The Education Professional Standards Board, in full collaboration and cooperation with its education partners, promotes high levels of student achievement by establishing and enforcing rigorous professional standards for preparation, certification, and responsible and ethical behavior of all professional educators in Kentucky.

EPSB Mission Statement

VIDEO TELECONFERENCE MEETING

This meeting will be held via video teleconference. Members of the public may watch the meeting in the State Board room on the 5th Floor at 300 Sower Blvd., Frankfort, KY 40601. The public may also view the meeting on the Kentucky Department of Education’s Media Portal.

Monday, October 11, 2021

EPSB Waiver Committee
8:30 AM ET

EPSB Special Meeting Agenda
9:00 AM ET

Call to Order

Swearing-In of New Member

Roll Call

Approval of Consent Items

A. Approval of August 16, 2021, EPSB Meeting Minutes

B. Board Approval for the Professional Learning Board’s Online Courses (Ms. Chelsea Young)

C. Request to Offer Program at an Off-Site Location, Campbellsville University (Ms. Margaret Hockensmith)

D. Emergency Non-Certified School Personnel Program (Mr. Todd Davis)

Report of the Commissioner

A. Report from the Education and Workforce Development Cabinet

B. Report from the Council on Postsecondary Education

C. Report of the Associate Commissioner

D. Other Updates

Report of the Chair

A. Updates
Information Item

A. Council for the Accreditation of Educator Preparation Partnership Agreement (Ms. Hockensmith)

Action Items

A. Approval for National Accréditor: Association for Advancing Quality in Educator Preparation (Ms. Hockensmith)
B. Option 7 Institute Proposal, Central Kentucky Educational Cooperative (Mr. Davis)
C. Option 7 Institute Proposal, iteach (Mr. Davis)
D. 16 KAR 1:030. Procedures for Educator Certificate Surrender, Revocation, Suspension, Reinstatement, and Reissuance, and for Application Denial, Amendment (Ms. Young)
E. Procedures Relating to Board Action on an Educator’s Certification, Amendment (Ms. Young)
F. 16 KAR 6:010. Assessment Prerequisites for Teacher Certification, Statement of Consideration and Amended After Comments Regulation (Ms. Cassie Trueblood)
G. Request to Approve Certification of Expiring Regulations (Ms. Trueblood)
H. Request to Waive Grade Point Average Requirement for Emergency Certified Teachers for the 2021-2022 School Year (Dr. Byron Darnall)

Waivers

A. 16 KAR 2:010. Request to Waive Grade Level Restrictions for Two Bell County Teachers (Ms. Crystal Hord)
B. 16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Amanda Covert (Ms. Hord)
C. 16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Martha Day (Ms. Hord)
D. 16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Corey Martin (Ms. Hord)
E. 16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Sarah Strilka (Ms. Hord)
I. 16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Brittany Cain (Ms. Hord)
J. 16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Catherine Gray (Ms. Hord)

K. 16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Contessa Vick (Ms. Hord)

L. 16 KAR 8:010. Request to Allow Mental Health Counseling Degree for Rank I for Whitney Coe (Ms. Hord)

Alternative Route to Certification Applications

A. Melanie Meek, Chemistry, Grades 8-12 (Ms. Hord)

Board Comments

Closed Session Review

Following a motion in open session pursuant to KRS 61.810 (1) (c) and (1)(j), it is anticipated that the Board will move into closed session to conduct a character and fitness review and to review potential actions relating to complaints and reports. The Board will also review pending litigation.

Case Decisions

Following the closed session review, the Board shall move into open session. All decisions will be made in open session.

Adjournment

Next Regular Meeting:

December 13, 2021
300 Sower Blvd
Frankfort, KY 40601
Call to Order
Chair Lisa Rudzinski called the meeting to order at 9:10 a.m. ET. In an effort to prevent the spread of the novel Corona Virus (COVID-19) this meeting was conducted by video teleconference. Board member Wade Stanfield read the mission statement to the EPSB and audience.

Swearing-In
Susan Rieber joins the EPSB as the designee for the Secretary of the Education and Workforce Development Cabinet. Ms. Rieber was sworn-in to the EPSB by Leah Sharpe.

Roll Call
The following Board members were present during the August 16, 2021, EPSB meeting: Elijah Edwards, Donna Hedgepath, Sherry Powers, Lisa Rudzinski, Amber Snell, Beth Spradlin, Wade Stanfield, Julian Vasquez-Heilig and Sarah Weedman.

CPE: Amanda Ellis  Cabinet: Susan Rieber

Approval of Consent Items

Approval of June 21, 2021, EPSB Meeting Minutes
Board Approval for Teacher Coach Online Courses

2021-139

Motion made by Mr. Elijah Edwards, seconded by Ms. Amber Snell, to approve the consent agenda items. 
Vote: Unanimous

Report of the Executive Secretary
Commissioner Jason Glass shared that the department is still dealing with COVID 19. The Kentucky Board of Education (KBE) has approved a couple of procedures that will allow districts to continue operating. As one of those supports, they will allow school districts to continue to draw funding for students that were placed on quarantine through the daily attendance option as if they were in person. Also, sick leave for staff will be called a quarantine leave and they will continue to draw their salary and not have their missed days count against their sick leave balance. Staff can also support students remotely but will need to have their vaccines in order to participate in these
options. The action of the KBE that is drawing the most attention is the masking mandate in schools from age 2 and up. The KBE voted unanimously to put the mask mandate into order. If teachers are not following the law, it can create a licensure issue and there are mechanisms to solve that and possibly an investigation on those issues. Dr. Glass also mentioned the statewide Education Summit at the Louisville Convention Center. He noted there are some dynamic speakers lined up at this event and encouraged all to attend.

**Report from the Council on Postsecondary Education**

Amanda Ellis shared that the Council for Postsecondary Education (CPE) issued a report on dual credit for the four-year universities. She noted there were some interesting information and encouraged the members to review those reports. Dr. Ellis reported that CPE has some competitive grants right now for public universities for the educator preparation programs to increase the diversity of teacher candidates.

CPE also has support around COVID and safety. Dr. Thompson, the eight public universities, and the KCTCS colleges all signed an agreement to mask up indoors and keep students safe and on campus.

**Report from the Cabinet**

Susan Reiber shared that the cabinet joins in the concern about the health of our students. The state legislators will be having a hearing on the KBE’s decision and vote. The ultimate goal from the cabinet and administration is to keep our students, educators and all of our Commonwealth safe and healthy. She stated that the cabinet appreciates our educators and the work to get students back in the classroom which is desperately needed for our kids. She noted that today, the Cabinet will be announcing the winners for the Teacher Program Grow your Own. 10 winners will be announced, and each will receive a $50,000 award.

**Report of the Associate Commissioner**

Byron Darnall recognized staff that has already begun the school year and the important role and the level of appreciation for the work and services they are providing. He noted that the Office of Educator Licensure and Effectiveness (OELE) leaders are working hard and their dedication shows in that we are providing a high level of service to the field. Certification has processed over 2,500 applications more than this time last year. He commended the high level of productivity and getting teachers their certifications and endorsements quickly. Dr. Darnall reported that OELE is also working with CCSSO on high quality instructional resources. Our EPPs have nominated individuals to participate on the advisory boards as we have had discussions about what constitutes highly qualified instructional resources. He noted that OELE has been approved for a significant amount of monies to focus on new teacher supports and induction/orientation into the field.

**Report of the Chair**

Appointment to the Accreditation and Audit Committee
Faye Deters was reappointed as the education preparation provider representative and the chair for the Accreditation and Audit Committee. Chair Rudzinski thanked her for her willingness to serve.

**Information/Discussion Items**

16 KAR 1:030. Procedures for Educator Certificate Surrender, Revocation, Suspension, Reinstatement, and Reissuance, and for Application Denial, Amendment
Ms. Chelsea Young presented amendments on 16 KAR 1:030 to the EPSB for a first reading.

Procedures Relating to Board Action on an Educator’s Certification, Amendment
Ms. Chelsea Young presented amendments on Educator’s Certification to the EPSB for a first reading.

**Action Items**

16 KAR 2:040. Interdisciplinary Early Childhood Education, Birth to Primary, Amendment 2021-140
Motion made by Ms. Susan Rieber, seconded by Dr. Amanda Ellis, to approve.
Vote: Unanimous

16 KAR 2:050. Certificates for Teachers of Exceptional Children/Communication Disorder, Amendment 2021-141
Motion made by Ms. Beth Spradlin, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous

16 KAR 4:020. Certification Requirements for Teachers of Exceptional Children, Amendment 2021-142
Motion made by Dr. Sherry Powers, seconded by Ms. Beth Spradlin, to approve.
Vote: Unanimous

Georgetown College: Accreditation of the Educator Preparation Provider and Approval of Programs 2021-143
Motion made by Mr. Elijah Edwards, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous

Kentucky State University: Accreditation of the Educator Preparation Provider and Approval of Programs 2021-144
Motion made by Mr. Wade Stanfield, seconded by Ms. Amber Snell, to approve.
Vote: Unanimous

Union College: Accreditation of the Educator Preparation Provider and Approval of Programs 2021-145
Motion made by Dr. Donna Hedgepath, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous
Midway University: Accreditation of the Educator Preparation Provider and Approval of Programs

2021-146
Motion made by Dr. Sherry Powers, seconded by Ms. Amber Snell, to approve.
Vote: Unanimous

16 KAR 5:040. Request to Allow Substitute Teaching Experience to Qualify as Student Teaching Experience for the 2021-2022 School Year

2021-147
Motion made by Ms. Sarah Weedman, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous

Request to Approve Remote Student Teaching Observations for all Educator Preparation Programs for the 2021-2022 School Year

2021-148
Motion made by Ms. Beth Spradlin, seconded by Ms. Susan Reiber, to approve.
Vote: Unanimous

Waivers

16 KAR 5:040. Alternative Student Teaching Placement Request for Max Elam

2021-149
Motion made by Mr. Wade Stanfield, seconded by Dr. Amanda Ellis, to approve.
Vote: Unanimous

16 KAR 5:040. Alternative Student Teaching Placement Request for Paige Glass

2021-150
Motion made by Mr. Elijah Edwards, seconded by Ms. Beth Spradlin, to approve.
Vote: Unanimous

16 KAR 3:090. Request to Waive Admission and Certification Requirements for Principal Certification for Michelle Klein

2021-151
Motion made by Dr. Donna Hedgepath, seconded by Ms. Amber Snell, to approve.
Vote: Unanimous

16 KAR 5:020. Request to Waive Required GPA for Admission to Master of Arts in Education Program for Learning and Behavior Disorders

