

The actions delineated below were taken in open session of the EPSB at the November 20, 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
November 20, 2006**

Members Present:

Lonnie Anderson
Jim Applegate (for Tom Layzell)
Jim Cibulka
Frank Cheatham
Sam Evans
Jennifer Forgy
Kristin Gregory
Kent Juett
Zenaida Smith
Tom Stull
Lorraine Williams
Cynthia York

Members Absent:

Ann Carty
Lydia Coffey
Rita Presley
Steve Schenck (for Kevin Noland)

Call to Order

Chairman Tom Stull convened the meeting at 9:05 am EST.

Amendment of the November 20, 2006 Agenda

Motion made by Dr. Frank Cheatham, seconded by Dr. Sam Evans, to amend the agenda to remove the open meeting training.

Vote: *Unanimous*

Approval of October 23, 2006 Minutes

Motion made by Dr. Jim Cibulka, seconded by Dr. Evans, to approve the minutes of the October 23, 2006 meeting.

Vote: *Unanimous*

Open Speak

There were no requests for open speak.

Report of the Executive Director

Dr. Phillip Rogers informed the Board that due to conflicting schedules, Mr. Steven Lin chose to resign from the Board. Additionally, Ms. Ann Carty resigned due to her

election loss as a school board member in the Pikeville Independent School District. Both of their contributions will be missed. The Education Cabinet is currently seeking to fill these positions.

Retreat Planning Committee

Dr. Rogers suggested to Chairman Stull that a retreat planning committee be formed to develop the agenda for the 2007 EPSB June retreat and that Vice-Chair Jim Cibulka serve as the chair of the committee.

Report from the Kentucky Department of Education (KDE)

There was no report from KDE.

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

Dr. Jim Applegate reported on the progress of the Council on Post-Secondary Education (CPE), stating that the 6th Annual Teacher Quality Summit was held in Louisville in October. The Summit focused on supplying a sufficient number of highly qualified mathematics, science, and foreign language teachers to meet the demands created by the Kentucky Board of Education's new rigorous graduation requirements.

Dr. Applegate further reported that a conference on the Improving Educator Quality State Grant Program (IEQ) took place on November 13-14. Headed by Mr. John DeAtley, this conference focused on projects taking place in Year 4 of the program.

Additionally, Dr. Applegate informed the Board that the Developmental Education Task Force will provide recommendations in January just prior to the legislative session. The focus of this task force has been to construct a comprehensive plan for improving the outcomes of postsecondary developmental education.

Finally, Dr. Applegate informed the Board that Kentucky is the only state in the nation that has implemented funding at the state level for regional stewardship. This is in an effort to oblige universities to participate in forming regional approaches to regional problems.

Report of the Chair

Appointment of Committee for Development of Guidelines for Redesigned Master's Program Approval

Chairman Stull made the following appointments to the Committee for Development of Guidelines for Redesigned Master's Program Approval: Ms. Peggy Jones, Dr. Jerry Parks, Ms. Constance Salyers, and Ms. Patricia Trotter.

Acknowledgement of Former EPSB Members

Mr. Stull recognized Ms. Linda Livers and Mr. Wilson Stone for their service to the Board and presented them with plaques. Mr. Stone stated that serving on the Board had been a wonderful experience. He advised new EPSB members to remember that teaching is stressful and to continue to extend grace to first offense teachers. He further

acknowledged the higher education representatives for their great service to the Board and encouraged them to continue to put emphasis on their college graduates to ensure the utmost quality of high school graduates is attained. Ms. Linda Livers concurred with Mr. Stone. Chairman Stull stated that Mr. Stone's contribution to the Board has been significant because it brought a different perspective to the Board that can sometimes be overlooked.

Information/Discussion Items

Legislative Agenda

Ms. Alicia Sneed reported to the Board on current legislative events. At present the Education Professional Standards Board (EPSB) is not mentioned in any prefiled bills. Some prefiled bills currently monitored by EPSB staff include the refiled felony expungements bill which has been opposed by the EPSB in the past, several bills to raise the minimum wage in Kentucky, two bills requiring all Kentucky schools to use A.D. and B.C. as the only historical markers, and amendments to the sex offender registration law which will limit the sex offender's ability to enter a school. Additionally, Ms. Sneed informed new Board members that they must undergo confirmation hearings.

While the EPSB legislative liaison is ill, a backup system is being developed to ensure Board members receive bill tracking information in a timely manner. Dr. Jim Cibulka advised EPSB staff to look very closely at the upcoming recommendations of the Developmental Education Task Force as they pertain to teacher preparation programs.

