) For cells of less than 10 persons, an aggregate of program completer data from the past three years may be used to determine the need for an emergency review.

**Procedure:**

**Phase One:** The Executive Director is authorized by the Board to notify an institution that one or more of its certification programs is/are subject to emergency review. Within 30 working days of this notification, the institution submits to the Executive a written narrative, which may, at the Executive Director’s discretion, address one or more of the following questions specific to the program(s) under review:

- a) Why is (are) the PRAXIS (or state) pass rate(s) so low? (NCATE Standard 1<sup>4</sup>)
- b) What commonalities exist among students in this program who have failed the PRAXIS (or state) assessments? (NCATE Standard 1)
- c) What is being done to provide remedial help for students who fail the assessments? (NCATE Standard 1)

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<sup>1</sup> “Program” is defined as a certification area, e.g., English, math, guidance counseling. “Program” should not be confused with “unit,” which is defined as the entire education department and is reviewed during an accreditation visit.

<sup>2</sup> A state exam currently exists for Interdisciplinary Early Childhood Education certification.

<sup>3</sup> Pursuant to October 2002 action of the National Council for Accreditation of Teacher Education’s (NCATE’s) Unit Accreditation Board, effective 2003.

<sup>4</sup> NCATE. “Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education,” 2002 Edition.

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- d) How are students advised regarding their entrance into and successful completion of the certification program(s), including their need to pass the PRAXIS (or state) assessment(s)? (NCATE Standard 1)
- e) How is course content aligned with the PRAXIS (or state) assessments and the Kentucky Board of Education's Core Curriculum? (NCATE Standard 1)
- f) How are students prepared to take the PRAXIS (or state) assessments? (NCATE Standards 1 & 2)
- g) What are the entrance requirements for the certification program(s)? (NCATE Standards 1 & 2)
- h) How many students have been admitted to the certification program(s) for each of the last five years, and how many have successfully completed the program(s) for the same time period? (NCATE Standards 1 & 2)
- i) What have been the PRAXIS (or state) scores for program completers for the last five years, if available? (NCATE Standards 1 & 2)
- j) What field experiences are provided in the program(s)? (NCATE Standard 3)
- k) What faculty (e.g., number, qualifications, full-time/part-time) are assigned to the program(s), and what professional development is provided for them? (NCATE Standard 5)
- l) What financial resources support the program(s)? (NCATE Standard 6)
- m) What will be done to improve the PRAXIS (or state) assessment pass rate(s) so that at least 70 percent of program completers are successful, and what will be the timeframe within which this will be accomplished? (NCATE Standard 1)
- n) What follow-up, if any, has been done with graduates of the program(s)? (NCATE Standard 1)
- o) What is/are the subsequent PRAXIS pass rate(s)?
- p) Any other relevant questions as determined by the Executive Director.

The Executive Director reviews the institution's submission and (1) accepts the institution's documentation and plan for improvement, (2) requests a modification in the documentation and/or plan for improvement, or (3) assigns the institution to Phase Two. The Executive Director then makes a report to the Board.

**Phase Two:** The Executive Director is authorized by the Board to send a team composed of Board of Examiner members and EPSB staff to do an emergency review of the certification program(s) pursuant to 16 KAR 5:010. The team makes recommendations to the Board regarding technical assistance needed in the areas addressed in Phase One, and the institution may respond to the recommendations if it so chooses. The Board reviews the recommendations, modifying them if necessary, and forwards the recommendations to the institution for implementation as the institution deems appropriate. The Board also informs the institution of the timeframe within which the certification program's(s') PRAXIS (or state) assessment pass rate(s) will be expected to reach at least the 80 percent level. Subsequently, staff reports to the Board regarding the institution's progress.

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item G**

**Action Item:**

Asbury College request to offer programs at one off-site campus

**Applicable Statutes and Regulation:**

161.028, 161.048

16 KAR 5:010, Section 28

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

**Issue:**

Should the Education Professional Standards Board (EPSB) approve Asbury College's request to establish one off-site campus?

**Background:**

Regulation 16 KAR 5:010 Standards for Accreditation of Educator Preparation Units and Approval of Programs was revised in 2007 to require Education Professional Standards Board (EPSB) approval for off-site campuses established by educator preparation institution. The change was made to assist staff in monitoring the various off-site campuses that continue to grow across the state without EPSB oversight. The regulation requires educator preparation institutions to seek approval from the EPSB before establishing off-site campuses when offering single courses or whole programs.