2021-152
Motion made by Dr. Donna Hedgepath, seconded by Ms. Amber Snell to approve.
Vote: Unanimous

16 KAR 5:020. Request to Waive Five Year Test Recency Requirement for Ashley Alghatas

2021-153
Motion made by Mr. Elijah Edwards, seconded by Ms. Beth Spradlin.
Vote: Unanimous

October 11, 2021 Meeting
Consent Item A
16 KAR 5:020. Request to Waive Regional Accreditation for Degree Required for Admission to an Initial Graduate Level Program for Terrell Horton

2021-154
Motion made by Ms. Beth Spradlin, seconded by Dr. Amanda Ellis to approve.
Vote: Unanimous

16 KAR 5:020. Request to Waive Regional Accreditation for Degree Required for Admission to an Initial Graduate Level Program for Christina McCloud

2021-155
Motion made by Mr. Elijah Edwards, seconded by Ms. Susan Reiber, to approve.
Vote: Unanimous

16 KAR 5:020. Request to Waive Regional Accreditation for Degree Required for Admission to an Initial Graduate Level Program for Larry Jones

2021-156
Motion made by Mr. Wade Stanfield, seconded by Ms. Sarah Weedman, to approve.
Vote: Unanimous

16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Montgomery County Schools

2021-157
Motion made by Dr. Amanda Ellis, seconded by Ms. Beth Spradlin, to approve.
Vote: Unanimous

16 KAR 4:060. Request to Waive Renewal Requirements for Katie Jenkins

2021-158
Motion made by Dr. Amanda Ellis, seconded by Ms. Sarah Weedman, to deny.
Vote: Unanimous

16 KAR 8:010. Request to Allow Coursework in Education and Social Change to Count for Rank I and Rank II for Jennifer Zimmerman

2021-159
Motion made by Mr. Elijah Edwards, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous

Alternative Route to Certification Applications

Heidi Abraham, Music, All Grades

2021-160
Motion made by Dr. Amanda Ellis, seconded by Dr. Sherry Powers, to Defer.
Vote: Unanimous

Stuart Blood, Chemistry, Grades 8-12

2021-161
Motion made by Dr. Amanda Ellis, seconded by Mr. Wade Stanfield, to approve.
Vote: Unanimous
Gretchen Burton, Business Education, Grades 8-12

2021-162
Motion made by Ms. Beth Spradlin, seconded by Mr. Wade Stanfield, to approve.
**Vote:** Unanimous

Ginger Moser, American Sign Language, All Grades

2021-163
Motion made by Mr. Elijah Edwards, seconded by Dr. Amanda Ellis, to approve.
**Vote:** Unanimous

Motion made by Ms. Snell, seconded by Dr. Powers, 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 Dr. Ellis, seconded by Mr. Stanfield, to return to open session.

**Vote:** Unanimous

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

Amanda Ellis, Donna Hedgepath, Sherry Powers, Lisa Rudzinski, Amber Snell, Beth Spradlin, Wade Stanfield, Julian Vasquez-Heilig, Sarah Weedman

Attorneys present were Luke Gilbert, BreAnna Listermann, Norah Softic, Cassie Trueblood, and Chelsea Young.

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## Character/Fitness Review

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## Agreed Orders

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<td>Accept Agreed Order suspending Certificate number 199701877 from June 1, 2021 to August 1, 2021.</td>
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*October 11, 2021 Meeting  Consent Item A*
Hardin shall submit written proof to the Board that she has completed professional development training with a focus on educator ethics, as approved by the Board. Any expense required for said training shall be paid by Hardin. If Hardin fails to satisfy this condition by January 1, 2022, her certificate shall be administratively suspended until she completes the required training and provides the appropriate written proof to the Board.

Hardin shall submit written proof to the Board that she has completed professional development training with a focus on classroom management, as approved by the Board. Any expense required for said training shall be paid by Hardin. If Hardin fails to satisfy this condition by January 1, 2022, her certificate shall be administratively suspended until she completes the required training and provides the appropriate written proof to the Board.

Certificate Number 199701877 shall be on a five (5) year probationary period. The condition of the probation are as follows:

1. Hardin shall not receive any disciplinary action related to inappropriate physical contact with a student from any school district in the Commonwealth of Kentucky.

“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 tribunal/ or arbitration process.

Failure to abide by this condition shall result in an administrative suspension pending Board review and disposition.
Hardin 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*

20101389 Leslie Phillips  
Accept Agreed Order suspending Certificate No. 201200915 from June 1, 2021 to August 1, 2021. During the suspension period, Phillips shall not work in a certified position.

On or before April 1, 2022, Phillips shall provide written proof to the Board that he has completed a course of training on the subject of Professionalism as approved by the Board. Any cost for said training shall be paid for by Phillips. Failure to provide the written proof by April 1, 2022 will result in Certificate Number 201200915 being administratively suspended until such time as Phillips provides the written proof.

On or before April 1, 2022, Phillips shall provide written proof to the Board that he has completed a course of training on the subject of Educator Ethics as approved by the Board. Any cost for said training shall be paid for by Phillips. Failure to provide the written proof by April 1, 2022 will result in Certificate Number 201200915 being administratively suspended until such time as Phillips provides the written proof.

Certificate Number 201200915, shall be subject to the following conditions for a period of five (5) years:

1. Phillips shall not receive any disciplinary from any school district in the Commonwealth of Kentucky.

“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 tribunal/ or arbitration process.

Failure to abide by this probationary condition will result in an administrative suspension pending Board review and disposition.
Phillips is aware that should he violate KRS 161.120, either during or following this probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: **Unanimous**

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Accept Agreed Order suspending Certificate number 201127422 from September 24, 2018 through October 5, 2018.

Jones shall submit written proof to the Board that she has completed professional development training with a focus on educator ethics, as approved by the Board. Any expense required for said training shall be paid by Jones. If Jones fails to satisfy this condition by January 1, 2022, her certificate shall be administratively suspended until she completes the required training and provides the appropriate written proof to the Board.

Jones shall submit written proof to the Board that she has completed professional development training with a focus on classroom management, as approved by the Board. Any expense required for said training shall be paid by Jones. If Jones fails to satisfy this condition by January 1, 2022, her certificate shall be administratively suspended until she completes the required training and provides the appropriate written proof to the Board.

Certificate Number 201127422 shall be on a five (5) year probationary period. The condition of the probation is as follows:

1. Jones shall not receive any disciplinary action from any school district in the Commonwealth of Kentucky.

“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 tribunal/ or arbitration process.

Failure to abide by this condition shall result in an administrative suspension pending Board review and disposition.
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**

Accept Agreed Order suspending Certificate 201154571 from June 17, 2021, to August 3, 2021, a period of 45 days. Sanchez shall neither apply for, nor be issued, a teaching certificate in the Commonwealth of Kentucky during the suspension period.

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

On or before May 1, 2022, Sanchez shall provide written proof to the Board that he has taken a course of professional development/training on the topic of educator ethics as approved by the Board. Any expense for this professional development/training shall be paid for by Sanchez. If Sanchez fails to provide this written proof by May 1, 2022, Certificate 201154571 shall be administratively suspended pending Board review and disposition.

At the end of the 45 day suspension period, Certificate 201154571 shall be under a three year probationary period and subject to the following conditions:

1. If Sanchez’s chemical dependency counselor makes any treatment recommendations, Sanchez shall comply with the treatment recommendations. Sanchez shall submit quarterly written progress reports from his counselor to the Board until such time as the counselor releases him from treatment. Any expense for the treatment and/or written reports shall be paid by Sanchez. Failure to comply with this condition will result in Sanchez’s certificate being automatically suspended until Sanchez is in compliance.

2. Sanchez shall be subject to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for any illegal substance or that is in excess of therapeutic levels.
generally accepted in the medical community. Sanchez shall pay any expense incurred.

3. For the three year probationary period, Sanchez 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 and upheld, if applicable, on appeal. If Sanchez is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol and, if appealed, such a charge is upheld, he shall submit this information to the Board, in writing, within thirty (30) days.

Failure to comply with any the above probationary conditions will result in Certificate 201154571 being automatically suspended pending Board review and disposition.

Sanchez 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

17071259 Kevin Letcher

Accept Agreed Order revoking Certificate Number 200229300. For a period of nine years from the date the Board approves this Order, Letcher shall neither apply for nor be issued a teaching administrative, or emergency substitute certificate in the Commonwealth of Kentucky during the revocation period. Upon acceptance of this agreement by the Board, Letcher shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 300 Sower Blvd, 5th Floor, Frankfort, Kentucky 40601.

At the conclusion of the revocation period, in addition to any educational and assessment requirements necessary for certification at the time, Letcher shall comply with the following reissuance conditions:

Letcher shall submit written proof to the Board that he has completed twelve hours of training/professional development on the topic of educator ethics. Any cost for said training shall be paid for by Letcher.
Letcher shall submit written proof to the Board that he has completed twelve hours of training/professional development on the topic of student/teacher boundaries. Any cost for said training shall be paid for by Letcher. Letcher’s certificate shall not be reissued until such condition is satisfied.

Letcher shall submit written proof to the Board from a duly licensed or certified psychiatrist or mental health professional, as approved by the Board, that he has complied with a mental health assessment, and is fit to return to the classroom, presents as capable of performing his duties as an educator, is not a danger to himself or others, and is compliant with all treatment recommendations. If the evaluating psychiatrist or mental health professional recommends ongoing treatment, Letcher 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 Letcher from treatment. Letcher shall pay any expense incurred. Failure to provide this proof prior to applying for a new certification will result in Letcher’s application not being processed until such proof is provided.

Any new certificates granted to Letcher shall be under a permanent probation and subject to the following condition:

Letcher shall not receive any disciplinary action from any school district in which he is employed. If Letcher fails to satisfy this condition, any certificate issued to him shall be administratively suspended pending Board review and disposition.

“Disciplinary action” is defined as any termination, suspension, 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.

Letcher 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*

2003669 Monty Frazier

Accept Agreed Order stating Frazier is not working in the education profession and has no plans on returning to the education field. He thus voluntarily, knowingly, and intelligently surrenders Certificate Number 000038738, and agrees to not apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future.

Vote: *Unanimous*

2102159 Michael Spohn

Accept Agreed Order suspending Certificate Number 200001370 from June 7, 2021 through June 13, 2021, a period of seven days.

On or before December 1, 2021, Spohn shall submit written proof to the Board that he has successfully completed six (6) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Spohn. If Spohn fails to satisfy this condition, Certificate Number 200001370 shall be administratively suspended until such condition is satisfied.

