

The actions delineated below were taken in open session of the EPSB at the February 12, 2018, meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601

**Education Professional Standards Board (EPSB)
Summary Minutes of the Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky**

Call to Order

Chair Rob Akers called the meeting to order at 10:00 a.m. ET. A moment of silence was observed to honor the victims and families of the tragic event that took place on January 23, 2018, at Marshall County High School. Chair Akers then read the EPSB mission statement to the Board and audience.

Roll Call

The following Board members were present during the February 12, 2018, EPSB meeting: Tracy Adams, Rob Akers, Melissa Bell, Kathy Gornik, David Graham, Donna Hedgepath, Daniel Morgan, Dusty Phelps, Sherry Powers, Stephen Pruitt, Steven Thomas, and Rachel Watson. Sarah Burnett, Tolya Ellis, and Shad Sletto were absent.

Open Speak

There were no requests for Open Speak.

Approval of February 12, 2018, EPSB Meeting Agenda

Motion made by Dr. Sherry Powers, seconded by Daniel Morgan, to approve the February 12, 2018, EPSB meeting agenda.

Vote: *Unanimous*

Approval of Consent Items

Approval of December 11, 2017, EPSB Special Meeting Minutes

Emergency Non-Certified Personnel

Off-site Campus Request, Campbellsville University

2018-001

Motion made by Ms. Kathy Gornik, seconded by Mr. Dusty Phelps, to approve the consent agenda items.

Vote: *Unanimous (Steven Thomas and Donna Hedgepath recused on Consent Item C)*

Report of the Executive Director

Report from the Kentucky Department of Education

There was no report from the Kentucky Department of Education.

Report from the Council on Postsecondary Education

A written report was provided to the Board.

Title II Report

A written report was provided to the Board. Executive Director Jimmy Adams noted that there has been a decline in educator preparation program enrollments, which could be problematic for district staffing efforts in the future.

Legislative Update

Ms. Lauren Graves gave an update to the Board on bills currently filed in the legislative session. Staff will continue to monitor and provide the Board updates throughout the legislative session.

Other Updates

Executive Director Adams announced that Tuesday, February 20, 2018, would be proclaimed Kentucky National Board Certified Teacher Day. A Kentucky National Board Certified Teacher recognition ceremony was scheduled for that day in the Kentucky State University Ball Room to recognize the 316 new NBCTs this year. Mr. Adams thanked Suzanne Farmer for her work on this grant that will end on June 30, 2018. Kentucky ranks 5th in the nation for new NBCTs.

Report of the Chair

Appointments to the Strategic Plan Review Committee

Chair Rob Akers appointed Steven Thomas and Aaron Thompson to the Strategic Plan Review Committee.

Information/Discussion Items

Mid-Year Budget Report

Deputy Executive Director John Fields reported on the EPSB's mid-year budget. The agency expended almost 50% of its budget at mid-year. Mr. Fields reported that the agency's budget was cut by \$725,600 in January 2018. To allow for these budget cuts, the agency plans to spend \$625,600 in restricted funds for KTIP and use \$100,000 in position vacancy credits.

Creation of Non-Teaching Certification: Other Instructional Services – Orientation and Mobility Specialist, University of Kentucky

Dr. Donna Brostek Lee from the University of Kentucky (UK) explained that UK and KDE submitted a request to the EPSB regarding the creation of a non-teaching certification for Orientation and Mobility (O&M) specialists. UK's proposal indicated school districts are struggling or unable to meet service time on Individualized Education Plans for blind and visually impaired students due to the critical shortage of O&M Specialists in Kentucky. Dr. Lee stated that there are currently 20 specialists in Kentucky serving 120 counties. These specialists provide instruction relating to safe and effective travel skills within students' environments in school, home, and community settings.

No training program exists in Kentucky. The last O&M program was at the University of Louisville and closed approximately eight years ago. In order to address this need, UK has asked the EPSB to establish a certification under the category of Other Instructional Services, similar to

School Social Work certification. EPSB would identify eligibility requirements that may include program admission criteria, EPSB-approved program curriculum including field/clinical components, and evidence of a nationally recognized credential.

Commissioner Stephen Pruitt thanked the University of Kentucky. He said that the Kentucky School for the Deaf and Blind has had difficulty finding O&M specialists.

Action Items

Recommendations from the Code of Ethics Review Committee

General Counsel Cassie Trueblood and Dr. Donna Hedgepath reported on the recommendations of the Code of Ethics Review Committee. Ms. Trueblood said that if the EPSB accepts the committee recommendations then staff would work to publicize the Model Code of Ethics (MCEE) for Educators. Also, by the end of the Fall 2018 semester, staff would survey various school districts and the educator preparation providers regarding their use of the MCEE. In 2019, the committee would meet to review the feedback and determine what, if any, additional actions should be taken. At the committee meeting, staff would present their findings on how the MCEE can be incorporated into KTIP. Staff would also research training options and present the committee with updated information on how other states are utilizing the MCEE.

2018-003

Motion made by Dr. Powers, seconded by Mr. David Graham, to approve the following recommendations from the Code of Ethics Review Committee:

RECOMMENDATION 1:

The Committee recommends that the Education Professional Standards Board endorse the Model Code of Ethics for Educators for use by school districts.

