

Agenda Book
EPSB Meeting Agenda
EPSB Offices, 100 Airport Road, Frankfort, KY 40601
November 19, 2007

Sunday, November 18, 2007

5:30 PM EST Evaluation of the Executive Director

Following a motion in open session, it is anticipated that the Board will move into closed session as provided in KRS 61.810 (1)(f).

NO BUSINESS WILL BE CONDUCTED

Monday, November 19, 2007

9:00 AM EST Call to Order

[Approval of October 22, 2007 Minutes](#) (Pages 1-20)

Open Speak

Report of the Executive Director

- A. Report from the Kentucky Department of Education
(Mr. Steve Schenck)
- B. Report from the Council on Postsecondary Education
(Dr. Jim Applegate)
- C. Legislative Update (Ms. Alicia Sneed)

Report of the Chair

Additional Appointments to the Task Force for Preparation of Math Teachers

Committee Reports

- A. Report from the Evaluation of the Executive Director Committee
- B. Report from the Continuing Education Option Task Force

Information/Discussion Items

- A. [16 KAR 7:010. Kentucky Teacher Internship Program, Amendment, Notice of Intent](#)
(Ms. Cindy Owen, Ms. Sneed) (Pages 21-36)
- B. [EPSB Waiver Process](#) (Ms. Sneed) (Pages 37-40)

Action Items

- A. [EPSB Procedure Manual Amendment: Disciplinary Changes](#)
(Ms. Sneed) (Pages 41-44)

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- B. [EPSB Procedure Manual Amendment: Cut Score Framework](#)
(Ms. Cindy Owen) (**Pages 45-48**)
- C. [Approval of Contracts](#) (Mr. Gary Freeland) (**Pages 49-50**)
- D. [Indiana Wesleyan University Letter of Intent](#)
(Dr. Marilyn Troupe) (**Pages 51-54**)

Alternative Route to Certification Application

[Ms. Patricia Bingham, Adjunct for Dance, Grades P-12](#)
(Mr. Mike Carr) (**Pages 55-56**)

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), (1)(f), 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.

Adjournment

Next Regular Meeting:
January 14, 2007
EPSB Offices
Frankfort, KY

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The actions delineated below were taken in open session of the EPSB at the October 22, 2007 regular 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 Business Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky
October 22, 2007

Members Present:

Lonnie Anderson
Jim Cibulka
Lydia Coffey
Michael Dailey (for Kevin Noland)
John DeAtley (for Brad Cowgill)
Sam Evans
Jennifer Forgy
Rebecca Goss
Kristin Gregory
Kent Juett
Allan Paul
Rita Presley
Tom Stull
Lorraine Williams
Cynthia York

Members Absent:

Frank Cheatham
Zenaida Smith

Call to Order

Chairman Jim Cibulka convened the meeting at 9:05 a.m. EDT. He acknowledged and thanked Tom Stull for his exceptional work as board chair for the last two years. Mr. Stull received a standing ovation.

Approval of September 24, 2007 Minutes

Motion made by Ms. Lydia Coffey, seconded by Ms. Kristin Gregory, to approve the September 24, 2007 minutes.

Vote: *Unanimous*

Open Speak

Dr. Patricia Franklin

Dr. Patricia Franklin informed the board of the actions IWU representatives have taken to effectively remediate all expressed concerns that were delineated by the board. These actions included terminating the contract for elective courses with Performance Learning Systems and Canter, placing a moratorium on Kentucky student enrollment, ceasing marketing in Kentucky, and correcting the IWU website. Dr. Franklin stated that IWU representatives hope these actions demonstrate their willingness to examine and correct

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themselves in sustained efforts to provide only the highest standards and the best of practices for candidates and P-12 students.

Dr. Franklin further informed the board that IWU plans to send a Letter of Intent to Dr. Marilyn Troupe and anticipates it will be placed on the November 19, 2007 EPSB meeting agenda.

Ms. Amy Hammond

On behalf of Cohort SM6AT, Ms. Amy Hammond asked the board to extend the timeline that Midway students have to complete the School for Career Development program by at least three months to allow her cohort to graduate. Ms. Hammond expressed the hardship that would be caused to many students if they are required to transfer to another institution.

Ms. Mehgan Hoover

Ms. Mehgan Hoover spoke on behalf of her cohort which is scheduled to graduate in December 2009. She stated that her cohort has a strong desire to become educators, and the board's decision on the Midway waiver at the October meeting will change their lives forever. She asked the board to please consider the Midway waiver request on the October EPSB agenda.

Toni Wilkinson

Ms. Toni Wilkinson spoke on behalf of her cohort, MC6BT. She stated that she and her cohort agreed with the Board of Examiners and Accreditation Audit Committee Midway accreditation visit findings as they have experienced firsthand some of the shortcomings cited as areas of improvement.

Mr. Steven Barker and Dr. William Drake

Addressing the board, President Drake affirmed his belief in the quality of Midway's education program at all sites and all places. He stated that Midway is appealing the Board's decision to revoke accreditation for the School for Career Development (SCD) and asked the board to consider Midway's waiver request for the students in the SCD program.

Report of the Executive Director

Report of the Chair

Dr. Phillip Rogers reported that EPSB staff raised \$8,924.30 for the Kentucky Employees Charitable Campaign, 18% over its goal. He expressed how proud he was of staff members for their generous contributions.

Additionally, Dr. Rogers reported that Associated Press articles have recently been published describing teacher sexual misconduct disciplinary cases nationally and in Kentucky. He thanked the board for their dedication and hard work on these disciplinary cases.

Mr. Mike Carr gave a Local Educator Assignment Data (LEAD) Report Update. The LEAD report identifies all teachers/administrators who hold only a Statement of Eligibility (i.e., not certified), are out of grade range, are not certified, have an expired certificate, are out of field, and/or are only properly certified a portion of the year. There

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are three components to obtain this data: the schedule from the STI (KDE's/school districts' student and personnel reporting system) or Infinite Campus, the MUNIS database, and the EPSB certification database.

Due to problems transitioning from STI to Infinite Campus, Jefferson County Public Schools will not be able to provide the STI data to the EPSB. Thus far, EPSB staff has received MUNIS data for only three districts. Mr. Carr stated that the EPSB needs to receive the MUNIS data from the Kentucky Department of Education as soon as possible.

Because of the delay in receiving necessary data, the ESPB has extended the sign off date for the LEAD report from October 22nd to October 29th. The statutory deadline for the commissioner of education to receive the LEAD report is November 15th of each year.

Report from the Kentucky Department of Education (KDE)

There was no report from the KDE.

Report from the Council on Postsecondary Education (CPE)

There was no report from the CPE.

Report of the Chair

Dr. Jim Cibulka appointed the following individuals to the task force for the preparation of math teachers:

Ms. Anita Barnes, Ms. Ann Bartosh, Dr. Fariba Bigdeli-Jahed, Ms. Janet Castle, Ms. Christy Drury, Mr. John DeAtley, Ms. Barbara Ledford, Dr. Rich Millman, Dr. Steve Newman, Dr. Janet Parker, Dr. Manish Sharma, and Dr. John Yopp

Chairman Cibulka made the following Kentucky Advisory Council on Internships (KACI) Reappointments:

Sharon Brennan, Richard Roberts, Norma Patrick, Shirley Blair

Mr. Kent Juett asked for more teachers, particularly high school teachers, to serve on the task force for the preparation of math teachers. Dr. Rogers said that staff will bring back recommendations for additional appointments to the task force in November. Dr. Cibulka welcomed recommendations from the board for appointments to the committee.

Committee Reports

There were no committee reports.

Information/Discussion Items

EPSB Procedure Manual Amendment: Disciplinary Changes

Ms. Sneed explained that since May 2007, legal staff has piloted a new probable cause decision in disciplinary cases to defer Respondents for training when the evidence presented indicates that the Respondent would benefit from remedial training. This

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option offers the Respondent the chance to finalize his or her disciplinary matter in an efficient manner without an admission or finding of any wrongdoing. She stated that the EPSB can utilize this fourth option when the misconduct in the allegations is not serious enough to warrant suspension and the evidence is not clear that the misconduct did indeed take place.

Additionally, Ms. Sneed asked the board to consider combining the two separate designations for dismissal: dismiss (with prejudice) and dismiss without prejudice. Board members agreed to combine the two types of dismissals currently used into one probable cause determination so that past complaints may be used in any future disciplinary hearing. Ms. Sneed will bring this item back during the November 19, 2007 EPSB meeting for final action.

EPSB Procedure Manual Amendment: Cut Score Framework

Ms. Cindy Owen reported that staff wants to formalize the cut score recommendation process by adopting a policy using the decision rules applied since May 1999. These decision rules are as follows:

Accept the recommendation of the validation panel unless:

- 1) the recommendation falls below the current passing score, or
- 2) the recommendation falls below the SREB average, or
- 3) the recommendation and SREB score fall below the 15th national percentile, or
- 4) the recommendation exceeds the 25th national percentile

Ms. Owen stated that she will bring this item back during the November 19, 2007 EPSB meeting for final action. Dr. Cibulka asked EPSB staff to provide the board with national and regional descriptive information at the time a cut score is recommended.

Elimination of the Use of the HOUSSE in Kentucky

Mr. Carr informed the board that the USDOE is strongly encouraging states to phase out HOUSSE as soon as possible. Therefore, in the most recent No Child Left Behind (NCLB) plan submitted to the USDOE by the Kentucky Department of Education, the state committed to discussing the phaseout of the HOUSSE Index by bringing the item for consideration before the EPSB. Mr. Carr explained that the HOUSSE Index was originally adopted to allow veteran teachers to demonstrate Highly Qualified Teacher (HQT) status in cases where the teachers' date of certification preceded the state requirement for a content area assessment or to determine HQT status for K-8 certified teachers.

Discussion ensued among board members about the impact on teachers if the HOUSSE Index is eliminated. Mr. Carr stated that eliminating HOUSSE would not mean that those currently qualified would no longer be qualified. HOUSSE would still be used with teachers teaching multiple subjects in special education and those in eligible rural districts, as defined by the USDOE.

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Motion made by Ms. Rita Presley, seconded by Mr. Lonnie Anderson, to not change the use of the HOUSSE Index until further guidance from the federal government.

Vote: *Unanimous*

ELR Report

Dr. Phillip Rogers informed board members that he is scheduled to present the Education Leadership Redesign report to the Interim Joint Committee on Education on November 5, 2007. This committee has also asked him to discuss the Master's Redesign and Kentucky Teacher Internship Program. He will bring back a plan in January on how the EPSB's regulations and accreditation process fit with the principal preparation redesign.

Awarded Contract

Mr. Gary Freeland informed the board that the following contracts were completed and signed by the executive director after approval was given by the board at the September 24, 2007 EPSB meeting:

SREB for consulting services: \$20,000.00

Jason Rothrock for legal services: \$25,000.00

Action Items

Approval of Contracts

2007-108

Motion made by Dr. Sam Evans, seconded by Ms. Gregory, to approve the Memorandum of Agreement between the EPSB and Kentucky Education Higher Assistance Authority.

Vote: *Unanimous*

EPSB Biennial Budget Request

Mr. Gary Freeland reviewed the biennial budget request with the board. Discussion ensued, primarily focusing on the discrepancy in figures between the information the board received by mail and the new information distributed during the meeting. Mr. Freeland explained that the differences in the numbers were due to the completion of the reconciliation of the former budget after the agenda book was mailed to board members.