Asbury College's School of Education is requesting permission to establish one off-site campus: the Jessamine Career and Technology Center (JCTC). Asbury plans to offer face-to-face and online courses for two programs.

1. Undergraduate (Initial Preparation) – Online Course Delivery  
Elementary Education P-5 ACHIEVE Program (Adult Degree Completion)
2. Graduate (Advanced Preparation/Teacher as Leader) – Online Course Delivery & offsite course delivery at JCTC

Asbury College has included additional documentation focusing on the institutions off-site campus and the online initiative. The regulation does not require a separate approval for online delivery of programs at this time. Both the elementary and teacher as leader programs listed in the staff note are currently operational. The ACHIEVE Program is not a new certification area. It provides an additional option for adult candidates with 50 hours of college credit to complete certification in elementary education. This is a college wide program and is not limited to the School of Education. The supporting documentation provides a list of courses to be taught by semester using the mixed delivery method on the Asbury and JCTC campuses.

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It should be noted that 16 KAR 5:010, Section 28 is based on the location of the off-site campus and the resources available to candidates in attendance. Today's action is to approve the one location at Jessamine Career and Technology Center. It should also be noted that Asbury College had an onsite visit by SACS (Southern Association of Colleges and Schools) April 2009 and have been recommended for approval of all substantive changes that includes the change related to Regulation 16 KAR 5:010, Section 28. (Supporting documentation is under separate cover).

### **Alternative Actions:**

1. Approve the Asbury College request to establish one off-site campus.
2. Modify and approve the Asbury College request to establish one off-site campus.
3. Do not approve the Asbury College request to establish one off-site campus.

### **Staff Recommendation:**

Alternative 1

### **Rationale:**

Asbury College can provide the necessary financial resources, educational supplies, advisement, and faculty to support the additional off-site campus. Candidates will have full access to instructional and technological resources and the university's library. The college included a description of the JCTC campus resources.

### **Contact Person:**

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**Executive Director**

### **Date:**

October 19, 2009

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### 16 KAR 5:010. Standards for accreditation of educator preparation units and approval of programs.

RELATES TO: KRS 161.028, 161.030, 164.945, 164.946, 164.947, 20 U.S.C. 1021-1030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate and for programs of preparation for teachers and other professional school personnel, and KRS 161.030(1) requires all certificates issued under KRS 161.010 to 161.126 to be issued in accordance with the administrative regulations of the board. This administrative regulation establishes the standards for accreditation of an educator preparation unit and approval of a program to prepare an educator.

Section 1. Definitions. (1) "AACTE" means the American Association of Colleges for Teacher Education.

(2) "Biennial report" means the report prepared by the EPSB summarizing the institutionally-prepared annual reports for a two (2) year period.

(3) "Board of examiners" means the team who reviews an institution on behalf of NCATE or EPSB.

(4) "EPSB" means the Education Professional Standards Board.

(5) "NCATE" means the National Council for Accreditation of Teacher Education.

(6) "NCATE accreditation" means a process for assessing and enhancing academic and educational quality through voluntary peer review.

(7) "State accreditation" means recognition by the EPSB that an institution has a professional education unit that has met accreditation standards as a result of review, including an on-site team review.

Section 28. Approval of Off-site and On-line Programs. (1) Institutions in Kentucky with educator preparation programs shall seek approval from the Education Professional Standards Board before offering courses or whole programs at an off-campus site.

(a) The institution shall submit a written request to the board to begin offering courses at the off-site location describing the location and physical attributes of the off-campus site, resources to be provided, faculty and their qualifications, and a list of courses or programs to be offered.

(b) The off-site location shall be approved by the board before the institution may begin offering courses at the location.

(2)(a) Until May 31, 2008, initial and continuing on-line educator preparation programs shall be regionally or nationally accredited and accredited or approved, as applicable, by the program's state of origin.

(b) Beginning June 1, 2008, initial and continuing on-line educator preparation programs originating from outside Kentucky shall be regionally accredited, accredited or approved, as applicable, by the program's state of origin, and accredited by NCATE.