RECOMMENDATION 2:

The Committee recommends that the Education Professional Standards Board endorse the Model Code of Ethics for Educators for use by educator preparation providers.

RECOMMENDATION 3:

The Committee recommends that the Education Professional Standards Board task staff with examining how the Model Code of Ethics for Educators can be incorporated into the Kentucky Teacher Internship Program.

Vote: *Unanimous*

Statement of Consideration for 16 KAR 5:030. Proficiency Evaluation

2018-004

Motion made by Ms. Tracy Adams, seconded by Ms. Rachel Watson, to approve the statement of consideration and amended after comments regulation for 16 KAR 5:030. Proficiency Evaluation.

Vote: *Unanimous*

Statement of Consideration for 16 KAR 2:010. Kentucky Professional and Provisional Teacher Certificates

2018-005

Motion made by Dr. Donna Hedgepath, seconded by Ms. Gornik, to approve the statement of consideration and amended after regulation for 16 KAR 2:010. Kentucky Professional and Provisional Teacher Certificates.

Vote: *Unanimous*

Professional Standards for Educational Leaders

2018-006

Motion made by Dr. Powers, seconded by Ms. Adams, to approve the Professional Standards for Educational Leaders.

Vote: *Unanimous*

Waiver

16 KAR 5:040. Request to Waive Student Teacher Placement Requirements, Dr. Ginger Webb on behalf of Pavel Romero

2018-007

Motion made by Mr. Morgan, seconded by Ms. Gornik, to approve the waiver request for Dr. Ginger Webb on behalf of Pavel Romero.

Vote: *Unanimous*

Board Comments

There were no Board comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
February 12, 2018**

Motion made by David Graham seconded by Steven Thomas, to go into closed session to conduct a character and fitness review and to review potential actions relating to complaints and reports in accordance with KRS 61.810(1) (c) & (j). The Board also reviewed pending litigation.

Vote: *Unanimous*

Motion made by Dusty Phelps seconded by Daniel Morgan, to return to open session.

Vote: *Unanimous*

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

Tracy Adams, Rob Akers, Kathy Gornik, David Graham, Donna Hedgepath, Daniel Morgan, Dusty Phelps, Sherry Powers, Steven Thomas, and Rachel Watson.

Attorneys present were Luke Gilbert, Joseph Martz, Eric Ray, Hannah Satram-Hale, Cassie Trueblood, and Chelsea Young.

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
17101425	Admonish
17101427	Dismiss
17101435	Dismiss
17101417	Dismiss
17101419	Defer
17101413	Dismiss
17101415	Admonish
17101409	Defer for Training
17101407	Defer
17101411	Attorney Review
17081315	Attorney Review
17101445	Attorney Review
17101421	Attorney Review
17101453	Defer for Training
1705956	Attorney Review
17101449	Dismiss
17101439	Attorney Review
17101431	Admonish and Training
17101387	Defer for Training
17101423	Admonish
17101455	Attorney Review
17101399	Dismiss
17101397	Dismiss
17101389	Dismiss
17101401	Dismiss
17101391	Dismiss
17101393	Dismiss
17101441	Attorney Review
17101405	Dismiss
17101457	Dismiss
17121663	Dismiss
1511777	Refer to Hearing
1607447	Refer to Hearing
1606401	Refer to Hearing
1703529	Defer
1702161	Admonish and Training
170279	No Further Action
1703485	Admonish and Training

17027	Admonish and Training
17021	Admonish and Training
170259	Admonish and Training
1703409	Admonish and Training
1702147	Defer
1702133	Admonish and Training
170211	Admonish and Training
17029	Admonish and Training
170219	Defer
1702299	Admonish and Training
1703495	Admonish and Training
1702303	Admonish and Training
1703379	Admonish and Training
1703363	Admonish and Training
1703483	Admonish and Training
170221	Defer
1702309	Dismiss
170241	Dismiss
1607455	Dismiss
1702149	Dismiss
17061005	Dismiss
170245	Dismiss
1702313	Dismiss
1703507	Dismiss
1705693	Dismiss
17081321	Dismiss
1703425	Dismiss
1703493	Dismiss
1705705	Dismiss
1703423	Dismiss
1703417	Dismiss
1703541	Dismiss
1705709	Dismiss
160253	Dismiss
17081345	Dismiss
1702111	Dismiss
1703401	Dismiss
1702135	Dismiss
17081347	Dismiss
16121119	Dismiss
1703393	Dismiss
17061031	Dismiss
1705745	Dismiss
17081341	Dismiss
1407425	Dismiss
17061035	Dismiss

1705759	Dismiss
1702145	Dismiss
1705882	Dismiss
1703383	Dismiss
1703377	Dismiss
1702295	Dismiss
1703373	Dismiss
1703367	Dismiss
17061039	Dismiss
17061180	Dismiss
170223	Dismiss
17061047	Dismiss
17081331	Dismiss
1602147	Dismiss
1206350	Dismiss
1211635	Dismiss
1308601	Dismiss
1011792	Dismiss
1009561	Dismiss
1012818	Dismiss
130169	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
171538	Approve
1812	Approve
1844	Approve
185	Approve
171523	Deny
1845	Approve
171399	Approve
1863	Approve
1879	Approve
18102	Approve
1877	Approve
1886	Approve
171532	Approve
1819	Approve
171468	Deny
18147	Approve
171516	Approve
171520	Approve
171524	Approve
171533	Approve
171534	Approve
171527	Deny

