

Agenda Book  
EPSB Meeting Agenda

EPSB Offices, 100 Airport Road, Frankfort, KY 40601  
November 20, 2006

Monday, November 20, 2006

9:00 AM EST      **Call to Order**

[Approval of October 23, 2006 Minutes](#) (Pages 1-18)

**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)

**Report of the Chair**

Board Member Recognition

**Committee Reports**

**Information/Discussion Item**

- A. [Legislative Agenda](#) (Ms. Alicia Sneed) (Pages 19-20)
- B. [Public Official's Liability Insurance](#) (Mr. Gary Freeland) (Pages 21-22)
- C. [Update on State Plan USDOE](#) (Ms. Cindy Owen) (Pages 23-24)
- D. [Standard Setting Study \(SSS\) for the Productive Language Skills \(PLS\) Tests and Request for Information \(RFI\) for Development of an Interdisciplinary Early Childhood Education \(IECE\) test](#) (Ms. Owen) (Pages 25-26)
- E. [16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Notice of Intent](#) (Ms. Owen) (Pages 27-40)

**Action Items**

[Request approval to authorize the executive director to enter into contracts to provide lodging for EPSB members](#) (Mr. Gary Freeland) (Pages 41 - 42)

**Waivers**

- A. [Request for Waiver of language in 16 KAR 7:010 pertaining to the May 1 deadline for Resource Teacher Timesheets](#) (Ms. Owen) **(Pages 43- 54)**
- B. [Waiver of the Cooperating Teacher Eligibility Requirements](#) (Dr. Marilyn Troupe) **(Pages 55-58 )**
- C. [Ms. Jennifer Childress - Request for Waiver of 6 New Graduate Hours for the Renewal of a Certificate](#) (Mr. Michael Carr) **(Pages 59-60)**
- D. [Exceptional Children Teacher Assignment Waiver\(s\)](#) (Mr. Michael Carr) **(Pages 61-66)**
- E. [Waiver of current passing scores for Art: Content Knowledge \(0133\), Middle School Social Studies \(0089\), Social Studies: Interpretation of Materials \(0083\), Business Education \(0100\), and Middle School English Language Arts \(0049\)](#) **(Pages 67-72)**

**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.*

**Open Meetings Training (Amye Bensenhaver)**

**Adjournment**

Next Regular Meeting:  
EPSB Board Room, 100 Airport Road, 3<sup>rd</sup> Floor  
January 22, 2006

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*The actions delineated below were taken in open session of the EPSB at the October 23, 2006, regular meeting. This information is provided in summary form; an official record of the meeting is available on tape 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 23, 2006](#)**

**Members Present:**

Ann Carty  
Jim Cibulka  
Frank Cheatham  
Sam Evans  
Jennifer Forgy  
Kent Juett  
Rita Presley  
David Cook (for Gene Wilhoit)  
Zenaida Smith  
Tom Stull  
Lorraine Williams  
Cynthia York

**Members Absent:**

Lonnie Anderson  
Jim Applegate  
Lydia Coffey  
Kristin Gregory

**Call to Order**

Chair Tom Stull convened the meeting at 9:15 am EDT.

**Swearing in of New Board Members**

Notary Public Ashley Abshire administered the oath to the new Board members - Frank Cheatham, Ann Carty, and Cynthia York – and a representative of the Kentucky Department of Education, Mr. David Cook.

**Introduction of New Board Members**

Chair Stull asked the new members to briefly introduce themselves.

Ms. Ann Carty introduced herself to the Board and audience. From Pikeville, Ms. Carty completed her undergraduate work at Lipscomb University and received her master's degree in education at Eastern Kentucky University. Ms. Carty stated that she received her Rank I in Library of Science at Morehead University. In her 31 years of teaching, Ms. Carty has taught every grade level from kindergarten to college. Ms. Carty reported that she has been a member of the Pikeville Independent Board for 11 years and has recently completed her term as a member of the Kentucky School Boards Association. Ms. Carty further stated that she is honored to be selected to serve on the Education Professional Standards Board (EPSB) since school board members comprise the largest body of elected officials in Kentucky, about 900 members.

Dr. Frank Cheatham introduced himself to the Board and audience. A native of Taylor County, Dr. Cheatham serves as the vice president for academic affairs at Campbellsville

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University, where he completed his education degree. Dr. Cheatham reported that he received his doctorate in mathematics from the University of Kentucky. Dr. Cheatham has taught high school and has been involved in education for over 34 years. He stated that he appreciates the opportunity to serve on the Board.

Ms. Cynthia York also introduced herself to the Board. From Barren County, she currently serves as an ECE Teacher Consultant and is a member of the Kentucky Leadership Academy. Ms. York stated that she hopes to represent the Board well.

Mr. David Cook stated that he was representing Mr. Steve Schenck in his absence.

### **Amendment of the October 23, 2006 Agenda**

Motion made by Dr. Sam Evans, seconded by Mr. Kent Juett, to amend the agenda to move Information Item C to Action Item D and to include a committee report from the Executive Director's Evaluation Committee.

**Vote:** *Unanimous*

### **Approval of September 25, 2006 Minutes**

*Motion made by Ms. Rita Presley, seconded by Ms. Zenaida Smith, to approve the minutes of the September 25, 2006 meeting.*

**Vote:** *Unanimous*

### **Open Speak**

There were no requests for open speak.

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

Dr. Rogers welcomed the new Board members and expressed his appreciation for their service to the Board. Dr. Rogers also notified the Board that Ms. Kristin Gregory has been seriously ill with an infection which developed following an appendectomy. He asked everyone to keep her in their thoughts and prayers.

Dr. Rogers introduced Mr. Gary Freeland, the new Deputy Executive Director, who recently worked for the Department of Education. Dr. Rogers stated that the decision from the interview committee was unanimous and that Mr. Freeland possesses all of the qualities that the EPSB was seeking.

Dr. Rogers announced his appreciation for the EPSB staff's generosity during charitable campaigns. The Governor asks every state agency to participate in three charitable campaigns each year - the Kentucky Employee Charitable Campaign (KECC), Big Brothers/Big Sisters, and the March of Dimes. The Education Cabinet set an EPSB goal of \$7,300 for the KECC campaign; however, the EPSB set a higher goal of \$7,500. Through staff generosity, the EPSB exceeded its goal and raised \$7,743. Dr. Rogers recognized the hard work of Ms. Sharon Salsman, who served as KECC campaign chairperson.

Mr. Michael Carr introduced Crystal Hord, the EPSB's new certification consultant.

Report from the Education Cabinet

There was no report from the Education Cabinet.

Report from the Kentucky Department of Education (KDE)

There was no report from KDE.

Report from the Council on Post-Secondary Education (CPE)

There was no report from CPE.

**Report of the Chair**

Master's Committee Guideline Appointments

Chairman Stull made the following appointments to the Master's Guidelines Approval Committee: Ms. Donna Clark, Dr. Susan Compton, Dr. John DeAtley, Dr. H. A. Hasan, Dr. Marlene Helm, Mr. Richard Edwards, Dr. Fariba Bigdelli-Jahed, Dr. Dorie Combs, Ms. Christi Renzenbrink, Dr. Tabitha Daniel, Dr. April Miller, and a representative of the Kentucky Department of Education to be named at a later date.

Acknowledgement of Former EPSB Member

Mr. Stull recognized Ms. Ellie Thompson for her service to the Board and honored her with a plaque. Ms. Thompson stated that it was good to be back. She reported that the highlight of her career was becoming a member of the EPSB. From her four years of service to the EPSB, she shared three words of advice with the new Board members: *conscience*, for thinking carefully and making the right decisions; *consistency*, by ensuring the same expectations and accountability for universities, teachers, students, and ourselves; and *compassion*, because the Board's decisions affect so many individuals. Ms. Thompson stated that retirement is like heaven because of the lack of urgency, stress, and pressure. She said that she hopes everyone has an opportunity to experience retirement.

Election of Officers

Chairman Stull asked Dr. Sam Evans and Ms. Lorraine Williams to give the committee report in Ms. Kristin Gregory's absence. Dr. Evans reported that the committee met prior to the September EPSB meeting. The committee recommends naming Mr. Stull as chair and Dr. Cibulka as vice-chair.

**2006-097**

*Dr. Evans made a motion to untable the motion nominating slate for chair and vice chair presented at the September EPSB meeting. No further nominations were made. Ms. Rita Presley seconded the motion.*

**Vote:** *Unanimous*

Evaluation of the Executive Director Committee Report

Dr. Evans reported that the Executive Director Evaluation Committee met on October 20, 2006. The committee reviewed the data that was received by the EPSB members and staff. The committee calculated the information and planned to distribute the data to Board members and Dr. Rogers later in the meeting. The committee requested that the Board go into closed session for the purpose of personnel during the meeting.

**Information/Discussion Items**

EPSB Budget

Deputy Executive Director Freeland reported on the EPSB budget. The budget for fiscal year 2007 includes \$10,329,000 from general funds. The overall fiscal year 2007 budget, including federal funds and restricted funds, is \$16,125,000 compared to \$15,820,000 for fiscal year 2006. Federal funds were equal to last year's, whereas restricted funds increased by approximately \$300,000. In terms of general fund grants, National Board funding was equal to that of fiscal year 2006, and the KPIP and KTIP funding increased slightly. Personnel costs are based upon actual personnel at the time the budget was prepared plus expected changes for salary increases and changes in fringe benefits as defined by the Governor's office. Dr. Evans asked if it would be possible to give the EPSB a quarterly report of expenses against the budget. Mr. Freeland said he will provide a quarterly report and also provide analysis of the variances in year-to-date expenditures compared to the budget.

Mr. Freeland thanked Dr. Rogers for the opportunity to become the Deputy Executive Director and informed the Board that he spent 7 ½ years with the Kentucky Department of Education (KDE) and was in various financial management positions in the private industry prior to working for KDE. Mr. Freeland stated that this is an excellent opportunity for him and he looks forward to working for the Board.

Report on Adhoc Committee on Accreditation Issues

Dr. Marilyn Troupe reported that there were some questions as to whether or not the Board of Examiners (BOE) and the Accreditation Audit Committee (AAC) should be in agreement prior to accreditation recommendations before the Board. Dr. Troupe explained that the AAC and BOE are sometimes in disagreement on issues concerning areas for improvement and standards met and not met. The BOE and AAC have distinct roles and rules that are delineated in 16 KAR 5:010 which does not require that either committee agree on the assignment of areas for improvement or standards met and not met. Each committee operates independently of the other without the authority to make accreditation decisions. The regulation outlines that the Board is the sole decision-maker with the authority to agree or disagree with recommendations presented by the AAC.

Dr. Troupe further reported that during the June 2006 retreat, the EPSB, staff and Accreditation Audit Committee members discussed the role of the AAC and the BOE. At the conclusion of the discussion, Board members asked staff to organize a meeting of the AAC and selected Board members to discuss communications and consistency of

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recommendations and decisions. The meeting was held on August 20, 2006, with members of the AAC, EPSB, and a BOE member in attendance. Dr. Troupe reported that consensus was reached as follows:

- 1.) Ensure that the appointment of the BOE team continues to include public and independent university/college faculty, P-12 educators, with both gender and racial diversity, and Kentucky Education Association/National Education Association representation.
- 2.) The system is not broken but additional clarifying language in 16 KAR 5:010 is necessary.
- 3.) The dean or chair represents the educator preparation program, and shall be the only one to speak for the institution when accreditation decisions are scheduled for the Board agenda.
- 4.) The group discussed off-campus sites and requested clarifying language to 16 KAR 5:010.

Dr. Troupe informed the Board that changes in the regulation will be presented to the Board in 2007.

### Legislative Agenda

Ms. Alicia Sneed reported that EPSB staff does not have any proposed legislation and is seeking guidance from the EPSB to develop a legislative agenda to aid staff in articulating the EPSB's position during the upcoming legislative session. Staff intends to keep the Board informed of the progress of the General Assembly during the 30-day session and will update the Board with weekly emails. Ms. Sneed stated that Dr. Rogers and Ms. Marcie Puckett will be representing the Board during the legislative session.

Mr. Kent Juett asked if Ms. Sneed foresees any legislative issues that may affect the Board. Ms. Sneed responded that there is always a concern that the Kentucky Education Association or the Jefferson County Teacher Association will attempt to limit the EPSB's ability.

Ms. Smith stated that she would like the EPSB to discuss issues in a work session. Ms. Sneed responded that there are several ways for the EPSB to discuss issues. She advised that a separate committee could be developed to discuss issues. She also advised that Chairman Stull has asked to add an item on the agenda to include open discussion in which these issues could be addressed. Ms. Sneed stated that the only way for EPSB staff to receive guidance is to understand the EPSB issues and the needs of the profession from the EPSB members.

Dr. Cibulka asked Dr. Rogers if there are any policy discussions concerning licensure and certification that might result in bills for the upcoming legislative session. Dr. Rogers reported that he is not aware of any possible bills, but there has been discussion regarding accountability and concern about the number of high school students who go to college in need of remedial support.

Ms. Sneed stated that the legislative agenda will be on the November EPSB meeting agenda.

**Action Items**

Amendment to EPSB Policies and Procedures Manual to include procedures for the EPSB approval of financial agreements

**2006-098**

*Motion made by Dr. Jim Cibulka, seconded by Ms. Rita Presley, to approve the draft policy for approval of agreements.*

**Vote:** *Unanimous*

Adoption of 2006-2008 Goals and Strategies

Dr. Troupe asked the Board to approve the adoption of 2006-2008 goals and strategies.

Dr. Cibulka stated that he thought these are good goals and strategies, but a process for discussing the goals and strategies will be the biggest challenge for the Board. Dr. Cibulka further stated that he is uncertain that the deliberations of the Board, including the annual retreat, allow enough time to look at the goals in depth. Mr. Juett agreed that he would like to see each goal and how it is being met. Dr. Rogers said the directors are working to align their tasks with the strategies. Dr. Rogers stated that he would like to have a discussion in January about how the strategies are going to be met and bring them to the Board as an Information Item. Dr. Rogers said he is open to a mid-year retreat, to reorganize the summer retreat to focus only on goals, or to develop a Sunday workshop. Ms. Presley suggested meeting from 8:30a.m-9:00a.m prior to Board meetings.