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**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver A**

**Action Item:**

Waiver of the Cooperating Teacher Eligibility Requirements

**Applicable Statutes and Regulation:**

16 KAR 5:040, Section 2

**Applicable Goal:**

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

**Issue:**

Should the Education Professional Standards Board grant a waiver of the cooperating teacher eligibility requirements?

**Background:**

Dr. Cathy Gunn, Dean, College of Education, Morehead State University, is requesting a waiver of 16 KAR 5:040, Section 2 which requires that if the cooperating teacher has not attained the Rank II, he or she must have completed a minimum of 15 hours toward the Rank II within a minimum of 5 years.. The request, on behalf of Ms. Andrea Wolfe, is for spring 2010.

This request is made in order to support an ongoing pilot Professional Development School project. To facilitate the evaluation of the pilot project, the project director would like to have all five student teachers in the project complete their student teaching together at West Carter High School.

Of the five English teachers at West Carter, only Ms. Wolfe does not meet the minimum qualifications to serve as a cooperating teacher. She will complete her Master's degree (she currently has a 4.0 GPA) in the spring of 2010 but lacks the three years of teaching experience required by 16 KAR 5:040. She will complete her third year of teaching this spring. Ms. Wolfe, who comes highly recommended by her principal, fully meets all other requirements of the regulation

A copy of Dr. Gunn's letter and other supporting documentation are under separate cover.

**Alternative Actions:**

1. Approve the waiver request
2. Deny the waiver request

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**Executive Director**

**Date:**

October 19, 2009



# Agenda Book

## 16 KAR 5:040. Admission, placement, and supervision in student teaching.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that an educator preparation institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 requires that a certificate shall be issued to a person who has completed a program approved by the Education Professional Standards Board. KRS 161.042 requires the Education Professional Standards Board to promulgate an administrative regulation relating to student teachers, including the qualifications for supervising teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 1. Definition. "Cooperating teacher" or "supervising teacher" means a teacher employed in a school in Kentucky who is contracting with an educator preparation institution to supervise a student teacher for the purpose of fulfilling the student teaching requirement of the approved educator preparation program.

Section 2. Cooperating Teacher Eligibility Requirements. (1) Except as provided in subsection (2) of this section, the cooperating teacher, whether serving in a public or nonpublic school, shall have:

- (a) A valid Kentucky teaching certificate for each grade and subject taught;
  - (b) Attained Rank II certification;
  - (c) At least three (3) years of teaching experience on a Professional Certificate; and
  - (d) Taught in the present school system at least one (1) year immediately prior to being assigned a student teacher.
- (2) If a cooperating teacher has not attained Rank II certification, the teacher shall have attained a minimum of fifteen (15) hours of approved credit toward a Rank II within a minimum period of five (5) years.
- (3) Teachers assigned to a teaching position on the basis of a probationary or emergency certificate issued by the Education Professional Standards Board shall not be eligible for serving as a cooperating teacher.
- (4) In selecting a cooperating teacher, the district shall give consideration to the following criteria:
- (a) A demonstrated ability to engage in effective classroom management techniques that promote an environment conducive to learning;
  - (b) An ability to model best practices for the delivery of instruction;
  - (c) A mastery of the content knowledge or subject matter being taught;
  - (d) The demonstration of an aptitude and ability to contribute to the mentoring and development of a preservice educator;
  - (e) An ability to use multiple forms of assessment to inform instruction; and
  - (f) An ability to create a learning community that values and builds upon students' diverse cultures.

Section 3. Admission to Student Teaching. In addition to the appropriate sections of the National Council for Accreditation of Teacher Education (NCATE) standards which are incorporated under 16 KAR 5:010, each educator preparation institution shall determine minimum standards for admission to student teaching which shall include the procedures established in this section. Admission to student teaching shall include a formal application procedure for each teacher candidate.

(1) A record or report from a valid and current medical examination, which shall have included a tuberculosis test, shall be placed on file with the admissions committee.

(2) Prior to and during the student teaching experience, the teacher candidate shall adhere to the Professional Code of Ethics for Kentucky School Personnel established in 16 KAR 1:020.

Section 4. Teacher-student Ratio. The ratio of student teachers to cooperating teachers shall be one (1) to one (1).