171541	Approve
171544	Approve
171548	Approve (<i>Dr. Powers recused</i>)
189	Approve
1838	Approve
1837	Approve
1858	Approve
171517	Approve
1850	Approve
1861	Deny
1872	Approve
18107	Approve
171526	Deny
18123	Approve
18124	Approve
18113	Approve
18132	Approve
18135	Approve
18145	Approve

Agreed Orders

Case Number

Decision

1702151 Mariano Polo

Accept Agreed Order admonishing Polo for exercising poor classroom management and for making physical contact with students. The Board reminds Polo that he has a duty to protect the health and safety of students and to set a positive example for his students. The Board will not tolerate any further incidents of misconduct from Polo.

Polo shall provide written proof to the Board by March 1, 2018 that he has completed professional development or training on classroom management/de-escalation techniques, as approved by the Board. Polo shall pay any expense incurred. If Polo fails to provide written proof by March 1, 2018, Certificate Number 200229581 shall be administratively suspended until proof is provided to the Board.

Polo is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1705904 Crystal Flynn

Accept Agreed Order admonishing Flynn for conduct unbecoming a teacher for inappropriately texting a student and failing to disclose the contact when questioned about it. The Board reminds Flynn that as a certified educator in the Commonwealth of Kentucky, she has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Flynn.

Furthermore, upon acceptance of this agreement by the Board, Certificate number 000082727 shall be on probation for three (3) years and subject to the following probationary conditions:

By June 2018, Flynn shall submit written proof to the Board that she has successfully completed twelve (12) hours of Professional Development training with an emphasis on Appropriate Student Teacher Boundaries. Any expense required for said training shall be paid by Flynn. If Flynn fails to satisfy this condition, Certificate Number 000082727 shall be automatically suspended until Flynn submits the required written documentation to the Board.

During the probationary period, Flynn shall not receive any disciplinary action for breach of student-educator boundaries by any school district in which she is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested by either the tribunal/ or arbitration process. If Flynn fails to satisfy this condition, Certificate Number 000082727 shall be automatically suspended pending review and disposition by the Board.

Flynn is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

120117 Colleen Musinski

Accept Agreed Order admonishing Musinski for exercising poor classroom management and for using physical force to admonish a student. The Board reminds Musinski of her ethical duty to take reasonable measures to protect the health, safety and emotional well-being of her students.

Musinski has retired and has no immediate plans to return to the education profession. However, if Musinski returns to the Kentucky public school system in any capacity that requires certification, she shall first comply with the following conditions:

Musinski shall provide written proof to the Board that she has been assessed by a state certified mental health counselor, as approved by the Board, and is competent to fulfill her duties as an educator. Musinski shall provide proof that she has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide written progress reports to the Board until she has been released from treatment by the counselor. Any expense incurred for the assessment or follow-up treatment shall be paid by Respondent. If Musinski fails to satisfy this condition prior to accepting certified employment, Certificate Number 000046186 shall be administratively suspended until such condition is satisfied.

Musinski shall provide written proof to the Board that she has completed professional development or training on educator ethics, as approved by the Board. Musinski shall pay any expense incurred. If Musinski fails to satisfy this condition prior to accepting certified employment, Certificate Number 000046186 shall be administratively suspended until such condition is satisfied.

Musinski shall provide written proof to the Board that she has completed professional development or training on classroom management/de-escalation techniques, as approved by the Board. Musinski shall pay any expense incurred. If Musinski fails to satisfy this condition prior to accepting certified employment, Certificate Number 000046186 shall be administratively suspended until such condition is satisfied.

Musinski is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061090 Zachary Sims

Accept Agreed Order stating Sims voluntarily, knowingly, and intelligently surrenders Certificate Number 201137365,

and agrees not to apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Sims has already provided the Board with the original and all copies of his certificate.

Vote: *Unanimous*

1705940 Caleb Miller

Accept Agreed Order stating Miller has provided written proof to the Board that he has completed six (6) hours of classroom management. Miller has provided written proof to the Board that he has completed six (6) hours of behavior management.

Miller is aware that should he violate KRS 161.120 in the future, the Board shall initial a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1705906 James Anderson

Accept Agreed Order admonishing Anderson for his lack of professional judgement in handling student discipline. The Board reminds Anderson of his ethical duties to take reasonable measures to protect the health, safety, and emotional well-being of students and to refrain from subjecting students to embarrassment or disparagement. The Board will not tolerate any further incidents of misconduct by Anderson.

By August 1, 2018, Anderson shall provide written proof to the Board that he has completed six (6) hours of classroom and/or behavior management training, as approved by the Board. Anderson shall pay any expense incurred. If Anderson fails to satisfy this condition by August 1, 2018, Certificate Number 200402232 shall be administratively suspended until such condition is satisfied.