**2006-099**

*Motion made by Mr. Kent Juett, seconded by Ms. Zenaida Smith, to adopt the 2006-2008 goals and strategies as presented.*

**Vote:** *Unanimous*

Program Approvals

St. Catharine College:

Dr. Troupe introduced Education Division Chair Dr. Kathleen Filkins; President Dr. William Houston; and Academic Vice-President Dr. David Arnold from St. Catherine College. Dr. Troupe reported that St. Catharine's is proposing a new program. A number of steps must be taken prior to full accreditation and, in order to begin the process, St. Catharine College is seeking program approval of Elementary School for Primary through Grade 5 and Middle School for Grades 5-9. The AAC has been on the campus to visit and has provided technical assistance for the program. Dr. Troupe stated that if the program is approved, a small team of Board of Examiners will visit the campus to review the unit for the teacher preparation program. The Accreditation Audit Committee and Board will then be asked to give temporary accreditation for St. Catharine College until it is ready for a full accreditation visit.



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The temporary accreditation would give St. Catharine College the opportunity to admit students to the teacher preparation program in order to lead to accreditation.

Board members raised several questions regarding the proposed preparation program and adequate staffing. Dr. Rogers noted that Middle School Grades should be 3.0 not 2.0.

Ms. Smith asked if it were possible to modify the language of the motion to specify that the EPSB is only approving Stage One of the accreditation process.

### **2006-100**

*Motion made by Mr. Kent Juett, seconded by Ms. Jennifer Forgy, to approve the proposed education preparation programs for Stage One of the program approval process. Dr. Jim Cibulka and Dr. Sam Evans noted concerns and significant reservations regarding adequate staffing of the program and would like the staffing issue addressed in the report for Stage Two of the program approval.*

**Vote:** *Unanimous*

Kentucky State University:

Dr. Troupe reported that there are two proposed programs for approval with Kentucky State University (KSU): Master of Arts in Special Education with Learning and Behavior Disorders P-12 (Graduate Level), as well as, an Alternative Route to Certification for the same program. She introduced Dr. Lucian Yates, Education Chair, KSU, and Dr. Sunday Obi, Associate Professor of Education, KSU. Some Board members raised questions regarding adequate staffing and the training needed for aggressive students. Ms. Presley asked if safe management crisis will be included online and stated that she would like to see such training addressed early in the program

Issue 1:

### **2006-101**

*Motion made by Ms. Lorraine Williams, seconded by Ms. Jennifer Forgy, to approve the proposed educator preparation program addition for Kentucky State University.*

**Vote:** *Unanimous*

Issue 2:

### **2006-102**

*Motion made by Dr. Cibulka, seconded by Ms. Forgy, to approve Kentucky State University's alternative route to certification proposal.*

**Vote:** *Unanimous*

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Emergency Review of Certification Programs Pursuant to the 2005-06 Title II Report

**2006-103**

*Motion made by Dr. Evans, seconded by Ms. Williams, to accept and approve recommendations of the Executive Director.*

**Vote:** *Unanimous*

**Waivers**

Ms. Karen Byrne – Request to waive 16 KAR 6:010 pertaining to Praxis II Principles of Learning & Teaching: Grades K-6 (0522) and Elementary Education: Content Knowledge (0014)

**2006-104**

*Motion made by Dr. Evans, seconded by Ms. Williams, to not waive the Praxis II Principles of Learning & Teaching: Grades K-6 (0522) and Elementary Education: Content Knowledge (0014), and not to accept Elementary Education: Content Area Exercises (0012) and/or Elementary Education: Curriculum, Instruction, and Assessment: K-5 (0016) in lieu thereof.*

**Vote:** *Unanimous*

Ms. Brooke M. Carter - Request to waive 16 KAR 6:010 pertaining to Praxis II Exceptional Education: Core Content Knowledge

**2006-105**

*Motion made by Ms. Zenaida Smith, seconded by Ms. Jennifer Forgy, to waive the Exceptional Education: Core Content Knowledge (0353) and accept the Special Education Knowledge-Based Core Principles (0351) in lieu thereof.*

**Vote:** *Unanimous*

Mr. James Gwilliam – Request for the EPSB to reconsider and waive 16 KAR 6:010 pertaining to Praxis II Middle School English Language Arts (0049)

**2006-106**

*Motion made by Ms. Rita Presley, seconded by Dr. Cibulka, to not waive the Middle School English Language Arts (0049) and not to accept MTTC (01) Language Arts in lieu thereof.*

**Vote:** *Unanimous*

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Ms. Jennifer M. Nokes – Request to waive 16 KAR 6:010 pertaining to the Praxis II Principles of Learning and Teaching (0522) and Elementary Education: Content Knowledge (0014)

**2006-107**

*Motion made by Dr. Cibulka, seconded by Mr. Juett, to waive the regulation requiring the Praxis II Principles of Learning and Teaching: Grades K-6 (0522) and Elementary Education: Core Content Knowledge (0014) and to accept the ICTS (102) Elementary and the ICTS (003) Elementary/Middle (K-9) in lieu thereof.*

**Vote:** *Unanimous*

Ms. Angela Tripp – Request to waive 16 KAR 6:010 pertaining to the Praxis II Art Making (0131)

**2006-108**

*Motion made by Ms. Williams, seconded by Ms. Smith, to not waive the regulation requiring the Praxis II Art Making (0131) and not to accept the Praxis II Art Content, Traditions, Criticisms, and Aesthetics (0132) in lieu thereof.*

**Vote:** *Unanimous*

Exceptional Children Teacher Assignment Waivers

**2006-109**

*Motion made by Dr. Evans, seconded by Ms. Smith, to approve the Exceptional Children Teacher Assignment Waivers.*

**Vote:** *Unanimous*

Ms. Mardi Montgomery - Request for Substitution of Administrative Experience for Superintendent Certification

**2006-110**

*Motion made by Ms. Rita Presley, seconded by Ms. Forgy, to approve the waiver request.*

**Vote:** *Unanimous*

Ms. Paula Stone - Request to waiver 6 New Graduate Hours for the Re-issuance of a Certificate

**2006-111**

*Motion made by Dr. Evans, seconded by Ms. Williams, to deny the waiver request.*

**Vote:** *Yes- 8*

*No- 4 (Mr. Kent Juett, Ms. Jennifer Forgy, Dr. Frank Cheatham, and Mr. Tom Stull)*

**Alternative Route to Certification Applications**

Mr. Richard Mark Allen

**2006-111**

*Motion made by Dr. Cibulka, seconded by Dr. Evans, to approve the alternative route to certification application.*

**Vote:** *Unanimous*

Mr. Eric Allgeier

**2006-112**

*Motion made by Ms. Williams, seconded by Ms. Smith, to deny the alternative route to certification application.*

**Vote:** *Yes- 11*

*Recuse- 1 (Dr. Evans)*

**DISCIPLINARY MATTERS:  
MINUTES OF CASE REVIEW  
October 23, 2006**

*Motion made by Dr. Jim Cibulka, seconded by Dr. Frank Cheatham,, to go into closed session for the purpose of discussing proposed or pending litigation and personnel in accordance with KRS 61.810(1)(c), (f) &(j).*

**Vote:** *Unanimous*

*Motion made by Dr. Sam Evans, seconded by Dr. Cheatham, to return to open session.*

**Vote:** *Unanimous*

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

Tom Stull, Sam Evans, Frank Cheatham, Kent Juett, Jim Cibulka, Ann Carty, Jennifer Forgy, Cynthia York and Rita Presley.

Attorneys present were Alicia A. Sneed and Diane Fleming.

The Board voted to accept and affirm the following decisions previously voted upon at the September 25, 2006 Board meeting at which the following members were present: Tom Stull, Lydia Coffey, Steve Lin, Sam Evans, Lorraine Williams, Jennifer Forgy, Zenaida Smith, and Wally Campbell.

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*Motion made by Ms. Coffey, seconded by Ms. Williams, to accept the Agreed Order settling the case of Coverdell v. EPSB, BC-01-865.*

**Vote:** *Unanimous*

**INITIAL CASE REVIEW**

<u>Case Number</u>	<u>Decision</u>
06-0491	Hear
06-05138	Hear
06-05145	Dismiss Without Prejudice
06-06157	Hear
06-05146	Hear
06-05150	Dismiss Without Prejudice
06-05152	Hear
06-05153	Hear
06-05141	Hear
06-05133	Dismiss Without Prejudice
06-05154	Hear
06-06163	Hear
06-06160	Dismiss Without Prejudice
06-06169	Hear
06-06165	Admonish
06-06175	Hear
06-06168	Hear
06-05142	Dismiss Without Prejudice
06-05140	Hear
06-05131	Hear
06-06174	Hear
06-07193	Admonish ( <i>Mr. Stull, abstained</i> )
06-05122	Hear
06-05123	Admonish
06-05124	Admonish
06-05125	Admonish
06-05126	Admonish
06-05127	Admonish
06-05128	Admonish
06-05135	Hear
06-0105	Dismiss Without Prejudice
05-0119	Dismiss Without Prejudice
06-0231	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
06-162	Approve
06-176	Approve
06-179	Approve
06-180	Approve
06-182	Approve
06-174	Approve
06-185	Deny
06-186	Approve
06-181	Approve
06-183	Approve
06-203	Approve
06-178	Approve
06-188	Approve
06-190	Approve
06-191	Approve
06-192	Approve
06-193	Approve
06-194	Approve
06-195	Approve
06-196	Approve
06-197	Approve
06-198	Approve
06-199	Approve
06-201	Approve
06-184	Approve
06-189	Deny
06-204	Approve
06-206	Approve
06-207	Approve
06-208	Approve
06-210	Approve
06-211	Approve
06-212	Approve
06-214	Approve
06-215	Approve ( <i>Dr. Evans, abstained</i> )
06-175	Approve
06-205	Approve
06-217	Approve
06-218	Approve
06-158	Defer
06-219	Approve
06-221	Approve
06-222	Approve

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06-223	Approve
06-177	Approve
98-0109cf	Approve

**Agreed Orders**

<u>Case Number</u>	<u>Decision</u>
05-0362 (Christopher Embry)	<p>Accept Agreed Order admonishing Respondent for making inappropriate remarks to students. Respondent is reminded that he must treat all students with dignity and respect and work diligently to interact with each student in a professional manner.</p> <p>Respondent's certificate is expired. Issuance of any future certificate to Respondent, or on his behalf, is expressly conditioned upon Respondent providing, upon application, written proof to the Board that he has completed twelve (12) hours of professional development/training, approved by the Board, in the areas of appropriate teacher/student interactions and ethics. Any expense for this training shall be paid by Respondent.</p> <p>Should Respondent fail to satisfy this condition, the Board shall deny any application submitted by Respondent or on his behalf.</p> <p><b>Vote:</b> <i>Unanimous</i></p>
05-05103 (Dale Kleinjan)	<p>Accept Agreed Order dismissing the case on the following condition. Respondent shall provide to the Board, on or before January 15, 2007, written evidence from a Kentucky licensed and/or mental health professional, approved by the Board, that he 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.</p> <p>Should Respondent fail to satisfy this condition, his certificate shall be suspended and remain so until this condition is met.</p> <p><b>Vote:</b> <i>Unanimous</i></p>
05-09171 (Stephen Frazier)	<p>Accept Agreed Order sanctioning Respondent's certificate as follows.</p>

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The professional certificate for instructional leadership-principal, grades K-12, is suspended for a period of eighteen months beginning September 13, 2005. The provisional certificate for teaching in the middle grades 5-8 shall remain intact.

Respondent shall surrender the original and all copies of his certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Reinstatement of Respondent's professional certificate for instructional leadership is expressly conditioned upon Respondent providing written evidence to the Board that he has successfully completed twelve hours of professional development/training, approved by the Board, in the areas of sexual harassment, appropriate administrator/employee interactions and ethics. Any expense for this training shall be paid by Respondent. Respondent agrees that should he fail to satisfy this condition, his professional certificate for instructional leadership shall not be reinstated. The parties agree that the Ethics Training for Educators presented by Educational Development Associates, LLC, per the attached agenda and registration form, is professional development training acceptable to the Board for purposes of this provision of the agreement.

**Vote:** *Unanimous*

05-05107 (Samuel King)

Accept Agreed Order suspending Respondent's certificate for a period of sixty days from the date of acceptance of this Order by the Board. Respondent shall surrender the original and all copies of his certificate immediately, by first class mail or personal delivery to the EPSB, 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, KY 40601.

Reinstatement of Respondent's certificate is expressly conditioned upon Respondent providing written evidence to the Board that he has successfully completed twelve hours of professional development/training, approved by the Board, in the areas of sexual harassment, appropriate teacher/student interactions and ethics. Any expense for this training shall be paid by Respondent.

Respondent agrees that should he fail to satisfy this condition, his certificate shall not be reinstated.

**Vote:** *Unanimous*



**THE FOLLOWING MATTERS WERE CONSIDERED AND DECIDED AT THIS MEETING:**

**INITIAL CASE REVIEW**

<u>Case Number</u>	<u>Decision</u>
06-0364	Hear
06-06132	Dismiss Without Prejudice
06-06166	Hear
06-05106	Hear
06-06172	Hear
06-06176	Hear
06-06139	Hear
06-05143	Dismiss
06-06162	Hear
06-07185	Hear
06-07184	Hear
06-05137	Admonish
06-06170	Hear
06-05144	Dismiss
06-05147	Dismiss
06-0492	Hear
06-06159	Hear
06-07180	Dismiss Without Prejudice
06-07196	Hear
06-08209	Hear
06-07187	Hear
06-07181	Admonish
06-08202	Admonish
06-06179	Hear
06-07188	Hear
06-07189	Hear
06-08203	Defer
06-06177	Hear
06-08211	Admonish
06-08205	Hear
06-06178	Hear
06-08212	Hear
06-07190	Defer
06-07194	Hear
06-08204	Hear
06-07200	Hear
06-06171	Hear
06-07191	Admonish
06-07198	Hear

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06-08213	Hear
06-07186	Hear
06-06161	Hear
06-07183	Hear
06-07182	Admonish
06-08206	Defer
06-07199	Defer
06-05151	Dismiss
06-08207	Hear
06-08208	Hear
06-07197	Admonish
06-08145	Dismiss Without Prejudice

**Character/Fitness Review**

<u>Case Number</u>	<u>Decision</u>
06-225	Approve
06-126	Approve
06-226	Approve
06-227	Defer
06-220	Approve
06-228	Approve
06-213	Approve
06-200	Approve
06-224	Approve
06-229	Approve
06-230	Approve
06-216	Approve
06-232	Approve
06-236	Approve
90-502	Deny

**Agreed Orders**

<u>Case Number</u>	<u>Decision</u>
05-11210 (Michelle Kush)	Accept Agreed Order in which Respondent agrees to neither apply nor be issued a teaching certificate or have any person or district apply or be issued a teaching certificate on her behalf, in the Commonwealth of Kentucky for her lifetime.