Mr. Freeland noted that the Kentucky Teacher Internship Program and Kentucky Principal Internship Program were assigned high priority numbers with the Education Cabinet, but the other seven EPSB requests were ranked low priority on the Education Cabinet's operating budget request. Board members expressed their concerns that several of the requests were ranked low priority. Mr. Freeland explained that this was due to other needy agencies that had higher priorities. On a positive note, Dr. Rogers stated that

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no other state agency had three budget requests ranked in the top ten. Mr. Freeland thanked Ms. Velma Graves for her hard work and assistance with the budget.

2007-109

Motion made by Ms. Lorraine Williams, seconded by Mr. Lonnie Anderson, to approve the 2009 – 2010 EPSB Biennial Budget Request.

Vote: *Unanimous*

2008 Legislative Agenda

Ms. Alicia Sneed reviewed the proposed 2008 legislative agenda. She noted that an additional proposed legislative agenda item was added (item # 5 below). The EPSB 2008 legislative agenda was recommended as follows:

- 1) Support a fiscal year 2008 budget increase to the Kentucky Teacher Internship Program (KTIP) to secure appropriate funding for the 2007 – 2008 interns.
- 2) Support the EPSB's 2008-2010 budget request including a request to designate KTIP as a necessary governmental expense to ensure future funding for the program, no matter the number of interns.
- 3) Amend KRS 161.048(6), the Troops to Teachers alternative certification route, so that it is in line with the federal authorizing statute. This change will allow veterans with extensive National Guard or reserve duty to participate in this alternative certification route.
- 4) Oppose any attempt to dilute or modify the current authority of the EPSB.
- 5) Support any legislation which further supports the EPSB's mission and goals.

2007-110

Motion made by Mr. Kent Juett, seconded by Ms. Cynthia York, to approve the 2008 Legislative Agenda as amended.

Vote: *Unanimous*

Waivers

Exceptional Children Assignment Waivers

Mr. Mike Carr reported that an exceptional children assignment waiver policy, approved in May 2000, was recently discovered. In this policy, exceptional children assignment waivers are not be brought before the board unless the school district superintendent appeals the EPSB staff's decision. Mr. Carr notified the board that he intends to follow this policy.

2007-111

Motion made by Ms. Lydia Coffey, seconded by Ms. Presley, to approve the exceptional children assignment waivers.

Vote: *Unanimous*

16 KAR 3:050. Request to Waive Teaching Experience for Administrative Certification- Mr. John Michael Hardesty

Mr. Carr reported that Mr. John Michael Hardesty completed the principal preparation program at Spalding University in 2006, and the EPSB received a recommendation for a statement of eligibility as well as transcripts showing coursework completion and validation of the successful passage of assessments needed for this credential. These materials were returned to Spalding because Mr. Hardesty did not meet the teaching experience requirement. Mr. Hardesty asserts that Spalding admitted him to its principal preparation program under the understanding that he would gain his credential via the alternative certification route; however, Spalding is not approved for such program. Dr. Veda McClain verified that this situation did occur.

Motion made by Mr. Lonnie Anderson, seconded by Ms. Lorraine Williams, to deny the waiver request.

Discussion ensued. Some board members stated that they believe it is important to have teaching experience before working in administration. Mr. Carr reminded the board that under the alternative route to a certificate in administration, teaching experience is not required by statute.

Vote: *Yes- 3 (Mr. Lonnie Anderson, Ms. Lorraine Williams, Mr. Allan Paul)*
No-12

Motion failed.

2007-112

Motion made by Ms. Jennifer Forgy, seconded by Mr. Kent Juett, to waive the requirement for three years of teaching experience for principal certification.

Vote: *Yes- 12*
No- 2 (Mr. Lonnie Anderson, Mr. Allan Paul)
Abstain- 1 (Dr. Sam Evans)

The board discussed revisiting the alternative certification route for administrators. Mr. Carr agreed to research the number of individuals who obtain an administrative certificate through the alternative route and bring this information back to the board.

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements – Dr. Jim Cibulka on behalf of Dr. Darin Craig Schroeder

2007-113

Motion made by Mr. John DeAtley, seconded by Ms. Jennifer Forgy, to waive the cooperating teacher eligibility requirements for Dr. Darin Craig Schroeder for spring 2008.

Vote: Yes -14

Recuse- 1 (Dr. Jim Cibulka)

16 KAR 5:010. Request to Waive the Standards for Accreditation of Educator Preparation Units and Approval of Programs – Midway College (item discussed after Information Item E on the agenda)

Ms. Alicia Sneed reported that on September 24, 2007, the EPSB voted to revoke accreditation for the School for Career Development (SCD) at Midway College. As a result of this action, SCD students must complete the Midway SCD program within 12 months or transfer to another state-accredited education preparation unit in order to receive their certificates. Midway College is requesting a waiver of 16 KAR 5:010 Section 19(5)(a) to extend the time students are allowed to complete the program to which they are currently admitted. Further clarification from President Drake advised the EPSB that Midway wishes to extend this date from September 26, 2008 to December 31, 2010.

Ms. Sneed further reported that Midway College questions the inclusion of the evening campus program and the online program as part of the original accreditation decision dated November 16, 2005.

Discussion ensued among board members regarding the requested waiver extension date. Board members empathized with the Midway students.

2007-114

Motion made by Ms. Lydia Coffey, seconded by Mr. Allan Paul, to extend the time limit for currently enrolled students in the SCD program to complete their degree to December 31, 2008. Additionally, the board clarified that its decision on September 24, 2007 to revoke accreditation for Midway College's SCD program included the Midway campus evening program and online program.

Vote: Yes- 12

No- 2 (Mr. Tom Stull, Mr. Kent Juett)

Abstain- 1 (Ms. Jennifer Forgy)

Alternative Route to Certification Application

Dr. Jean Marie Boulanger, Middle School Science, Grades 5-9

2007-115

Motion made by Ms. Kristin Gregory, seconded by Ms. Forgy, to approve the alternative route to certification application for Dr. Jean Marie Boulanger.

Vote: Yes – 14

No – 1 (Dr. Sam Evans)

Board Comments

During board comments, board members requested an opportunity in the future to discuss the following items:

- the EPSB waiver process
- requirement for institutions of higher education to put accreditation status in writing
- the signing of contracts between students and institutions to eliminate misinformation between the parties

Dr. Cibulka also asked for feedback from board members on how to develop the EPSB agenda. He suggested a work session on the topic. The board also asked Chairman Cibulka to send an Op-Ed piece in response to the recent AP articles to the newspapers, superintendents, and teachers, explaining in further detail the charge of the EPSB in an effort to assure the public that the EPSB is diligent in fulfilling its duties.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
October 22, 2007**

Motion made by Ms. Lydia Coffey, seconded by Ms. Kristin Gregory, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1)(c)&(j).

Vote: *Unanimous*

Motion made by Ms. Lorraine Williams, seconded by Ms. Gregory, to return to open session.

Vote: *Unanimous*

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

Tom Stull, Michael Dailey, Kristin Gregory, James Cibulka, Jennifer Forgy, Cynthia York, Sam Evans, Rita Presley, Allan Paul, Rebecca Goss, Lonnie Anderson, Lydia Coffey, and Lorraine Williams.

Attorneys present were Alicia A. Sneed, Jim Ringo, and Gary A. Stephens.

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
07-07135	Hear
07-07130	Hear

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07-08141	Hear
07-08144	Admonish
07-07127	Hear
07-07137	Dismiss
07-07114	Admonish
07-07126	Hear
07-08142	Hear
07-0339	Hear
07-07132	Hear
07-07131	Hear
07-08145	Admonish
07-08143	Hear
97-0137	Defer
05-08157	Hear
05-11220	Admonish
06-09237	Defer for proof
04-09116	Dismiss Without Prejudice
06-05108	Hear
06-0238	Admonish
06-0226	Admonish
06-08206	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
07-157	Approve
07-156	Approve
06-248	Approve
07-159	Approve
07-161	Approve
07-160	Approve
07-162	Approve
07-163	Approve
07-164	Approve
07-165	Approve
07-166	Approve

Agreed Orders

<u>Case Number</u>	<u>Decision</u>
06-11256 (Buffy House)	Accept Agreed Order suspending Respondent's certificate for a period of six (6) months retroactive to October 23, 2006. During the six (6) month 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

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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 six (6) month period is expressly conditioned upon Respondent providing written evidence to the Board that she has complied with the following:

1. With her application for reissuance, Respondent shall supply the Board with a report from a licensed and Board-approved alcohol/substance abuse counseling program that she has been assessed and complied with all recommended treatment. Any expense for said assessment and treatment shall be born by the Respondent.
2. With her application for re-issuance, Respondent shall supply the Board with a current national and state criminal background check. Any expense for the criminal background check shall be born by the Respondent.
3. With her application for re-issuance, Respondent shall supply to the Board letters of recommendation from two (2) educators with current Kentucky certification in good standing in which the educators attest that Respondent is morally and ethically fit to hold a teaching certificate. Failure to meet any of the above conditions will result in Respondent being denied re-issuance of a Kentucky teaching certificate at the conclusion of the six (6) month period. Upon reinstatement, Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of two (2) years from the date of issuance.
 1. Respondent shall complete twelve (12) hours of ethics training. Any expense for required training shall be born by the Respondent.
 2. Respondent shall provide the Board with quarterly reports from her employment supervisor as to her progress during the entire probationary period.
 3. Respondent shall provide the Board with monthly drug screen reports. Further, she shall immediately submit to any random screen requested either by the Board or her school district and provide this report to the Board. Any expense for said testing shall be born by the Respondent.
 4. Respondent shall receive no further disciplinary

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action by any school district in the United States including, but not limited to, admonishment, reprimand, suspension or termination. The parties agree that "disciplinary action" is defined as any admonishment, reprimand, suspension or termination issued by any school district in the Commonwealth of Kentucky and upheld by either the tribunal and/or arbitration process.

By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions during the probationary period, her certificate shall be automatically suspended for an additional period of one (1) year. If applicable, at the conclusion of the one year suspension, the certificate shall remain suspended until such time as the probationary conditions are met.

Respondent is aware that should she violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

07-0465 (Necia O'Donley) Accept Agreed Order admonishing Respondent for her failure to manage student behavior in her classroom. As a teacher, it is Respondent's responsibility to maintain a safe and positive learning environment at all times. She must make every effort to protect the health, welfare and safety of those in her care. This agreement is conditioned upon Respondent providing written proof to the Board, on or before January 1, 2008, that she has completed six hours of professional development/training in the areas of supervision and classroom management, approved by the Board and at her own expense. Respondent agrees that should she fail to satisfy this condition, her certificate shall be automatically suspended and remain so until Respondent provides written proof to the Board that the condition is met.

Vote: *Unanimous*

06-0483 (Susan Kirkpatrick) Accept Agreed Order revoking Respondent's certificate for a period of three (3) years from the date this order is approved by the Board. Upon acceptance of this agreement by the Board,

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Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

06-0482 (Melanie Taylor) Accept Agreed Order revoking Respondent's certificate for a period of three (3) years from the date this order is approved by the Board. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

07-0104 (Dale Dragomir) Accept Agreed Order admonishing Respondent for physically restraining a student. The Board reminds Respondent that he has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. As an educator, Respondent must avoid physical contact with students unless it is absolutely necessary for the safety of the students or himself. The Board will not tolerate any further incidents of misconduct from Respondent. This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that he has been assessed by a licensed and Board approved anger management counselor and has followed through with any recommended treatment, no later than August 1, 2008. Any expense incurred for said training shall be paid by Respondent. Respondent has provided written proof that he has complied with this condition.