Public Official's Liability Insurance

Deputy Executive Director Gary Freeland informed the Board that the EPSB entered into a public liability insurance contract on behalf of the Board. The contract process had begun prior to the implementation of the financial agreement policy in October. Since the contract must be signed by the Executive Director after the policy was implemented, EPSB staff felt it necessary to report this contract to the Board.

Update on State Plan to the United States Department of Education

Director Cindy Owen reported on the revised state plan resubmitted to the United States Department of Education (USDOE). She stated that while the primary responsibility for reporting to the USDOE belongs to the Kentucky Department of Education (KDE), EPSB staff provides data and analysis from EPSB programs that generate required information to the USDOE.

Ms. Owen further stated that KDE submitted the revised state plan to the USDOE in early July 2006. A letter dated August 15, 2006, from the 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.

Ms. Owen informed the Board that to address the deficiencies in the state plan, EPSB staff worked with KDE staff to provide data and analyses for the submission of a revised state plan. KDE submitted the revised state plan in September 2006, and it has been revised since then. The EPSB does not have the current revised state plan.

Discussion ensued among Board members about their concerns with the data on highly qualified teachers. Several Board members asked EPSB staff to explore ways to collaborate with KDE to address the Highly Qualified issues.

Dr. Rogers notified the Board that the recent state plan USDOE report will be available for the Board by the January EPSB meeting.

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

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

Ms. Jaime Rice reported to the Board on the recommendations of the June 2006 review panels for the French, German, and Spanish content knowledge tests. To clarify the recommendation, she also provided some background information.

In her report, she stated that in 2003 the EPSB hosted a review of the Spanish and French Productive Language Skills tests to determine their validity due to several complaints received in the EPSB offices. Surveyed examinees reported numerous problems with some of the testing facilities. As a result of these findings, the EPSB approved staff's recommendation to suspend the tests in June 2003.

In June 2006, the EPSB convened review panels for the German, Spanish, and French content tests. Each panel stressed the importance of measuring a prospective teacher's productive language skills and requested the EPSB a) to perform a review of the test centers' current speaking/listening facilities to identify test centers that meet acceptable requirements for administering speaking/listening tests and b) to host a Standard Setting Study and adopt the French, German, and Spanish PLS tests if they are validated, but require that they be administered at those acceptable centers only. Ms. Rice stated that staff wants to verify that the EPSB supports moving forward with the plan.

The Board was supportive of moving forward, provided there are enough adequate facilities to reinstate the test without requiring unreasonable travel time for teacher candidates throughout the state.

Issue 2: Request for Information (RFI) for Development of an Interdisciplinary Early Childhood Education (IECE) test

Ms. Owen reported that staff would like to develop a Request for Information (RFI) in an effort to find a suitable replacement for the Interdisciplinary Early Childhood Education (IECE) test. Discussion ensued. Board members expressed concern that students were taking an invalid IECE test. Ms. Owen stated that some parts of the test were valid;

therefore, the review panel decided to continue with the test but search for a new test in the interim. If the test were to be discontinued, no test would be taken until a replacement test is found; therefore EPSB staff would expedite the RFI as quickly as possible in hopes that such a test exists. The primary concern the panel had with discontinuing the test was the fear of having IECE teachers not be considered to have credentials equivalent to those of other certified teachers. The Board further discussed problems teachers and schools have faced with the shortage of IECE teachers.

2006-113

Motion made by Kris Gregory, seconded by Kent Juett, to propose EPSB staff create an RFI and in the meantime suspend the current IECE test.

Vote: *Unanimous*

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

Issue 1: Amend 16 KAR 6:010 to reflect the replacement of the Praxis II Special Education: Teaching Students with Mental Retardation (0321) test, currently required for the Moderate to Severe Disabilities (MSD) certificate, with the Praxis II Education of Exceptional Students: Severe to Profound (0544) and the corresponding required passing score (cut score), and effective date

Ms. Jaime Rice reported on the need to amend 16 KAR 6:010 to reflect the Standard Setting Study's (SSS) recommendation to replace 0321 with 0544 along with the corresponding cut score and effective date. Ms. Rice stated that the SSS validated 0544 with a recommended passing score of 172, but that staff recommended a cut score of 156. In light of the panel's recommended cut score of 172, Ms. Rice shared with the Board information about the possibility of disparate impact on the African American population, the considerable number of MSD emergency certificates for the past two academic years, and the percentile range for the cut score(s). Staff's recommendation was to adopt 0544 with a cut score of 156, which is two standard errors of measurement below the panel-recommended cut score, effective September 1, 2007.

Some Board members were concerned with staff's recommendation to lower the cut score and that the EPSB was not setting rigorous standards for Kentucky graduates at 45% nationally. Ms. Rice stated that overall the test was highly approved.