Anderson is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

17061102 Christopher Humphrey

Accept Agreed Order admonishing Humphrey for his questionable judgment. An educator's personal bank account should never be associated with a public school, as this gives the appearance of impropriety, regardless of intent. In the future, Humphrey is expected to keep his

personal financial accounts separate from any potential affiliation with a school. Furthermore, Humphrey is expected to follow proper accounting procedures as it relates to school activity funds and booster accounts. The Board will not tolerate any further incidents of misconduct by Humphrey.

Humphrey is currently employed in Florida and has no immediate plans to return to the state of Kentucky. Prior to accepting certified employment in Kentucky, Humphrey shall comply with the following conditions:

Humphrey shall provide written proof to the Board that he has completed training on the "Accounting Procedures for Kentucky School Activity Funds" commonly known as Redbook, as approved by the Board. Humphrey shall pay any expense incurred. If Humphrey fails to satisfy this condition prior to accepting certified employment, Certificate Number 199801945 shall be administratively suspended until such condition is satisfied.

Humphrey shall provide written proof to the Board that he has completed educator ethics training, as approved by the Board. Humphrey shall pay any expense incurred. If Humphrey fails to satisfy this condition prior to accepting certified employment, Certificate Number 199801945 shall be administratively suspended until such condition is satisfied.

Humphrey is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061088 Lawrence Harris

Accept Agreed Order stating Certificate Number 200146529 is permanently revoked. Harris shall neither apply for nor be issued any teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Harris shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

1705892 Tenesha Marshall

Accept Agreed Order stating Case No. 1705892 shall be dismissed without prejudice.

Marshall has provided written proof to the Board that she has completed 9 hours of ARC Chairperson Training, which included a component on confidentiality.

Marshall has provided written proof to the Board from the American School Counselor Association that she has met the requirements to be a School Counseling Legal and Ethical Specialist.

Marshall has provided written proof to the Board that she has completed an additional 17.5 hours of professional development and an additional 19.25 EILA hours for the 2017-2018 school year on topics such as diversity, culture/climate, leadership and technology.

Marshall is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1207409 Wilson Baatuma

Accept Agreed Order stating Baatuma is not currently employed as an educator and he has no immediate plans to return to the education profession. Prior to returning to the Kentucky public school system in any capacity that requires certification, Baatuma shall first comply with the following conditions:

Baatuma shall undergo an anger management assessment by a licensed clinical provider, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process and has successfully completed all treatment recommendations. Baatuma shall pay any expense incurred. If Baatuma fails to satisfy this condition prior to accepting certified employment, Certificate Number 200008329 shall be administratively suspended until such condition is satisfied.

Baatuma shall provide written proof to the Board that he has completed twelve (12) hours of Sexual Harassment Awareness Training, as approved by the Board. Baatuma shall pay any expense incurred. If Baatuma fails to satisfy

this condition prior to accepting certified employment, Certificate Number 200008329 shall be administratively suspended until such condition is satisfied.

Upon returning to the Kentucky public school system, Certificate Number 200008329 shall be subject to the following probationary condition for a period of eight (8) years:

Baatuma shall receive no disciplinary action from any school district in which he is employed. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Baatuma fails to satisfy this condition, Certificate Number 200008329, shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

Baatuma is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061170 Pamela Jones

Accept Agreed Order stating that on or before March 1, 2018, Jones shall provide written proof that she has completed a course of educator ethics training on the topic of classroom management, as approved by the Board. Any expense incurred for said training shall be paid by Jones. Failure to satisfy this condition shall result in Certificate Number 199701505 being administratively suspended until such time as Jones provides the written proof.

Jones is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061106 Chrystal Graham

Accept Agreed Order admonishing Graham for using crude languages and gestures around students that were directed at another teacher. The Board directs and Graham acknowledges that she, like all teachers and school administrators, has a professional responsibility to treat

colleagues with dignity and respect in all circumstances. Civilly articulated disagreements between educators are not undignified, disrespectful, unprofessional, or unethical, and do not violate the Professional Code of Ethics for Kentucky School Personnel.

Certificate Number 69180 is retroactively suspended for a period of one (1) week beginning June 1, 2017.

On or before February 1, 2018, Graham shall provide written proof to the Board from a duly licensed or certified psychiatrist or mental health professional, as approved by the Board, that she has complied with a comprehensive anger management evaluation, and is fit to return to the classroom, presents as capable of performing her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. If the evaluating psychiatrist or mental health professional recommends ongoing treatment, Graham shall provide to the Board quarterly written progress reports to begin three (3) months after submission of the initial evaluation to the Board, until the evaluating psychiatrist or mental health professional releases Graham from treatment. Respondent shall pay any expense incurred. Should Graham fail to provide proof that she has met this condition, Certificate Number 69180 shall be automatically suspended for a period of thirty (30) days and shall remain suspended until Graham completes the requirements and provides the appropriate written proof to the Board.

On or before February 1, 2018, Graham shall provide written proof that she has completed three (3) hours of educator ethics training on the Professional Code of Ethics for Kentucky School Certified Personnel with a focus on professionalism, as approved by the Board. Any expense incurred for said training shall be paid by Graham. Failure to satisfy this condition shall result in Certificate Number 69180 being administratively suspended until such time as Graham provides the written proof.