Vote: *Unanimous*

06-05148 (Keri Meador) Accept Agreed Order admonishing Respondent for a lack of professional judgment in her interactions with students. As a certified educator, Respondent must strive to uphold the responsibilities of her profession by maintaining a positive learning environment for all. She must treat each student with dignity and respect. This agreement is conditioned upon Respondent providing written evidence to the Board, on or before January 15,

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2008, that she has completed twelve hours of professional development/training, approved by the Board, in professionalism and ethics. Any expense for this professional development/training shall be paid by Respondent. If Respondent fails to satisfy this condition, her certificate shall be suspended until this condition is met.

Vote: *Unanimous*

05-0590 (Jeffrey May)

Accept Agreed Order subjecting Respondent's Professional Certificate for Instructional Leadership-School Superintendent, Professional Certificate for Instructional Leadership-Supervisor of Instruction, grades k-12; Level II, and Professional Certificate for Administrator of Pupil Personnel Services, each issued as part of Respondent's certificate, to the following probationary conditions for a period of two years from the date of acceptance of this Order by the Board.

1. Respondent shall continue to comply and make progress in the areas of concern identified by the Kentucky Department of Education Management Audit conducted January 29 through February 3, 2006. A copy of that audit shall be attached hereto and maintained with this Order in the Agency Case File.
2. Upon acceptance of this Agreed Order by the Board, Respondent shall have 30 days to submit written evidence to the Board that he has verified the valid certification of each certified employee of his district. Respondent shall further verify that any employees found to be without necessary and valid certification have been removed from the classroom. By January 15 and August 15 of 2008, Respondent shall again present written evidence to the Board of valid certification of each certified employee of his district and verify removal of any uncertified personnel.
3. Respondent shall comply with all statutes and regulations promulgated by the Kentucky General Assembly, the Education Professional Standards Board, and/or the Kentucky Department of Education relating to schools and/or the teaching profession. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions, his certificate, including all

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areas of certification and endorsements shall be automatically suspended for a period of one year. Respondent is aware that should he violate KRS 161.120, either during or following this two year probationary period, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Mr. Anderson, recused)*

05-09176 (Michael Adams) Accept Agreed Order admonishing Respondent for exercising poor judgment when interacting with a student during classroom instruction. The Board reminds Respondent that he has a duty to maintain the dignity and integrity of the profession and he failed in that duty when he overstepped the appropriate boundaries between a teacher and student by exercising poor judgment in his conversation with a student.

Vote: *Unanimous*

06-0360 (Caroline Kolb) Accept Agreed Order revoking Respondent's certificate. 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. Respondent shall neither renew nor apply for a teaching certificate in the Commonwealth of Kentucky for a period of five years from the date of acceptance of this Order by the Board. Issuance of any future certificate to Respondent, or on her behalf, is conditioned upon the following.

1. Respondent shall provide written evidence to the Board from a Kentucky licensed and/or certified physician and/or mental health professional approved by the Board, that she has undergone an anger management assessment and completed any and all treatment recommendations. Any expense for this assessment and any required counseling or treatment shall be paid by Respondent.
2. Respondent shall provide written evidence to the Board that she has successfully completed eighteen hours of classroom management training, approved by the Board, at her own expense.

Vote: *Unanimous*

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06-05123 (Linda Lightfoot) Accept Agreed Order dismissing Respondent's case upon receiving written proof that Respondent has completed a Board approved training course in the statutory requirements and procedures of the juvenile justice system. Any expense for the course shall be paid by Respondent.

Vote: *Unanimous*

06-0372 (Bruce Weinfurtner) Accept Agreed Order suspending Respondent's certificate for three days beginning March 1, 2006. Respondent shall surrender the original and all copies of certificate number xxx-xx-xxxx immediately, by first class mail or personal delivery, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

06-12298 (Debra Combs) Accept Agreed Order dismissing the case without prejudice on the following conditions. Prior to her return to a position that requires Kentucky certification, Respondent shall provide the following to the Board.

1. Written evidence from a Kentucky licensed and/or certified physician, approved by the Board that she is fit to return to the classroom.
2. Written proof of twelve hours of professional development/training approved by the Board, in effective classroom management techniques. This training shall include a component focusing on management of special education students.
3. Written proof of twelve hours of professional development/training in ethics with an emphasis on honesty and professionalism. Any expense involved in meeting these requirements shall be paid by Respondent. Should Respondent violate this agreement, her certificate shall be automatically suspended and remain so until all conditions are met.

Vote: *Unanimous*

06-12298 (Sarah Cary) Accept Agreed Order dismissing Respondent's case upon receiving written proof that Respondent has completed a Board approved training course in the statutory requirements and procedures of the

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juvenile justice system. Any expense for the course shall be paid by Respondent.

Vote: *Unanimous*

07-0587 (Chad Pruitt)

Accept Agreed Order admonishing Respondent for his behavior towards a colleague. A principal is a leader in the school and in the school district; therefore, he should strive to be a role model not only for students, but for the teachers under his supervision. A principal who fails to uphold the dignity and the integrity of the profession reflects poorly not only on the principal but on all educators. The Board will not tolerate any further violations of the Code of Ethics by Respondent. In addition, Respondent's certificate shall be subject to the following probationary conditions for a period of two (2) years from the date of acceptance of this Order by the Board.

1. Respondent shall submit written evidence of his completion of twelve (12) hours of professional development/training in the area of ethics as approved by the Board by July 1, 2008. Any expense for the professional development/training shall be paid by Respondent.

2. Respondent shall submit written evidence of his completion of professional development/training in the area of teacher leadership as approved by the Board by January 1, 2009. Any expense for said course shall be paid by Respondent.

3. Respondent shall submit written evidence of his completion of Board approved professional development/training in appropriate professional interactions by January 1 of each year of the probationary period. Any expense for the professional development/training shall be paid by Respondent.

4. Respondent shall have no further criminal convictions. Respondent shall supply the Board with a current national and state criminal background check by July 1 of each year of the probationary period. Any expense for the criminal background check shall be paid by Respondent.

5. Respondent shall have no further disciplinary actions by any school district or educational licensing/certification agency in the United States. The parties agree that "disciplinary action" is defined as any admonishment, reprimand,

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suspension or termination issued by any school district or state agency and upheld after a due process hearing if requested by Respondent.

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 one (1) year. Respondent is aware that should he violate KRS 161.120 during this period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Mr. Paul, recused)*

07-127 (Nathan Wilson)

Accept Agreed Order allowing Respondent to re-apply for certification subject to the following conditions:

1. Respondent shall provide written proof from a certified mental health professional that he is psychologically fit to enter the teaching profession. Wilson will not be considered for certification until this condition is met.

2. Respondent must complete twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, no later than December 31, 2007. If Wilson is approved for certification but does not complete this requirement by December 31, 2007, his certificate will be automatically suspended and will not be reinstated until the requirement has been met.

Vote: *Unanimous*

06-0488 (Lindsey Allen)

Accept Agreed Order stating that Respondent's certificate is expired and that issuance of any future certificate to Respondent, or on her behalf, is expressly conditioned upon Respondent providing, upon application, written proof to the Board that she has completed twelve (12) hours of professional development/training, approved by the Board, in the areas of classroom management and effective discipline techniques. Any expense for this training shall be paid by Respondent.

Should Respondent fail to satisfy this condition, the Board shall automatically deny any application submitted by Respondent or on her behalf.

Vote: *Unanimous*

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06-05122 (Robetta Johnson) Accept Agreed Order which acknowledges Respondent's concern for both her and her family's personal safety; however, the Board can not overlook a violation of a student's privacy rights. Respondent is reminded that as a teacher she is the guardian of confidential information which she has an ethical and statutory responsibility not to disclose unless requested through the appropriate legal channels.

This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that she has successfully completed training in the statutory requirements and procedures of the juvenile justice system, as approved by the Board by June 30, 2008. Any expense for this course shall be paid by Respondent.

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

Vote: *Unanimous*

05-0114 (Charles Dean) Accept Agreed Order requiring Respondent to complete 12 hours of professional development in the area of anger management and appropriate boundaries between teacher and student. Further, Respondent is admonished as follows: Teachers are charged with protecting the health, welfare and safety of their students which includes their mental health. Teachers are bound to maintain appropriate boundaries between themselves and their students. Respondent failed in this duty when he exercised poor judgment by throwing a stapler in the classroom which could have resulted in an injury to a student. The Board will not tolerate any further misconduct of this nature by Respondent. Respondent has until June 30, 2008, to complete the training or his certificate will be suspended until he supplies proof of compliance with the training requirement.

Vote: *Unanimous (Ms. Gregory, recused)*

Motion made by Ms. Williams, seconded by Ms. York, to return to closed session to discuss a personnel matter.

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Vote: *Unanimous*

Meeting adjourned at 3:55 p.m.

Next Meeting: November 19, 2007
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/ Discussion Item A

Information Item:

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

Applicable Statute or Regulation:

KRS 161.030
16 KAR 7:010

Applicable Goals:

Goal 4: Every credentialed educator participates in a high quality induction into the profession and approved educational advancement programs that support effectiveness in helping all students achieve.

Background:

In October 2002, the United States Department of Education awarded the Education Professional Standards Board a Title II Teacher Quality Enhancement Grant that proposed investigating an alternative teacher performance assessment to replace the assessment used in the Kentucky Teacher Internship Program (KTIP). Through the grant the Kentucky Teacher Internship Program Teacher Performance Assessment (KTIP TPA) was designed.

In June 2006 the Education Professional Standards Board voted to adopt the Teacher Performance Assessment for use in KTIP and to implement a phase-in schedule that allowed local districts and schools to use the KTIP TPA on a volunteer basis during 2006-2007 and 2007-2008 with mandatory use by all new interns beginning KTIP on or after January 1, 2008.

During the 2006-2007 school year, 271 interns completed the KTIP TPA. Through KTIP TPA trainings and these internships, input has been gathered for proposed changes in 16 KAR 7:010 and the KTIP Intern Performance Record. Staff presents to the Board for discussion the following proposed changes in the attached regulation and the KTIP Intern Performance Record that will be provided under separate cover.

Page 1,	Lines	11-14	Definition of Confirmation of Employment
Pages 1-2,	Lines	40-13	Requirements of the TPA
Page 2,	Lines	15-17	Reference to the scoring rubrics in the TPA IPR
Page 3,	Lines	18-25	Timeline for assigning a Teacher Educator
Page 7,	Lines	14-18	Delete hours approved for RTs entering time into IMS
Page 9-10,	Lines	39-6	Submitting documents for unsuccessful internships
Page 9,	Lines	42-43	Delete the final report accompanying resource teacher time sheet
Page 11,	Line	8-11	Delete statement that EPSB staff shall refuse RT payment
Page 11,	Line	17-46	Delete old Section 8 referring to use of TPA by dates

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Page 14, Lines 24-31 certain
Delete incorporations by reference of unnecessary or outdated documents, or documents defined in the regulation

In addition to these proposed changes, references to the *Kentucky Teacher Standards* and deletions of the *New Teacher Standards* have been made throughout the regulation, references to some interns participating in TPA and others in regular KTIP have been deleted, and other minor changes are proposed throughout the regulation to offer clarification.

Contact Person:

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Executive Director

Date:

November 19, 2007

1 **16 KAR 7:010. Kentucky Teacher Internship Program.**

2
3 RELATES TO: KRS 156.101, 161.028, 161.030, 161.048, 161.095

4 STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030, 161.1222

5 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(5) requires
6 that all new teachers and out-of-state teachers with less than two (2) years of
7 successful teaching experience who are seeking initial certification in Kentucky
8 shall serve a one (1) year internship. This administrative regulation establishes
9 the requirements for the Kentucky Teacher Internship Program.