Spohn has provided written proof to the Board that he has completed a substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor approved by the Board.

Finally, Certificate Number 200001370, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years:

1. Spohn shall submit written progress reports from his licensed or certified counselor four times a year, beginning July 30, 2021, on July 30th, October 30th, January 30th and April 30th indicating he is compliant with all treatment recommendations, until he is released from treatment. If Spohn fails to satisfy any of these conditions, Certificate Number 200001370 shall be administratively suspended until such conditions are satisfied.
2. Spohn shall submit to random drug tests, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Spohn shall pay any expense incurred. If Spohn fails to satisfy this condition, Certificate Number 200001370 shall be administratively suspended pending Board review and disposition.

3. Spohn shall receive no disciplinary action involving the use and/or possession of alcohol or drugs from any school district in which he is employed during the probationary period. If Spohn fails to satisfy this condition, Certificate Number 200001370 shall be administratively suspended pending Board review and disposition.

“Disciplinary action” is defined as any termination, suspension, 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.

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

Vote: Unanimous

20121573 Julester Bennett
Accept Agreed Order stating Bennett is retired. Upon acceptance of this agreement by the Board, Bennett shall not seek or accept any position of employment in Kentucky that requires the use of Certificate Number 200112115. If Bennett violates this agreement, Certificate Number 200112115 shall be automatically permanently revoked, and/or any application for certification shall be denied.

Vote: Unanimous

210145 Jessica Stephens
Accept Agreed Order stating Stephens shall provide written proof to the Board that she has completed five (5) hours of educator ethics training, as approved by the Board by June 1, 2022. Stephens shall pay any expense incurred. If Stephens fails to satisfy this condition by June 1, 2022, Certificate Number 201223841 shall be administratively
suspended until such condition is satisfied.

Furthermore, Certificate Number 201223841 shall be subject to a two (2) year probation, subject to the following condition:

1. Stephens shall not be reported to the Board for breach of contract during the probationary period. If the Board receives a report, pursuant to KRS 161.120(2), alleging Stephens violated KRS 161.780 and a case is opened, Certificate Number 201223841 shall be administratively suspended pending board review and disposition.

Stephens 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

19101019 Michael Cash

Accept Agreed Order stating Cash is retired with no immediate plans to return to the education profession. However, prior to returning to a certified position, Cash shall fulfill the following conditions:

1. Cash shall provide written proof to the Board that he has completed three (3) hours of professional development training on the topic of professionalism, as approved by the Board. If Cash fails to satisfy this condition prior to returning to certified employment, Certificate Number 199603765 shall be administratively suspended until such condition is satisfied.

2. Cash shall provide written proof to the Board that he has completed three (3) hours of professional development training on the topic of educator ethics, as approved by the Board. If Cash fails to satisfy this condition prior to returning to certified employment, Certificate Number 199603765 shall be administratively suspended until such condition is satisfied.

3. Cash shall provide written proof to the Board that he has completed three (3) hours of training from a KDE approved trainer on the topic of Certification and Hiring of School Personnel. If Cash fails to satisfy this condition prior to returning to certified employment, Certificate Number 199603765 shall be administratively suspended.
Finally, upon returning to a certified position, Certificate Number 199603765 shall be subject to the following permanent probationary condition:

1. Cash shall receive no disciplinary action from any school district in which he is employed. If Cash fails to satisfy this condition, Certificate Number 199603765 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.

Cash 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**

Accept Agreed Order stating prior to January 1, 2022, Rowe shall provide written proof to the Board that he has completed a one-on-one coaching session with Ms. Crystal Hord, Branch Manager of the Office of Educator Licensure & Effectiveness at the Kentucky Department of Education. Ms. Hord will guide Mr. Rowe through the process of generating an expired certificate report for his staff, to ensure that all employees have the appropriate certification for their respective positions. If Rowe fails to satisfy this condition, Certificate Number 199800517 shall be administratively suspended until such condition is satisfied.

Rowe 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**

Accept Agreed Order stating the Board reminds Dees that he, like all teachers and school administrators, has a professional responsibility to treat colleagues with dignity and respect in all circumstances. The Board urges Dees to
exercise better judgment going forward.

Certificate Number 2001331489 has expired. In the future, Dees 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. Dees 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.

Certificate Number 2001331489 is expired. Prior to applying for renewal or reissuance of Certificate Number 2001331489, Dees shall provide written proof to the Board from a licensed/certified physician, as approved by the Board, that he has complied with a comprehensive health evaluation and is physically and mentally fit to return to the classroom, presents as capable of performing his duties as an educator, is not a danger to himself or others, and is compliant with all treatment recommendations. Dees shall pay any expense incurred. If Dees fails to satisfy this condition prior to applying for reissuance, renewal, or issuance of a new certificate, any such applications will be automatically denied.

Certificate Number 2001331489 is expired. Prior to applying for renewal or reissuance of Certificate Number 2001331489, Dees shall provide written proof to the Board that he has taken a course of training/professional development on the topic of sexual harassment. Any cost for said training shall be paid for by Dees. Failure to provide this proof prior to applying for reissuance, renewal, or issuance of a new certificate, any such applications will be automatically denied.

Certificate Number 2001331489 is expired. Prior to applying for renewal or reissuance of Certificate Number 2001331489, Dees shall provide written proof to the Board that he has taken a course of training/professional development on the topic of educator ethics. Any cost for said training shall be paid for by Dees. Failure to provide this proof prior to applying for reissuance, renewal, or issuance of a new certificate, any such applications will be automatically denied.

Certificate Number 2001331489 is expired. Should Dees
apply for renewal or reissuance of Certificate Number 2001331489, the certificate shall be under a permanent probation beginning on the date of renewal or reissuance and be subject to the following condition.

Dees shall not receive any disciplinary action related to sexual harassment from any school district in which he is employed. If Dees fails to satisfy this condition, Certificate Number 2001331489 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.

Dees 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**

2001129  Thomas Duffy

Accept Agreed Order stating Duffy voluntarily, knowingly, and intelligently surrenders his teaching certificate, number 199602569, and agrees to not apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Duffy shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 300 Sower Blvd., 5th Floor, Frankfort, Kentucky 40601.

**Vote: Unanimous**

1908789  Danyel Fields

Accept Agreed Order stating due to the financial expense that continuing this administrative proceeding would cost both parties as well as Fields providing proof that she has completed 6 hours of training on the subject of positive behavior intervention, Case No. 1908789 is dismissed without discipline.

Fields 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*

2102175  Ashley Dearinger  Accept Agreed Order admonishing Dearinger for neglect of duty. An educator shall strive to uphold the responsibilities of the education profession, including obligations to students, parents, colleagues, and the school district. When an educator misses an extraordinary number of school days, students fail to receive proper instruction. The Board reminds Dearinger that a classroom teacher should endeavor to attend each school day. The Board will not tolerate any further incidents of misconduct from Dearinger.

Dearinger is no longer employed in the teaching profession. Prior to applying for or accepting a job that requires Kentucky teacher certification, Dearinger shall provide written proof to the Board, from a licensed/certified physician, as approved by the Board, that she has complied with a comprehensive health evaluation and is physically and mentally 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. Dearinger shall pay any expense incurred. If Dearinger fails to satisfy this condition prior to applying for or accepting a job that requires Kentucky teacher certification, Certificate 201113111 will be administratively suspended until such time as she provides the required proof.

Dearinger is no longer employed in the teaching profession. Prior to applying for or accepting a job that requires Kentucky teacher certification, Dearinger shall provide written proof to the Board that she has taken a course of training/professional development on the subject of educator ethics. Any cost for said training/professional development shall be paid for by Dearinger. If Dearinger fails to satisfy this condition prior to applying for or accepting a job that requires Kentucky teacher certification, Certificate 201113111 will be administratively suspended until such time as she provides the required proof.

Dearinger is no longer employed in the teaching profession. If she should return to a job that requires Kentucky teacher certification, Certificate 201113111 shall be under a probationary period of two years and subject to the following condition.
Dearinger shall not receive any disciplinary action from any school district in which she is employed. If Dearinger fails to satisfy this condition, Certificate Number 201113111 shall be administratively suspended pending Board review and disposition.

“Disciplinary action” is defined as any termination, suspension, 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.

Dearinger 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

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<tr>
<th>Recommended Order</th>
<th>Case Number</th>
<th>Decision</th>
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<tr>
<td></td>
<td>1910999 Michael McCuiston</td>
<td>Accept the hearing officer’s Findings of Fact, Conclusions of Law and Recommended Order that Certificate Number 201158065 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. McCuiston shall immediately surrender the original and all copies of his certificate, by personal delivery or first-class mail, to the Education Professional Standards Board, 300 Sower Blvd., 5th Floor, Frankfort, KY 40601.</td>
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<td>1910983 Chris Thomas</td>
<td>Accept the hearing officer’s Findings of Fact. Modify the Conclusions of Law and Recommended Order to align with board decisions.</td>
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<tr>
<td></td>
<td>1906625 Ashley Gamlin</td>
<td>Accept the hearing officer’s Findings of Fact, Conclusions of Law and Recommended Order that Respondent is no longer employed in the teaching profession, and her certification has expired. Prior to being issued or granted renewal of any Kentucky teaching license in the future, Respondent shall provide the following:</td>
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1. Respondent shall provide written proof that she has undergone a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board. Any expense for the assessment and written reports shall be paid by Respondent. Failure to provide such written proof prior to applying for certification shall result in an automatic denial of any application until Respondent provides said proof.

2. Respondent shall submit written proof to the Board that she has completed a course on educator ethics training, as approved by the Board. Any expense required for said training shall be paid by Respondent. Failure to provide such written proof prior to applying for certification shall result in an automatic denial of any application until Respondent provides said proof.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. If Respondent’s chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit to the Board quarterly written progress reports from her counselor, to begin three months after the initial assessment until such time as the counselor releases her from treatment. Any expense for the treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent’s certificate being automatically suspended until Respondent is in compliance.

2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use or possession of alcohol. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use or possession of alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition in its entirety will result in Respondent’s certificate being automatically suspended pending Board review and disposition.

Vote: Unanimous
20061073 Carrie Adams

Accept the hearing officer’s Findings of Fact, Conclusions of Law and Recommended Order that Certificate Number 201129734 shall be permanently revoked. Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 300 Sower Blvd., Fifth Floor, Frankfort, Kentucky 40601. Respondent shall neither apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky during her lifetime.

**Vote:** *Unanimous*

Motion made by Mr. Stanfield, seconded by Dr. Ellis, to adjourn the meeting.