Vote: Unanimous

*Motion made by Mr. Juett, seconded by Dr. Cibulka, to adjourn the meeting.*

**Vote: Unanimous**

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The meeting adjourned at 5:30 p.m.

Next Meeting:       November 20, 2006  
                          9:00AM  
                          EPSB Board Room  
                          Frankfort, Kentucky



Agenda Book  
**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

**Information/Discussion Item A**

**Information Item:**

2007 Legislative Agenda/Update

**Applicable Statutes and Regulation:**

KRS 161.028

**Applicable Goal:**

All EPSB Goals

**Background:**

The General Assembly will convene in January 2007 for a 30-day Session. The EPSB does not have a formal legislative agenda for this short session; however, staff is seeking guidance from the Education Professional Standards Board to aid the staff in articulating the EPSB's positions on any proposed legislation to be considered by the General Assembly. Prior to the beginning of the session, Board members will receive information regarding any pre-filed bills that may affect the work of the EPSB. During the session Board members will be updated weekly on the progress of the bills as well as provided a report at the January and March 2007 board meetings. New Board members will need to have their appointments confirmed by the General Assembly during this session, as well and staff will assist in preparing those members for any potential confirmation hearings.

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**Executive Director**

**Date:**

November 20, 2006



Agenda Book  
**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

**Information/Discussion Item B**

**Information Item:**

To inform the EPSB about a contract for public official's liability insurance

**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.

**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 contractual agreements at the October 23, 2006 EPSB meeting.

**Public Official's Liability Insurance Contract**

This contract was initiated prior to the October 23, 2006 board meeting, when a procedure was approved that required prior approval by the Board for all EPSB contracts. This contract has already been awarded; however, it will be signed by the Executive Director subsequent to the enactment of the policy.

Due to problems with the solicitation process at the Finance Cabinet, an exemption from bidding was issued and an extension to the existing insurance policy was issued through 8/31/06. On August 10, 2006 a renewal offer for the 2006-2007 policy term was received from the current vendor and it was reviewed and approved.

**Purpose:** To protect the members of the EPSB from personal liability that may result in the performance of their position as a public official on the EPSB.

**Approximate cost:** \$26,542

**Impact on budget:** These expenditures were included in the FY 2007 budget

**Type of entity providing service:** Insurance Company

**Bidding process:** Exempted from bidding by the Secretary of the Finance Cabinet. The vendor selected was the previous provider and was the only company to submit a responsive bid.

**Singular vs. continuing service:** Continuing

Agenda Book

**Groups/Persons Consulted:**

Office of Materials and Procurement Services, Kentucky Finance Cabinet  
Department of Public Protection, Environmental and Public Protection Cabinet

**Contact Person:**

Mr. Gary W. Freeland  
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**Executive Director**

**Date:**

November 20, 2006



**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item C**

**Information Item:**

Report on Revised State Plan Re-submitted to United States Department of Education (USDOE)

**Applicable Statutes and Regulation:**

No Child Left Behind Act of 2001 (NCLB)

**Applicable Goal:**

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

**Background:**

On May 12, 2006, the U.S. Department of Education (USDOE) requested that Kentucky submit a revised highly qualified teachers (HQT) plan. The plan identified the actions that would be taken to ensure that: (1) during the 2006-07 school year and beyond, all teachers of core academic subjects are highly qualified, and (2) that poor and minority children are taught at the same rates as other children by highly qualified and experienced teachers. The USDOE had determined that, although most states had made significant progress over the last four years, few were likely to meet the NCLB requirement of having all classes in core academic subjects taught by a highly qualified teacher.

While the primary responsibility for reporting to USDOE belongs to the Kentucky Department of Education (KDE), EPSB personnel provide data and analyses from programs that generate required information. KDE submitted the revised state plan to USDOE in early July 2006. A letter dated August 15, 2006, from USDOE to the Commissioner of Education communicated that all state plans were peer reviewed in late July. Kentucky's plan was found to have a number of serious deficiencies, including but not limited to the lack of specific steps to ensure that poor and minority children are taught at the same rates as other children by highly qualified and experienced teachers.

To address the deficiencies states could either provide additional data or re-submit a revised State Plan addressing the required components and correcting deficiencies identified by peer reviewers.

EPSB staff worked with KDE staff to provide data and analyses for re-submitting a revised State Plan. KDE submitted the revised State Plan in September 2006.

Revised State Plan re-submitted by KDE is provided under separate cover.

## Agenda Book

### **Contact Person:**

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**Executive Director**

### **Date:**

November 20, 2006

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item D**

**Information Item:**

1. Standard Setting Study (SSS) for the Productive Language Skills (PLS) Tests
2. *Request for Information (RFI)* for Development of an Interdisciplinary Early Childhood Education (IECE) test

**Applicable Statute and Regulation:**

KRS 161.030  
16 KAR 6:010

**Applicable Goal:**

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

**Background:**

**Issue 1: Standard Setting Study for Productive Language Skills tests.**

In 2003 the EPSB hosted a review of the Spanish and French PLS tests. The EPSB had received several complaints about the tests and wanted to verify whether the tests were still current and valid for certifying incoming teachers. EPSB staff surveyed individuals who had taken the PLS tests. Examinees reported difficulty concentrating due to background noise from other examinees taking a listening/speaking test as well as difficulty hearing the tape due to background noise and faulty equipment. The Review Panel determined that the tests themselves were good measures of a prospective teacher's language skills; however, panelists raised the same concerns regarding the administration of the test. As a result of these findings, in June 2003, the EPSB approved staff's recommendation to suspend the tests.

In June 2006 the EPSB convened review panels for the German, Spanish, and French content tests. During each of these reviews, panelists stressed the importance of a listening and speaking test in addition to a listening and writing test, in order to measure a prospective teacher's productive language skills. Each panel requested the EPSB to: (a) identify test centers that meet acceptable requirements for administering speaking/listening tests, and (b) reinstate the PLS tests and require that they be administered at those centers only. Because it has been ten years since the French and Spanish PLS tests were originally validated, staff would like to host a full SSS on the French and Spanish PLS tests. Since the time of the original validation, ETS has developed a German PLS test. Staff would also like to host a SSS for the German PLS test. Although Board approval is generally not needed for holding a SSS, the adoption of a test and/or a required passing score does require Board approval. The staff wants to verify that the EPSB supports moving forward with the plan to identify testing centers with adequate speaking/listening facilities and to reinstate and adopt the PLS tests if they are validated.

**Issue 2: Post a Request for Information for Development of an Interdisciplinary Early Childhood Education test.**

The EPSB is currently responsible for the maintenance and administration of the IECE test. Informal reviews of the test over the past several years have revealed that the test is in need of revision. In an effort to find a suitable replacement for the IECE test, review panels have examined the Praxis II early childhood tests: *Principles of Learning & Teaching: Early Childhood (0521)*, *Early Childhood: Content Knowledge (0022)*, *Early Childhood Education (0020)*, *Education of Young Children (0021)*, and *Special Education: Preschool/Early Childhood (0690)*. These review panels have consistently found a mismatch between the Praxis II tests and Kentucky's IECE program. The difference in age range and the special education component are the two primary concerns.

In September 2006 EPSB hosted a review of the Interdisciplinary Early Childhood Education (IECE) test. The review panel, composed of higher education experts and a classroom teacher, agreed unanimously that the IECE test presently used is not current and valid for certifying incoming teachers. However, the majority of the panel recommended that the test remain in place until a replacement is developed and/or adopted.

The EPSB does not have staff to facilitate the development, revision, and/or maintenance of the test. However, KDE has offered to partner with the EPSB in the project and to assist with the financial burden; therefore, the panel recommended that the EPSB post an RFI to solicit testing vendors to develop a Kentucky-specific test as well as to maintain, administer, and provide score reporting. Because the cost of the test development is not known at this time, EPSB staff would like to post a Request for Information (RFI). An RFI solicits from a potential vendor information about approximate costs and any other issues relevant to test development.

ESPB staff wants to verify that the EPSB supports moving forward with this plan. Any guidance and/or discussion regarding the IECE issue are welcome.

**Contact Person:**

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**Executive Director**

**Date:**

November 20, 2006

Agenda Book  
EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE

Information/Discussion Item E

**Information Item:**

16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Notice of Intent

**Applicable Statute and Regulation:**

KRS 161.030  
16 KAR 6:010

**Applicable Goal:**

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

**Background:**

**Issue 1: Amend 16 KAR 6:010 for a replacement of a Praxis II test, the corresponding required passing score (cut score), and the effective date.**

EPSB hosts periodic reviews of teacher certification tests to ensure that they are current and valid for certifying incoming teachers. In June 2005 a review panel for the *Praxis II Special Education: Teaching Students with Mental Retardation (0321)* test, currently required for the Moderate to Severe Disabilities certificate, recommended that EPSB host a Standard Setting Study (SSS) for the *Praxis II Education of Exceptional Students: Severe to Profound (0544)* test as a possible replacement for (0321).

In June 2006 a SSS was held for (0544). The panel was composed of 11 experts in the field of moderate and severe disabilities from classrooms, district curriculum offices, and higher education. Panelists rated test specifications according to job relevancy (1=Very Important; 2= Important; 3=Somewhat Important; 4=Not Important).

Kentucky's decision rules for validating a test for state use require at least 70% of the test specifications to be rated 1 or 2. 100% of the panelists identified three of the four specifications of (0544) as 1 or 2. The overall positive rating for the specifications was 91%. The panel-recommended passing score derived from members' item level judgments is 172.

EPSB staff reviewed national performance trend data for (0544). Performance trends from 2001-2004 reveal that a score of 172 is at the 45<sup>th</sup> national percentile (See Scaled Score Frequency Report Attachment A).

Since an n-count of ten or more examinees is currently required by the Educational Testing Service (ETS) to report data for any subpopulation, the only national pass rate disaggregated data available are for female, male, white, and African American subpopulations. The 2004-2005 national median score is 172 or higher for each of the subpopulations except African Americans, (for whom the median score is 153); therefore, a cut score of 172 may have an adverse impact on the African American population (See Test Information Sheet, Attachment B).

## Agenda Book

ETS urges states, when setting a required passing score, to consider not only the results of the Standard Setting Study but also the standard error of measurement, potential impact, national and state data, and supply and demand of new teachers in the state.

During 2004-2005, there were 41 Moderate and Severe Disabilities emergency certificates issued and 50 issued during 2005-2006.

In light of this information, staff agrees with the recommendation of the SSS panel to adopt (0544) as a replacement for (0321); however, staff recommends that the required passing score be set at 156, which is two standard errors of measurement below the panel-recommended score. According to performance trend data from 2001-2004, the score of 156 is at the 22nd national percentile. Finally, staff recommends that (0544) replace (0321) beginning September 1, 2007.

### **Issue 2: Amend to correct typographical errors in 16 KAR 6:010.**

In November 2004, EPSB staff brought an informational item to the EPSB regarding a recommendation to amend 16 KAR 0:010 to increase the required passing scores (cut scores) for several existing teacher certification tests and the *School Leadership Licensure Assessment (SLLA)*.

After reviewing the information item, the EPSB requested staff to provide the Kentucky and national percentile information for the teacher assessments. After further review of the disparate effect of the original cut scores on minorities, staff modified the original cut score recommendation for the *Art: Content Knowledge (0133)*, *Middle School Social Studies (0089)*, *Social Studies: Interpretation of Materials (0083)*, *Business Education (0100)*, *Middle School English Language Arts (0049)*, and the *SLLA*. In addition, it was decided to remove the recommendation to increase the cut scores for *Social Studies Content Knowledge (0081)*, and *French: Content Knowledge (0173)*.

The modified action item staff note was provided to the EPSB in their board folders at the January 2005 regular EPSB meeting. The EPSB approved the above recommendations; however, when staff compiled the minutes of the January 2005 meeting, the cut scores as provided in the November 2004 information item—not the scores approved at the January 2005 meeting—were inadvertently recorded. These erroneous cut scores were also used to file the amendment to 16 KAR 6:010.

Upon EPSB approval to adopt *Praxis II Education of Exceptional Students: Severe to Profound Disabilities (0544)* as outlined in Issue 1, the regulation will be opened in January. Staff would like to correct the above typographical errors while the regulation is open.

To ensure that this error does not recur, the executive director has implemented a new procedure requiring the director of the division initiating regulation changes to review changes prior to the posting of the regulation with the Legislative Research Commission. In addition, each division directors will review EPSB meeting minutes prior to being brought back to the EPSB for approval.

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**Executive Director**

**Date:**

November 20, 2006

1 **EDUCATION PROFESSIONAL STANDARDS BOARD**

2 **(AMENDMENT)**

3 **16 KAR 6:010. Written examination prerequisites for teacher certification.**

4 RELATES TO: KRS 161.020, 161.028(1), 161.030(3), (4)

5 STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(3), (4)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the

7 Education Professional Standards Board to establish standards and requirements for

8 obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) requires the

9 Education Professional Standards Board to select the appropriate assessments required prior

10 to teacher certification. This administrative regulation establishes the written examination

11 prerequisites for teacher certification.

12 Section 1. A teacher applicant for certification shall successfully complete the appropriate

13 written tests identified in this administrative regulation prior to Kentucky teacher

14 certification.

15 Section 2. The Education Professional Standards Board shall require the specialty tests and

16 passing scores identified in this section for each new teacher applicant, and each teacher

17 seeking an additional certificate, who completes application for certification on or after

18 September 1, 2003.

19 (1) An applicant for interdisciplinary early childhood education, birth to primary,

20 certification shall take an Education Professional Standards Board Interdisciplinary Early

21 Childhood Specialty Test, with a passing score of 150.

22 (2) Until August 31, 2005, an applicant for elementary certification shall take Elementary

23 Education: Curriculum, Instruction, and Assessment (0011) with a passing score of 163 or

24 Elementary Education: Content Knowledge (0014) with a passing score of 148. Beginning



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1 September 1, 2005, the applicant shall take Elementary Education: Content Knowledge  
2 (0014) with a passing score of 148.