10
11 Section 1. Definitions. (1) "Confirmation of Employment" means the electronic
12 form or a hardcopy of the same name that is contained in the electronic system
13 used by the Education Professional Standards Board and used to document
14 employment of a teacher intern.

15 (2[4]) "Half-time basis" means teaching fifteen (15) hours per week in the
16 intern's area of certification.

17 (3[2]) "Instructional day" means a day that:

18 (a) The teacher intern is performing regular teaching responsibilities in an
19 instructional setting, or is completing professional development for compensation
20 from the district or employing school; and

21 (b) Does not include annual leave, sick leave, or other authorized or
22 unauthorized leave time.

23 (4[3]) "Resource Teacher Time Sheet" means [~~a copy of~~]the electronic
24 document or a hardcopy of the same name that is contained in the electronic
25 system used by[en] the Education Professional Standards Board and used to
26 record in-class hours and, for compensation, resource teacher out-of-class
27 hours.[(EPSB) Web site, www.kyepsb.net and in the publication, "Guiding and
28 Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher
29 Internship Program Participants."

30 (5[4]) "Teacher intern" means any new teacher or out-of-state teacher with
31 less than two (2) years of successful teaching experience, preschool through
32 grade twelve (12), who has obtained a provisional certificate and is seeking initial
33 certification in Kentucky.

34
35 Section 2. Basis for Professional Judgment by the Beginning Teacher
36 Committee. (1) A teacher intern and the beginning teacher committee shall follow
37 the requirements established in this administrative regulation[~~and in "Guiding~~
38 ~~and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher~~
39 ~~Internship Program Participants"]].~~

40 (a) 1. The intern shall successfully complete a KTIP Teacher Performance
41 Assessment. 2. The assessment shall be organized according to three cycles of
42 the internship year and shall be a set of ten teaching tasks designed to provide
43 interns the opportunity to demonstrate performance of the Kentucky Teacher
44 Standards.

45 (b) The ten teaching tasks shall be grouped into three components as follows:

46 **1. Component I: Classroom Teaching**

47 a. Task A: Develop a Lesson Plan

48 b. Task B: Demonstrate Teaching Skills during Classroom Observation

1 c. Task C: Analyze and Evaluate Teaching of a Lesson

2 **2. Component II: Professional Responsibilities**

3 a. Task D: Collaborate to Address Special Learning Needs

4 b. Task E: Assess and Manage Professional Growth

5 c. Task F: Demonstrate Professional Leadership

6 **3. Component III: Instructional Unit**

7 a. Task G: Design Learning Objectives and Assessments for an Instructional Unit

8 b. Task H: Design Instructional Strategies and Activities for the Instructional Unit

9 c. Task I: Analyze, Use and Communicate Unit Learning Results

10 d. Task J: Reflect on and Evaluate Teaching and Learning in the Instructional
11 Unit

12 (2) In arriving at its professional judgment, the beginning teacher committee
13 shall utilize the scoring rubrics contained within the Kentucky Teacher Internship
14 Program Teacher Performance Assessment Intern Performance Record,
15 incorporated by reference, and take into consideration the progress of the
16 teacher intern throughout the school year and, particularly, the level of
17 performance that has been achieved near the end of the internship. The
18 beginning teacher committee shall determine the progress and improvement of
19 the teacher intern, pursuant to KRS 161.030, by:

20 (a) A systematic observation of classroom performance;

21 (b) An ongoing review of documented evidence developed by the intern of
22 progress toward demonstration of the applicable standards; and

23 (c) A review of the teacher intern's response to the suggestions and
24 recommendations made by the beginning teacher committee during its meetings
25 with the teacher intern throughout the internship.

26 (3) Throughout the internship, the teacher intern and the beginning teacher
27 committee shall utilize the Kentucky[New] Teacher Standards [for Preparation
28 and Certification] established by the Education Professional Standards Board in
29 16 KAR 1:010. Interns and their committees [~~utilizing the new Teacher~~
30 ~~Performance Assessment]~~ shall use the indicators[benchmarks] for each
31 standard as outlined in the Teacher Performance Assessment Handbook.

32 [~~(4) For interns and committees utilizing the new Teacher Performance~~
33 ~~Assessment, the intern shall demonstrate a Leadership Standard. Scoring for the~~
34 ~~Leadership Standard shall not apply to a determination of the intern's success or~~
35 ~~failure of the internship.]~~

36
37 Section 3. Beginning Teacher Committee Membership Appointment. (1)(a)
38 School districts shall maintain a pool of resource teachers and principals who
39 have successfully completed the Kentucky Teacher Internship Program
40 Committee training in order to assure eligibility for appointment to beginning
41 teacher committees.

42 (b) The Kentucky Teacher Internship Program Committee training may be
43 approved for up to twelve (12) hours of professional development credit toward
44 the continuing education requirements for resource teachers pursuant to KRS
45 161.095 and Effective Instructional Leadership Act (EILA) credit for
46 administrators pursuant to KRS 156.101.

1 (2) The employing school district shall recommend principals and resource
2 teachers for appointments by the Education Professional Standards Board to
3 beginning teacher committees.

4 (3) If the teacher intern is teaching at a nationally or regionally accredited
5 nonpublic school without a principal, the accrediting organization's guidelines for
6 designating the school head or school leader shall be used by the employing
7 school in making the recommendation for appointment of the principal member. If
8 no guidelines exist, the school shall provide a written rationale for the
9 appointment to the Education Professional Standards Board for approval.

10 (4) Representatives of the teacher training institutions shall consult the
11 Education Professional Standards Board with respect to the school districts and
12 the geographical area to be served by teacher educator members on beginning
13 teacher committees. All teacher educators shall have completed the Kentucky
14 Teacher Internship Program Committee training in order to assure eligibility for
15 appointment to beginning teacher committees.

16 (5) The teacher training institution shall appoint a teacher educator no later
17 than thirty (30) days after being notified by the district of the need for a teacher
18 educator~~[October 1 for the fall semester and February 15 for the spring~~
19 ~~semester]~~. If the teacher intern is employed after the date required to submit the
20 Confirmation of Employment in accordance with Section 4(3)(a) of this
21 administrative regulation~~[for appointment of the teacher educator]~~, the teacher
22 training institution shall appoint a teacher educator no later than ten (10) days
23 after being notified by the district of the need for a teacher educator.

24 (6) If the superintendent or designated nonpublic school head or leader
25 determines that a teacher educator is unsuitable for appointment, the
26 superintendent or designated nonpublic school head or leader shall submit a
27 written request for removal to the Education Professional Standards Board. The
28 request shall contain the following:

29 (a) The facts and circumstances that form the basis for removal for cause;
30 and

31 (b) The name of a qualified replacement submitted after consultation with the
32 principal of the employing school and the~~[district or employing school]~~ Kentucky
33 Teacher Internship Program University and District Coordinators.

34 (7) The Education Professional Standards Board shall send written
35 notification to the teacher intern, the beginning teacher committee, the
36 superintendent or designated nonpublic school head or leader, and the teacher
37 training institution of its decision regarding the request for removal.

38
39 Section 4. Requirements for Time in the Internship and Classroom
40 Assignment. (1) The one (1) year internship shall be completed during one (1) of
41 the following:

42 (a) No less than 140 instructional days of employment in a certified position in
43 the intern's area of certification for which the teacher intern receives
44 compensation during one (1) school year; or

45 (b) Two (2) semesters totaling at least 140 instructional days of employment
46 in a certified position in the intern's area of certification for which the teacher
47 intern receives compensation in two (2) consecutive school years.

1 (2) The internship shall be established for each teacher intern whose initial
2 employment begins at any time during the school term except if the date of
3 employment does not allow for completion of at least seventy (70) instructional
4 days of employment during the school year. If the period of employment is less
5 than seventy (70) instructional days in a school year, the local school district shall
6 declare an emergency as provided in KRS 161.100, authorizing the
7 superintendent to request an emergency teaching certificate. The employing
8 school district shall be responsible for providing assistance and supervision to
9 the new teacher during the period of employment under an emergency
10 certificate.

11 (3)(a) The school district or nonpublic school shall complete and submit to the
12 Education Professional Standards Board the Confirmation of Employment in
13 electronic form or in hard copy if the electronic submission system is unavailable:

14 1. On or before October 15 for a teacher intern participating in the internship
15 for the fall semester or full year; or

16 2. On or before February 15 for a teacher intern participating in the internship
17 for the spring semester.

18 (b) If the teacher intern begins employment after the dates established for
19 submission of the Confirmation of Employment in paragraph (a) of this
20 subsection, the school district or employing school shall submit the Confirmation
21 of Employment in electronic form or in hard copy if the electronic submission
22 system is unavailable within ten (10) days of the date of hire. A one (1) year
23 internship certificate shall be issued in accordance with the provisions of 16 KAR
24 2:010 and 16 KAR 4:050.

25 (c) If the district or employing school fails to report verification of enrollment in
26 the internship by the applicable date established in paragraph (a) or (b) of this
27 subsection, and there is insufficient time remaining for the teacher intern to
28 complete the number of days required under subsection (1) of this section, the
29 district or employing school shall declare an emergency as provided in KRS
30 161.100, and the teacher intern shall enroll in the internship in the next semester
31 of employment when at least seventy (70) instructional days are available.

32 (d) Failure to submit the completed Confirmation of Employment or declare
33 an emergency in accordance with paragraph (a), (b), or (c) of this subsection
34 shall:

35 1. Be a violation of KRS 161.020; and

36 2. Result in the number of days the teacher intern taught without a valid
37 certificate being included in the out of field report submitted to the Commissioner
38 of the Department of Education in accordance with KRS 161.1221.

39 (4) A teacher intern may participate in the internship if the intern is teaching in
40 the intern's area of certification on at least a half-time basis. A school district or
41 nonpublic school offering employment to a new teacher for part-time services
42 which do not conform to the definition of half-time basis shall request a waiver
43 from the Education Professional Standards Board staff for the new teacher to
44 participate in the Kentucky Teacher Internship Program. The waiver request shall
45 detail how the part-time employment offered by the district or nonpublic school is
46 commensurate with the half-time basis requirement of this administrative
47 regulation.

1 (5)(a) Termination or resignation of the internship shall be prohibited unless a
2 written resignation detailing the facts surrounding the resignation is received and
3 approved by:

- 4 1. The superintendent or designated nonpublic school head or leader; and
- 5 2. The Education Professional Standards Board staff.

6 (b) A teacher intern who terminates or resigns the internship without the
7 approval of the Education Professional Standards Board staff shall be recorded
8 as unsuccessfully completing the internship for that school year.

9 (6) The internship shall be established in a classroom which corresponds to
10 the certificate of the teacher intern. An internship shall not be established in a
11 classroom designated as an alternative school, classroom or program unless the
12 district superintendent or designated nonpublic school head or leader submits a
13 written request for a waiver to the staff of the Education Professional Standards
14 Board. The request shall include the following:

15 (a) The type of students that attend the alternative school, classroom or
16 program;

17 (b) The student selection and placement process;

18 (c) The level of support for students and faculty provided by the district or
19 nonpublic school;

20 (d) The degree of administrative support within the program, classroom or
21 school;

22 (e) The location and facility that houses the program, classroom or school;

23 (f) The instructional resources available to the faculty;

24 (g) The curriculum used by the program, classroom or school;

25 (h) The manner in which the program, classroom or school collaborates with
26 other schools within the district;

27 (i) The current faculty and staff positions assigned to the program, classroom
28 or school;

29 (j) A brief description of how a teacher intern placed in the alternative
30 program, classroom or school could demonstrate that the teacher intern has met
31 all of the applicable standards;

32 (k) Contact information for an individual who could provide additional
33 information about the request; and

34 (l) A signed affidavit by the superintendent, the superintendent's designee, or
35 the designated nonpublic school head or leader confirming the information.