From the date on which the Board approves this Agreed Order, Graham shall be under a two (2) year probation and subject to the following condition:

Graham shall receive no disciplinary action during the probationary period. "Disciplinary action" is defined as any

suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

By entering into this Agreed Order, Graham agrees that should she fail to satisfy the term of the probation, Certificate Number 48276 shall administratively suspended pending Board review and disposition.

Graham is aware that should she violate KRS 161.120, either during or following this probation, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Dr. Hedgepath recused)*

17101429 Richard Meddings

Accept Agreed Order stating on or before April 1, 2018, Meddings shall provide written proof that he has completed a course of training on Appropriate Student-Teacher Boundaries, as approved by the Board. Any expense incurred for said training shall be paid by Meddings. Failure to satisfy this condition shall result in Certificate Number 201164671 being administratively suspended until such time as Meddings provides the written proof.

On or before April 1, 2018, Meddings shall provide written proof that he has completed a course of training on the Appropriate Use of Social Media, as approved by the Board. Any expense incurred for said training shall be paid by Meddings. Failure to satisfy this condition shall result in Certificate Number 201164671 being administratively suspended until such time as Meddings provides the written proof.

On or before April 1, 2018, Meddings shall provide written proof that he has completed three (3) hours of training on the Professional Code of Ethics for Kentucky School Certified Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Meddings. Failure to satisfy this condition shall result in Certificate Number 201164671 being administratively suspended until such time as Meddings provides the written proof.

Meddings is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17081305 Mary Foushee

Accept Agreed Order admonishing Foushee for raising her voice to students and attempted to swat a student's hand. While the Board acknowledges that the classroom can be a stressful environment, it is crucial that educators maintain composure and not respond to student behavior in an overly aggressive manner. Foushee shall strive to use the appropriate level of strictness with students going forward.

Foushee is not currently employed in the teaching profession. Prior to accepting a position which requires Kentucky Certification for School Certified Personnel, Foushee shall provide written proof to the Board that she has taken a course of training/professional development on the topic of classroom management as approved by the Board. Foushee shall pay any expense incurred. If Foushee fails to satisfy this condition before accepting certified employment, Certificate 68309 shall be administratively suspended until such time as Foushee provides said proof.

Foushee is aware that in the event of future allegations of violations KRS 161.120, the Board may initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17071251 Megan Evans

Accept Agreed Order admonishing Evans for conduct unbecoming a teacher. The Board reminds Evans that, as a teacher, she has a duty to uphold the dignity and integrity of the teaching profession. Driving under the influence of alcohol is dangerous, and this type of behavior sets a horrible example for students. The Board will not tolerate any further incidents of misconduct by Evans.

Upon acceptance of this agreement by the Board, Certificate Number 79716 shall be under a probationary period of four (4) years and subject to the following conditions:

For the entirety of the probationary period, Evans shall not be convicted of nor enter a guilty or no contest plea to any

criminal charge(s) involving the use and/or possession of any controlled substance or alcohol. If Evans is convicted of, or enters guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Certificate Number 79716 being automatically suspended pending Board review and disposition.

Evans shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, by August 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid for by Evans. Failure to comply with this condition will result in Certificate Number 79716 being automatically suspended until such time as Evans provides said records.

On or before April 1, 2018, Evans shall provide written proof from a licensed and Board-approved alcohol/substance abuse counseling program that she has been assessed and complied with all recommended treatment. Any expense for said assessment and treatment shall be paid by Evans. Failure to comply with this requirement will result in Certificate Number 79716 being automatically suspended until such time as Evans provides said proof.

Evans is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1212819 David Wallen

Accept Agreed Order stating Certificate Number 000043417 is retroactively suspended for a period of seven (7) days beginning January 1, 2013.

Wallen has provided written proof to the Board that he has completed at least twenty two (22) hours of professional development on positive behavior interventions and classroom management.

Wallen is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1212773 William Fritsch

Accept Agreed Order stating, Case #1212773 is dismissed without prejudice. Fritsch has provided proof to the Board that he has completed professional development courses on IEP Development and Collaborative Instruction.

Fritsch is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1603175 Gregory Owens

Accept Agreed Order stating Owens is currently retired. Owens shall not seek or accept any position of employment in Kentucky that requires the use of Certificate Number 000006090 nor shall he apply for any additional certificate(s) to be issued to him by the Board. If Owens violates this agreement, Certificate Number 000006090 shall be administratively suspended pending Board review and disposition.

Vote: *Unanimous*

17081339 Debra Meade

Accept Agreed Order stating Meade is a retired educator. However, prior to accepting a certified position in Kentucky, Meade shall submit written proof to the Board that she has completed the three (3) hours of Administrative Code Training recommended by KDE. If Meade fails to satisfy this condition prior to accepting certified employment, Certificate Number 199600607 shall be administratively suspended until such condition is satisfied. Meade is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1702283 Scott Lawrence

Accept Agreed Order admonishing Lawrence for exercising poor professional judgement, and for neglect of duty by failing to properly supervise his students, and follow district policies. The Board reminds Lawrence of his ethical duty to take reasonable measures to protect the health, safety and emotional well-being of his students. The Board

will not tolerate any further incidents of misconduct from Lawrence.