3 (3) An applicant for middle school certification shall take one (1) or two (2) middle school  
4 specialty tests based on the applicant's area or areas of specialty with passing scores as  
5 identified in this subsection:

6 (a) Middle School Mathematics (0069) - 148;

7 (b) Middle School Science (0439) - 139;

8 (c) Middle School English Language Arts (0049) - 157 [~~160~~]; or

9 (d) Middle School Social Studies (0089) - 149 [~~152~~];

10 (4) An applicant for certification for teacher of exceptional children in Communication  
11 Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign  
12 Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take each specialty  
13 test based on the applicant's specialty with the corresponding passing score as identified in  
14 this subsection:

15 (a) Communication disorders:

16 1. Until August 31, 2006, Special Education: Application of Core Principles Across  
17 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content  
18 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:  
19 Core Content Knowledge (0353) - 157; and

20 2. Speech Language Pathology (0330) - 600;

21 (b) Learning and behavior disorders:

22 1. Until August 31, 2006, Special Education: Application of Core Principles Across  
23 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content

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- 1 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:
- 2 Core Content Knowledge (0353) - 157; and
- 3 2. Until August 31, 2006, Special Education: Teaching Students with Behavioral
- 4 Disorders/Emotional Disturbances (0371) - 157 or Education of Exceptional Students: Mild
- 5 to Moderate Disabilities (0542) - 172. Beginning September 1, 2006, Education of
- 6 Exceptional Students: Mild to Moderate Disabilities (0542) - 172;
- 7 (c) Moderate and severe disabilities:
- 8 1. Until August 31, 2006, Special Education: Application of Core Principles Across
- 9 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content
- 10 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:
- 11 Core Content Knowledge (0353) - 157; and
- 12 **2. Until August 31, 2007, Special Education: Teaching Students with Mental Retardation**
- 13 **(0321) - 146; or Education of Exceptional Students: Severe to Profound Disabilities (0544) -**
- 14 **156. Beginning September 1, 2007, Education of Exceptional Students: Severe to Profound**
- 15 **Disabilities (0544) - 156.**
- 16 (d) Hearing impaired:
- 17 1. Until August 31, 2006, Special Education: Application of Core Principles Across
- 18 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content
- 19 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:
- 20 Core Content Knowledge (0353) - 157; and
- 21 2. Education of Deaf and Hard of Hearing Students (0271) - 167;
- 22 (e) Hearing impaired with sign proficiency:
- 23 1. Until August 31, 2006, Special Education: Application of Core Principles Across
- 24 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content

Agenda Book

- 1 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:
- 2 Core Content Knowledge (0353) - 157;
- 3 2. Education of Deaf and Hard of Hearing Students (0271) - 167; and
- 4 3. One (1) of the following tests with a passing score of "Intermediate Level":
- 5 a. Sign Communication Proficiency Interview (SCPI); or
- 6 b. Educational Sign Skills Evaluation (ESSE).
- 7 (f) Visually impaired:
- 8 1. Until August 31, 2006, Special Education: Application of Core Principles Across
- 9 Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content
- 10 Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students:
- 11 Core Content Knowledge (0353) - 157; and
- 12 2. Teaching Students with Visual Impairments (0280) - 700.
- 13 (5) An applicant for certification at the secondary level shall take the specialty tests
- 14 corresponding to the applicant's specialty with the passing scores identified in this
- 15 subsection:
- 16 (a) Biology:
- 17 1. From January 24, 2005 through August 31, 2005:
- 18 a. (i) Biology: Content Knowledge Part 1 (0231) - 156; and
- 19 (ii) Biology: Content Essays (0233) - 141; or
- 20 b. Biology: Content Knowledge (0235)-146; or
- 21 2. Beginning September 1, 2005, Biology: Content Knowledge (0235) - 146;
- 22 (b) Chemistry:
- 23 1. From January 24, 2005 through August 31, 2005:
- 24 a. (i) General Science: Content Knowledge Part 2 (0432) - 146; and

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- 1 (ii) Chemistry: Content Knowledge (0241) - 138; or
- 2 b. Chemistry: Content Knowledge (0245) - 147; or
- 3 2. Beginning September 1, 2005, Chemistry: Content Knowledge (0245) - 147;
- 4 (c) English:
- 5 1. English Language and Literature: Content Knowledge (0041) - 160; and
- 6 2. English Language, Literature and Composition Essays (0042) - 155;
- 7 (d) Social Studies:
- 8 1. Social Studies: Content Knowledge (0081) - 151; and
- 9 **2. Social Studies: Interpretation of Materials (0083) – 159 [160];**
- 10 (e) Mathematics:
- 11 1. Mathematics: Content Knowledge (0061) - 125; and
- 12 2. Mathematics: Proofs, Models, and Problems (0063) - 141;
- 13 (f) Physics:
- 14 1. From January 24, 2005, through August 31, 2005:
- 15 a. (i) General Science: Content Knowledge, Part 2 (0432) - 146; and
- 16 (ii) Physics: Content Knowledge (0261) - 114; or
- 17 b. Physics: Content Knowledge (0265) - 133; or
- 18 2. Beginning September 1, 2005, Physics: Content Knowledge (0265) - 133
- 19 (g) Earth science:
- 20 1. From January 24, 2005, through August 31, 2005:
- 21 a. General Science: Content Knowledge, Part 2 (0432) - 146; and
- 22 b. Earth Science: Content Knowledge (0571) - 145; or
- 23 2. Beginning September 1, 2005, Earth Science: Content Knowledge (0571) - 145.

- 1 (6) An applicant for certification in all grades in the following specialty areas shall take the
- 2 specialty test or tests with the passing scores as identified in this subsection.
- 3 (a) Art:
- 4 1. Art Content Knowledge (0133) – 158 [161]; and
- 5 2. Art Making (0131) - 154;
- 6 (b) French:
- 7 French: Content Knowledge (0173) - 159;
- 8 (c) German: German: Content Knowledge (0181) - 157;
- 9 (d) Health: Health Education (0550) - 630;
- 10 (e) Latin: Latin (0600) - 700;
- 11 (f) Integrated music:
- 12 1. Music: Content Knowledge (0113) - 154; and
- 13 2. Music: Concepts and Processes (0111) - 145;
- 14 (g) Vocal music:
- 15 1. Music: Content Knowledge (0113) - 154; and
- 16 2. Music: Concepts and Processes (0111) - 145;
- 17 (h) Instrumental music:
- 18 1. Music: Content Knowledge (0113) - 154; and
- 19 2. Music: Concepts and Processes (0111) - 145;
- 20 (i) Physical education:
- 21 1. Physical Education: Content Knowledge (0091) - 147; and
- 22 2. Physical Education: Movement Forms-Analysis and Design (0092) - 151;
- 23 (j) Spanish:
- 24 Spanish Content Knowledge (0191) - 160;

Agenda Book

- 1 (k) School Media Librarian: Library Media Specialist (0310) - 640; or
- 2 (l) School Psychologist: NTE Specialty Area Examination - 630.
- 3 (7) An applicant for career and technical education certification to teach in grades 5-12 with
- 4 one (1) or more of the following specializations shall take the specialty tests with the passing
- 5 scores as identified in this subsection:
- 6 (a) Agriculture: Agriculture (0700) - 520;
- 7 **(b) Business and Marketing Education - Business Education (0100) - 590 [600];**
- 8 **(c) Family and Consumer Sciences [~~-Home Economics Education~~] (0120) - 600;**
- 9 (d) Technology Education - Technology Education (0050) - 600; or
- 10 (e) Industrial education. An applicant for industrial education with one (1) or more trade and
- 11 industry specializations shall complete the assessments established in 16 KAR 6:020.
- 12 (8) An applicant for a restricted base certificate in the following specialty areas shall take the
- 13 specialty test or tests with the passing scores identified in this subsection:
- 14 (a) English as a Second Language: English to Speakers of Other Languages (0360) - 620;
- 15 (b) Speech/Media Communications: Speech Communication (0220) - 580; or
- 16 (c) Theater: Theatre (0640) - 630.
- 17 (9) An applicant for an endorsement in the following specialty areas shall take the specialty
- 18 test or tests with the passing scores identified in this subsection:
- 19 (a) English as a Second Language: English to Speakers of Other Languages (0360) - 620; or
- 20 (b) Learning and Behavior Disorders, grades 8-12: Until August 31, 2006, Teaching Students
- 21 with Behavioral Disorders/Emotional Disturbances (0371) - 157. Beginning September 1,
- 22 2006, Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172.
- 23 Section 3. In addition to the specialty area tests established in Section 2 of this administrative
- 24 regulation, the Education Professional Standards Board shall require the pedagogy tests and

Agenda Book

- 1 passing scores identified in this section for each new teacher applicant beginning September  
2 1, 2003. If an individual is seeking additional certification in any area, the applicant need  
3 only take one (1) of the pedagogy tests identified in this administrative regulation.
- 4 (1) An applicant for elementary certification (grades P-5) shall take Principles of Learning  
5 and Teaching: Grades K-6 (0522) - 161.
- 6 (2) An applicant for middle school certification grades five (5) through nine (9) shall take  
7 Principles of Learning and Teaching: Grades 5-9 (0523) - 161.
- 8 (3) An applicant applying only for certification for teacher of exceptional children shall not  
9 be required to take a separate pedagogy test established in this section. The specialty area  
10 tests established in Section 2 of this administrative regulation shall fulfill the pedagogy test  
11 requirement for a teacher of exceptional children.
- 12 (4) An applicant for certification at the secondary level grades eight (8) through twelve (12)  
13 shall take Principles of Learning and Teaching: Grades 7-12 (0524) - 161.
- 14 (5) An applicant for certification in all grades with a specialty area (e.g., art, music, etc.) shall  
15 take either:
- 16 (a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;  
17 (b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or  
18 (c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.
- 19 (6) An applicant for career and technical education certification in grades five (5) through  
20 twelve (12) shall take either:
- 21 (a) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or  
22 (b) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.
- 23 (7) An applicant for a restricted base certificate shall take one (1) of the following pedagogy  
24 tests corresponding to the grade range of the specific restricted base certificate:

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1 (a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

2 (b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

3 (c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

4 Section 4. Assessment Recency. (1) A passing score on a test established in this

5 administrative regulation and completed on or after January 1, 2002 shall be valid for the

6 purpose of applying for certification for five (5) years from the test administration date.

7 (2) A teacher who fails to complete application for certification to the Education Professional

8 Standards Board within the applicable recency period of the test and with the passing score

9 established in this administrative regulation shall retake the appropriate test or tests and

10 achieve the appropriate passing score or scores required for certification at the time of

11 application.

12 (3) The test administration date shall be established by the Educational Testing Service or

13 other authorized test administrator.

14 Section 5. (1) An applicant for initial certification shall take the assessments on a date

15 established by:

16 (a) The Educational Testing Service;

17 (b) The Education Professional Standards Board for special administration; or

18 (c) The agency established by the Education Professional Standards Board as the authorized

19 test administrator.

20 (2) An applicant shall authorize test results to be forwarded by the Educational Testing

21 Service, or other authorized test administrator, to the Kentucky Education Professional

22 Standards Board and to the appropriate teacher preparation institution where the applicant

23 received the relevant training.



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1 (3)(a) Public announcement of testing dates and locations shall be issued sufficiently in  
2 advance of testing dates to permit advance registration.

3 (b) An applicant shall seek information regarding the dates and location of the tests and make  
4 application for the appropriate examination prior to the deadline established and sufficiently  
5 in advance of anticipated employment to permit test results to be received by the Education  
6 Professional Standards Board and processed in the normal certification cycle.

7 Section 6. An applicant shall pay the appropriate examination fee established by the  
8 Educational Testing Service for each relevant test required to be taken.

9 Section 7. An applicant who fails to achieve at least the minimum score on any of the  
10 appropriate examinations may retake the test or tests during one (1) of the scheduled test  
11 administrations.

12 Section 8. The Education Professional Standards Board shall collect data and conduct  
13 analyses of the scores and institutional reports provided by the Educational Testing Service  
14 to determine the impact of these tests and permit a review of this administrative regulation on  
15 an annual or biennial basis. (11 Ky.R. 672; eff. 12-11-84; Am. 12 Ky.R. 1883; eff. 7-2-86; 14  
16 Ky.R. 1967; eff. 5-9-88; 21 Ky.R. 3076; 22 Ky.R. 283; eff. 8-3-95; 23 Ky.R. 2856; 3351; eff.  
17 3-6-97; 24 Ky.R. 1141; 1508; eff. 1-12-98; 25 Ky.R. 429; 841; eff. 10-1-98; 26 Ky.R. 439;  
18 746; 1001; eff. 10-11-99; 28 Ky.R. 933; eff. 12-5-2001; recodified from 704 KAR 20:305, 7-  
19 2-2002; 29 Ky.R. 1862, 2272; eff. 3-19-03; 30 Ky.R. 2321; 31 Ky.R. 24; eff. 8-6-04; 1863;  
20 32 Ky.R. 37; eff. 8-5-05.)



Agenda Book  
**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

**Action Item**

**Action Item**

Request approval to authorize the executive director to enter into contracts to provide lodging for EPSB members.

**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 necessary contracts to provide lodging for EPSB members?

**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 contractual agreements at the October 23, 2006 EPSB meeting.

NOTE: Since a November contract had to be signed prior to the November meeting, the executive director followed the approved procedures for exigent circumstances and consulted with the Chair Tom Stull and Vice Chair James Cibulka via email on October 31, 2006.

Purpose of the contracts: The EPSB requires lodging for board members who desire to travel to Frankfort the night before a board meeting. Multiple contracts will be required to provide lodging for November 2006, January 2007, March 2007, and May 2007 EPSB meetings.

Approximate cost of all contracts: \$3,160.00

Impact on budget: These expenditures were included in the FY 2007 budget

Type of entity providing service: Hotel(s)

Bidding process: Not required to bid

Singular vs. continuing service: Continuing

**Alternative Actions**

1. Authorize the executive director to enter into necessary contracts to provide lodging for November 2006, January 2007, March 2007, and May 2007 EPSB meetings.
2. Modify and approve
3. Do not approve

**Staff Recommendation**

Alternative 1

**Rationale**

This is a routine and necessary expenditure so that board members who desire to travel the night before the EPSB meetings may have accommodations.