36 (7) The Education Professional Standards Board staff shall grant the waiver if
37 there is a determination that the request and accompanying documentation
38 sufficiently demonstrate that the level of support and services provided to the
39 teacher intern assigned to an alternative school, classroom, or program is
40 equivalent to that provided to a teacher intern placed in a non-alternative setting,
41 and that the intern assigned to the alternative school, classroom, or program
42 shall be provided the opportunity to successfully demonstrate all Kentucky
43 Teacher Standards.

44 (8) If the waiver is granted, it shall remain in effect for the duration of the
45 internship.

46
47 Section 5. Designation and Duties of Chair; Responsibilities of Resource
48 Teacher, Teacher Intern, and Teacher Educator; Requirements for Timing and

1 Content of Beginning Teacher Committee Meetings. (1) The principal member of
2 the three (3) person beginning teacher committee shall serve as chair and shall
3 be responsible for convening the committee and coordinating its efforts by
4 scheduling observations and committee meetings. The chair shall be responsible
5 for the timely submission of all documents and reports of the beginning teacher
6 committee as required by this administrative regulation. All documents and
7 reports shall be submitted through the electronic reporting system, or by hard
8 copy if the electronic reporting system is unavailable. In addition, the chair shall:

9 (a)1. Make three (3) official observation visits to the teacher intern's
10 classroom with each observation lasting one (1) hour in duration or one (1) class
11 period; or

12 2. Make two (2) one (1) hour or one (1) class period observation visits
13 followed by an observation of the teacher intern's one (1) hour or one (1) class
14 period videotaped classroom lesson[s];

15 (b) Conduct a lesson plan review prior to each of the three (3) observations
16 and a post-observation conference after each observation;

17 (c) Report progress observed and concerns to the committee at the
18 scheduled committee meetings;

19 (d) Monitor the time that the resource teacher spends with the teacher intern
20 both in and out of class and sign the electronic version of the resource teacher
21 time sheets or the hard copy of the resource teacher time sheets if the electronic
22 reporting system is unavailable; and

23 (e) Ensure that all program policies and procedures are followed.

24 (2) The resource teacher shall be a mentor to the teacher intern and assess
25 the teacher intern's progress in the internship.

26 (a) The resource teacher, upon completion of Kentucky Teacher Internship
27 Program Committee Training and upon appointment, shall begin to assist the
28 teacher intern.

29 (b) The resource teacher shall spend a minimum of twenty (20) hours
30 working with the teacher intern in the classroom setting.

31 1. As a portion of the twenty (20) hours, the resource teacher shall conduct:

32 a. Three (3) official observations with each observation lasting one (1) hour in
33 duration or one (1) class period; or

34 b. Two (2) observations lasting one (1) hour in duration or one (1) class
35 period followed by an observation of the teacher intern's one (1) hour or one (1)
36 class period videotaped classroom lesson[s].

37 2. The observations shall be preceded by a pre-observation conference and
38 lesson plan review and shall be concluded with a post-observation conference.

39 (c) Pursuant to the resource teacher requirements established in KRS
40 161.030(7), a resource teacher shall complete at least fifty (50) hours of out-of-
41 class time identified in KRS 161.030 in consultation with the teacher intern to:

42 1. Assist the teacher intern in the development of the professional growth
43 plan;

44 2. Assist the teacher intern in areas identified in the professional growth plan;

45 3. Assist the teacher intern with instructional activities such as planning,
46 management techniques, assessment, and parent conferences;

1 4. ~~Assist the intern in a[Ar]ranging[e activities for the teacher intern such as]~~
2 attendance at seminars, conferences, or lectures offering educational assistance
3 commensurate with the teacher intern's professional growth plan;

4 5. Continually assess the teacher intern's progress in the internship in
5 relation to each of the Kentucky[ne]w] T[te]acher S[s]tandards; and

6 ~~[6. Enter and submit data into the online Resource Teacher Time Sheet or~~
7 ~~the hard copy of that document if the electronic reporting system is unavailable.~~
8 ~~This document is located within "Guiding and Assessing Teacher Effectiveness:~~
9 ~~A Resource Guide for Kentucky Teacher Internship Program Participants,"~~
10 ~~incorporated by reference.]~~

11 (d) The resource teacher shall divide the consultation time required in
12 paragraphs (b) and (c) of this subsection into appropriate increments that provide
13 support for the teacher intern throughout the internship[semester]. The resource
14 teacher shall not spend this required consultation time with the teacher intern at
15 required in-school or district-wide meetings, or any other activity for which the
16 resource teacher receives compensation from the district or employing school, to
17 include a professional development activity.

18 (3) The teacher intern shall:

19 (a) Complete all requirements of the Kentucky Teacher Internship Program
20 as established in KRS 161.030 and this administrative regulation, including
21 compliance with the Kentucky[ne]w] T[te]acher S[s]tandards;

22 (b) Attend the orientation, pre-observation and post-observation conferences
23 with individual committee members, and all beginning teacher committee
24 meetings;

25 (c) Participate with the resource teacher in the fifty (50) hours of consultation
26 time to be spent outside of an instructional setting;

27 (d) Cooperate with the resource teacher in completing the twenty (20) hours
28 of instructional observation;

29 (e) Complete a professional growth plan (PGP);

30 (f) Prepare for three (3) official one (1) hour observations by each committee
31 member during the year, including submitting a written lesson plan to the
32 observer in a timely fashion prior to each visit. Each observation shall be one (1)
33 hour in duration or one (1) class period;

34 (g) Develop documentary evidence of progress toward demonstration of the
35 applicable standards for presentation and review at committee meetings; and

36 (h) Review all electronic documents completed by the beginning teacher
37 committee and affix an electronic signature if required. If the electronic version of
38 the documents are unavailable through the electronic reporting system, the
39 teacher intern shall review and sign hard copy versions of these documents.

40 (4) The teacher educator shall:

41 (a)1. Make three (3) official observations of the teacher intern with each
42 observation lasting one (1) hour in duration or one (1) class period; or

43 2. Make two (2) observations of one (1) hour in duration or one (1) class
44 period, followed by an observation of the teacher intern's one (1) hour or one (1)
45 class period videotaped classroom lesson[s];

46 (b) Conduct a lesson plan review prior to each of the three (3) observations
47 and a post-observation conference after each observation; and

1 (c) Report progress observed and concerns to the committee at the
2 scheduled committee meetings.

3 (5) Observations and committee meetings shall be scheduled in accordance
4 with the following:

5 (a) The orientation meeting shall be held prior to the conduct of any formal
6 classroom observations of the teacher intern;

7 (b) The classroom observations by all committee members shall occur prior
8 to the corresponding committee meeting;

9 (c[b]) The classroom observations and second committee meeting shall be
10 held between one (1) and sixty (60) instructional days following the orientation
11 meeting[and shall have been preceded by classroom observations by all
12 committee members];

13 (d[e]) The classroom observations and third committee meeting shall be held
14 between sixty-one (61) and 110 instructional days following the orientation
15 meeting[and shall have been preceded by classroom observations by all
16 committee members]; and

17 (e[d]) The classroom observations and fourth committee meeting shall be
18 held between 111 and 140 instructional days following the orientation
19 meeting[and shall have been preceded by classroom observations by all
20 committee members].

21 (6) Committees formed during the spring semester shall establish a meeting
22 schedule that observes the time sequences established in subsection (5) of this
23 section for the full-year teacher interns but which shall span the spring and fall
24 semesters of two (2) consecutive school years.

25 (7)(a) Classroom observations conducted by committee members shall be:

26 1. Of at least one (1) hour or one (1) class period in duration; and

27 2. In the classroom or at the work station of the teacher intern.

28 (b) Additional classroom observations may be conducted at the option of the
29 committee.

30 (c) All classroom observations shall be scheduled in advance in order to
31 provide adequate time for preparation by the teacher intern.

32 (8) All members of the committee shall attend all four (4) meetings of the
33 committee.

34 (9) At the orientation meeting of the beginning teacher committee, the
35 following items shall be addressed:

36 (a) Expectations on the part of the teacher intern and each committee
37 member;

38 (b) Procedures and materials for classroom observations;

39 (c) Use of classroom observation data in designing the teacher intern's
40 professional growth plan;

41 (d) Requirements for the teacher intern for compiling documentary evidence
42 of progress toward demonstration of the applicable standards;

43 (e) General schedule for the events to take place during the internship
44 program; and

45 (f) Work of the resource teacher with the teacher intern.

46 (10)(a) The primary purpose of the second and third committee meetings
47 shall be to provide the teacher intern with information based on classroom
48 observations, review of the teacher intern's documented evidence of progress

1 toward demonstration of the applicable standards, and reports of the resource
2 teacher that shall support the growth of the teacher intern.

3 (b) The committee shall provide the teacher intern at the second, third, and
4 fourth meetings with a consensus assessment of the teacher intern's progress in
5 the internship in relation to each of the new teacher standards.

6 (11) The Professional Growth Plan (PGP) shall be initiated at the second
7 committee meeting.

8 (12) The third meeting shall include a review of expectations for the
9 performance of the teacher intern, taking into account the reflections of the
10 teacher intern and the committee members, and incorporating these expectations
11 and reflections into the PGP.

12 (13) The fourth meeting shall include a professional judgment by the
13 committee members on the satisfactory completion of the one (1) year internship.
14 This judgment shall be based upon the teacher intern's ability to meet the
15 requirements of all Kentucky[new] T[t]eacher S[s]tandards .

16
17 Section 6. Decision by the Beginning Teacher Committee, Reporting, and
18 Certification Actions.

19 (1)(a) The decision of the beginning teacher committee as to satisfactory
20 completion of the internship for all full-year teacher interns shall be reported by
21 the chair to the local school superintendent or other employer and to the
22 Education Professional Standards Board by May 1 or no later than two (2) weeks
23 following the final committee meeting, whichever occurs first.

24 (b) For [midyear] teacher interns completing the internship in December, the
25 final report shall be submitted by December 15.

26 (c) If a teacher intern's performance is judged by the committee to be
27 unsuccessful, the school district or employing school shall submit the following
28 documentation to the Education Professional Standards Board by the above
29 mentioned deadlines:~~[The final report shall be accompanied by the resource~~
30 ~~teacher time sheets.]~~

- 31 1. Record of Teacher Internship Year;
- 32 2. Resource Teacher Time Sheets;
- 33 3. All Teacher Performance Assessment documents;
- 34 4. School Calendar; and
- 35 5. Video if available.

36 (d) All materials submitted become property of the Education Professional
37 Standards Board and shall not be returned to the teacher intern.

38 (2) Failure to meet the above deadlines may warrant action against the District
39 Superintendent's or employing school head or leader's certification.

40 (3[2]) If a teacher intern's performance is judged by the committee to be
41 unsatisfactory, the teacher intern shall have the opportunity to repeat the
42 internship during one (1) additional school year contingent upon employment
43 within the period of validity of the statement of eligibility for internship. If the
44 teacher intern does not successfully complete the internship during the period of
45 validity of the statement of eligibility, the teacher intern shall requalify for
46 admission to the remaining one (1) year of internship by meeting the
47 requirements in effect at the time of reapplication for certification.

1 (3)(a) If the teacher intern is unable to complete the internship within one (1)
2 school year in accordance with the requirements of Section 5 of this
3 administrative regulation, an interim report shall be submitted to the EPSB
4 through the electronic system, or by hard copy if the electronic system is
5 unavailable within ten (10) days of the date the internship ceases.