**Vote:** *Unanimous*

*Meeting adjourned at 1:57 p.m.*
Consent Item:
Board Approval for the Professional Learning Board’s Online Courses

Commissioner’s Recommendation:
The Education Professional Standards Board (EPSB) should approve the online courses.

Rationale:
Staff has reviewed the trainings and has found that the courses will address the needs of educators referred for specific training related to keeping students safe, ethical conduct, and how to effectively teach online.

Action Question:
Should the EPSB approve the online courses as training for individuals with cases before the Board?

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

History/Background:
Existing Policy: Pursuant to KRS 161.120(1), the EPSB may impose probationary or supervisory conditions upon any certificate issued by the EPSB. The EPSB has used this authority to require educators to attend specific training to address the alleged misconduct and prevent further incidents. The EPSB’s Procedures Relating to Action on an Educator’s Certification also includes a Deferral for Training option that allows an educator the opportunity to complete a recommended training and submit written proof to the EPSB for a dismissal of his/her case.

Summary: The Professional Learning Board (PLB) is requesting approval for three online trainings: Keeping Kids Safe (1 hour), Ethical Conduct in Education (5 hours), and How to Teach Online for the Classroom Teacher (5 hours). The PLB’s courses align with the Interstate Teacher Assessment and Support Consortium (InTASC) Standards and McRel Teacher Evaluation Standards. Included under separate cover is a detailed description and outline for each of the courses.

Budget Impact: There is no budgetary impact, as educators are responsible for the cost of any training they are required to complete for the EPSB.

Contact Person:
Chelsea Young, Deputy General Counsel
Office of Legal Services
(502) 564-4606
Email: chelsea.young@education.ky.gov
Consent Item:
Request to Offer Program at an Off-Site Location, Campbellsville University

Staff's Recommendation:
The Education Professional Standards Board (EPSB) should approve Campbellsville University’s request.

Rationale:
Campbellsville University has addressed the identified components of the applicable regulation in the request. These required components include the location and physical attributes, qualifications of faculty, and identified courses to be offered at the off-site location. Campbellsville University can provide the necessary resources, advising and faculty to support the additional off-site location. Candidates will have full access to instructional and technological resources.

Action Question:
Should the EPSB approve the request to allow Campbellsville University to establish an off-site location for its principal program?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 5:010

History/Background:

Existing Policy: 16 KAR 5:010, Section 28, requires EPSB approval for off-site and online programs established by educator preparation providers. The institution must submit a written request to the EPSB describing the location and physical attributes of the off-campus site, resources to be provided, faculty and their qualifications and a list of courses or programs to be offered.

Summary: Campbellsville University is requesting approval for an off-site campus. The Executive Director from the Central Kentucky Educational Cooperative (CKEC) has requested a collaborative agreement with Campbellsville University to offer its Principal P-12 preparation program as part of a Grow Your Own initiative.

Grow Your Own classes will be held in a classroom at the CKEC main office and training facility. The facility has two floors, three large classrooms spanning from 1,500 - 2,000 square feet, a kitchenette, multiple office spaces, and restrooms on both floors. The building is handicap accessible. The classrooms are outfitted with two 75-inch flat screen monitors each, as well as audio capture and enhancement equipment. Multiple types of technology are readily available at CKEC. It is a 1 to 1 technology environment, meaning all students can easily access wi-fi and presentation capability through their own devices. CKEC also owns laptops and tablets that can
be used by students, if needed. In addition, every classroom is equipped with multiple 75”
projection screens and sound equipment, so the ability to make group or individual presentations,
participate in distance learning, or research and complete coursework is easily accessible. The
facility also can make both digital and paper-based resources readily available to students
through CKEC’s extensive library collection.

In addition, the library online database at Campbellsville University is available to students,
giving them the same access to the journals and books as main campus students. Advising will
be scheduled face to face and online with graduate faculty and enrollment staff. Financial aid and
admission support will be provided by Campbellsville University staff and faculty.

**Budget Impact:** There is no budgetary impact.

**Contact Person:**
Margaret Hockensmith, Program Consultant
Division of Educator Preparation and Certification
Office of Educator Licensure and Effectiveness
(502) 564-4606
Email: margaret.hockensmith@education.ky.gov
Consent Item:  
2021-2022 Emergency Non-Certified School Personnel Program  

Staff’s Recommendation: 
The Education Professional Standards Board (EPSB) should approve the local school districts’ applications for the Emergency Non-Certified School Personnel Program for the 2021-2022 school year.  

Rationale:  
All recommended districts have met the requirements of 16 KAR 2:030.  

Action Question: 
Should the EPSB approve the local school districts’ applications for the Emergency Non-Certified School Personnel Program for the 2021-2022 school year?  

Applicable Statutes and Regulation: 
16 KAR 2:030  

History/Background:  
Existing Policy: 16 KAR 2:030, Section 3(3) provides that a district that was approved by the EPSB to operate an Emergency Noncertified School Personnel Program the preceding year may request renewal for continuation of the program. Renewal shall be contingent upon demonstration of the continued need for the program and successful evaluation of the previous year’s program pursuant to reporting requirements.  

Summary: Included is a list of the school districts that staff is recommending for continuation in the program for the 2021-2022 school year. All districts requesting continuation in the program have submitted a year-end summary report as required by 16 KAR 2:030, and have submitted a renewal application for the 2021-2022 school year.  

Budget Impact: There is no budgetary impact.  

Contact Person:  
Todd Davis, Director  
Division of Educator Preparation and Certification  
Office of Educator Licensure and Effectiveness  
(502) 564-4606  
Email: todd.davis@education.ky.gov
Emergency Non-Certified Districts Renewing for 2021-2022

1. Augusta Independent
2. Bourbon County
3. Butler County
4. Campbell County
5. Casey County
6. Danville Independent
7. Lee County
8. Menifee County
9. Morgan County
10. Todd County
Information Item:
Council for the Accreditation of Educator Preparation Partnership Agreement

Rationale:
On a cyclical basis, the Education Professional Standards Board (EPSB) needs to update their partnership agreement with the national accreditor, the Council for the Accreditation of Educator Preparation (CAEP). The update reflects any changes in standards, policies, procedures, and regulations of either party.

Applicable Statute or Regulation:
KRS 161.028, KAR 5:010

History/Background:
Existing Policy: The current partnership agreement between the EPSB and CAEP was signed in 2016 when the EPSB was an independent agency. The current agreement reflects the EPSB’s goal from 2016, for all Kentucky educator preparation providers (EPP) to seek CAEP accreditation. Due to the organizational changes and recent revisions to the EPSB’s accreditation regulation, 16 KAR 5:010, the agreement needs to be updated.

Summary: When the EPSB signed the current CAEP partnership agreement in 2016, CAEP was the new national accreditor of educator preparation that replaced the National Council for the Accreditation of Teacher Preparation (NCATE) and the Teacher Educator Accreditation Council (TEAC). Since 2016, CAEP has published a revised Policy and Procedures Manual and the EPSB has been attached to the Kentucky Department of Education for administrative purposes.

At the June 21, 2021 meeting, the EPSB approved amendments to 16 KAR 5:010, the accreditation regulation. These revisions include allowing EPPs to seek accreditation from a national accreditor approved by the EPSB, no longer requiring EPPs that seek national accreditation to also seek Kentucky accreditation, and continuing to allow EPPs to seek state-only accreditation. The CAEP standards for initial and advanced educator preparation programs will be used as the standards for state-only accreditation.

The updated CAEP partnership agreement reflects the changes in the EPSB’s organizational structure and accreditation regulation. It also reflects the revised Policies and Procedures of CAEP. A copy of the updated partnership agreement is included for EPSB review.

Budget Impact: State dues to CAEP are reflected in the Partnership Agreement

Contact Person:
Margaret Hockensmith, Program Consultant
Division of Educator Preparation and Certification
Office of Educator Licensure and Effectiveness
(502) 564-4606
Email: margaret.hockensmith@education.ky.gov
Kentucky Department of Education

and

The Council for the Accreditation of Educator Preparation (CAEP)

Partnership Agreement

Whereas, CAEP is a nongovernmental, voluntary membership organization committed to the effective preparation of teachers and other P-12 professional educators; and

Whereas, CAEP, through an autonomous Accreditation Council, accredits educator preparation providers (EPPs) and advances excellent educator preparation through evidence-based accreditation that assures quality and supports continuous improvement to strengthen P-12 student learning; and

Whereas, CAEP is a nationally recognized accreditor, having earned recognition by the Council for Higher Education Accreditation (CHEA), and is seeking recognition by the United States Secretary of Education, and, therefore, develops policy and procedures aligned with all applicable requirements of CHEA and, to the extent practicable, the U.S. Department of Education; and

Whereas, the Education Professional Standards Board (EPSB) has the sole statutory responsibility for approving EPPs in Kentucky; and the Kentucky Department of Education (KDE) administers and carries out the actions of the EPSB; and

Whereas, CAEP accreditation may be used in lieu of the state accreditation process, the decisions related to program approval lie entirely with the EPSB.

CAEP, and the EPSB hereby enter into this agreement detailing the EPSB’s preferences with regard to Specialty Area Program reviews and review team composition for accreditation Reviews conducted by CAEP of EPPs operating within Kentucky and establishing the primary responsibilities each party has in supporting CAEP’s accreditation activities involving all such EPPs.

1. CAEP Standards and Scope of Accreditation

The Parties understand and agree that:

The CAEP Board of Directors (CAEP Board or Board) has adopted standards (CAEP Standards or Standards) that serve as the basis for EPP accreditation sought through CAEP. CAEP agrees to allow the EPSB to use the CAEP standards for the state accreditation review process.

As a result of the ongoing critical self-review that CAEP undertakes to maintain and improve the quality of CAEP accreditation, the CAEP Board will undertake a comprehensive review and revision of the CAEP Standards on a schedule set by the Board and may, as needed, make interim amendments to the Standards. In making any such changes, CAEP will seek stakeholder and public input, including input from the KDE and its EPPs.
1.1. It is the responsibility of the State and any EPPs seeking or continuing CAEP accreditation to stay informed of any changes made to the CAEP Standards and the timeline(s) set by the Board for the implementation of or transition to new or revised Standards.

1.2. The CAEP scope of accreditation, defined in policy, distinguishes between two levels of educator preparation:

   1.2.1.1. Initial-Licensure Preparation is provided through programs at the baccalaureate or post-baccalaureate levels leading to initial-licensure, certification, or endorsement that are designed to develop P-12 teachers. All Initial-Licensure Preparation programs within the Scope of Accreditation will be reviewed under CAEP Standards for Initial-Licensure.