**Contact Person:**

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Deputy Executive Director  
(502) 564-4606  
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**Executive Director**

**Date:**

November 20, 2006

**EDUCATION PROFESSIONAL STANDARDS BOARD**

**STAFF NOTE**

**[Action Item, Waiver A](#)**

**Action Item:**

Request for Waiver of Language in 16 KAR 7:010E pertaining to the May 1 deadline for Resource Teacher Timesheets

**Applicable Statute or Regulation:**

KRS 161.030 (6)(f)  
16 KAR 7:010E Section 7(3)(b)

**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.

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 waive language in 16 KAR 7:010E, which establishes the May 1 deadline for Resource Teacher Timesheets, for five resource teachers in three private schools and one public school?

**Background:**

16 KAR 7:010E states that resource teacher timesheets (RTTs) are to be submitted to EPSB by May 1. Several timesheets were submitted after May 1, 2006.

In addition to daily emails and phone calls, EPSB staff have established four modes for communicating information to all KTIP Coordinators about the Kentucky Teacher Internship Program (KTIP) and the Intern Management System (IMS). Three of these include timelines and due dates. Comprehensive information and explanation are provided at regional meetings held across the state, and then follow up and updates are provided through monthly electronic newsletters. EPSB staff have also written and distributed to all KTIP coordinators an annual *Implementation Guide for the Kentucky Teacher Internship Program (KTIP)* in which timelines and due dates are written and an *Intern Management System (IMS) User's Manual*.

A set of regional meetings was held in June 2005 and a "make-up" session was held in September 2005 where reporting due dates for the 2005-2006 school year were discussed. Reminders of the May 1, 2006, due date for RTTs were included in the March and April 2006 electronic newsletters.

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In June 2006, districts that had submitted timesheets after the deadline were invited to submit a waiver for payment describing the reasons the timesheets were late and a plan for ensuring that the timesheets would be submitted by the due date in the future. Waivers received were presented to the Board and approved during the June 2006 Board meeting.

Since then, additional resource teacher timesheets have been submitted to EPSB staff. Currently, there are twenty-seven (27) 2005-2006 resource teacher timesheets in the pending file. Staff members have received several calls regarding payments as well as waiver requests for five resource teachers, two from Summit Academy, one from The Frankfort Christian Academy, one from Somerset High School, and one from the Kentucky Country Day School. Details for each school are provided below.

### *Summit Academy*

According to the attached letter from Dr. Mitchell Elswick, Associate Head of School, the school did not realize that a signature was missing from the district coordinator and that the school must appoint its own district coordinator. This resulted in payments not being made by EPSB staff to two (2) resource teachers.

EPSB staff records show that Margaret Thorton is the district coordinator for Summit Academy and the monthly electronic newsletters have been sent to Ms. Thorton. September 2005 regional meeting sign-in sheets reflect that no one representing Summit Academy was in attendance.

### *The Frankfort Christian Academy*

The attached letter from the resource teacher states that the district coordinator/principal did not understand she had to sign off on the RTT as both the principal and the district coordinator. This resulted in payments not being made by EPSB staff to one (1) resource teacher.

When the principal realized she would have an intern, she called EPSB and made an appointment to meet with a consultant to learn what she needed to do and how to complete the work in the Intern Management System (IMS). She admitted to not being very well versed in technology and was nervous about being able to fulfill her responsibilities. She was provided information on her roles and responsibilities, a copy of the 2006-2007 *Implementation Guide for the Kentucky Teacher Internship Program (KTIP)*, a copy of the *Intern Management System (IMS) User's Manual*, and encouraged to call at any time she had questions. Staff added her to the email distribution list so she could begin receiving the electronic monthly newsletters. On various occasions, the principal did call with questions and received assistance, and she made another visit to EPSB to work with a consultant regarding IMS. However, in conversations with the principal after the May 1<sup>st</sup> deadline, it was clear that she had not understood that she had two roles: both the principal role and that of the district coordinator. She signed the RTT prior to May 1<sup>st</sup> as the principal, but did not provide the last signature required from the district coordinator until after it was explained why the resource teacher payment was not made.

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### *Somerset High School*

According to the letter from the resource teacher, she and the district coordinator thought the Record of Teacher Internship Year (RTIY) was due May 15<sup>th</sup>, but did not find information that the time sheet was also due on this date.

EPSB records show that the district coordinator from Somerset Independent did attend the June 23, 2006, regional KTIP coordinator meeting, where the May 1<sup>st</sup> deadline was presented through a PowerPoint presentation and written in both the hardcopy of the PowerPoint and the 2006-2007 KTIP Implementation Guide that were both distributed to participants.

### *Kentucky Country Day School*

The letter received from the resource teacher states the principal signed off on the resource teacher timesheet as the principal but did not sign as the district coordinator.

EPSB records show the school assigned the principal to also serve as a district coordinator. This person is on the email distribution list, but records do not show that she attended any of the regional meetings. She did act as the district coordinator when she electronically approved the intern's Confirmation of Employment in October 2005 and the Record of Teacher Internship Year (RTIY) in March 2006, duties that only a district coordinator is supposed to perform. She did electronically sign the resource teacher timesheet as the principal in March 2006, but did not approve the RTT as the district coordinator until July 2006.

### **Alternative Actions:**

1. Approve the waiver requests for Summit Academy, The Frankfort Christian Academy, Somerset High School, and the Kentucky Country Day School.
2. Do not approve the waiver requests for Summit Academy, The Frankfort Christian Academy, Somerset High School, and the Kentucky Country Day School.
3. Approve particular requests but not all.

### **Contact Person:**

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**Executive Director**

### **Date:**

November 20, 2006

Agenda Book  
STATEMENT OF EMERGENCY  
16 KAR 7:010E

This emergency administrative regulation is being promulgated to establish new rubrics and assessments for the Kentucky Teacher Internship Program, beginning with the 2006-2007 school year. This action must be taken on an emergency basis in order to use federal grant funds received to assist the Education Professional Standards Board in developing new training materials for university staff who provide training to members of the beginning teacher internship committees as established in KRS 161.030 and to support the development of rubrics and assessment materials for the members of beginning teacher internship committees. An ordinary administrative regulation is not sufficient, as the federal grant used to develop new materials and training for the Kentucky Teacher Internship Program expires on September 30, 2006. An ordinary administrative regulation will not be effective before this date. This emergency administrative regulation shall be replaced by an ordinary administrative regulation that is identical to the emergency administrative regulation. The ordinary administrative regulation was filed simultaneously with the emergency administrative regulation with the Regulations Compiler.

ERNIE E. FLETCHER, Governor  
TOM STULL, Chairperson

**EDUCATION PROFESSIONAL STANDARDS BOARD  
(Emergency Amendment)**

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

RELATES TO: KRS 156.101, 161.028, 161.030, 161.048, 161.095  
STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030, 161.1222  
EFFECTIVE: August 11, 2006

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(5) requires that all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. [~~KRS 161.1222(1) authorizes the Education Professional Standards Board to implement a pilot internship project.~~] This administrative regulation establishes the requirements for the Kentucky Teacher Internship Program [~~and the Kentucky Teacher Internship Pilot Project.~~].

Section 1. Definitions. (1) "Half-time basis" means teaching fifteen (15) hours per week in the intern's area of certification.

(2) "Instructional day" means a day that:

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

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

(3) "Resource Teacher Time Sheet" means a copy of the document of the same name that is contained on the Education Professional Standards Board (EPSB) Web site, [www.kyepsb.net](http://www.kyepsb.net) and in the publication, "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants."

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

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

(2) In arriving at its professional judgment, the beginning teacher committee shall take into consideration the progress of the teacher intern throughout the school year and, particularly, the level of performance that has been achieved near the end of the internship. The beginning teacher committee shall determine the progress and improvement of the teacher intern, pursuant to KRS 161.030, by:

(a) A systematic observation of classroom performance;

(b) An ongoing review of documented evidence developed by the intern of progress toward demonstration of the applicable standards [~~portfolio materials or pilot project Teacher [Work Sample] that shall be developed by the teacher intern~~]; and

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

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

(4) For interns and committees utilizing the new Teacher Performance Assessment, the intern shall also demonstrate a Leadership Standard. However, scoring for the Leadership Standard shall not apply to a determination of the intern's success or failure of the internship.

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

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

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

(3) If the teacher intern is teaching at a nationally or regionally accredited nonpublic school without a principal, the accrediting organization's guidelines for designating the school head or school leader shall be used by the employing school in



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making the recommendation for appointment of the principal member. If no guidelines exist, the school shall provide a written rationale for the appointment to the Education Professional Standards Board for approval.

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

(5) The teacher training institution shall appoint a teacher educator no later than October 1 for the fall semester and February 15 for the spring semester. If the teacher intern is employed after the date required for appointment of the teacher educator, the teacher training institution shall appoint a teacher educator no later than ten (10) days after being notified by the district of the need for a teacher educator.

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

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

(b) The name of a qualified replacement submitted after consultation with the district or employing school Kentucky Teacher Internship Program Coordinator.

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

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

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

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

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

(3)(a) The school district or nonpublic school shall complete and submit to the Education Professional Standards Board the Confirmation of Employment in electronic form or in hard copy if the electronic submission system is unavailable[~~—The Confirmation of Employment shall be completed for each teacher intern and submitted to the Education Professional Standards Board~~]:

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

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

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

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

(d) Failure to submit [~~return~~] the completed Confirmation of Employment or declare an emergency in accordance with paragraph (a) or (b) of this subsection shall:

1. Be a violation of KRS 161.020; and

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

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

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

1. The superintendent or designated nonpublic school head or leader; and

2. The Education Professional Standards Board staff.

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

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

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

(b) The student selection and placement process;

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

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

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

(f) The instructional resources [~~that are~~] available to the faculty;

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

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- (h) The manner in which the program, classroom or school collaborates with other schools within the district;
  - (i) The current faculty and staff positions assigned to the program, classroom or school;
  - (j) A brief description of how a teacher intern placed in the alternative program, classroom or school could demonstrate that the teacher intern has met all of the applicable ~~[new teacher]~~ standards;
  - (k) Contact information for an individual who could provide additional information about the request; and
  - (l) A signed affidavit by the superintendent, the superintendent's designee, or the designated nonpublic school head or leader confirming the information.
- (7) The Education Professional Standards Board staff shall grant the waiver if there is a determination that the request and accompanying documentation sufficiently demonstrate that the level of support and services provided to the teacher intern assigned to an alternative school, classroom, or program is equivalent to that provided to a teacher intern placed in a nonalternative setting.
- (8) If the waiver is granted, it shall remain in effect for the calendar year during which it is granted.

Section 5. Designation and Duties of Chair; Responsibilities of Resource Teacher, Teacher Intern, and Teacher Educator; Requirements for Timing and Content of Beginning Teacher Committee Meetings. (1) The principal member of the three (3) person beginning teacher committee shall serve as chair and shall be responsible for convening the committee and coordinating its efforts by scheduling observations and committee meetings. The chair shall be responsible for the timely submission of all documents and reports of the beginning teacher committee as required by this administrative regulation. All documents and reports shall be submitted through the electronic reporting system, or by hard copy if the electronic reporting system is unavailable. In addition, the chair shall:

- (a) 1. Make three (3) official observation visits to the teacher intern's classroom with each observation lasting one (1) hour in duration or one (1) class period; or
  - 2. Make two (2) one (1) hour or one (1) class period observation visits followed by an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom lessons;
  - (b) Conduct a lesson plan review prior to each of the three (3) observations and a postobservation conference after each observation;
  - (c) Report progress observed and concerns to the committee at the scheduled committee meetings;
  - (d) Monitor the time that the resource teacher spends with the teacher intern both in and out of class and sign the electronic version of the resource teacher time sheets or the hard copy of the resource teacher time sheets if the electronic reporting system is unavailable; and
  - (e) Ensure that all program policies and procedures are followed.
- (2) The resource teacher shall be a mentor to the teacher intern and assess the teacher intern's progress in the internship.
- (a) The resource teacher, upon completion of Kentucky Teacher Internship Program Committee Training and upon appointment, shall begin to assist the teacher intern.
  - (b) The resource teacher shall spend a minimum of twenty (20) hours working with the teacher intern in the classroom setting.
    - 1. As a portion of the twenty (20) hours, the resource teacher shall conduct:
      - a. Three (3) official observations with each observation lasting one (1) hour in duration or one (1) class period; or
      - b. Two (2) observations lasting one (1) hour in duration or one (1) class period followed by an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom lessons.
    - 2. The observations shall be preceded by a preobservation conference and lesson plan review and shall be concluded with a postobservation conference.
  - (c) Pursuant to the resource teacher requirements established in KRS 161.030(7), a resource teacher shall complete at least fifty (50) hours of out-of-class time identified in KRS 161.030 in consultation with the teacher intern to:
    - 1. Assist the teacher intern in the development of professional growth plan;
    - 2. Assist the teacher intern in areas identified in the professional growth plan;
    - 3. Assist the teacher intern with instructional activities such as planning, management techniques, assessment, and parent conferences;
    - 4. Arrange activities for the teacher intern such as attendance at seminars, conferences, or lectures offering educational assistance commensurate with the teacher intern's professional growth plan;
    - 5. Continually assess the teacher intern's progress in the internship in relation to each of the new teacher standards; and
    - 6. Enter and submit data into the online Resource Teacher Time Sheet or the hard copy of that document if the electronic reporting system is unavailable. This document is located within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants," incorporated by reference.
  - (d) The resource teacher shall divide the consultation time required in in paragraph (c) of this subsection into appropriate increments that provide support for the teacher intern throughout the semester. The resource teacher shall not spend this required consultation time with the teacher intern at required in school or district-wide meetings, or any other activity for which the resource teacher receives compensation from the district or employing school, to include professional development activity.
- (3) The teacher intern shall:
- (a) Complete all requirements of the Kentucky Teacher Internship Program as established in KRS 161.030 and this administrative regulation, including compliance with the new teacher standards;
  - (b) Attend the orientation, preobservation and postobservation conferences with individual committee members, and all beginning teacher committee meetings;
  - (c) Participate with the resource teacher in the fifty (50) hours of consultation time to be spent outside of an instructional setting;
  - (d) Cooperate with the resource teacher in completing the twenty (20) hours of instructional observation;
  - (e) Complete a professional growth plan (PGP);
  - (f) Prepare for three (3) official one (1) hour observations by each committee member during the year, including submitting a written lesson plan to the observer in a timely fashion prior to each visit. Each observation shall be one (1) hour in duration or one (1) class period;
  - (g) Develop documentary evidence of progress toward demonstration of the applicable standards ~~[a portfolio or Pilot Project Teacher Work Sample]~~ for presentation and review at committee meetings; and

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

(4) The teacher educator shall:

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

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

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

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

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

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

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

(c) The third meeting shall be held between sixty-one (61) and 110 instructional days following the orientation meeting and shall have been preceded by a second set of classroom observations by all committee members; and

(d) The fourth meeting shall be held between 111 and 140 instructional days following the orientation meeting and shall have been preceded by a third set of classroom observations by all committee members.