6 (b) Under extraordinary circumstances and with the approval of the EPSB,
7 the teacher intern may continue the internship during a subsequent school year if
8 employed in a public or nonpublic accredited school. Extraordinary
9 circumstances shall include:

- 10 1. Serious medical conditions;
- 11 2. Temporary disability; or
- 12 3. Military deployment.

13 (c) The provisions of Section 4 of this administrative regulation shall not apply
14 in this situation.

15
16 Section 7. Payments to Committee Members. (1) In accordance with the
17 budgetary act, the Education Professional Standards Board shall contract with
18 the local school district, or make other appropriate arrangements, for:

- 19 (a) The direct service of a resource teacher to each teacher intern; and
- 20 (b) ~~[Participation in classroom observations and committee meetings; and~~
- 21 (e)] The employment of substitute teachers of up to 20 clock hours ~~[to provide~~
22 ~~at least twenty (20) clock hours of released time]~~ for the resource teacher to
23 observe and assist the teacher intern during normal working hours.

24 (2) A resource teacher shall:

25 (a) Not serve as a resource teacher for more than one (1) teacher intern
26 concurrently; and

27 (b) Be paid a stipend in accordance with subsection (3) of this section.

28 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, the
29 stipend shall be:

- 30 1. \$1,400 for a year of service; and
- 31 2. Disbursed in accordance with KRS 161.030(6)(f) on a biannual basis
32 corresponding to the semester in which the mentoring occurred or on an annual
33 basis ~~[for full-year interns]~~ with payment being disbursed at the end of the one (1)
34 year internship.

35 a. The frequency of the disbursement shall be at the option of the district if
36 the resource teacher is serving in a public school district.

37 b. If the resource teacher is serving in a nonpublic school, the frequency of
38 the disbursement shall be determined by the submission of the resource teacher
39 time sheets.

40 (b) ~~[If the school or school district where the internship takes place fails to~~
41 ~~submit the time sheets by the date stipulated in Section 6(1) of this administrative~~
42 ~~regulation, the Education Professional Standards Board staff shall refuse~~
43 ~~payment of the stipend.~~

44 (e)] The stipend shall be prorated if the required number of hours are not
45 performed and documented in legitimate and appropriate pursuit of successful
46 completion of the internship pursuant to the requirements of Section 5(2) of this
47 administrative regulation.

~~[Section 8. Use of the New Teacher Performance Assessment by Internship Participants. (1) Beginning with the 2006-07 school year, and for full-year interns beginning the Fall of 2007, a school or district may require all interns employed to use the new Teacher Performance Assessment in lieu of the traditional internship assessments contained within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants."~~

~~— (2) Beginning January 1, 2008, all school districts and all nonpublic schools participating in the Kentucky Teacher Internship Program shall use the new Teacher Performance Assessment with all interns beginning their internship in lieu of the traditional internship assessments contained within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants"~~

~~— (3) Prior to serving as a member of the beginning teacher committee for a teacher intern using the new Teacher Performance Assessment, the principal, resource teacher, and teacher educator each shall have completed the new Teacher Performance Assessment internship committee training.~~

~~— (4) During the year of the internship using the new Teacher Performance Assessment, the teacher intern and the beginning teacher committee shall utilize the Kentucky Internship Program scoring rubrics and forms contained within the Kentucky Teacher Internship Program Teacher Performance Assessment Handbook, incorporated by reference.~~

~~— (5) To the extent that they do not conflict with this section, all other provisions of this administrative regulation shall apply to the intern using the new Teacher Performance Assessment.~~

~~— (6) Participation in the Kentucky Teacher Internship Program using the new Teacher Performance Assessment shall not alter any rights ordinarily afforded to teacher interns or employing schools or school districts under the Kentucky Teacher Internship Program. Use of the new Teacher Performance Assessment shall not form a basis for appeal of a teacher intern's failure of the Kentucky Teacher Internship Program.]~~

Section 8[9]. Appeals. (1)(a) The teacher intern shall file a written notice of appeal within thirty (30) calendar days of the date the written notice of failure of the internship is received by the teacher intern. If the teacher intern fails to maintain a current address with the Education Professional Standards Board or refuses to claim the certified mail the intern shall file a written notice of appeal within thirty-five (35) days of the date the notice is mailed to the teacher intern's last known address.

(b) If a written notice of appeal is not received within the above timeline the KTIP Committee's decision shall be final.

(c) Upon receipt of the appeal, the Education Professional Standards Board shall send a copy to the members of the beginning teacher committee. Each member may file a written response within fifteen (15) days of receipt.

(2)(a) Appeals by teacher interns shall be reviewed by a committee of four (4) persons. The appeals committee shall include:

1. One (1) teacher;

2. One (1) principal;

3. One (1) teacher educator; and

1 4. The Executive Director of the Education Professional Standards Board, or
2 his or her designee.

3 (b) The committee members shall be chosen from a pool of committee
4 candidates appointed annually by the Education Professional Standards Board.

5 (c) An appeals committee member shall not take part in a decision in which
6 the member has an interest or is biased.

7 ~~[(1)(a) Appeals by teacher interns shall be reviewed by a committee of four (4)~~
8 ~~persons. The appeals committee shall include:~~

9 ~~— 1. One (1) teacher;~~

10 ~~— 2. One (1) principal;~~

11 ~~— 3. One (1) teacher educator; and~~

12 ~~— 4. The Executive Director of the Education Professional Standards Board, or~~
13 ~~his or her designee.~~

14 ~~— (b) The committee members shall be chosen from a pool of committee~~
15 ~~candidates appointed annually by the Education Professional Standards Board.~~

16 ~~— (c) An appeals committee member shall not take part in a decision in which~~
17 ~~the member has an interest or is biased.~~

18 ~~— (2)(a) The teacher intern shall file the appeal within thirty (30) calendar days~~
19 ~~of the date the written notice of failure of the internship is received by the teacher~~
20 ~~intern by certified mail return receipt requested. If the teacher intern fails to~~
21 ~~maintain a current address with the Education Professional Standards Board or~~
22 ~~refuses to claim the certified mail, the appeal shall be filed within thirty-five (35)~~
23 ~~days of the date the notice is mailed to the teacher intern's last known address.~~

24 ~~— (b) Upon receipt of the appeal, the Education Professional Standards Board~~
25 ~~shall send a copy to the members of the beginning teacher committee. Each~~
26 ~~member may file a written response within fifteen (15) days of receipt.]~~

27 (3)(a) The appeals committee shall review the written appeal by the teacher
28 intern, all beginning teacher committee reports, any additional documentation
29 that accompanied the final report, and any written responses from the members
30 of the beginning teacher committee.

31 (b) The appeals committee shall base its recommendation upon the following
32 requirements:

33 1. Evidence of the teacher intern's ability to meet the requirements of the
34 Kentucky[~~new~~] T[~~t~~]eacher S[~~s~~]tandards;

35 2. Appropriate documentation of at least twenty (20) hours in the instructional
36 setting and fifty (50) hours outside normal working hours spent by the resource
37 teacher in assisting the teacher intern;

38 3. Assignment of beginning teacher committee members in accordance with
39 legal requirements;

40 4. Compliance with the requirements for the timing, content, reporting, and
41 signing of teacher intern performance records, meeting and observation forms,
42 and resource teacher time sheets; and

43 5. Agreement between teacher intern performance records, professional
44 growth plans, beginning teacher committee meeting reports, the teacher
45 performance assessment, and the final decision of the committee.

46 (4) The appeals committee shall make a recommendation to the Education
47 Professional Standards Board on the appeal within sixty (60) days following the
48 receipt of the appeal, unless good cause exists for additional time. The Education

1 Professional Standards Board shall issue a final decision in each appeal
2 reviewed by the appeals committee. The Education Professional Standards
3 Board may consider the appeals committee recommendation and the records
4 reviewed by the appeals committee in issuing its decision.

5 (5) If the decision of the beginning teacher committee is not upheld, the
6 Education Professional Standards Board shall issue the appropriate certificate to
7 the teacher intern.

8 (6) If the decision of the beginning teacher committee is upheld, the
9 Education Professional Standards Board shall issue another Statement of
10 Eligibility for Internship, unless:

11 (a) The teacher intern has exhausted the two (2) year provision for
12 participation in the Kentucky Teacher Internship Program; or

13 (b) The period of validity of the statement of eligibility has expired.

14 (7) If, during the appeal process, it becomes evident that the beginning
15 teacher committee has committed some procedural violation during the
16 internship which makes it impossible to determine if the teacher intern has in fact
17 been unsuccessful, the Education Professional Standards Board may nullify the
18 internship and allow the teacher intern to repeat the internship without penalty.

19 (8) If the teacher intern is not satisfied with the decision of the board based
20 on the recommendation of the appeals committee, the teacher intern may
21 request a formal hearing under the provisions of KRS Chapter 13B. The request
22 shall be filed in writing with the Executive Director of the Education Professional
23 Standards Board within fifteen (15) calendar days of the date the board's
24 decision is received by the teacher intern.

25 (9) In notifying the teacher intern of the board's decision, the Education
26 Professional Standards Board shall send the decision of the board by certified
27 mail to the last known address of the teacher intern. If the teacher intern fails to
28 maintain a current address with the Education Professional Standards
29 Board~~[notify the Education Professional Standards Board of an updated or~~
30 ~~correct address]~~, or refuses to claim the certified mail ~~[when presented]~~, the
31 request for a hearing shall be filed in writing with the Executive Director of the
32 Education Professional Standards Board within (20) calendar days of the date
33 the board's decision is mailed to the teacher intern by certified mail.

34
35 Section 9~~[10]~~. A teacher intern who has not successfully completed the
36 internship and has exhausted the two (2) year provision for participation in the
37 Kentucky Teacher Internship Program shall not be eligible for a Kentucky
38 teaching certificate under this administrative regulation.

39
40 Section 10~~[44]~~. An intern serving the internship in Interdisciplinary Early
41 Childhood Education (IECE) shall successfully demonstrate the Kentucky~~[new]~~
42 T~~[t]~~e~~[e]~~a~~[a]~~c~~[c]~~h~~[c]~~ildhood~~[c]~~E~~[e]~~d~~[e]~~ucation~~[e]~~S~~[s]~~t~~[t]~~andards~~[s]~~ as adapted to the IECE standards and shall utilize the
43 KTIP IECE Intern Performance Record Observation Instrument incorporated by
44 reference.

45
46 Section 11~~[42]~~. Incorporation by Reference. (1) The following material is
47 incorporated by reference:

48 (a) KTIP Intern Performance Record, October 2007 edition; and

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1 (b) KTIP IECE Intern Performance Record, July 2007 edition.

2 [~~(a) "Guiding and Assessing Teacher Effectiveness: A Resource Guide for~~
3 ~~Kentucky Teacher Internship Program Participants," March 2005 edition;~~

4 ~~—(b) "Statement of Eligibility/Confirmation of Employment form," revised~~
5 ~~November 2004;~~

6 ~~—(c) "Kentucky Teacher Internship Program Teacher Performance Assessment~~
7 ~~Handbook", June 2006 edition;~~

8 ~~—(d) KTIP TPA Intern Performance Record, June 2006 edition; and~~

9 ~~—(e) "IECE Observation Instrument", January 2005 edition.]~~

10 (2) This material may be inspected, copied, or obtained, subject to
11 applicable copyright law, at the Education Professional Standards Board, 100
12 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8
13 a.m. to 4:30 p.m. (22 Ky.R. 1422; Am. 1602; eff. 3-7-96; 25 Ky.R. 129; eff. 9-3-
14 98; 26 Ky.R. 1043; 1557; eff. 2-14-2000; 27 Ky.R. 3158; 28 Ky.R. 380; eff. 8-15-
15 01; Recodified from 704 KAR 20:690, 7-2-02; 30 Ky.R. 372; 902; 1198; eff. 12-1-
16 03; 31 Ky.R. 1868; 32 Ky.R. 40; eff. 8-29-05; 33 Ky.R. 843; 1277; eff. 12-1-06.)
17

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item B

Information Item:

EPSB Waiver Process

Applicable Statutes and Regulation:

KRS 161.028(1)(r)

Applicable Goal:

All Goals.