   1.2.1.2. Advanced-Level Preparation is provided through programs at the post-baccalaureate or graduate level leading to licensure, certification, or endorsement. Advanced-Level Programs are designed to develop P-12 teachers who have already completed an initial-licensure program, currently licensed administrators, other certificated (or similar KDE or EPSB language) school professionals for employment in P-12 schools/districts. All Advanced-Level programs within the Scope of Accreditation will be reviewed under CAEP Standards for Advanced-Level Preparation.

2. CAEP’s Responsibility for Education Preparation Provider (EPP) Accreditation

   The Parties understand and agree that:

   2.1. CAEP, through the Accreditation Council, has sole responsibility for granting CAEP accreditation to an EPP, and for supporting and overseeing NCATE- and TEAC- accredited EPPs through continuous accreditation and the CAEP eligibility processes described in CAEP policy.

   2.2. The process required for accreditation by CAEP is outlined in policies and procedures. Policies and procedures may be revised from time to time. It is the responsibility of the State and any EPP seeking CAEP accreditation to stay informed of any such changes as they may impact the CAEP accreditation process from the time of their adoption or publication.

3. State’s Responsibility for Specialty Area Program (SAP) Approval

   The Parties understand and agree that:

   3.1. The KDE and EPSB have responsibility for SAP approval decisions. In granting program approval, the KDE and EPSB will utilize information generated from CAEP’s review(s) of an EPP, if applicable, including but not limited to an Accreditation Council decision on CAEP accreditation and the assignment of any Areas for Improvement (AFIs) and Stipulations, as described in CAEP policy.

   3.2. The KDE and EPSB will periodically review program review requirements against the CAEP Standards and policies and will, in a timely manner, make CAEP aware of any conflicts or potential
inconsistencies so that all parties to this agreement are aware of any such issues and can work constructively together to minimize any challenges that may arise from them.

4. CAEP Accreditation Cycle

The Parties understand and agree that:

4.1. The CAEP accreditation cycle involves an EPP in continuous improvement and requires an EPP to demonstrate that it meets CAEP’s high standards of quality required to improve P-12 student learning.

4.2. To merit full accreditation by CAEP, an EPP must meet all CAEP Standards on the basis of sufficient and accurate evidence.

4.3. A review, carried out by an Evaluation Team (which may also be referred to as a review team or site review team), is an essential part of the accreditation process. Members of the assigned team investigate the quality of an EPP’s evidence, including the accuracy and consistency of the evidence provided in relation to CAEP Standards. In accordance with CAEP policy, CAEP may utilize a virtual site review or may have one or more Evaluation Team members participating using electronic means.

4.4. The KDE and EPSB elect that CAEP’s reviews of EPPs in the State will be carried out using Evaluation Teams composed as follows:

4.4.1. Joint Review Team. For any review except one required in conjunction with an accreditation decision of Accreditation with Stipulations or Probationary Accreditation, the composition of the Evaluation Team will be as follows:

4.4.1.1. For a Review involving only one level of accreditation (i.e., initial or advanced), the Joint Review Team includes four national reviewers appointed by CAEP and up to three reviewers appointed by the State.

4.4.1.2. For a Review involving both levels of accreditation, initial and advanced-level, the Evaluation Team will include five CAEP-appointed reviewers and up to four state-appointed reviewers.

4.4.1.3. For a Stipulation or Probation review, the Evaluation Team is comprised of two CAEP-appointed reviewers. The state may choose to add one reviewer for a total of a three-person team. The lead reviewer is appointed by CAEP.

4.4.1.4. The KDE and EPSB may assign one or more state consultants to be a part of pre-site visit meetings and will be allowed to provide additional background information on KDE and the EPSB accountability processes and review specific metrics put in place by the KDE and EPSB for individual EPPs.

4.4.1.5. The State shall provide CAEP with its recommended Evaluation Team members within any timelines established by CAEP. If the State is unable to appoint members, CAEP will appoint from its pool of volunteers trained to serve as Evaluation Team members a CAEP-only
team. All such teams are led by an Evaluation Team chair (or Evaluation Team leader) appointed by CAEP.

4.5. Prior to assignment to any CAEP Evaluation Team, an individual must have successfully completed CAEP training for review team members and must acknowledge understanding of, and agreement to, adhere to CAEP’s code of conduct, including with regard to confidentiality and conflicts of interest.

4.6. At the discretion of the State, the State’s teachers’ association(s) may appoint one (1) representative per association to observe the Site Review. Any expenses associated with the attendance of an observer must be covered by the association(s) or State. Prior to participation, any observer must acknowledge understanding of an agreement to adhere to CAEP’s policies and procedures regarding Site Reviews and the CAEP code of conduct, including with regard to confidentiality and conflicts of interest.

4.7. All Review activities undertaken by a CAEP Evaluation Team will be conducted in accordance with CAEP policies and procedures.

4.8. CAEP is not responsible for Site Review expenses for KDE assigned personnel.

4.9. An EPP that is subject to the jurisdiction of the EPSB may choose the following program review option for CAEP accreditation:

4.9.1. **State Review by State Authority.** The State conducts program reviews for purposes of State approval and to inform CAEP accreditation. An EPP undergoing the State Review option will follow State guidelines. The State provides forms and instructions on how to meet all State standards for licensure/certificate program approval. Upon an EPP’s completion of the State authority forms, trained reviewers are selected and assigned within appropriate content areas. Reviewers make recommendations for further action and/or approval. The State makes the final decision on the approval of any program. The CAEP Evaluation Team will consider evidence that the EPP presents as gathered from the State Review process to meet the sufficiency criteria related to CAEP Standard 1, Component R1.2 (Initial) and/or Standard RA1, Component RA1.1 (Advanced).

4.10. The specific timeline established for the review of an EPP, as well CAEP’s consideration of any request for an extension, will be decided by CAEP or the Accreditation Council, as appropriate, on a case by case basis and in accordance with CAEP policies.

4.11. Once granted full accreditation by CAEP, an EPP’s term of accreditation shall be seven (7) years. Shorter terms are granted with a decision of Accreditation with Stipulations or Probationary Accreditation. Throughout its term, to maintain accreditation, an EPP must comply with CAEP policies, including policies regarding payment of annual dues and the submission of annual reports.

4.12. An EPP for which the Accreditation Council issues a decision to deny or revoke accreditation
may have a right to petition for an appeal subject to CAEP’s policy on appeals.

4.13. The State will notify CAEP within thirty (30) days of action taken when a CAEP-accredited EPP has had a change in State approval status.

4.14. Accreditation-specific terminology and definitions used by CAEP as part of its EPP review and accreditation processes may vary from similar terms and definitions used by the KDE and EPSB. Any definitions of key terms and glossaries created by CAEP are available on the CAEP website [http://caepnet.org/glossary]. The KDE should inquire with CAEP about the definition of any term if there is uncertainty regarding its meaning in the CAEP accreditation context.

5. Opportunities for State Input

The Parties understand and agree that:

5.1. CAEP will afford the KDE multiple opportunities to provide CAEP, the Evaluation Team, and members of the Accreditation Council with any information or data the State deems relevant to the accreditation of an EPP, as follows:

5.2. At least 12 months prior to any scheduled Site Review, CAEP will give the KDE notice of the upcoming Site Review. At any time, up to six (6) weeks before the scheduled Site Review, the KDE may provide CAEP with comments and information on the EPP for consideration by the Evaluation Team. EPPs will be given an opportunity to respond to any such comments prior to the Site Review.

5.3. At any time, the State may file a complaint regarding an EPP with the Accreditation Council for investigation and consideration as part of the EPP’s ongoing cycle of CAEP accreditation. In accordance with CAEP policy, adverse action may result from any such investigation.

5.4. In the event an EPP within the State petitions for the appeal of an adverse action of the Accreditation Council, CAEP will notify the KDE/EPSB that such petition has been received. Any notification of a decision made by an ad-hoc appeal panel will be made in accordance with Section 7, below, and the detailed notification provisions included in CAEP policy.

6. Decisions of the Accreditation Council and an Ad-Hoc Appeals Council

The Parties understand and agree that:

6.1. The Accreditation Council makes decisions regarding the accreditation of EPPs at meetings held not less than two (2) times each year.

6.2. Following any decision of the Accreditation Council to deny or revoke the accreditation of an EPP, the EPP is promptly informed of its option to file a petition for an appeal and appeal requirements. Appeals criteria and process information are included in CAEP’s policies on appeals.

6.3. CAEP provides written notice of each decision of the Accreditation Council and an Ad-hoc Appeal
Panel in accordance with CAEP policies.

6.4. The written notice CAEP provides regarding its accrediting decisions, includes notice to the appropriate State licensing or authorizing agency which may be a party to this agreement. CAEP’s policies regarding notices specify the parties to which notice must be provided and the respective timelines for each.

7. Data Sharing

The Parties understand and agree that:

7.1. The CAEP Standards and process for CAEP Accreditation require an EPP to collect and share data. To the extent that the KDE maintains data necessary for CAEP’s review of an EPP, subject to any data sharing agreement that may exist between an EPP and the KDE, CAEP expects that the KDE will make the relevant data available to EPPs at no cost, in a timely manner, with all personally identifiable information removed or redacted, and with all appropriate permissions to use the data for CAEP accreditation activities.

7.2. In order to facilitate the reviews necessary for CAEP accreditation, CAEP will provide the State and each dues paying EPP in the State with access to the CAEP accreditation platform, CAEP’s data and information management system. Should the KDE or any EPP fail to pay annual dues to CAEP in a timely manner, CAEP reserves the right to suspend access to the CAEP accreditation platform until any outstanding dues are paid.

7.3. CAEP policies and the CAEP accreditation platform include information on the confidential nature of information maintained within the CAEP accreditation platform. All CAEP accreditation platform users must acknowledge CAEP’s confidentiality policy and agree to adhere to it.

8. Partnership Dues, State Benefits, and Fees for Additional Services

The Parties understand and agree that:

8.1. The KDE will be responsible for payment of annual State Partnership dues (See Appendix A). Dues may be reviewed and updated annually by CAEP. Should the amount of the KDE’s annual State Partnership dues be changed during the term of this agreement, CAEP will notify the KDE of the new dues amount and the effective date.

8.2. EP will provide up to three (3) individuals employed by the KDE with access to the CAEP accreditation platform.

8.3. During each year covered by this agreement, CAEP will waive the CAEP Conference registration fee for one (1) designated KDE representative; however, the KDE or KDE representative must assume other expenses associated with conference participation.

8.4. During each year covered by this agreement, CAEP will assume all expenses for one (1) designated
KDE representative to participate in the annual CAEP Clinic. A registration fee will be assessed for any additional KDE staff and they must assume other expenses associated with participation in the clinic.