(6) Committees formed during the spring semester shall establish a meeting schedule that observes the time sequences established in subsection (4) of this section for the full-year teacher interns but which shall span the spring and fall semesters of two (2) school years.

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

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

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

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

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

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

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

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

(b) Procedures and materials for classroom observations;

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

(d) Requirements for the intern for compiling documentary evidence of progress toward demonstration of the applicable standards [portfolio or Pilot Project Teacher Work Sample];

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

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

(10)(a) The primary purpose of the second and third committee meetings shall be to provide the teacher intern with information based on classroom observations, review of the intern's documented evidence of progress toward demonstration of the applicable standards [portfolio or Pilot Project Teacher Work Sample], and reports of the resource teacher that shall support the growth of the teacher intern.

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

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

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

(13) The fourth meeting shall include a professional judgment by the committee members on the satisfactory completion of the one (1) year internship. This judgment shall be based upon the teacher intern's ability to meet the requirements of all new teacher standards.

Section 6. Decision by the Beginning Teacher Committee, Reporting, and Certification Actions. (1) The decision of the beginning teacher committee as to satisfactory completion of the internship for all full-year teacher interns shall be reported by the chair to the local school superintendent or other employer and to the Education Professional Standards Board by May 1 or no later than two (2) weeks following the final committee meeting, whichever occurs first. For midyear teacher interns completing the internship in December, the final report shall be submitted by December 15. The final report shall be accompanied by the resource teacher time sheets.

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

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

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

1. Serious medical conditions;

2. Temporary disability; or

3. Military deployment.

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

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

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

(2) A resource teacher shall:

- (a) Not serve as a resource teacher for more than one (1) teacher intern concurrently; and
- (b) Be paid a stipend in accordance with subsection (3) of this section.

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

- 1. \$1,400 for a year of service; and
- 2. Disbursed in accordance with KRS 161.030(6)(f) on a biannual basis corresponding to the semester in which the mentoring occurred or on an annual basis for full-year interns with payment being disbursed at the end of the one (1) year internship. The frequency of the disbursement shall be at the option of the district if the resource teacher is serving in a public school district. If the resource teacher is serving in a nonpublic school, the frequency of the disbursement shall be determined by the submission of the resource teacher time sheets.

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

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

Section 8. Use of the New Teacher Performance Assessment by Internship Participants [Participation in the Kentucky Teacher Internship Pilot Project]. (1) Beginning with the 2006-07 school year, and for full-year interns beginning the Fall of 2007, [As an alternative to participation in the one (1)-year Kentucky Teacher Internship Program,] a school or district [teacher intern] may [elect to] require all interns employed to use the new Teacher Performance Assessment in lieu of the traditional internship assessments that were 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 that were contained within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants"

(3) [participate in the one (1) year Kentucky Teacher Internship Pilot Project authorized by KRS 161.1222].

[2] Application for the pilot project shall be made by completing the KTIP Pilot Project Application Form or its online equivalent found on the Education Professional Standards Board website at [www.kyepsb.net](http://www.kyepsb.net) and submitting it to the Education Professional Standards Board. As a prerequisite to participation, the applicant shall have:

- (a) A bona fide offer of employment;
- (b) Approval for pilot project participation by the district superintendent or designated nonpublic school head or leader;
- (c) Approval for pilot project participation by the principal or designated nonpublic school head or leader; and
- (d) A resource teacher assigned in accordance with the provisions of this administrative regulation and KRS 161.030.

(3) The Education Professional Standards Board shall select participants based upon a representative sample, taking into consideration the following criteria:

- (a) Geographic location of the internship;
- (b) The teacher training institution from which the applicant graduated;
- (c) The grade level to be taught by the applicant;
- (d) The content area to be taught by the applicant; and
- (e) The route by which the applicant sought certification, traditional or alternative.

(4) Incentives for pilot project participants shall include the following:

- (a) Opportunities for the teacher intern to observe experienced teachers;
- (b) Online training modules for creating the Teacher Work Sample; and
- (c) The development and use of the Teacher Work Sample in lieu of the traditional internship portfolio.

(5) An individual serving as a resource teacher to a pilot project participant shall be paid in accordance with the provisions of Section 7 of this administrative regulation.

(6) For an individual who has completed service as a pilot project mentor between December 1, 2003 and August 29, 2005, and received a \$1000 stipend, the mentor shall receive an additional \$400. The EPSB shall forward the supplemental \$400 to the mentor after the effective date of this administrative regulation.

(7) For an individual who has completed service as a pilot project mentor between December 1, 2003 and August 29, 2005, and received a \$1000 stipend, the mentor shall receive an additional \$800 if, at the time of appointment as a mentor to a pilot project intern, the teacher had attained certification by National Board for Professional Teaching Standards. The EPSB shall forward the supplemental \$800 to the mentor after August 29, 2005.

(8) Prior to serving as a member of the beginning teacher [teaching] committee for an intern using the new Teacher Performance Assessment [the pilot project], the principal, resource teacher, and teacher educator each shall have completed the new Teacher Performance Assessment internship committee [Work Sample Committee] training.

(4) [(9)] During the year of the [pilot project] 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 Teacher Performance Assessment Handbook [Work Sample Guide], incorporated by reference.

(5) [(10)] An interim in the pilot project shall be required to prepare for and complete for the [pilot project committee members three (3) official observations with each lasting one (1) hour or one (1) class period in duration. One (1) of the official observations shall be of a videotaped classroom lesson prepared by the intern and lasting one (1) hour or one (1) class period in duration.

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(44) 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 [internship pilot project].

(6) [(42)] Participation in the Kentucky Teacher Internship using new The Teacher Performance Assessment [Pilot Project] 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 an intern's failure of the Kentucky Teacher Internship Program.

Section 9. Appeals. (1)(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
4. The Executive Director of the Education Professional Standards Board, or his or her designee.

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

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

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

(b) 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.

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

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

1. Evidence of the teacher intern's ability to meet the requirements of the new teacher standards;
2. Appropriate documentation of at least twenty (20) hours in the instructional setting and fifty (50) hours outside normal working hours spent by the resource teacher in assisting the teacher intern;
3. Assignment of beginning teacher committee members in accordance with legal requirements;
4. Compliance with the requirements for the timing, content, reporting, and signing of teacher intern performance records, meeting and observation forms, and resource teacher time sheets; and
5. Agreement between teacher intern performance records, professional growth plans, beginning teacher committee meeting reports, and the final decision of the committee.

(4) The appeals committee shall make a recommendation to the Education Professional Standards Board on the appeal within sixty (60) days following the receipt of the appeal, unless good cause exists for additional time. The Education Professional Standards Board shall issue a final decision in each appeal reviewed by the appeals committee. The Education Professional Standards Board may consider the appeals committee recommendation and the records reviewed by the appeals committee in issuing its decision.

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

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

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

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

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

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

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

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

Section 11. An intern serving the internship in Interdisciplinary Early Childhood Education (IECE) must successfully demonstrate the new teacher standards as adapted to the IECE standards and shall utilize the IECE Observation Instrument incorporated by reference.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

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

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

(c) ["KTIP Pilot Project Application Form", June 2003 edition;

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(d) "Kentucky Teacher Internship Program Teacher Performance Assessment Handbook [Pilot Project Teacher Work Sample Guide]", June 2006 [August 2005] edition";

(d) KTIP TPA Intern Performance Record, June 2006 edition

[(e) "KTIP Pilot Project Intern Performance Record, August 2005 edition"; and

(e) [(#)] IECE Observation Instrument", January 2005 edition.

(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.

TOM STULL, Chairperson

APPROVED BY AGENCY: August 10, 2006

FILED WITH LRC: August 11, 2006 at 3 p.m.

CONTACT PERSON: Alicia A. Sneed, Director of Legal Services, Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, phone (502) 564-4606, fax (502) 564-7080.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A. Sneed

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements, duties of participants, timelines, and assessment of the Kentucky Teacher Internship Program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to codify the rights, duties, and responsibilities of all participants in the Kentucky Teacher Internship Program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.028 establishes the Education Professional Standards Board and empowers the Education Professional Standards Board to establish the standards and requirements for maintaining a teaching requirement. KRS 161.030(5) provides that all new teachers and out-of-state teachers with less than 2 years of experience shall serve a 1-year internship. This administrative regulation complies with the requirements of KRS 161.030 by establishing appropriate timelines, assessments, and due process procedures for the 1-year internship.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration of the statute by complying with the requirements of KRS 161.030 by establishing the requirements, duties of participants, timelines, and assessments of the Kentucky Teacher Internship Program.

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the existing administrative regulation by establishing the specific dates for transition to a new scoring rubric and system of assessment for the Kentucky Teacher Internship Program. The amendment also implements training requirements for members of the Kentucky Teacher Internship Committee. This amendment removes references to and requirements of the Kentucky Teacher Internship Pilot Project which has ended. Any other proposed changes to this regulation are designed to improve the clarity of the regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide notice to the participants of the Kentucky Teacher Internship Program of the changes to the scoring rubrics and assessments and to establish a reasonable transition timeline by which each school district must convert to using the new assessment procedures.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment complies with the requirements of KRS 161.030 by establishing appropriate timelines, assessment, and due process procedures for the Kentucky Teacher Internship Program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will improve the assessment currently used in the Kentucky Teacher Internship Program, making the internship a more beneficial experience for the intern.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 3,000 applicants seeking initial teaching certification in Kentucky, 175 valid school districts, dozens of private schools along with their staff, and the 28 university and college educator preparation programs.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The school districts and private schools will have to ensure that their staff, who participate in the Kentucky Teacher Internship Program are trained to use the new scoring rubrics and assessments. The university and college preparation programs may choose to incorporate the new scoring rubrics and assessments into their programs. Regional universities are required by KRS 161.030 to provide training for the internship committee members, Trainers from these universities will need require training of the new materials and processes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There should not be any additional cost to the entities impacted by the regulation. The Education Professional Standards Board will bear the cost of training all participants in the Kentucky Teacher Internship Program.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The new scoring rubrics and assessments will provide the intern with more feedback. The new assessments focus on student learning and assessment and will provide the intern with valuable classroom skills. School districts will benefit from well trained beginning teachers.

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

(a) Initially: \$5,000,000

(b) On a continuing basis: \$5,000,000

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds provided by the GA for the Kentucky Teacher Internship Program.

## Agenda Book

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

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

(9) TIERING: Is tiering applied? Yes, tiering is applied in the regulation to allow for transition from the former rubrics and assessments to the new rubrics and assessments. Tiering is used to ensure that school districts will have sufficient time to allow their staff participating in the Kentucky Teacher Internship Program to be properly trained in the new procedures.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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

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

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.028(1) and 161.030.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There should be none.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There should be no revenue generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There should be no revenue generated.

(c) How much will it cost to administer this program for the first year? There should be no revenue generated.

(d) How much will it cost to administer this program for subsequent years? There should be no revenue generated.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:





Agenda Book  
**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

**Action Item, Waiver B**

**Action Item:**

Waiver of the Cooperating Teacher Eligibility Requirements

**Applicable Statutes and Regulation:**

16 KAR 5:040, Section 2 (d)

**Applicable Goal:**

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

**Issue:**

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

**Background:**

Dr. James Cibulka, Dean, College of Education, University of Kentucky, is requesting a waiver of 16 KAR 5:040, Section 2 (d), which requires a cooperating teacher to have taught in their present school system of employment for at least one year immediately prior to being assigned a student teacher on behalf of Ms. Ellen Burt. The request is for spring 2007.

This request is made in order to arrange placement for a prospective student teacher in the music education program at the University of Kentucky. Ms. Burt has more than 20 years of teaching experience. Because Ms. Burt transferred this year from the Jessamine County Schools to teach in Fayette County at Paul Laurence Dunbar High School, she does not meet the one year of employment requirement. The University of Kentucky has placed student teachers under Ms. Burt's supervision in the past and believes that she is extremely qualified to serve as a cooperating teacher. Ms. Burt does fully meet the all other requirements of the regulation

A copy of Dr. Cibulka's letter as supporting documentation and the pertinent part of the regulation are attached.

**Alternative Actions:**

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

Agenda Book

**Contact Person:**

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

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**Executive Director**

**Date:**

November 20, 2006

# Agenda Book

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

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

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

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

Section 2. Cooperating Teacher Eligibility Requirements. (1) Except as provided in subsection (2) or (3) of this section, the cooperating teacher shall have:

- (a) A valid Kentucky teaching certificate for each grade and subject taught;
- (b) Attained Rank II certification;
- (c) At least four (4) years of teaching experience; and
- (d) Taught in the present school system at least one (1) year immediately prior to being assigned a student teacher.

(2) If a cooperating teacher has not attained Rank II certification, this requirement shall be waived if the teacher:

- (a) Has at least twenty (20) years of teaching experience; and
- (b) Has worked as a cooperating teacher during the past five (5) years.

(3) Teachers assigned to a teaching position on the basis of a probationary or emergency certificate issued by the Education Professional Standards Board under KAR Title 16 shall not be eligible for serving as a cooperating teacher.

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

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

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

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

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

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

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

(4) The college coordinator shall be available to work with the student teacher and personnel in the cooperating school on a problem that may arise relating to the student teaching situation.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference under 16 KAR 5:010, the teacher education institution shall provide an opportunity for the student teacher to assume major responsibility for the full range of teaching duties in a real school situation under the guidance of qualified personnel from the institution of higher education or the cooperating elementary or secondary school.

(2) Each teacher education institution shall provide a full professional semester to include a period of student teaching for a minimum of twelve (12) weeks, full day, or equivalent, within the grade levels corresponding to the student teacher's certification program.