On or before June 1, 2018, Lawrence shall submit written proof to the Board that he has successfully completed six (6) hours of educator ethics professional development or training, as approved by the Board. Any expense incurred for said training shall be paid by Lawrence. Should Lawrence fail to satisfy this condition by June 1, 2018, Certificate Number 200218470 shall be administratively suspended until such condition is satisfied.

Lawrence shall provide written proof to the Board by June 1, 2018 that he has successfully completed nine (9) hours of professional development or training on classroom management/de-escalation techniques, as approved by the Board. Lawrence shall pay any expense incurred. If Lawrence fails to provide written proof by June 1, 2018, Certificate Number 200218470 shall be administratively suspended until such condition is satisfied.

Lawrence is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17071279 Vachel Hudson

Accept Agreed Order stating Certificate Number 201185962 is expired and Hudson is not currently teaching nor does he plan on teaching in the future. Hudson voluntarily, knowingly, and intelligently surrenders his teaching certificate, 201185962, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future.

Vote: *Unanimous*

12013 David Adams

Accept Agreed Order stating Adams has submitted written proof to the Board that he has successfully completed sexual harassment awareness training. Upon acceptance of this agreement by the Board, Case No. 12-013 shall be dismissed without prejudice.

Adams is aware that should he violate KRS 161.120 the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061118 Brian Simmins

Accept Agreed Order admonishing Simmins for failing to maintain the dignity and the integrity of the profession. As an educator in the Commonwealth of Kentucky, Simmins must set a positive example for his students, and exemplify those qualities expected of a trusted educator in the community. The Board will not tolerate any further acts of misconduct by Simmins.

By June 1, 2018, Simmins shall provide written proof to the Board that he has completed three (3) hours of administrative code for Kentucky's Educational Assessment training as approved by the Board. Simmins shall pay any expense incurred. If Simmins fails to satisfy this condition by June 1, 2018, Certificate Number 200229908 will be administratively suspended until such condition is satisfied.

By June 1, 2018, Simmins shall provide written proof to the Board that he has completed six (6) hours of sensitivity training, as approved by the Board. Simmins shall pay any expense incurred. If Simmins fails to satisfy this condition by June 1, 2018, Certificate Number 200229908 will be administratively suspended until such condition is satisfied.

By June 1, 2018, Simmins shall provide written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel as approved by the Board. Simmins shall pay any expense incurred. If Simmins fails to satisfy this condition by June 1, 2018, Certificate Number 200229908 will be administratively suspended until such condition is satisfied.

Upon acceptance of this agreement by the Board, Certificate Number 200229908 shall be subject to the following probationary condition for period of two (2) years:

Simmins shall receive no disciplinary action from any school district in which he is employed. If Simmins fails to satisfy this condition, Certificate Number 200229908 shall be administratively suspended pending Board review and disposition.

“Disciplinary action” is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a suspension, termination, or public reprimand shall be considered a violation of this condition.

Simmins is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1605315 Harvey Creggett

Accept Agreed Order stating Creggett shall provide written proof to the Board that he has completed a course/training in each of the following professional development areas by January 31, 2018:

1. Classroom Management;
2. Duty to Report;
3. Professional Code of Ethics for Kentucky School Certified Personnel.

Any expense required for said training shall be paid by Creggett. If Creggett fails to satisfy this condition, certificate number 200129012 shall be automatically suspended until Creggett completes the required training and provides the appropriate written proof to the Board.

Creggett is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

16121065 Amy Utley

Accept Agreed Order stating Certificate number 201177448, including any and all endorsements, is retroactively suspended for a period of forty-five days (45) days beginning June 1, 2017 through July 15, 2017.

Upon the Board’s acceptance of this Agreed Order, Certificate Number 201177448 and any future

endorsements or new areas of certification, shall be on probation for a period of ten (10) years and subject to the following probationary conditions:

Utley has provided written proof to the Board that she has been assessed by a mental health counselor, and is competent to fulfill her duties as an educator.

Utley has provided written proof to the Board that she has undergone a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board. Utley has also provided written proof that she has successfully completed all treatment recommendations.

Utley has submitted written documentation to the Board that she has completed six (6) hours of professional development training.

Utley shall have no further criminal convictions during the probationary period. If Utley is convicted of any crime other than a minor traffic violation, any and all certificates issued to her shall be automatically suspended pending review by the Board and subject to additional sanctions by the Board pursuant to KRS 161.120. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed.

For a period of five (5) years from the acceptance of this agreement, Utley shall submit a copy of her state criminal background report, by July 1st of each year. If Utley fails to satisfy this condition, any and all certificates issued to her shall be automatically suspended until such condition is satisfied. Any expense required to satisfy this condition shall be paid by Utley.

After the five (5) year period, but for the remainder of the probationary period, Utley shall submit a copy of her state background report with any application for renewal of a certificate and/ or with any application for an additional certificate. If Utley fails to satisfy this condition, renewal of her certificate and/ or issuance of the additional certificate shall be denied. Any expense required to satisfy this condition shall be paid by Utley.