8.5 EP offers states access to CAEP National Training for up to five (5) site reviewers a year, including training and travel (additional participants may be added based on need and on a cost-recovery basis). CAEP may also offer supplemental training opportunities for state reviewers. Supplemental training events that are arranged, including events in the State, will be provided by CAEP on a cost-recovery basis and with specific arrangements negotiated according to CAEP’s policies regarding fees and expenses for training.

9  **State and CAEP Contacts**

The Parties understand and agree that:

9.1 The KDE will designate a liaison to serve as the primary contact for CAEP throughout the term of this agreement.

9.2 CAEP will designate a liaison to serve as the primary contact for the KDE through the term of this agreement.

10  **Agreement Term and Amendments**

The Parties understand and agree that:

10.1 CAEP and the State enter into this partnership agreement for the two (2)-year period beginning September 1, 2021 and ending on June 30, 2023.

10.2 The Parties will review this agreement at least annually and, as necessary, propose any amendment deemed appropriate and which may be adopted upon the agreement of the Parties.

10.3 Should any provision of this agreement be determined to be in conflict with CAEP policy, CAEP policy will be the prevailing authority and this agreement will be required to be amended to resolve the conflict.

10.4 Notwithstanding the annual review described above, this agreement may be modified by consent of the Parties at any point.

10.5 The KDE reserves the right to terminate the agreement for convenience upon 30 days written notice to CAEP, i.e. in the event that the funds are not appropriated or are otherwise unavailable. The KDE will fulfill any obligations incurred to the date of termination of this agreement.
By signing this agreement, the undersigned agrees to be bound by the terms outlined above and affirms that he or she has the authority to enter into this agreement on behalf of the State.

Lisa Rudzinski, Board Chair
Education Professional Standards Board

Dr. Jason Glass, Commissioner
Kentucky Department of Education
Appendix A: State Dues Structure

Beginning in FY18 (July 1, 2017), a new State Partnerships dues structure* takes effect. The new structure more fairly aligns and delineates (1) the collective resources required to service state partners in conjunction with their respective EPPs (fixed and proportional amounts), and (2) the variable resources required to administer the CAEP-State joint reviews for States that choose to participate in the joint CAEP Accreditation processes (variable amount).

Annual costs for supporting activities associated with State Partnerships have both fixed and proportional components which include costs associated with the CAEP Clinic, fall and spring CAEP Conferences, staff time, technology costs for maintaining workspaces within CAEP’s accreditation platform, and other indirect expenses.

For the fixed and proportional amounts, states would be assessed $3,000 annually(reviewed on an annual basis) to cover expenses for the spring convening and conference registration plus a portion of indirect expenses which are based on the actual percentage of CAEP member EPPs within each state.

For example:
State A has 20 CAEP member EPPs, or 2.2% of total CAEP EPPs. The proportional amount will be set at 2.2% of $315,000 (current total), or $6,900. Therefore, the total fees for State A will be: $3,000 (fixed) + $6,900 (variable) = $9,900.

* This represents the dues structure in effect at the time this agreement is entered into by the Parties. CAEP reviews the dues structure annually and reserves the right to adjust the State’s annual dues as needed to ensure that all costs of CAEP’s accreditation activities are adequately covered. CAEP will notify the State upon the adoption of any changes to this structure and the data on which any new dues structure will take effect.
**KENTUCKY DEPARTMENT OF EDUCATION**

**STAFF NOTE**

**Action Item:**
Approval for National Accradiator: Association for Advancing Quality in Educator Preparation

**Staff's Recommendation:**
The Education Professional Standards Board (EPSB) should approve the Association for Advancing Quality in Educator Preparation (AAQEP) as a national accreditor for educator preparation providers (EPPs) in Kentucky.

**Rationale:**
The current revisions in 16 KAR 5:010 outline the EPSB’s authority to recognize the national accreditation of a Kentucky EPP and to approve a national accreditor’s application to be an EPSB approved accreditor. AAQEP has submitted an application to the EPSB that meets the regulatory requirements.

**Action Question:**
Should the EPSB approve AAQEP as an accreditor recognized by the EPSB?

**Applicable Statute or Regulation:**
KRS 161.028, 16 KAR 5:010

**History/Background:**

*Existing Policy:* The current 16 KAR 5:010 recognizes one national accreditor for educator preparation and requires a Kentucky EPPs that desires national accreditation to jointly seek national and state accreditation. At the June 21, 2021 meeting, the EPSB approved an amendment to 16 KAR 5:010 that no longer requires a state accreditation ruling if an EPP earns accreditation by an EPSB approved national accreditor. The amendment also allows national accreditors to apply to the EPSB for approval and requires the national accreditor to submit proof of the following:

- a) Established rigorous standards for educator preparation that align with KRS 161.028(1)(b) and guide institutions in establishing and maintaining high quality programs that produce evidence of academic achievement and educator performance;
- b) Attestation that all accreditation standards be met in order for an EPP to obtain and maintain accredited status;
- c) The scope of accreditation;
- d) The capacity for staff and resources to carry out the operations of the organization;
- e) Public dissemination of information about the accreditation status of EPPs including length of a term of accreditation, reasons for awarding accreditation status, information about any deficiencies in relation to accreditation standards and policies and reasons for conditional approval or denial of accreditation;
- f) A system of quality assurance for standards, policies and procedures that is reviewed on a cyclical basis;
g) Policies and procedures and a governance structure that support the established accreditation and decision-making processes; and,

h) Letter(s) of support and interest from a Kentucky EPP.

The revised regulation is expected to become effective in February 2022.

**Summary:** Historically, all Kentucky EPPs were required to be state accredited by the EPSB and those EPPs that also wanted national accreditation went through a joint accreditation review. The review team was comprised of both national and state representatives. In the current regulation, there was only one EPSB recognized national accreditor, the National Council for the Accreditation of Teacher Education (NCATE). When NCATE closed in 2013, Kentucky recognized the new national accreditor, the Council for the Accreditation of Educator Preparation (CAEP).

In a joint review process, after the off-site and on-site team review is completed, the national accreditor makes an accreditation decision followed by the EPSB’s accreditation decision based on a recommendation by the EPSB appointed committee, the Accreditation Audit Committee (AAC). The AAC references the national decision to guide their decision process; therefore, it is essentially a duplicitous process. In the revised regulation, if a Kentucky EPP seeks national accreditation from an accreditor approved by the EPSB, they do not have to concurrently go through a state accreditation process. There are still state representatives on the review team, but the EPP does not have to prepare for a state accreditation review and ruling by the AAC and EPSB. The AAC and EPSB will continue to approve individual program offerings at the EPP.

For a national accreditor to be approved by the EPSB, the revised regulation sets forth the application requirements. AAQEP submitted an application to the EPSB on September 7, 2021 seeking approval as a national accreditor for Kentucky EPPs. AAQEP responded to all of the required elements set forth in the revised regulation and staff completed a review. Additionally, in May 2021, AAQEP earned recognition by the Council for Higher Education Accreditation (CHEA). CHEA recognition is considered the benchmark for accrediting agencies and requires on-going, cyclical review of all its accreditors and their standards and policies.

A copy of AAQEP’s application is included for review. Staff recommends that the EPSB approve AAQEP as a national accreditor for Kentucky EPPs.

**Budget Impact:** KDE resources (staff) to collaborate with accreditor. Currently, the accreditor does not require states to pay dues.

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KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:
Option 7 Institute Proposal, Central Kentucky Educational Cooperative

Staff’s Recommendation:
The Education Professional Standards Board (EPSB) should approve the Central Kentucky Educational Cooperatives’ (CKEC) Option 7 Institute Proposal.

Rationale:
The Option 7 Institute Proposal submitted by CKEC completed a multi-tiered review process by staff from the Office of Educator Licensure and Effectiveness (OELE) and an external review panel. It was determined that the proposal meets the requirements of KRS 161.048(8) and the guidelines approved by the EPSB. The reviewers recommended the proposal for approval by the EPSB.

Action Question:
Should the EPSB approve CKEC’s Option 7 Institute Proposal?

Applicable Statutes and Regulation:
KRS 161.028, KRS 161.048

History/Background:

Existing Policy: KRS 161.048(8) establishes the Option 7 Alternative Route to Certification. This route allows a person in a field other than education to receive a one-year temporary provisional teaching certificate in elementary, middle school, secondary, grades 5-12, or grades P-12. The temporary provisional certificate may be renewed up to two times. A candidate shall possess: a bachelor's degree with a declared academic major in the area in which certification is sought or a graduate degree in a related field; a minimum grade point average of 2.75 on a 4.0 scale or 3.0 on the last thirty hours of credit completed; a passing score on the Graduate Record Exam or the Praxis Core Academic Skills for Educators; and, a passing score on the academic content assessment in the area in which certification is sought. Prior to receiving the temporary provisional certificate or during the first year of the certificate, the candidate shall complete a 240-hour institute, if pursuing elementary certification, or a 180-hour institute if pursuing middle or secondary certification. The providers and the content of the institute shall be approved by the EPSB.

In October 2019, the EPSB revised the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute. These guidelines require that a minimum of half the requisite institute hours shall be completed prior to issuance of the first temporary provisional certificate, and the remainder of the hours shall be completed prior to issuance or during the first temporary provisional certificate. The guidelines also outline the application for providing an Option 7 institute and encourages applicants who are not currently accredited by the EPSB to
demonstrate partnerships with institutions of higher education accredited by the EPSB and school districts/cooperatives recognized by the Kentucky Department of Education.

At the April 2021 EPSB meeting, CKEC submitted an Option 7 proposal and was approved to conduct a program teaching special education, Exceptional Children - Learning and Behavior Disorders, P-12.