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

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

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

(b) Each report shall include:

1. The number of contract weeks that the cooperating teacher is working with each student teacher for that semester;
2. The cooperating teacher's full name and certificate number;
3. The student teacher's full name, Social Security number, and demographic data;
4. The student teacher's preparation and certification area by assigned certification code;
5. The student teacher's anticipated graduation date; and
6. The name and assigned code of the school and school district where the cooperating teacher is employed and the student teaching requirement is being fulfilled.

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

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

(b) The voucher shall be signed by the cooperating teacher, building principal, and the college coordinator as verification of the cooperating teacher's service to the student teacher.

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

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

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

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

(4)(a) The maximum amount of the per semester payment to a cooperating teacher shall be determined based upon the total number of student teachers reported for the fiscal year.

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

(c) A cooperating teacher who supervises a student teacher for only a portion of the semester shall have the payment prorated accordingly.

(d) The per-semester payment to a cooperating teacher shall not exceed the maximum amount established in paragraph (a) of this subsection.

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

(a) On an annual basis; and

(b) On or before June 15.

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

(a) Be a supplement to the compensation provided by a teacher education institution to a cooperating teacher who is supervising an institution's student teacher; and

(b) Not supplant the teacher education institutions' compensation responsibility.

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

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

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**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

**Action Item, Waiver C**

**Action Item:**

Request for Waiver of 6 New Graduate Hours for the Renewal of a Certificate

**Applicable Statute or Regulation:**

16 KAR 4:040, Section 2 (1) (c) (2)

**Applicable Goal:**

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

**Issue:**

Should the Education Professional Standards Board waive the requirement of six (6) new graduate hours for the renewal of a certificate issued to an out-of-state teacher via the recency regulations?

**Background:**

Ms. Jennifer Childress is requesting a waiver of the requirement for six new graduate hours leading toward a fifth-year program as outlined in 16 KAR 4:040. Her Professional Certificate for Teaching English, Grades 8-12, expired on June 30, 2006, and Ms. Childress is requesting a waiver due to a medical condition that occurred during the 2005-06 school year. She is currently enrolled in a program, taking three new graduate hours. (See attached material for the basis of Ms. Childress' request and supporting documents.)

**Alternative Actions:**

1. Approve the waiver request
2. Do not approve the waiver request

**Contact Person:**

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

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**Executive Director**

**Date:**

November 20, 2006

# Agenda Book

## 16 KAR 4:040. Recency and certification fees.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board; furthermore, a teacher education institution is required to be approved for offering a preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 establishes additional testing and internship requirements for certification. This administrative regulation establishes requirements for the issuance of the limited initial certificate; the beginning teacher internship program; certificate renewal; and filing a certificate application. This administrative regulation establishes fees to be charged for the issuance, reissuance, and renewal of a certificate.

Section 1. (1) Application for teacher certification shall be made to the Division of Certification.

(2) The application shall be accompanied by an official transcript showing all college credits necessary for the requested certification.

Section 2. Recency. Teacher certification issued initially under the provisions of 16 KAR 2:010 or 16 KAR 2:020 shall comply with the provisions of KRS 161.030 and the following requirements and procedures:

(1) There shall be a recency of preparation prerequisite for the issuance of a certificate covered by this section, as follows:

(a) Except as provided in paragraphs (b) and (c) of this subsection, an out-of-state applicant for initial Kentucky certification shall have prepared as a teacher or completed six (6) semester hours of graduate credit within the five (5) years preceding the application.

(b) An out-of-state applicant for initial Kentucky certification who has completed a Planned Fifth-year Program shall be exempt from taking the six (6) additional hours, if the applicant has completed two (2) years of successful teaching experience within the

(c)1. A certificate shall be issued for a one (1) year period ending June 30 of the next calendar year if the applicant:

a. Does not meet the recency of preparation requisite;

b. Has not previously held a Kentucky teaching certificate;

c. Otherwise qualifies for certification; and

d. Agrees that six (6) semester hours of credit applicable toward the usual renewal requirement shall be completed by September 1 of the year of expiration.

2. To renew a certificate issued under subparagraph 1 of this paragraph, the applicant shall comply with the requirements for renewal established in subsection (2) of this section.

last ten (10) years.

(2)(a) A teaching certificate described in this section shall be issued for a duration period of five (5) years and with provisions for a subsequent five (5) year renewal, as established in 16 KAR 7:010.

(b) Semester hour credit for certificate renewal shall be earned after the issuance of the certificate. Credit earned in excess of the minimum requirement for a renewal period shall accumulate and be carried forward to apply toward a subsequent renewal.

Section 3. (1) Reissuance.

(a) If a certificate has lapsed as a result of the applicant's failure to meet the renewal requirements, the certificate shall be reissued at a later date for a one (1) year period if the applicant completes at least six (6) semester hours of graduate credit applicable toward the Planned Fifth-year Program.

(b) The applicant shall complete an additional nine (9) semester hours of credit applicable toward the planned fifth-year program by September 1 of the year of expiration to qualify for extending the certificate for the remaining four (4) years of the first five (5) year renewal period.

(c) At the end of the renewal period established in paragraph (b) of this subsection, the applicant shall have completed the Planned Fifth-year Program to qualify for the next five (5) year renewal. After the renewal period established in this paragraph, the regular renewal schedule of three (3) years of successful teaching experience with evidence of continuing growth documented in a portfolio as required by 16 KAR 4:060 or six (6) semester hours of additional graduate credit each five (5) year period shall apply.

(2) An applicant who has already completed the Planned Fifth-year Program and whose certificate lapses shall have the certificate reissued after completing another six (6) semester hours of graduate credit. The certificate shall be issued for a five (5) year period and subject to the renewal schedule of three (3) years of successful teaching experience or completion by September 1 of the year of expiration of at least six (6) semester hours of additional credit for each five (5) year period.

(3) Pursuant to KRS 161.030(3) and (4), successful experience shall be in a position directly corresponding to the type of teaching certificate for which the application is being made and shall be defined as follows:

(a) Employment shall be at least on a half-time basis;

(b) A full year of experience shall include at least 140 days of employment performed within the academic year; and

(c) A half year of experience shall include at least seventy (70) days of employment performed within an academic semester.

Section 4. Fees. (1) The following fees for teaching certificates shall apply:

(a) Statement of eligibility for internship - no charge;

(b) Limited one (1) year certificate - no charge;

(c) Issuance, reissuance, or renewal of a regular certificate - fifty (50) dollars, which shall include all previously approved certifications and endorsements;

(d) Issuance of a five (5) year substitute certificate - fifteen (15) dollars;

(e) Reissuance of limited four (4) year certification - thirty-five (35) dollars;

(f) A duplicate copy of the certificate - twenty-five (25) dollars.

(2) A refund of the certification fee shall be provided to an unsuccessful certification applicant, less a ten (10) dollar processing fee.

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**[Action Item, Waiver D](#)**

**Action Item:**

Exceptional Children Teacher Assignment Waiver(s)

**Applicable Statute and/or Regulation:**

16 KAR 4:020

**Applicable Goal:**

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

**Issue:**

Should the Education Professional Standards Board (EPSB) approve the teaching assignment waiver(s) as recommended by the Division of Exceptional Children Services (DECS) and EPSB staff?

**Background:**

In May 2000, the EPSB approved the Waiver of Assignment Requirements for Teachers of Exceptional Children (16 KAR 4:020, Section 4) Policy and Procedure (copy attached). Staff and DECS recommend that the following assignment waivers be approved:

**See Attached List**

**Alternative Actions:**

1. Approve staff recommendations
2. Modify and approve staff's recommendations
3. Do not approve staff's recommendations

**Staff's Recommendations:**

Alternative 1

**Rationale:**

Approval is in keeping with the enabling legislation and all DECS recommendations have been reviewed by staff.

Agenda Book

**Contact Person:**

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**Executive Director**

**Date:**

November 20, 2006



Agenda Book

<b>District</b>	<b>Name</b>	<b>Current Certification</b>	<b>Assignment</b>
Hart County	Sonya Carter	LBD	FMD
Hart County	Martha Carol Smith	LBD	FMD
Hart County	Julie Gardner	LBD	FMD
Henderson County	Ashley Mitchell	LBD	FMD
Russellville Independent	Connie Southerland	LBD	VI
Science Hill Independent	Ashley Johnson	MMD	LBD

## Agenda Book

### 16 KAR 4:020. Certification requirements for teachers of exceptional children.

RELATES TO: KRS 157.200, 157.250, 161.020, 161.028(1), 161.030, 161.100, 20 U.S.C. 1221(e), 1400-1419

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a)

NECESSITY, FUNCTION, CONFORMITY: KRS 161.020 and 161.028 require the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate for all public school positions, including those for teaching exceptional children. This administrative regulation establishes the certification requirements for teachers of exceptional children.

Section 1. Certification Requirements for Assignment of Special Education Personnel. (1) Mild mental disability (MMD). A teacher holding the following certification shall be assigned to serve pupils with mild mental disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(2) Orthopedic impairment (OI).

(a) A teacher holding the following certification shall be assigned to serve pupils with orthopedic impairments at any grade level:

1. Certification for orthopedically handicapped or physically handicapped, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

2. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)2 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(3) Other health impairment (OHI).

(a) A teacher shall be assigned to serve pupils identified as other health impaired at any grade level based upon the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as other health impaired shall possess a certificate for teaching exceptional children.

(4) Specific learning disability (LD). A teacher holding the following certification shall be assigned to serve pupils with learning disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(5) Developmental delay (DD). A teacher holding the following certification shall be assigned to serve pupils with developmental delay at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(6) Emotional-behavioral disability (EBD).

(a) A teacher holding the following certification shall be assigned to serve pupils identified as emotional-behavioral disabled at any grade level:

1. Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12);

2. Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

3. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)6 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(7) Functional mental disability (FMD). A teacher holding the following certification shall be assigned to serve pupils with functional mental disabilities at any grade level:

(a) Certification for trainable mentally handicapped, grades K-12;

(b) Certification for teaching the trainable mentally retarded, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12);

(c) Certification for teaching the severely and profoundly handicapped at any grade level; or

(d) Certification for teaching the moderately and severely disabled, grades P-12.

(8) Multiple disabilities (MD).

(a) A teacher shall be assigned to pupils at any grade level who have multiple disabilities consistent with the nature of each of the student's different disabilities and based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils with multiple disabilities shall possess a certificate for teaching exceptional children.

(9) Deaf-blindness.

(a) A teacher shall be assigned to serve pupils identified with deaf-blindness at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with deaf-blindness shall possess a certificate for teaching exceptional children.

(10) Autism.

(a) A teacher shall be assigned to serve pupils identified with autism at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with autism shall possess a certificate for teaching exceptional children.

(11) Traumatic brain injury (TBI).

(a) A teacher shall be assigned to serve pupils identified as having a traumatic brain injury at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as having a traumatic brain injury shall possess a certificate for teaching exceptional children.

(12) Hearing impaired (HI). A teacher holding the following certification shall be assigned to serve pupils with hearing impairments at any grade level:

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- (a) Certification for teaching the hard of hearing, deaf, or hearing impaired, grades K-12, one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
- (b) Certification for teaching the hearing impaired, grades P-12.
- (13) Visually impaired (VI). A teacher holding the following certification shall be assigned to serve pupils with visual impairments at any grade level:
  - (a) Certification for teaching the partially seeing, blind, or visually impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or
  - (b) Certification for teaching the visually impaired, grades P-12.
- (14) Communication disorders. A teacher holding the following certification shall be assigned to serve pupils who have been identified as needing instruction for speech or language disorders at any grade level:
  - (a) Certification for speech and hearing, grades one (1) through twelve (12);
  - (b) Certification for speech and communication disorders, grades K-12; or
  - (c) Certification for communication disorders, grades P-12.

Section 2. Certification Requirements for Assignment of Interdisciplinary Early Childhood Education Teachers for the Provision of Special Education Services. (1) A teacher holding the following qualifications shall be assigned to serve birth to primary pupils who have been identified as needing special education services:

- (a) Certification for interdisciplinary early childhood education offered under 16 KAR 2:140 and 16 KAR 2:040;
- (b) Exemption identified in 16 KAR 2:040; or
- (c) Qualifications set forth in 704 KAR 3:410, Section 7(1)(a).

(2) A special education teacher identified in Section 1 of this administrative regulation shall not be precluded from providing services in the teacher's certification area to birth to primary pupils with disabilities if that certification is valid for the primary ages.

Section 3. Probationary and Emergency Provisions. (1) If no regularly certified teacher as delineated in Sections 1 and 2 of this administrative regulation is available to provide the special education services, the local district may employ a teacher certified on a probationary status under 16 KAR 2:160.

(2) If no probationary certified special education teacher is available, the district may employ a teacher certified on an emergency status under the requirements of KRS 161.100 and 16 KAR 2:120.

Section 4. Waiver Requests for Teacher Assignment. (1) Local school districts which need to assign teachers to teach classes or pupils, with the exception of pupils receiving services for communication disorders, not consistent with the above criteria shall request a waiver for the teacher assignment through the Kentucky Department of Education, Office of Special Instructional Services, Division of Exceptional Children and be approved by the Education Professional Standards Board.

(2) The Education Professional Standards Board and Department of Education shall give consideration for this approval based on information provided by the local school district in its request. The request shall:

(a) Be made prior to September 15 or within fifteen (15) school days of the need for assignment if it occurs after September 15 of the school year for which a waiver is requested; and

(b) Include:

1. The teacher's name, school assignment, certificate number, class plan assignment, and current certification;
2. A listing of pupils currently served by category of exceptionality;
3. A listing of pupils the district is requesting to be served by exceptionality; and
4. Any other relevant information which the district wishes to have considered in the decision-making process.

(3) Following consideration by the Department of Education and approval by the Education Professional Standards Board, the local district shall be promptly notified of the decision on the waiver request.

(4) The assignment shall not exceed the length of the school year for which it was initiated. (26 Ky.R. 2124; Am. 27 Ky.R. 405; eff. 8-14-2000; recodified from 704 KAR 20:740, 7-2-200)



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**EDUCATION PROFESSIONAL STANDARDS BOARD**  
**STAFF NOTE**

[Action Item, Waiver E](#)

**Action Item:**

Waiver of current passing scores for Art: Content Knowledge (0133), Middle School Social Studies (0089), Social Studies: Interpretation of Materials (0083), Business Education (0100), and Middle School English Language Arts (0049)

**Applicable Statute and/or Regulation:**

16 KAR 6:010

**Applicable Goal:**

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

**Issue:**

Should the Education Professional Standards Board (EPSB) waive the current cut scores in 16 KAR 6:010 for Art: Content Knowledge (0133), Middle School Social Studies (0089), Social Studies: Interpretation of Materials (0083), Business Education (0100), and Middle School English Language Arts (0049) and allow staff to accept the cut scores recommended to the board in January 2005 as the official passing scores?