Background:

The Education Professional Standards Board (EPSB) is one of the few state regulatory boards with the ability to waive its own regulations. The EPSB's waiver authority originates in KRS 161.028(1)(r) which states that the EPSB has the authority and responsibility to:

Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a post secondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. **The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver.**

Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver. (emphasis added)

This section of the EPSB's authorizing statute was enacted in July of 1998 and the EPSB adopted the original Waiver Request Procedure on September 28, 1998. This policy, which is attached in its current form, has been updated twice since its original approval by the board. Each individual requesting a waiver is required under the outlined procedure to "set forth all facts to support the extraordinary circumstances necessary for waiver."

At the October 22, 2007 board meeting, several members expressed frustration with the current waiver process, mainly the perceived inconsistency in the board's decisions. In order for the board to grant a waiver, the individual must demonstrate that there are "extraordinary circumstances" which justify this individual's being treated differently from other individuals; therefore, the board's frustration is understandable. Although individuals may be seeking to waive similar regulations, the facts and circumstances behind the request will almost always be different. In cases where the board has seen similar waivers with similar fact patterns and consistently granted those requests, the board will often amend the regulatory requirements. For instance, when a pattern

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developed regarding cooperating teacher assignments, the regulation was amended to change the requirement accordingly. Thus, when consistency is established, it necessitates regulatory change.

Although eradicating any perceived inconsistencies in the waiver review process is impossible unless the board chooses to deny all requests, the board may wish to revise its current procedures to provide a framework for its decisions. The staff proposes placing review of the process on the agenda for the board's winter retreat. The Waiver Request Procedure has not been reviewed by the board since August of 2002, and the current version does not include any standards of review. Since each waiver request asks the board to make a policy decision that may impact the teaching profession, an extended discussion on this topic and a review of the current procedure are warranted.

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Executive Director

Date:

November 19, 2007

EDUCATION PROFESSIONAL STANDARDS BOARD

**WAIVER REQUEST
PROCEDURE**

**Approved September 28, 1998
AMENDED AUGUST 14, 2000; AUGUST 26, 2002**

Pursuant to KRS 161.028(1)(r), the Education Professional Standards Board (hereinafter “the Board”) has been given the authority to waive regulatory requirements. (Statutory requirements cannot be waived.) The following procedure shall be followed for any request for waiver.

1. All requests for waiver shall be submitted in writing to the Board’s Executive Director at least 30 days before the next regularly scheduled board meeting. Each waiver request shall set forth all facts to support the extraordinary circumstances necessary for waiver and shall stipulate the specific regulation for which waiver is requested.
2. The waiver request, along with all supporting documentation, shall be included in the agenda materials for the next Board meeting. The waiver request agenda item shall be assigned to a Board committee for initial review and recommendation.
3. The Executive Director shall send a letter to the applicant notifying him/her of the date, time, and location of the Board meeting at which his/her request will be considered. The Board, including members of the Board committee, will have sole discretion in determining whether or not the applicant may address the Board.
4. At the Board meeting, during open session, committee members shall consider the request for waiver, along with any attached supporting documentation. Subsequently, the committee shall make a recommendation to the Board. The Board shall vote in open session on the committee’s recommendation and render a final decision.
5. The Executive Director shall notify the applicant in writing of the decision of the Board.
6. A disability as defined in the Americans with Disabilities Act of 1990, 42 USC 2101, may form the basis for a waiver request. For more information, please contact the Board’s Section 504/ADA Coordinator, Brenda Allen, at 1024 Capital Center Drive, Suite 225, Frankfort, KY 40601.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item A

Action Item:

Amendment to EPSB's Determining Probable Cause to Take Disciplinary Action Procedure, Final Action

Applicable Statutes and Regulation:

KRS 161.028, KRS 161.120, 16 KAR 1:020, 16 KAR 1:030

Applicable Goal:

Goal 3: Every credentialed educator exemplifies behaviors that maintain the dignity and integrity of the profession by adhering to established law and EPSB Code of Ethics.

Issue:

Should the EPSB approve the proposed amendments to the EPSB's Determining Probable Cause to Take Disciplinary Action Procedure contained in the EPSB's Policy and Procedure Manual?

Background:

At the May 14, 2007 board meeting, the Education Professional Standards Board (EPSB) piloted using "deferral for training" as a new probable cause decision in disciplinary cases. The EPSB has been using this decision when the evidence presented indicates that the Respondent would benefit from remedial training. Consideration of the case is deferred in order to offer the Respondent an opportunity to complete the suggested training. If the Respondent provides written proof to the board that he or she has successfully completed the recommended training, the board shall dismiss the case without prejudice.

This option offers the Respondent the chance to finalize his or her disciplinary matter in an efficient manner without an admission or finding of any wrongdoing. The Respondent may choose not to accept this opportunity, in which case the legal staff would return the matter to the disciplinary docket for further deliberation by the EPSB.

In order to formalize this option, the EPSB's Determining Probable Cause to Take Disciplinary Action Procedure must be amended. Currently, the EPSB has the option to dismiss without prejudice, dismiss, admonish, or refer a case to a hearing. This addition will be another option that the EPSB can utilize when the misconduct in the allegations is not serious enough to warrant suspension and the evidence is not clear that the misconduct did indeed take place.

At the October 23, 2007 board meeting, staff requested the EPSB to review whether members wish to continue to use two (2) separate designations for dismissal: dismiss (with prejudice) and dismiss without prejudice. The current policy allows the EPSB to dismiss a disciplinary case with prejudice, which means that no further action may be

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taken on this complaint; however, KRS 161.120(9) states “the board may reconsider, modify, or reverse its decision on any disciplinary action.” After discussion at the board meeting, the EPSB decided to combine the two types of dismissal so that past complaints may be used in any future disciplinary hearing. That change is now incorporated in the proposed amendment.

This procedure has not been modified since 2002, so the legal staff proposes amending the policy to more accurately reflect the EPSB’s current practices, including establishing a standard for opening a case after review of a complaint. Staff currently opens a case on complaints that provide sufficient evidentiary information to establish a violation of KRS 161.120(1). The proposed amendment will formalize that standard of review. Secondly, the staff suggests modifying the defining language when the EPSB votes to hear so that it is clear to the respondent that a formal investigation will take place prior to any hearing on the matter.

Alternative Actions:

1. Approve the amendments to the Policy and Procedure Manual.
2. Modify and approve amendments to the Policy and Procedure Manual.
3. Do not approve the amendments to the Policy and Procedure Manual.

Staff Recommendation:

Alternative Action 1

Rationale:

These amendments will formalize the use of deferral for training as a probable cause decision, bring the policy in line with the EPSB’s disciplinary statute, and incorporate current practices.

Contact Person:

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Executive Director

Date:

November 19, 2007

EDUCATION PROFESSIONAL STANDARDS BOARD

**DETERMINING PROBABLE CAUSE TO TAKE DISCIPLINARY ACTION
PROCEDURE**

APPROVED AUGUST 26, 2002

(Proposed Amendments November 19, 2007)

Pursuant to KRS 161.120(1), the Education Professional Standards Board (hereinafter “the Board”) may take disciplinary action against certified educators. Superintendents have a duty to report misconduct within 30 days of the incident and may be subject to disciplinary action for failing to so report. In addition, other sources may submit complaints to the Board’s legal staff. Legal staff shall initiate a disciplinary case when the allegation in the report or complaint establishes an act prohibited by KRS 161.120(1).

Upon opening a disciplinary case, the legal staff sends the educator (“respondent”) a copy of the complaint received, and he or she is advised in writing of the right to submit any rebuttal material within 30 days. The respondent also has the ability to request a delay in submitting a rebuttal. (This is frequently the case when an employment tribunal or concurrent civil or criminal trial is involved.) Board policy is to authorize legal staff to grant such requests at their discretion and for good cause.

Following receipt of a rebuttal or the expiration of the time limit for its submission, the initial case is presented by legal staff [~~a staff attorney~~] at the next regularly scheduled board meeting. At that time, if the Board does not request further information, it makes one of the following “probable cause” determinations:

Dismiss : The complaint against the educator shall be dismissed. The dismissal may not be based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc.; therefore subsequent action on this complaint is not prohibited. [~~(with prejudice): The merits of the case have been considered and form the basis of the dismissal. No further action may be taken on this complaint.~~]

~~Dismiss without prejudice: The dismissal is not based upon the merits of the case, but rather some other aspect, such as weak facts, incomplete reporting, lack of cooperation from witnesses, etc. Subsequent action on this complaint is not prohibited.]~~

Deferral for training: The evidence presented to the Board indicates that the Respondent would benefit from remedial training. The Board shall defer consideration of this case in order to offer the Respondent an opportunity to complete the suggested training. If the Respondent provides written proof to the Board that he or she has successfully completed the recommended training, the Board shall dismiss the case.

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Admonish: The evidence presented to the Board provides a clear indication that the alleged misconduct did in fact occur; however, it is not serious enough to warrant a suspension of the certificate. The Board issues a written admonishment to the educator with a copy to his or her superintendent.

Refer to Hearing: The evidence, if true, would indicate that punitive action should be taken against the certificate. Legal staff shall further investigate the allegations and proceed [~~Staff then proceeds~~] toward an administrative hearing in accordance with KRS 13B.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item B

Action Item:

Cut Score Framework

Applicable Statute or Regulation:

KRS 161.030
16 KAR 6:010 Sections 2 & 3

Applicable Goals:

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

Background:

During the October 22, 2007, Education Professional Standards Board meeting, staff proposed establishing a *Cut Score Framework* that would become an entry into the *Education Professional Standards Board Procedure Manual*. Staff proposed this framework as a set of guidelines that would be applied to cut scores recommended by validation panels that review test items for job relevance and would govern normal operations but might be ignored in special circumstances. In addition to the *Cut Score Framework*, the Board requested and staff agreed to provide national and regional descriptive information at the time a cut score is recommended.

As explained to the board in October, the *Cut Score Framework* would enable staff to present to the board more consistent cut scores in a more efficient manner. By applying agreed upon conventions to potential cut scores prior to presenting a recommended cut score to the board, staff can assure the board that recommendations across content areas are consistent. The board can then focus its concerns on the impact of cut scores rather than the methodology.

The recommended *Cut Score Framework* is as follows.

Accept the recommendation of the validation panel if it is:

- between the 15th – 25th percentiles, inclusive
- greater than or equal to the current cut score
- comparable to the SREB average cut score

Alternative Actions:

1. Approve the recommended *Cut Score Framework* for inclusion in the *Education Professional Standards Board Procedure Manual* and routine application.
2. Modify the recommended *Cut Score Framework*, and approve for inclusion in the *Education Professional Standards Board Procedure Manual* and routine application.

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3. Do not approve the recommended *Cut Score Framework* for inclusion in the *Education Professional Standards Board Procedure Manual* and routine application.

Staff Recommendation:

Alternative Action 1

Rationale:

Staff has observed the application of these parameters since May 1999 and found the effects to be satisfactory. Staff has researched the methodologies of other states and found no other method superior to this framework for Kentucky. And finally, staff consulted with the EPSB psychometrician and an ETS testing expert regarding the best strategy to employ in establishing cut scores for licensure tests in Kentucky. This general framework, presented to the board in the October 21st work session, was advised.