**Summary:** The proposal submitted by CKEC Teacher Certification Institute requests to add Grades 8-12 Biology, Chemistry, English, Math, and Social Studies teaching certificates to its program. The preparation program structure is not changing; therefore, this proposal is similar to the proposal submitted and approved by the EPSB in April 2021. The differences between this current proposal and the initial proposal include the following:

a. University partner—Asbury University has agreed to partner with CKEC to provide the curriculum for the Grades 8-12 certificate programs. The curriculum will be developed using the course syllabi from Asbury’s Master of Arts in Teaching preparation program.

b. Program Curriculum—New certificates require a new curriculum to prepare teachers effectively. CKEC has built its proposed curriculum from the courses that comprise the Master of Arts in Teaching core requirements at Asbury University’s School of Education.

c. Program Calendar—CKEC would like to begin offering potential certification candidates two admission points to the program. If approved, candidates will have the option of beginning in June or in October. The need for this change comes directly from district superintendents and hiring cycles. Districts continued to experience applicant shortages through the summer after the first certification program began. Districts hired people to fill vacancies as substitutes or on emergency certificates. Now, the CKEC already has candidates waiting for a second admission window to the special education certification program.

d. Instructional Coach—CKEC staff created an instructional coach position to help support certification candidates in the field. The role of the coach is outlined in the job description included with this proposal. The instructional coach will observe certification candidates in their classrooms, provide feedback on practice, and communicate with mentor teachers, school principals, and staff about candidate progress.

e. Content Area Standards—Each of the national content area teacher associations (NCTM, NSTA, NCSS, and NCTE) have developed teacher preparation standards. CKEC’s initial proposal aligned program components to similar standards from the Council on Exceptional Children. This proposal includes alignment charts to show how those content association standards align with the Kentucky Framework for Teaching as well as CKEC’s curriculum.

f. Advisory Board Members—With the addition of new certification areas, the current proposal includes an expansion of the Advisory Board outlined in the initial proposal. Members with content area background will be added to offer guidance specific to preparing teachers to teach in the content areas.

The program structure remains to span fifteen months from admission to completion for certification for teaching Grades 8-12 Biology, Chemistry, English, Math, and Social Studies. Candidates admitted to the institute will be employed as full-time teachers in one of the CKEC school districts on a temporary provisional certificate.
The CKEC institute will be a partnership between the cooperative, participating school districts and Asbury University. Asbury University has agreed to provide the curriculum for the institute. The content, learning tasks and assessments making up the curriculum come from Asbury’s EPSB-approved Master of Arts in Teaching preparation program.

The institute is built around two fundamental ideas: 1) teaching the content and skills necessary for highly effective teaching; and, 2) designing a system of support through mentoring that is responsive to candidates’ needs. The institute consists of two primary learning environments. In classroom/workshop settings scheduled throughout the institute calendar, candidates will encounter the knowledge and theory presented by the institute instructor and guest teachers. In clinical settings (their own classrooms), candidates will apply the knowledge and theory under the supervision of mentor teachers and administrators in their schools. These two learning environments will provide an intense, experiential path to certification.

The institute curriculum has been designed so that topics spiral, going deeper in content and skills as candidates gain more experience in school classroom settings. Therefore, candidates will encounter some topics more than once, but learning tasks within the topics will require deeper analysis and more complex application as dictated by candidates’ needs from the classroom setting. The institute begins with an intensive summer induction, called Boot Camp, which is designed to prepare candidates for their classroom teaching assignment. The institute calendar is planned with frequent points of contact between the teacher candidate and practicing educators in order to support the candidate in application of learning as a beginning teacher.

The institute staff will monitor and evaluate both program and candidate effectiveness using multiple measures. Institute leaders will use data and feedback from partners to ensure that candidates are effective teachers and to improve the certification experience. Improvement efforts will be informed by data collected and analyzed several times throughout the institute as candidates experience the process.

Candidate performance data and partner feedback will be used to guide improvements in the program components such as curriculum, mentorship and admission procedures. Institute staff will share data collected and initial analyses with an advisory board, which will be established to guide decision-making for the institute. The advisory board will meet formally at least twice during the school year, where members will further the analysis of data and offer improvement advice. The first meeting at the midpoint of the year will be focused on formative data collected and any midpoint corrections that need to be addressed. At the end of the school year, the advisory board will meet as part of the institute’s summative evaluation.

Membership of the advisory board consists of a special education professor from a local university, a professor with a background in teacher preparation from a local university, a special education teacher or director from a CKEC school district, a human resources administrator from a CKEC school district, and a superintendent from a CKEC school district.

CKEC’s institute proposal is included in the Document Library and requires approval by the EPSB before it may be offered for certification.
Budget Impact: There is no budgetary impact.

Groups Consulted and Brief Summary of Responses:
The program has completed a multi-tiered review process and received a recommendation for approval based on the guidelines approved by the EPSB. OELE staff and an external review team comprised of one individual from an educator preparation provider, one from an educational cooperative and one from a school district have reviewed this program proposal and determined that the program meets the requirements for approval.

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KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:
Option 7 Institute Proposal, iteach

Staff’s Recommendation:
The Education Professional Standards Board (EPSB) should approve iteach’s Option 7 Institute Proposal.

Rationale:
The Option 7 Institute Proposal submitted by iteach completed a multi-tiered review process by staff from the Office of Educator Licensure and Effectiveness (OELE) and an external review panel. It was determined that the proposal meets the requirements of KRS 161.048(8) and the guidelines approved by the EPSB. The reviewers recommended the proposal for approval by the EPSB.

Action Question:
Should the EPSB approve iteach’s Option 7 Institute Proposal?

Applicable Statutes and Regulation:
KRS 161.028, KRS 161.048

History/Background:

Existing Policy: KRS 161.048(8) establishes the Option 7 Alternative Route to Certification. This route allows a person in a field other than education to receive a one-year temporary provisional teaching certificate in elementary, middle school, secondary, grades 5-12, or grades P-12. The temporary provisional certificate may be renewed up to two times. A candidate shall possess: a bachelor's degree with a declared academic major in the area in which certification is sought or a graduate degree in a related field; a minimum grade point average of 2.75 on a 4.0 scale or 3.0 on the last thirty hours of credit completed; a passing score on the Graduate Record Exam or the Praxis Core Academic Skills for Educators; and, a passing score on the academic content assessment in the area in which certification is sought. Prior to receiving the temporary provisional certificate or during the first year of the certificate, the candidate shall complete a 240-hour institute, if pursuing elementary certification, or a 180-hour institute if pursuing middle or secondary certification. The providers and the content of the institute shall be approved by the EPSB.

In October 2019, the EPSB revised the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute. These guidelines require that a minimum of half the requisite institute hours shall be completed prior to issuance of the first temporary provisional certificate, and the remainder of the hours shall be completed prior to issuance or during the first temporary provisional certificate. The guidelines also outline the application for providing an Option 7 institute and encourages applicants who are not currently accredited by the EPSB to
demonstrate partnerships with institutions of higher education accredited by the EPSB and school districts/cooperatives recognized by the Kentucky Department of Education.

**Summary:** The submitted program, iteachKENTUCKY, is part of the larger iteachU.S. organization and has held accreditation by the National Council for the Accreditation of Teacher Preparation (NCATE) and the Council for the Accreditation of Educator Preparation (CAEP) since 2013. They offer a blended, competency-based educator preparation program that provides online instructional coursework that has been reviewed and revised regularly since the program’s inception. It is currently on its fourth iteration to ensure that instruction is aligned to current standards, reflective of the most recent research, and addresses new trends and issues in education. In addition to a specific course instructor, a full-time technology individual is dedicated to ensuring a user-friendly interaction with the learning management system, Canvas.

Each candidate completes a 270-hour institute, iteach offers continuous enrollment and asynchronous learning, resulting in each candidate’s program timeline being unique to the candidate. iteach has developed a rigorous, standards-based curriculum that is aligned with the Interstate Teacher Assessment and Support Consortium (InTASC) standards and reviewed by CAEP. Additionally, the iteachKENTUCKY plan demonstrates alignment with the Kentucky Academic Standards. The curriculum includes multiple assessments, each of which is designed to measure one or more proficiencies or dispositions for the effective novice teacher. iteach believes that all candidates, whether seeking elementary or seeking secondary certification, benefit from participating in the 270-hour institute.

iteachKENTUCKY proposes to provide pedagogical and content courses using an approach which blends practical distance instruction via the internet and focused field-based experiences under the support and supervision of program staff. The program is based on a model that iteach, the program’s parent organization, successfully piloted in Texas more than fourteen years ago, and has since replicated in Louisiana, Nevada, Hawaii, D.C. and Florida.

From the time a candidate is admitted into iteachKENTUCKY, candidates are encouraged to begin making classroom observations (in local schools or via video), using critical thinking to reflect on what they observed and what activity or lesson impacted them. The program’s partnership with the Teaching Channel offers candidates unlimited access to a video library collection featuring several reflection prompts and questions to accompany each video which are well-suited to the purpose of spurring such reflection.

Once the candidate has completed 135 hours of training, he or she receives an Intent to Hire form, which documents to a possible hiring school that the candidate has completed the requisite training and is eligible to teach on a temporary provisional certificate. During the one semester teacher-of-record placement, a candidate is assigned a Field Supervisor who is a Kentucky certified educator. The Field Supervisor will observe the candidate’s teaching practices at least three times during the field experience using the Classroom Appraisal and Report Evaluation (CARE) form.

Quality Assurance of Institute’s Effectiveness: iteachKENTUCKY began collecting assessment data on candidate performance as well as program performance from the moment of the program’s inception. During the last fifteen years, the assessment system has continued to evolve. The
The overarching purpose of the assessment system is to collect, organize, maintain, and analyze data to achieve an objective of improving program effectiveness, candidate performance and impact on EC – 12 student learning. The system has been refined as the program has gone through the NCATE accreditation process, with areas of strength identified as well as areas that are works in progress.

The program assessment system is comprised of multiple external and internal assessments, each of which is designed to measure one or more proficiencies or dispositions for the effective novice teacher. For internally administered assessments embedded in the program, all assessments are aligned to demonstrate one or more of the identified professional dispositions; InTASC standards and/or Specialized Professional Association standards.

Through the refinements, an extensive system of internal assessments has been developed to assess the candidates’ knowledge, skills and dispositions. The key internal assessment instruments range from grade point average to field experience evaluations.

All program and candidate data for aggregation and dissemination is readily obtainable through either a report or a query found in instructNET. On a monthly basis reports such as supervisor observations or grading of assignments can be generated and shared with designated individuals, allowing management to discern if the program’s objectives regarding timeliness of observations and grading are being met. With data from the end-of-course surveys readily obtainable, management can quickly determine if there are any problems, perceived or real, from the candidate regarding their satisfaction with the instruction format, instructor, residency, or field experience.

iteach’s institute proposal is included in the Document Library and requires approval by the EPSB before it may be offered for certification.

**Budget Impact:** There is no budgetary impact.

**Groups Consulted and Brief Summary of Responses:**
The program has completed a multi-tiered review process and received a recommendation for approval based on the guidelines approved by the EPSB. OELE staff and an external review team comprised of one individual from an educator preparation provider, one from an educational cooperative and one from a school district have reviewed this program proposal and determined that the program meets the requirements for approval.

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October 11, 2021 Meeting

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action Item:
16 KAR 1:030. Procedures for Educator Certificate Surrender, Revocation, Suspension, Reinstatement, and Reissuance, and for Application Denial, Amendment

Staff’s Recommendation:
The Education Professional Standards Board (EPSB) should approve the amendment to 16 KAR 1:030.