**Background:**

In November 2004, EPSB staff brought an informational item to the EPSB regarding a recommendation to amend 16 KAR 0:010 to increase the required passing scores (cut scores) for several existing teacher certification tests (see table A) and the *School Leadership Licensure Assessment (SLLA)*. After reviewing the information item, the EPSB requested staff to provide the Kentucky and national percentile information for the teacher assessments as had been provided for the SLLA.

After further review and preparation of this information for the EPSB meeting, staff changed the original cut score recommendation for the *Art: Content Knowledge (0133)*, *Middle School Social Studies (0089)*, *Social Studies: Interpretation of Materials (0083)*, *Business Education (0100)*, *Middle School English Language Arts (0049)*, and the *SLLA*. In addition, it was decided to remove the recommendation to increase the cut scores for *Social Studies Content Knowledge (0081)*, and *French: Content Knowledge (0173)*. This information was brought to the EPSB in January 2005 (See Table A).

The EPSB approved the recommendations; however, when staff compiled the minutes, the cut scores as provided in the November 2004 information item—not the scores approved at the January 2005 meeting—were inadvertently recorded. These erroneous cut scores were also used to file the amendment to 16 KAR 6:010.

**Alternative Actions:**

1. Approve waiver of 16 KAR 6:010 to allow staff to retroactively accept the passing scores approved by the EPSB in January 2005.
2. Modify and approve staff's recommendations
3. Do not approve staff's recommendations

**Staff's Recommendations:**

Alternative 1

**Rationale:**

Until the new amendments to the administrative regulation become final, staff requests that the Board issue a waiver of 16 KAR 6:010 to allow staff to accept retroactively to September 1, 2005 the passing scores for *Art: Content Knowledge (0133)*, *Middle School Social Studies (0089)*, *Social Studies: Interpretation of Materials (0083)*, *Business Education (0100)*, and *Middle School English Language Arts (0049)*, the recommended cut scores brought to the Board in January 2005. This waiver will ensure that no individual will be adversely impacted by the clerical error originally made in the January 2005 meeting minutes and then the amendment to the regulation.

**Contact Person:**

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**Executive Director**

**Date:**

November 20, 2006

**Table A: Recommendations Presented to EPSB in November 2004 and January 2005**

<b>Assessment</b>	<b>Old Passing Score</b>	<b>Percentile Rank Nationally</b>	<b>Nov 2004 Recommended Passing Score</b>	<b>Percentile Rank Nationally</b>	<b>Jan 2005 Recommended Passing Score</b>	<b>Percentile Rank Nationally</b>
Family and Consumer Science (0120)	570	9	600	19	600	19
Art: Content Knowledge (0133)	154	10	161	21	158	18
Middle School Social Studies (0089)	144	10	152	20	149	15
Teaching Students With Visual Impairments (0280)	660	10	700	20	700	20
Social Studies: Interpretation of Materials (0083)	155	11	160	21	159	19
Business Education (0100)	580	12	600	19	590	15
Middle School English Language Arts (0049)	153	12	160	20	157	16
Music: Content Knowledge (0113)	150	13	154	19	154	19
Middle School Math (0069)	143	13	148	21	148	21
Latin (0600)	630	13	700	19	700	19
Social Studies: Content Knowledge (0081)	151	14	155	20	Leave old score	
French Content Knowledge (0173)	159	14	164	20	Leave old score	

## Agenda Book

### 16 KAR 6:010. Written examination prerequisites for teacher certification.

RELATES TO: KRS 161.020, 161.028(1), 161.030(3), (4)

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) requires the Education Professional Standards Board to select the appropriate assessments required prior to teacher certification. This administrative regulation establishes the written examination prerequisites for teacher certification.

Section 1. A teacher applicant for certification shall successfully complete the appropriate written tests identified in this administrative regulation prior to Kentucky teacher certification.

Section 2. The Education Professional Standards Board shall require the specialty tests and passing scores identified in this section for each new teacher applicant, and each teacher seeking an additional certificate, who completes application for certification on or after September 1, 2003.

(1) An applicant for interdisciplinary early childhood education, birth to primary, certification shall take an Education Professional Standards Board Interdisciplinary Early Childhood Specialty Test, with a passing score of 150.

(2) Until August 31, 2005, an applicant for elementary certification shall take Elementary Education: Curriculum, Instruction, and Assessment (0011) with a passing score of 163 or Elementary Education: Content Knowledge (0014) with a passing score of 148. Beginning September 1, 2005, the applicant shall take Elementary Education: Content Knowledge (0014) with a passing score of 148.

(3) An applicant for middle school certification shall take one (1) or two (2) middle school specialty tests based on the applicant's area or areas of specialty with passing scores as identified in this subsection:

- (a) Middle School Mathematics (0069) - 148;
- (b) Middle School Science (0439) - 139;
- (c) Middle School English Language Arts (0049) - 160; or
- (d) Middle School Social Studies (0089) - 152.

(4) An applicant for certification for teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take each specialty test based on the applicant's specialty with the corresponding passing score as identified in this subsection:

(a) Communication disorders:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Speech Language Pathology (0330) - 600;

(b) Learning and behavior disorders:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Until August 31, 2006, Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157 or Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172. Beginning September 1, 2006, Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172;

(c) Moderate and severe disabilities:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Special Education: Teaching Students with Mental Retardation (0321) - 146;

(d) Hearing impaired:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Education of Deaf and Hard of Hearing Students (0271) - 167;

(e) Hearing impaired with sign proficiency:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157;

2. Education of Deaf and Hard of Hearing Students (0271) - 167; and

3. One (1) of the following tests with a passing score of "Intermediate Level":

a. Sign Communication Proficiency Interview (SCPI); or

b. Educational Sign Skills Evaluation (ESSE).

(f) Visually impaired:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Teaching Students with Visual Impairments (0280) - 700.

(5) An applicant for certification at the secondary level shall take the specialty tests corresponding to the applicant's specialty with the passing scores identified in this subsection:

(a) Biology:

1. From January 24, 2005 through August 31, 2005:

a. (i) Biology: Content Knowledge Part 1 (0231) - 156; and

(ii) Biology: Content Essays (0233) - 141; or

b. Biology: Content Knowledge (0235)-146; or



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2. Beginning September 1, 2005, Biology: Content Knowledge (0235) - 146;
- (b) Chemistry:
  1. From January 24, 2005 through August 31, 2005:
    - a. (i) General Science: Content Knowledge Part 2 (0432) - 146; and
    - (ii) Chemistry: Content Knowledge (0241) - 138; or
  - b. Chemistry: Content Knowledge (0245) - 147; or
2. Beginning September 1, 2005, Chemistry: Content Knowledge (0245) - 147;
- (c) English:
  1. English Language and Literature: Content Knowledge (0041) - 160; and
  2. English Language, Literature and Composition Essays (0042) - 155;
- (d) Social Studies:
  1. Social Studies: Content Knowledge (0081) - 151; and
  2. Social Studies: Interpretation of Materials (0083) - 160;
- (e) Mathematics:
  1. Mathematics: Content Knowledge (0061) - 125; and
  2. Mathematics: Proofs, Models, and Problems (0063) - 141;
- (f) Physics:
  1. From January 24, 2005, through August 31, 2005:
    - a. (i) General Science: Content Knowledge, Part 2 (0432) - 146; and
    - (ii) Physics: Content Knowledge (0261) - 114; or
  - b. Physics: Content Knowledge (0265) - 133; or
2. Beginning September 1, 2005, Physics: Content Knowledge (0265) - 133
- (g) Earth science:
  1. From January 24, 2005, through August 31, 2005:
    - a. General Science: Content Knowledge, Part 2 (0432) - 146; and
    - b. Earth Science: Content Knowledge (0571) - 145; or
  2. Beginning September 1, 2005, Earth Science: Content Knowledge (0571) - 145.
- (6) An applicant for certification in all grades in the following specialty areas shall take the specialty test or tests with the passing scores as identified in this subsection.
  - (a) Art:
    1. Art Content Knowledge (0133) - 161; and
    2. Art Making (0131) - 154;
  - (b) French:
    - French: Content Knowledge (0173) - 159;
  - (c) German: German: Content Knowledge (0181) - 157;
  - (d) Health: Health Education (0550) - 630;
  - (e) Latin: Latin (0600) - 700;
  - (f) Integrated music:
    1. Music: Content Knowledge (0113) - 154; and
    2. Music: Concepts and Processes (0111) - 145;
  - (g) Vocal music:
    1. Music: Content Knowledge (0113) - 154; and
    2. Music: Concepts and Processes (0111) - 145;
  - (h) Instrumental music:
    1. Music: Content Knowledge (0113) - 154; and
    2. Music: Concepts and Processes (0111) - 145;
  - (i) Physical education:
    1. Physical Education: Content Knowledge (0091) - 147; and
    2. Physical Education: Movement Forms-Analysis and Design (0092) - 151;
  - (j) Spanish:
    - Spanish Content Knowledge (0191) - 160;
  - (k) School Media Librarian: Library Media Specialist (0310) - 640; or
  - (l) School Psychologist: NTE Specialty Area Examination - 630.
- (7) An applicant for career and technical education certification to teach in grades 5-12 with one (1) or more of the following specializations shall take the specialty tests with the passing scores as identified in this subsection:
  - (a) Agriculture: Agriculture (0700) - 520;
  - (b) Business and Marketing Education - Business Education (0100) - 600;
  - (c) Family and Consumer Sciences - Home Economics Education (0120) - 600;
  - (d) Technology Education - Technology Education (0050) - 600; or
  - (e) Industrial education. An applicant for industrial education with one (1) or more trade and industry specializations shall complete the assessments established in 16 KAR 6:020.
- (8) An applicant for a restricted base certificate in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:
  - (a) English as a Second Language: English to Speakers of Other Languages (0360) - 620;
  - (b) Speech/Media Communications: Speech Communication (0220) - 580; or
  - (c) Theater: Theatre (0640) - 630.
- (9) An applicant for an endorsement in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:
  - (a) English as a Second Language: English to Speakers of Other Languages (0360) - 620; or
  - (b) Learning and Behavior Disorders, grades 8-12: Until August 31, 2006, Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157. Beginning September 1, 2006, Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172.

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Section 3. In addition to the specialty area tests established in Section 2 of this administrative regulation, the Education Professional Standards Board shall require the pedagogy tests and passing scores identified in this section for each new teacher applicant beginning September 1, 2003. If an individual is seeking additional certification in any area, the applicant need only take one (1) of the pedagogy tests identified in this administrative regulation.

(1) An applicant for elementary certification (grades P-5) shall take Principles of Learning and Teaching: Grades K-6 (0522) - 161.

(2) An applicant for middle school certification grades five (5) through nine (9) shall take Principles of Learning and Teaching: Grades 5-9 (0523) - 161.

(3) An applicant applying only for certification for teacher of exceptional children shall not be required to take a separate pedagogy test established in this section. The specialty area tests established in Section 2 of this administrative regulation shall fulfill the pedagogy test requirement for a teacher of exceptional children.

(4) An applicant for certification at the secondary level grades eight (8) through twelve (12) shall take Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(5) An applicant for certification in all grades with a specialty area (e.g., art, music, etc.) shall take either:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(6) An applicant for career and technical education certification in grades five (5) through twelve (12) shall take either:

(a) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(b) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(7) An applicant for a restricted base certificate shall take one (1) of the following pedagogy tests corresponding to the grade range of the specific restricted base certificate:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

Section 4. Assessment Recency. (1) A passing score on a test established in this administrative regulation and completed on or after January 1, 2002 shall be valid for the purpose of applying for certification for five (5) years from the test administration date.

(2) A teacher who fails to complete application for certification to the Education Professional Standards Board within the applicable recency period of the test and with the passing score established in this administrative regulation shall retake the appropriate test or tests and achieve the appropriate passing score or scores required for certification at the time of application.

(3) The test administration date shall be established by the Educational Testing Service or other authorized test administrator.

Section 5. (1) An applicant for initial certification shall take the assessments on a date established by:

(a) The Educational Testing Service;

(b) The Education Professional Standards Board for special administration; or

(c) The agency established by the Education Professional Standards Board as the authorized test administrator.

(2) An applicant shall authorize test results to be forwarded by the Educational Testing Service, or other authorized test administrator, to the Kentucky Education Professional Standards Board and to the appropriate teacher preparation institution where the applicant received the relevant training.

(3)(a) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration.

(b) An applicant shall seek information regarding the dates and location of the tests and make application for the appropriate examination prior to the deadline established and sufficiently in advance of anticipated employment to permit test results to be received by the Education Professional Standards Board and processed in the normal certification cycle.

Section 6. An applicant shall pay the appropriate examination fee established by the Educational Testing Service for each relevant test required to be taken.

Section 7. An applicant who fails to achieve at least the minimum score on any of the appropriate examinations may retake the test or tests during one (1) of the scheduled test administrations.

Section 8. The Education Professional Standards Board shall collect data and conduct analyses of the scores and institutional reports provided by the Educational Testing Service to determine the impact of these tests and permit a review of this administrative regulation on an annual or biennial basis. (11 Ky.R. 672; eff. 12-11-84; Am. 12 Ky.R. 1883; eff. 7-2-86; 14 Ky.R. 1967; eff. 5-9-88; 21 Ky.R. 3076; 22 Ky.R. 283; eff. 8-3-95; 23 Ky.R. 2856; 3351; eff. 3-6-97; 24 Ky.R. 1141; 1508; eff. 1-12-98; 25 Ky.R. 429; 841; eff. 10-1-98; 26 Ky.R. 439; 746; 1001; eff. 10-11-99; 28 Ky.R. 933; eff. 12-5-2001; recodified from 704 KAR 20:305, 7-2-2002; 29 Ky.R. 1862, 2272; eff. 3-19-03; 30 Ky.R. 2321; 31 Ky.R. 24; eff. 8-6-04; 1863; 32 Ky.R. 37; eff. 8-5-05.)