During the probationary period, Utley shall not receive any disciplinary action involving use of alcohol or any illegal substance by a district in which she is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by a tribunal and/or arbitration process. If Utley fails to satisfy this condition, Certificate Number 201177448 shall be automatically suspended pending review and disposition by the Board.

Utley is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061124 Patricia Gordon

Accept Agreed Order stating Gordon has submitted written proof to the Board that she has successfully completed the following:

A training course on classroom management, and a training course on special education.

Gordon is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17061098 Jennifer Romine

Accept Agreed Order admonishing Romine for using poor professional judgment, specifically for failing to appropriately maintain privacy of sensitive student matters. The Board reminds Romine that as a certified educator in the Commonwealth of Kentucky, she has a duty to uphold the Professional Code of Ethics in the future.

Furthermore, upon acceptance of this agreement by the Board, by June 30, 2018, Romine shall provide written proof to the Board that she has completed a training course on the Professional Code of Ethics for Educators, with an emphasis on professionalism, as approved by the Board. Any expenses required for said training shall be paid by Romine. If Romine fails to satisfy this condition, Certificate Number 200380212 shall be automatically

suspended until Romine completes the required training and provides the appropriate written proof to the Board.

Romine is aware that the Board may initiate a new disciplinary action and seek additional sanctions on any future allegations that she has violated KRS 161.120.

Vote: *Unanimous*

CF 171515 Joshua Steward

Accept Agreed Order stating Steward shall be issued a teaching certificate in Kentucky only after completing a traditional educator preparation program or meeting the requirements for issuance of an alternative certificate under KRS 161.048. Steward shall not be eligible for an emergency teaching certificate or emergency substitute certificate until he has been issued either a statement of eligibility or a temporary provisional certificate.

In addition to the aforementioned requirement, Steward shall comply with the following conditions:

Steward shall submit written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Steward.

Steward shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall provide written proof that he has complied with the assessment process. Steward shall pay any expense incurred.

Any and all certificates issued to Steward shall be subject to the following probationary conditions for a period of five (5) years:

Steward shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Steward is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to

comply with this condition will result in Steward's certificate being automatically suspended pending Board review and disposition.

Steward shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Steward. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Steward or on his behalf.

During the probationary period, Steward shall not receive any disciplinary action involving use of alcohol or any illegal substance by a district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by a tribunal and/or arbitration process. Failure to comply with this condition will result in Steward's certificate being automatically suspended pending review and disposition by the Board.

Vote: *Unanimous*

17061114 James Goff

Accept Agreed Order admonishing Goff for using a disciplinary technique that caused students an unnecessary amount of discomfort. The Board reminds Goff that he has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. In the future, Goff should be more cognizant of appropriate physical measures to be taken in disciplining a student.

On or before April 1, 2018, Goff shall present written proof to the Board that he has completed a course of training/professional development on the topic of Addressing Challenging Behaviors as approved by the Board. Any expense incurred for this training shall be paid by Goff. Failure to satisfy this condition will result in Certificate 38546 being administratively suspended until such time as Goff provides the written proof.

From the date on which the Board approves this Agreed Order, Certificate 38546 shall be under a two (2) year probation and subject to the following condition:

Goff shall receive no disciplinary action during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

By entering into this Agreed Order, Goff agrees that should he fail to satisfy the term of the probation, Certificate 38546 shall be administratively suspended pending Board review and disposition.

Goff is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Mr. Graham recused)*

1703499 Kumar Rashad

Accept Agreed Order stating on or before April 1, 2018, Rashad shall provide proof to the Board that he has completed a course of training/professional development on the topic of Positive Professional Relationships as approved by the Board. Any expense for this training shall be paid by Rashad. If Rashad fails to provide written proof by April 1, 2018, Certificate Number 200103644 shall be automatically suspended until Rashad provides the required proof.

Rashad is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1104260 Kelly Armstrong

Accept Agreed Order admonishing Armstrong for using unnecessary force in disciplining a student. As a professional educator, Armstrong must treat each and every student with dignity and respect no matter the circumstance. The Board expects Armstrong to uphold this expectation going forward.

Armstrong has provided proof that she has completed several courses of professional development on special education and classroom management.

Armstrong is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1203152 Sherri Hammons

Accept Agreed Order stating Case #1203152 is dismissed. Hammons has provided proof that she has enrolled in a program of treatment with a licensed professional and has complied with all treatment recommendations.

Hammons is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1609705 Adrian Hill

Accept Agreed Order admonishing Hill for repeating student profanity as a strategy to address that behavior. Coarse and inappropriate language reflects poorly on professionalism. The Board will tolerate no further use of this language from Hill.

On or before April 1, 2018, Hill shall provide written proof that he has completed a course of training on the subject of classroom management, as approved by the Board. Any expense incurred for said training shall be paid by Hill. Failure to satisfy this condition shall result in Certificate Number 200700249 being administratively suspended until such time as Hill provides the written proof.

On or before April 1, 2018, Hill shall provide written proof that he has completed three (3) hours of training on the Professional Code of Ethics for Kentucky School Certified Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Hill. Failure to satisfy this condition shall result in Certificate Number 200700249 being administratively suspended until such time as Hill provides the written proof.