In May of 1999, the Board did approve to raise the cut score not to exceed 25% or go below 15%. Board members agreed that it would be detrimental not to have African American teachers in the classrooms and suggested looking at a way to structure preparation programs so that this group is not adversely affected.

Board members asked EPSB staff to provide them with additional information before a decision was made. Dr. Rogers stated that the EPSB should research this thoughtfully. For instance, Virginia prides itself on having the highest cut scores; however Virginia has

a system similar to Kentucky's emergency certificates where individuals are able to bypass taking the test. He agreed that the EPSB needs to set the bar higher.

EPSB staff plan to bring back as much information as possible to the January EPSB meeting so that the Board can make an informed decision

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

There was little discussion regarding this issue. It will be brought back as an Action Item at the January EPSB meeting.

Action Items

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

2006-114

Motion made by Mr. Kent Juett, seconded by Ms. Zenaida Smith, to authorize the executive director to enter into necessary contracts to provide the lodging for November 2006, January 2007, March 2007, and May 2007 EPSB Meetings.

Vote: *Unanimous*

Waivers

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

Ms. Owen reported that reminders and notices are sent electronically to district KTIP coordinators. EPSB staff will propose a plan for resource teacher timesheet payments and bring to the EPSB at the January meeting as an Information/Discussion item for further discussion.

2006-115

Motion made by Ms. Kristin Gregory, seconded by Mr. Kent Juett, to approve the waiver requests for Summit Academy, the Frankfort Christian Academy, Somerset High School, and the Kentucky Country Day School.

Vote: *Unanimous*

Waiver of the Cooperating Teacher Eligibility Requirements

2006-116

Motion made by Dr. Evans, seconded by Ms. Gregory, to approve the waiver request and allow Ms. Burt to be assigned a student teacher during the spring 2007.

Vote: *Yes – 12*
Recuse – 1 (Dr. Jim Cibulka)

Ms. Jennifer Childress - Request for Waiver of 6 New Graduate Hours for the Renewal of a Certificate

2006-117

Motion made by Dr. Cibulka, seconded by Dr. Cheatham, to approve the request and allow Ms. Childress to waive the requirement for six new graduate hours leading toward a fifth-year program.

Vote: *Yes – 11*
Abstain – 1 (Dr. Evans)

Exceptional Children Teacher Assignment Waivers

2006-118

Motion made by Ms. Lorraine Williams, seconded by Mr. Juett, to approve the teaching assignment waivers as recommended by the Division of Exceptional Children Services (DECS) and EPSB staff.

Vote: *Unanimous*

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)

2006-119

Motion made by Dr. Evans, seconded by Mr. Lonnie Anderson, to approve the waiver of 16 KAR 6:010 to allow staff to retroactively accept the passing scores approved by the EPSB in January 2005.

Vote: *Unanimous*

Board Comments

Dr. Evans reported to the Board about a potential situation where an unqualified individual is teaching a course for a program approved by the EPSB. He asked how the Board can be made aware of these situations. Dr. Troupe reported that in between accreditation and NCATE visits, some staff may be deemed unqualified. In the past, institutions have been cited for not having adequate staff. Discussion ensued about

posting staff information on the EPSB website. Dr. Rogers asked that the EPSB staff ponder this issue and bring it back for discussion at the January EPSB meeting.

Chairman Stull informed the Board that he plans to appoint a retreat planning committee at the January EPSB meeting, so please let him know if interested.

Dr. Rogers stated that excellent ideas were sent to him for the Long Term Policy Research Center research agenda. Ms. Forgy asked for the report on how teacher quality affects student performance. Overall, Board members were satisfied with the research agenda. Dr. Cibulka stated that he believes the EPSB needs a stronger research capacity within the agency. Dr. Rogers agreed, stating that other institutions may have the capacity for research and be willing to assist.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
November 20, 2006**

Motion made by Mr. Lonnie Anderson, seconded by Dr. Frank Cheatham, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(c)&(j).

Vote: *Unanimous*

Motion made by Dr. James Cibulka, seconded by Dr. Sam Evans, to return to open session.

Vote: *Unanimous*

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

Tom Stull, Zenaida Smith, James Cibulka, Kristin Gregory, Sam Evans, Lorraine Williams, Jennifer Forgy, Cynthia York, Frank Cheatham, and Lonnie Anderson.

Attorneys present were Ryan Halloran, Alicia A. Sneed, and Gary A. Stephens.

Motion made by Ms. Zenaida Smith, seconded by Ms. Kristin Gregory, to deem Dr. Rogers' performance as executive director as successful.