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Executive Director

Date:

November 19, 2007

Cut Score Framework

Submitted for Approval on November 19, 2007

Pursuant to KRS 161.030, certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification.

16 KAR 6:010 requires that the Education Professional Standards Board (EPSB) select the appropriate assessments and passing scores required prior to teacher certification.

The cut score framework is a set of guidelines that shall be applied to cut scores recommended by validation panels and shall govern normal operations.

The *Cut Score Framework* is as follows.

Accept the recommendation of the validation panel if it falls within the following parameters:

- is between the 15th – 25th percentiles, inclusive
- is greater than or equal to the current cut score
- is comparable to the SREB average cut score

To recommend a cut score outside of this framework, staff will provide the board a rationale, along with the national and regional descriptive information.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item C

Action Item

Request approval to authorize the executive director to enter into contracts to conduct normal business operations

Applicable Statutes and Regulation

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

Applicable Goal

Goal 6: 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) authorize the executive director to enter into the specified contracts to conduct normal business operations?

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 EPSB approved procedures for seeking approval and authorization for entering financial agreements at the October 23, 2006 EPSB meeting.

Purpose of the contracts:

1. To administer the National Board for Professional Teaching Standards (NBPTS) mentoring program, the EPSB will need to establish multiple contracts with local school districts, educational coops, and institutions of higher education. These contracts will provide a variety of services including workshops for teachers, mentor training, program coordinators and collection of documentation.
 - Approximate cost of the contracts: \$300,000
 - Impact on budget: These expenditures were included in the FY 2008 budget.
 - Type of entity providing service: Education agencies
 - Bidding process: An RFP will be published to solicit proposals for these services.
 - Singular vs. continuing service: Singular

Alternative Actions

1. Authorize the executive director to issue an RFP and enter into all of the contracts awarded from that RFP.
2. Do not approve the issuance of the RFP and awarding of the contracts.
3. Authorize RFP and request further review of contract awards before completion.

Staff Recommendation

Alternative 1

Rationale

These are routine and necessary expenditures.

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Executive Director

Date:

November 19, 2007

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item D

Action Item:

Indiana Wesleyan University's "Letter of Intent" requests recognition as a Kentucky educator preparation institution to offer the Master's in Education and Rank I programs

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) grant Indiana Wesleyan University's request to pursue accreditation as a Kentucky institution and offer the Master of Education and Rank I programs?

Background:

In November 1999, the EPSB adopted and implemented a process to approve and evaluate college and university programs for the preparation of teachers and other professional school personnel. The policy reflects the board's interpretation of this regulation to mean that all teacher preparation programs operating in Kentucky, regardless of the geographical location of the parent institution, must be accredited.

Indiana Wesleyan University (IWU) submitted a "letter of intent" October 2007 requesting accreditation as a Kentucky institution and the opportunity to offer the Master of Education and Rank I programs. Until January 2007, the university was approved to offer the Master of Education and Rank I programs at the Louisville, Kentucky campus.

The university is petitioning the board to begin the accreditation process and seek approval for the two programs previously listed. The letter of intent addresses Precondition I: "The institution recognizes and identifies a professional education unit that has responsibility and authority for the preparation of teachers and other professional education personnel." IWU is requesting to offer programs at the Louisville campus.

As a Kentucky-accredited institution, IWU would be required to conform to Kentucky's new master's redesign. IWU would also need to provide all of the necessary resources, faculty, advising, etc. at the proposed campus and would be expected to meet all NCATE and Kentucky standards. The Marion, Indiana campus would no longer be considered or

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reviewed during the Kentucky accreditation process. (*The letter of intent is under separate cover.*)

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November 19, 2007

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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, 164.945-164.947, 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 3. Developmental Process for New Educator Preparation Programs. (1) New educator preparation institutions requesting approval from the EPSB to develop educator preparation programs that do not have a historical foundation from which to show the success of candidates or graduates as required under Section 9 of this administrative regulation shall follow the four (4) stage developmental process established in this section to gain temporary authority to admit candidates.

(2) Stage One.

(a) The educator preparation institution shall submit an official letter from the chief executive officer and the governing board of the institution to the EPSB indicating their intent to establish an educator preparation program.

(b) The EPSB staff shall make a technical visit to the institution.

(c) The institution shall submit the following documentation:

1. Program descriptions required by Section 11 of this administrative regulation;
2. Continuous assessment plan required by Section 11 of this administrative regulation; and
3. Fulfillment of Preconditions 1, 2, 3, 5, 7, 8, and 9 established in Section 9 of this administrative regulation.

(d) The EPSB shall provide for a paper review of this documentation by the Reading Committee and the Continuous Assessment Review Committee.

(e) Following review of the documentation, EPSB staff shall make an additional technical visit to the institution.

(3) Stage Two.

(a) A board of examiners team shall make a one (1) day visit to the institution to verify the paper review.

(b) The team shall be comprised of:

1. One (1) representative from a public postsecondary institution;
2. One (1) representative from an independent postsecondary institution; and
3. One (1) representative from the Kentucky Education Association.

(c) The team shall submit a written report of its findings to the EPSB.

(d) The EPSB shall provide a copy of the written report to the institution.

(e)1. The institution may submit a written rejoinder to the report within thirty (30) working days of its receipt.

2. The rejoinder may be supplemented by materials pertinent to the conclusions found in the team's report.

(f) The Accreditation Audit Committee shall review the materials gathered during Stages One and Two and make one (1) of the following recommendations to the EPSB with regards to temporary authorization:

1. Approval;
2. Approval with conditions; or
3. Denial of approval.

(4) Stage Three.

(a) The EPSB shall review the materials and recommendations from the Accreditation Audit Committee and make one (1) of the following determinations with regards to temporary authorization:

1. Approval;
2. Approval with conditions; or
3. Denial of approval.

(b) An institution receiving approval or approval with conditions shall:

1. Hold this temporary authorization for two (2) years; and
2. Continue the developmental process and the first accreditation process established in this administrative regulation.

(c) An institution denied temporary authorization may reapply.

(d) During the two (2) year period of temporary authorization, the institution shall:

1. Admit candidates;
2. Monitor, evaluate, and assess the academic and professional competency of candidates; and
3. Report regularly to the EPSB on the institution's progress.

(e) During the two (2) year period of temporary authorization, the EPSB:

1. May schedule additional technical visits; and
2. Shall monitor progress by paper review of annual reports, admission and exit data, and trend data.

(5) Stage Four.

(a) The institution shall host a first accreditation visit within two (2) years of the approval or approval with conditions of temporary authorization.

(b) All further accreditation activities shall be governed by the remaining sections of this administrative regulation, which govern the first accreditation of an educator preparation institution.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Alternative Route to Certification Application

Action Item:

Alternative Route to Certification Application

Applicable Statutes and Regulation:

KRS 161.028, 161.030, 161.048
16 KAR 9:040

Applicable Goal:

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

Issue:

Should the Education Professional Standards Board approve the alternative route to certification application?

Background:

The following individual is requesting Adjunct certification on the basis of exceptional life/work experience:

Ms. Patricia Bingham, Adjunct for Dance, Grades P-12

The application is under separate cover.

Alternative Actions:

1. Approve the alternative route to certification application
2. Modify and approve the alternative route to certification application
3. Do not approve the alternative route to certification application

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November 19, 2007

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16 KAR 9:040. Part-time adjunct instructor certificate.

RELATES TO: KRS 161.020, 161.028(1)(a), (c), 161.030, 161.046, 161.048(5), 161.120

STATUTORY AUTHORITY: KRS 161.028(1)(a), (c), 161.030, 161.046(2), 161.048(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.046 and 161.048(5) establish the position of adjunct instructor and require the Education Professional Standards Board to promulgate administrative regulations to establish certification requirements. This administrative regulation establishes the minimum requirements for an adjunct instructor certificate.

Section 1. Definition. "Exceptional life or work experience candidate" means a person with recognized superiority as compared with others in rank, status, and attainment or superior knowledge and skill in comparison with the generally-accepted standards in the area in which certification is sought.

Section 2. Candidate Eligibility Requirements. (1) An adjunct instructor shall meet the requirements for good moral character as required in KRS 161.120 and the following requirements relating to educational and occupational experience:

(a) An adjunct instructor employed in middle school or secondary school shall hold:

1. A bachelor's degree from a regionally accredited institution with:

a.(i) A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

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

b. A major, minor, or area of concentration in the specialty subject to be taught; or

2. A master's degree in the specialty subject to be taught from a regionally-accredited institution with the minimum grade point average established in subparagraph 1a of this paragraph.

(b) An adjunct instructor in elementary school or early childhood education program shall hold:

1. A bachelor's degree from a regionally-accredited institution with:

a.(i) A cumulative minimum grade point average of 2.50 on a 4.0 scale; or

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

b. A major, minor, or area of concentration in a planned program of child development or a related area; or

2. A master's degree in a planned program of child development or a related area from a regionally accredited institution with the minimum grade point average established in subparagraph 1a of this paragraph.

(c) An adjunct instructor for occupation-based career and technical education shall:

1. Be a high school graduate;

2. Have at least four (4) years of appropriate occupational experience for the specialty to be taught; and

3.a. Complete the specialty area examination prerequisite as identified in 16 KAR 6:020; or

b. Hold either an associate degree or technical diploma in a related area.

(2)(a) An applicant for adjunct instructor certification who does not meet the minimum academic preparation requirements established in subsection (1) of this section may apply for this certificate as an exceptional life or work experience candidate.

(b) An exceptional life or work experience candidate shall be recommended by the employing school district and complete the application process established in subsection (3) of this section.

(c) An exceptional life or work experience candidate shall include the following information as verification of exceptional qualifications in the field of endeavor to be taught or service to be practiced:

1. Sufficient documentation that demonstrates to the local school district and the Education Professional Standards Board that an applicant is an exceptional life or work experience candidate as defined in Section 1 of this administrative regulation and has talents and abilities commensurate with the New Teacher Standards established in 16 KAR 1:010;

2. Documentation of achievement that may include academic and nonacademic preparation, distinguished employment, evidence of related study or experience, publications, professional achievement, or recognition attained for contributions to an applicant's field or endeavor; and

3. Recommendations from professional associations, former employers, professional colleagues, or any other individual or group whose evaluations shall support exceptional life or work experience in this field.

(3) Form TC-25 signed by the local district superintendent and approved by the local board of education shall be submitted to the Education Professional Standards Board for each adjunct instructor. The application shall be accompanied by official transcripts of all college credits earned by the prospective adjunct instructor along with documentation of any exceptional competencies or experiences submitted in support of the application. Upon receipt of the application and appropriate documentation, a candidate meeting all of the requirements shall be issued a one (1) year adjunct instructor certificate.

Section 3. Orientation Program. Each local board of education shall provide for an orientation program for the adjunct instructors employed within the district. A detailed description of the orientation program shall be a part of the certificate application form. The orientation program shall include an emphasis on student safety, district policies and procedures, and pedagogical assistance commensurate with the New Teacher Standards established in 16 KAR 1:010.

Section 4. Incorporation by Reference. (1) "Form TC-25", revised 8/99, 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. (11 Ky.R. 357; eff. 9-11-84; Am. 26 Ky.R. 1035; 1415; eff. 1-18-2000; 27 Ky.R. 3157; eff. 7-16-2001; 28 Ky.R. 2069; 2342; eff. 5-16-2002; recodified from 704 KAR 20:300, 7-2-2002; 33 Ky.R. 849; 1282; eff. 12-1-06.)