Hill is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

17081325 David Wilson, II

Accept Agreed Order admonishing Wilson for disciplining a student while not being cognizant of surroundings. The Board reminds Wilson that he has a duty to provide students with education services in consonance with accepted best practices known to him. In the future, Wilson should strive to be more aware of appropriate timing while evaluating disciplinary situations.

Wilson has submitted proof that he has completed courses of professional development on the subjects of restraint, seclusion, and Safe Crisis Management.

Wilson is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

120189 Charles Phelps

Accept Agreed Order stating Certificate Number 000033451 has expired. Phelps shall neither apply for nor be issued nor renew any teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Phelps, or on his behalf, shall be denied.

Vote: *Unanimous*

17081323 Donna Brown

Accept Agreed Order admonishing Brown for not following the administrative procedures related to student testing. Further, the Board reminds Brown that, like every other testing proctor, she signed confirmation that she had received, read, and would comply with the testing instructions. Strict compliance with the Administration Code for Kentucky's Educational Assessment Program ensures the well-being of the students and the integrity of the testing process are maintained.

Brown is further admonished for failing to communicate with parents despite being directed by administration to do so. Responding to parents is an important part of the teaching profession. Constant communication is necessary to ensure that all of a student's needs and parents' concerns are being met. Failing to maintain this communication despite a reminder to do so is insubordination and undermines parents' confidence in the education process. The Board will tolerate no further violations from Brown.

Brown is not currently employed in the education profession. Prior to returning to a position which requires Kentucky Certification for School Certified Personnel, Brown shall submit written proof to the Board, from a licensed/certified psychiatrist or mental health professional, as approved by the Board, that she has complied with a comprehensive evaluation and is fit to return to the classroom, presents as capable of performing her duties as an educator, and is compliant with all treatment recommendations. If the evaluating psychiatrist or mental health professional recommends ongoing treatment, Brown shall provide to the Board quarterly written progress reports to begin three (3) months after submission of the initial evaluation to the Board, until the evaluating psychiatrist or mental health professional releases Brown from treatment. Brown shall pay any expense incurred. Failure to provide this proof before accepting a position requiring certification will result in Certificate Number 200402417 being administratively suspended until such proof is provided to the Board.

Brown is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1307517 Steven Remley

Accept Agreed Order stating Certificate number 199602211, including any and all endorsements, is retroactively suspended for a period of forty five (45) days beginning June 1, 2014.

Upon the Board's acceptance of this Agreed Order, Remley's teaching certificate, number 199602211 and any future endorsements or new areas of certification, shall be on probation for a period of two (2) years and subject to the following probationary conditions:

By April 1, 2018, Remley shall provide written proof to the Board from a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, that he has complied with a comprehensive alcohol abuse assessment, and is compliant with all treatment recommendations. If the evaluating chemical dependency counselor recommends ongoing treatment, Remley shall provide to the Board quarterly written progress reports to

begin three (3) months after submission of the initial evaluation to the Board, until the evaluating chemical dependency counselor releases him from treatment. Remley shall pay any expense incurred.

Remley shall not be convicted of any offense involving the use and/or possession of any controlled substance or alcohol during the probationary period. Remley shall submit a copy of his current criminal record, as prepared by the Kentucky State Police, by July 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid by Remley.

Should Remley fail to satisfy any of the above conditions, certificate number 199602211 shall be automatically suspended for a period of one (1) year and, if applicable, shall remain suspended until such time as all of the above conditions are met.

Remley is aware that should he violate KRS 161.120 either during or following this two (2) year probation, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Mr. Akers recused)*

Recommended Order
Case Name

1412821 Jerry Walker

Decision

Accept the hearing officer's Findings of Fact, Conclusions of Law and Recommended Order that Certificate Number 200234475 is permanently REVOKED. The Board SHALL NOT consider any future application Walker may file. The Board SHALL NOT ISSUE a teaching, administrative or emergency certificate in the Commonwealth of Kentucky to Walker at any time in the future. Walker SHALL IMMEDIATELY SURRENDER the original and all copies of his certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

1402132 Kevin Crider

Accept the hearing officer's Findings of Fact, Conclusions of Law and Recommended Order that Certificate Number 199701114 is permanently revoked. Respondent shall

neither apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall immediately surrender the original and all copies of his certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

12015 Michelle Hall

Accept the hearing officer's Findings of Fact, Conclusions of Law and Recommended Order that Certificate Number 200102268 is expired. Respondent shall neither apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Respondent, or on her behalf, shall be denied.

Vote: *Unanimous*

CF 16750 Robert Rister

Accept the hearing officer's Findings of Fact, Conclusions of Law and Recommended Order that the EPSB's denial of the Division of Certification authorization to further process his Kentucky Teaching Certificate or Statement of Eligibility be AFFIRMED.

Vote: *Unanimous*

Chair Akers announced a meeting time change from 10:00AM to 9:00AM for the April 9, 2018 EPSB meeting.

Motion made by Ms. Rachel Watson, seconded by Mr. Daniel Morgan, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 2:02 p.m.

Next Meeting: April 9, 2018
 9:00 a.m.
 EPSB Board Room
 Frankfort, Kentucky