Vote: *Unanimous*

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
06-0355	Admonish (<i>Ms. Williams, recused</i>)
06-09237	Defer
06-08201	Hear
06-09226	Admonish
06-09229	Hear
06-08220	Hear
06-09230	Hear
06-06164	Hear
06-09227	Dismiss Without Prejudice
06-09238	Hear
06-07195	Hear
06-08219	Hear
06-08216	Admonish
06-09234	Hear
06-08217	Hear
06-08221	Hear
06-09225	Dismiss Without Prejudice
06-06158	Admonish
06-06167	Hear
06-09245	Admonish
06-09233	Hear
06-09223	Admonish
06-09235	Hear
06-10250	Admonish
06-08203	Admonish
06-08218	Hear
06-08215	Hear
06-08222	Hear
06-08210	Hear

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
06-234	Deny
06-235	Approve
06-239	Approve

06-241	Deny
06-233	Approve
06-242	Approve
06-240	Deny
06-243	Approve
06-227	Approve
06-244	Approve
06-245	Approve
06-246	Approve

Agreed Orders

Case Number

Decision

06-05105 (Jean Severs)

Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher. The Board reminds Respondent that she has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. There is no excuse for leaving a child unattended on the playground after a recess period, particularly a special needs child. The Board is especially concerned in the present case because of the inability of the child to fully understand the dangers that he was facing. The Board will not tolerate any further incidents of misconduct from Respondent.

This settlement agreement is expressly conditioned upon Respondent providing written proof to the Board that she has received twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, no later than June 30, 2007. Any expense incurred for said training shall be paid by Respondent.

Should Respondent fail to satisfy this condition, this Agreed Order shall be deemed null and void and disciplinary action reinstated.

Vote: Unanimous

04-0460 (Terry Vanmeter)

Accept Agreed Order suspending Respondent's certificate for a period of two (2) years beginning on April 9, 2004. Respondent shall surrender the original and all copies of his certificate that may be in his possession immediately, by first class mail or personally delivering to the Education Professional

Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Issuance of any Kentucky Teaching Certificate to Respondent or on his behalf, at the conclusion of the two (2) year suspension is expressly conditioned upon Respondent providing written evidence that he has been evaluated by a licensed chemical dependency counselor, and that he has complied with any and all treatment recommendations of that chemical dependency counselor. This counselor must be approved by the Board. Any and all expenses incurred for said treatment shall be paid by Respondent. Failure to comply with this requirement will result in Respondent's certificate not being reinstated.

Vote: *Unanimous*

05-08133 (Jo Dunaway Hunt) Accept Agreed Order admonishing Respondent for making disparaging and inappropriate remarks to students. This Board reminds Respondent that as a professional educator, it is her responsibility to treat students with dignity and respect and consistently maintain a positive learning environment for all.

This agreement is expressly conditioned upon Respondent providing written evidence to the Board that she has satisfied the following conditions.

1. By August 1, 2007, Respondent shall present written evidence to the Board that she has successfully completed twelve hours of professional development/training, approved by the Board, in the areas of classroom management and effective discipline techniques. Any expense for this professional development/training shall be paid by Respondent.
2. By August 1, 2007, Respondent shall present written evidence to the Board that she has successfully completed nine hours of professional development/training, approved by the Board, in cultural diversity and sensitivity issues. Any expense for this professional development/training shall be paid by Respondent.

By entering into this Agreed Order, Respondent agrees that should she fail to satisfy either of these

conditions, her certificate shall be automatically suspended until such time as they are met.

Vote: *Unanimous*

05-0596 (Robin Johnson)

Accept Agreed Order suspending Respondent's certificate for a period of two (2) years from the date this order is approved by the Board. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original certificate and all copies of her certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Respondent is further required to obtain a complete substance abuse evaluation by a licensed chemical dependency counselor. This counselor must be approved by the Board and Respondent must complete all treatment recommendations including aftercare and provide the Board with quarterly updates from this counselor that she is complying with the treatment recommendations. Respondent will further be subjected to random drug testing and will have to submit to a Federal/State Criminal background check before her certificate is reinstated.

Vote: *Unanimous*

06-0498 (Michael Cash)

Accept Agreed Order admonishing Respondent for inappropriate use of technology. The Board reminds Respondent that his school computer is to be used for instructional and/or district business purposes only. The computer is not be used for sending joke emails, particularly ones that contain nudity. The Board will not tolerate any further incidents of misconduct by Respondent.

This agreement is expressly conditioned upon Respondent providing written evidence to the Board that he has satisfied the following conditions.

1. Respondent must provide written proof to the Board that he has received twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, no later than August 1, 2007. Any expense for this professional development/training shall be paid by Respondent.