Section 5. College Supervisor. (1) The college supervisor shall make periodic observations of the student teacher in the classroom and shall prepare a written report on each observation and share it with the student teacher.

(2) The observation reports shall be filed as a part of the student teacher record and also used as a validation of the supervisory function.

(3) A student teacher shall receive periodic and regular on-site observations and critiques of the actual teaching situation a minimum of four (4) times excluding seminars and workshops.

(4) The college supervisors shall be available to work with the student teacher and personnel in the cooperating school regarding any problems that may arise relating to the student teaching situation.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference under 16 KAR 5:010, the educator preparation institution shall provide an opportunity for the student teacher to assume major responsibility for the full range of teaching duties in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. In placing the student teachers in classroom settings, the educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide experiences, situations, and challenges similar to those encountered by first year teachers.

(2) Each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of twelve (12) weeks, full day, or equivalent, in school settings that correspond to the grade levels each and content area of the student teacher's certification program.

Section 7. Compensation of Cooperating Teachers. (1) The Education Professional Standards Board shall contract with the local school district, or make other appropriate arrangements, for the direct service of a cooperating teacher to each student teacher.

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(2)(a) The educator preparation institution shall electronically submit a report of all cooperating teachers and their corresponding student teachers to the Education Professional Standards Board:

1. On or before October 15 for a cooperating teacher supervising a student teacher during the fall semester; or
2. On or before February 15 for a cooperating teacher supervising a student teacher during the spring semester.

(b) Each report shall include:

1. The number of contract weeks that the cooperating teacher is working with each student teacher for that semester;
2. The cooperating teacher's full name and certificate number;
3. The student teacher's full name, Social Security number, demographic data, and contact information;
4. The student teacher's preparation and certification area by assigned certification code;
5. The names and assigned codes of the school and school district where the cooperating teacher is employed and the student teaching requirement is being fulfilled. If the certified cooperating teacher is employed in a nonpublic 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, the institution shall submit the name, assigned code, and address of the school.

(c) If an educator preparation institution fails to provide the report by the date established in paragraph (a) of this subsection, the Education Professional Standards Board shall not be liable for payment under this administrative regulation.

(3)(a) Upon receipt of the report, the Education Professional Standards Board shall submit a "Cooperating Teacher Payment Voucher" to each cooperating teacher.

(b) The voucher, or its electronic equivalent if available, shall be signed by the cooperating teacher, building principal, and the college supervisor as verification of the cooperating teacher's service to the student teacher.

(c) To be eligible for compensation under this administrative regulation, the cooperating teacher shall submit the completed voucher to the Education Professional Standards Board:

1. On or before December 15 for a cooperating teacher supervising a student teacher during the fall semester; or
2. On or before May 1 for a cooperating teacher supervising a student teacher during the spring semester.

(d) If a cooperating teacher fails to provide the completed voucher, or its electronic equivalent, by the date established in paragraph (c) of this subsection, the cooperating teacher shall not be eligible to receive any compensation available under this administrative regulation.

(4)(a) The payment to a cooperating teacher shall be determined based upon available funding allocated under the biennial budget bill and the total number of weeks served by all cooperating teachers reported for the fiscal year.

(b) The payment shall be allocated to a cooperating teacher based upon the number of weeks the teacher supervised a student teacher as reported in subsections (2) and (3) of this section.

(5) Payments to cooperating teachers shall be disbursed to the school districts or to cooperating teachers in nonpublic schools by the Education Professional Standards Board:

- (a) On an annual basis; and
- (b) On or before June 15.

(6) Compensation to cooperating teachers shall be provided under this administrative regulation if state funds are appropriated for this purpose. Payment of state funds under this administrative regulation shall:

- (a) Be a supplement to the compensation provided by an educator preparation institution to a cooperating teacher who is supervising an institution's student teacher; and
- (b) Not supplant the educator preparation institutions' compensation responsibility.

Section 8. Incorporation by Reference. (1) "Cooperating Teacher Payment Voucher", revised 7/2000, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 4281; eff. 8-4-97; Am. 27 Ky.R. 1082; 1475; eff. 12-21-2000; 28 Ky.R. 2077; 2347; eff. 5-16-2002; Recodified from 704 KAR 20:706, 7-2-2002; 33 Ky.R. 838; 1274; eff. 12-1-06.)

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Action Item, Waiver B**

**Action Item:**

Request to waive language in 16 KAR 6:010 pertaining to Elementary and Middle School Mathematics certification assessment requirements

**Applicable Statutes and Regulation:**

KRS 161.028; KRS 161.030  
16 KAR 6:010

**Applicable Goal:**

Goal 2: Every professional position in a Kentucky public school is staffed by a properly credentialed educator.

**Issue:**

Should the Education Professional Standards Board waive language in 16 KAR 6:010 requiring an individual pursuing Elementary certification assessment requirement to successfully complete the Praxis II *Elementary Education: Content Knowledge (0014)* and/or Middle School Mathematics certification assessment requirement to complete the *Middle School Mathematics (0069)*?

**Background:**

Kentucky requires the following Praxis II tests for Elementary certification:

- *PLT: Grades K-6 (0522)* and
- *Elementary Education: Content Knowledge (0014)*

Kentucky requires the following Praxis II tests for Middle School Mathematics:

- *PLT: Grades 5-9 (0523)* and
- *Middle School Mathematics (0069)*

To determine whether the *Georgia Assessments for the Certification of Educators (GACE)* tests, *Early Childhood Education (001)* and *(002)* are equivalent to the *Elementary Education: Content Knowledge (0014)* test, staff reviewed the GACE Test Design and Frameworks documents as well as the Educational Testing Service (ETS) Test at a Glance (TAAG) documents.

To determine whether the *GACE Middle Grades Mathematics (013)* is equivalent to the *Praxis II Middle School Mathematics (0069)* test, staff reviewed the GACE Test Design and Frameworks documents as well as the ETS TAAG document. Below is a summary of the findings.

The *GACE Early Childhood Education (001)* assesses a candidate's knowledge of content in the areas of Reading and English Language Arts (40 multiple choice and one constructed response) and Social Studies (20 multiple choice and one constructed response). The test contains 60 multiple choice and two constructed response items.

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The *GACE Early Childhood Education (002)* assesses a candidate's knowledge of content in the following areas:

- Mathematics (25 multiple choice and one constructed response)
- Science (20 multiple choice and one constructed response)
- Health, Physical Education, and the Arts (15 multiple choice)

The *Praxis II Elementary Education: Content Knowledge (0014)* assesses a candidate's knowledge in the areas of Reading/Language Arts, Mathematics, Social Studies, and Science. Each content area contains approximately 30 multiple choice items.

The *GACE Middle Grades Mathematics (013)* assesses a candidate's knowledge in the following areas:

- Numbers and Operations
- Measurement and Geometry
- Patterns, Algebra, and Functions
- Data Analysis and Probability
- Mathematical Processes and Perspectives

The test contains 60 multiple choice and two constructed response items.

The *Praxis II Middle School Mathematics (0069)* assesses a candidate's knowledge in the following areas:

- Arithmetic and Basic Algebra
- Geometry and Measurement
- Functions and Their Graphs
- Data, Probability, and Statistical Concepts; Discrete Mathematics
- Problem-Solving Exercises

The test contains 40 multiple choice and three constructed response items.

### **Alternative Actions:**

1. Accept the *GACE Early Childhood Education (001)* and *(002)* in lieu of the *Praxis II Elementary Education: Content Knowledge (0014)*. Accept the *GACE Middle Grades mathematics (013)* in lieu of the *Praxis II Middle School Mathematics (0069)*.
2. Do not accept the *GACE Early Childhood Education (001)* and *(002)* in lieu of the *Praxis II Elementary Education: Content Knowledge (0014)*. Do not accept the *GACE Middle Grades mathematics (013)* in lieu of the *Praxis II Middle School Mathematics (0069)*.

### **Staff Recommendation:**

Alternative Action 1

### **Rationale:**

The *GACE (001)* and *(002)* include categories that are nearly identical to the *Praxis II (0014)*, as well as additional subcategories. Although the number of questions per content

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category within the *GACE (001)* and *(002)* is not identical to that of the *Praxis II (0014)*, the additional constructed response items help to ensure that a candidate's depth of knowledge has been assessed.

The *GACE (013)* contains nearly identical content categories and question types as those of the *Praxis II (0069)*.

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**Executive Director**

**Date:**

October 19, 2009