Rationale:
The proposed amendment is necessary to provide additional clarity and improve efficiency in the EPSB’s processes relating to educator cases and appeals.

Action Question:
Should the EPSB approve the amendment to 16 KAR 1:030?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.120, KRS 161.175(2), KRS 218A.010, KRS 13B

History/Background:

Existing Policy: 16 KAR 1:030 is the regulation that governs procedures for certificate revocation, suspension, reinstatement, reissuance, and application denial. In or around 2015, staff was tasked with amending the regulation to provide clarity and improve efficiency. The regulation was largely rewritten with an effective date of March 3, 2017.

Summary: The proposed amendment to 16 KAR 1:030 includes minor changes to the formatting and order of sections. Additional sections were added to provide clarity regarding a superintendent’s duty to report, requests for a private hearing and motions to reconsider. In addition, the proposed amendment removes the EPSB’s former office address from the regulation and corrects the timing required to file exceptions to a recommended order to match the requirement in KRS 13B.110(4). The amended regulation is included for EPSB review.

Budget Impact: There is no budgetary impact.

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1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 1:030. Procedures for educator certificate surrender, revocation, suspension, reinstatement, and reissuance, and for application denial.

5 RELATES TO: KRS Chapter 13B, 160.380, 161.010-161.100, 161.120, 218A.010(6)

6 STATUTORY AUTHORITY: KRS 161.028(1), 161.120(1), 161.175(2)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the Education Professional Standards Board (EPSB) to establish standards and requirements for obtaining and maintaining an educator’s certificate. The EPSB is authorized to revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued to Kentucky certified educators for reasons delineated in KRS 161.120(1). KRS 161.175(2) authorizes the EPSB to promulgate administrative regulations requiring an educator whose certificate has been suspended or revoked by the EPSB because the educator engaged in misconduct involving the illegal use of controlled substances to submit to drug testing. This administrative regulation identifies the conditions for initiating a disciplinary action against an educator’s certificate and establishes procedures for certificate reinstatement, reissuance, and application denial.

8 Section 1. Purpose. (1) In order to support the mission of the EPSB, the EPSB may take action against an educator’s certificate in an ef-
fort:

(a) To ensure that an educator has an understanding of an educator’s professional duties and responsibilities; and

(b) To protect students, parents of students, school personnel, or school officials.

(2) The EPSB board may take action against any certificate issued under KRS 161.010 to 161.100 for any of the reasons set forth in KRS 161.120(1).

Section 2. Complaints and Reports. (1) A complaint may be made by any person, organization, or entity. The complaint shall be in writing and shall be signed by the person offering the complaint. The complaint shall be sent to the EPSB and contain:

(a) The name, phone number, and address of the person making the complaint, and the name of the educator against whom the complaint is made. If known, the person making the complaint shall include the address of the school district where the educator works; and

(b) A clear and concise description of the issues of fact.

(2) A report shall be sent to the EPSB by superintendents of local school districts pursuant to KRS 161.120(2)(a).

(a) A superintendent’s duty to report shall include the reporting of criminal convictions discovered by the district pursuant to KRS 160.380, even if the conviction occurred prior to the date the educator’s certification was issued.

(b) The superintendent or the superintendent’s designee shall have thirty (30) days from the date the superintendent receives notice of the criminal conviction to report that criminal conviction to the EPSB pursuant to KRS 161.120(2)(a).

(c) Failure of the superintendent to provide the full facts and circumstances or to for-
ward copies of all relevant documents and records in the superintendent's possession pursuant to 161.120(2)(b), may result in action against the superintendent's certificate pursuant to 161.120(1)(j).

(d) The superintendent shall supplement the report in writing within 30 days of the superintendent receiving the additional information or supporting documentation.

(3) EPSB staff shall do an initial review of all complaints and reports to determine whether there is sufficient credible evidence that a violation of KRS 161.120(1) may have occurred. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred, EPSB staff shall open a file and assign that file a number.

(a) The EPSB staff shall send a copy of these complaints and reports by certified mail to the educator’s address on file with EPSB.

(b) The educator shall have the right to file a rebuttal with the EPSB within thirty (30) calendar days from the date the educator receives the complaint or report from the EPSB unless the parties agree to extend that deadline.

(c) EPSB staff shall add the case to the EPSB's docket and prepare the file for EPSB[board] review by redacting all the educator's identifiers if one (1) of the following occurs:

1. The educator's rebuttal is received;
2. The notice is returned as undeliverable; or
3. The educator:
   a. Fails to file a rebuttal with the EPSB; and
   b. Has not requested to extend the thirty (30) day deadline.

(d) The EPSB[board] shall determine whether the nature and quality of the alleged violation warrants deferral, dismissal, training, admonishment, further investigation, or initiation of a
(e) In making its determination, the EPSB board shall consider if the allegation, if proven, would warrant sanction by the EPSB board.

(f) When making a determination as to the level of sanctions warranted, the EPSB board shall consider the following factors:

1. The seriousness of the alleged violation;
2. Whether the alleged violation was premeditated or intentional;
3. Whether an attempt to conceal the alleged violation was made;
4. Whether there were any prior violations;
5. Whether training is appropriate to prevent further violations;
6. Whether the sanction is necessary to deter future violations; or
7. Other relevant circumstances or facts.

(4)(a) If the EPSB board determines that sanctions are warranted, the EPSB board shall refer the matter to hearing.

(b) If the EPSB board refers the matter to hearing, the EPSB board shall, by majority vote, approve the issuance of a notice of hearing and the statement of charges. The statement of charges shall include specific reasons for the EPSB's board's proposed action, including the:

1. Statutory or regulatory violation;
2. Factual basis on which the disciplinary action is based; and
3. Penalty sought.

(c) The parties may agree to resolve the matter informally at any time. Any agreement to resolve the matter shall be memorialized in an agreed order. To be valid, the agreement shall be approved by the EPSB board. The agreed order shall be signed by the educator, the educator’s
attorney, if any, and the EPSB[board] chair.

(d) The EPSB staff shall initiate the hearing process, in accordance with KRS Chapter 13B, within thirty (30) days after the EPSB[board] refers the matter to hearing.

Section 3. (1) The hearing shall be held in accordance with KRS Chapter 13B.

(2) Either party may be entitled to a reasonable continuance of the hearing date for good cause.

(3) The educator has the right to request a private in-person hearing.

(a) The educator shall waive the right to a private in-person hearing if the educator fails to specifically make a written request for a private in-person hearing at least five (5) days prior to the hearing[in writing].

(b) Even if the educator elects to proceed with a private, in-person hearing, the hearing transcript for that hearing shall be subject to disclosure after the EPSB[board] issues its final order[decision] unless exempt from disclosure by law.

(c) All hearings shall be conducted in the office of the EPSB[Education–Professional Standards Board, 100 Airport Road, Frankfort, Kentucky 40601] unless a new location is agreed upon by the parties.

(4) The hearing officer’s recommended order shall include a discussion of the factors set forth in Section 2(3)(f) of this administrative regulation if recommending sanctions.

(5) A party may file any exceptions to the recommended order within fifteen (15) calendar days from the date the recommended order is mailed[after receiving the recommended order].

(a) This time limit shall not be extended, and responses to exceptions shall not be considered by the EPSB[board].
(b) Any disagreement with a factual finding or conclusion of law in the recommended order not contained in the exceptions shall be waived.

Section 4. Final Decision. (1) **The EPSB may delegate to the EPSB chair the authority to sign a decision made or order issued under this section on behalf of a majority of the EPSB board members.** [In making its final decision, the board shall consider the record including the recommended order and any exceptions filed.]

(2) After the **EPSB[board]** chair certifies that a quorum is present, a majority of the voting members present shall be required to make a final decision on the recommended order, agreed order, or request for the issuance of an order of default judgment.

(3) **In making a final order in accordance with KRS 13B.120, the EPSB shall consider the record including the recommended order and any exceptions filed.** [The board may delegate to the board chair the authority to sign a decision made or order issued under this section on behalf of a majority of the board members.]

Section 5. Procedure for Suspension, Surrender, or Revocation of a Certificate. (1) When the **EPSB[board]** issues a final decision **[in accordance with KRS 13B.120]**, the EPSB staff shall mail a copy of the final decision to the educator by certified mail using the address the educator provided to the **EPSB[board]**, or any other means permitted by law.

(2) A record of **EPSB[board]** action shall become part of the educator’s official records maintained by EPSB staff.

(3) Immediately following the issuance of the **EPSB[board]** final decision, the EPSB staff shall notify the reporting parties of the action taken.

(4) EPSB staff shall also ensure that the suspension, surrender, or revocation is noted on EPSB’s Web site.
(5) EPSB staff shall also ensure that the information is provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion in the NASDTEC Clearinghouse. The clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline.

Section 6. Procedure for Reinstatement of a Suspended Certificate. (1) Reinstatement of a suspended certificate for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010[(6)].

(a) A certificate that has been suspended by the EPSB shall not be reinstated until the certificate holder has met all conditions and requirements ordered by the EPSB.

(b) If a certificate lapses during a period of suspension, the certificate holder shall apply for renewal of the certificate at the end of the suspension period. The EPSB shall renew the certification if the certificate holder has met all educational requirements for renewal and has completed all of the conditions and requirements ordered by the EPSB.

(c) The burden to initiate the process to reinstate a suspended certificate shall be on the certificate holder.

1. If the suspension does not include conditions, the EPSB staff shall remove all references of the suspension from the Web site at the conclusion of the suspension period.

2. If the suspension includes conditions, the certificate holder shall provide the EPSB proof that all conditions have been met.

   a. The EPSB shall reinstate the certificate at the conclusion of the suspension period once the EPSB receives evidence from the certificate holder demonstrating that the conditions of suspension were met.

   b. The EPSB shall remove from its Web site any reference to the suspension once the certifi-
cate holder has provided evidence that the conditions of suspension have been met.

(d) The record of suspension as well as reinstatement of the certification shall become part of
the educator’s official certification records, but the record of suspension shall not be referenced
on any certificate subsequently issued to the certificate holder.

(2) Reinstatement of a suspended certificate for misconduct involving the illegal use of con-
trolled substance as defined in KRS 218A.010[(6)].

(a) In addition to conditions for reinstatement of a suspended certificate established in subsec-
tion (1) of this section, the certificate holder shall provide written evidence that the certificate
holder has submitted to a drug test at the certificate holder's own expense administered by a drug
testing facility approved by the [EPSB] within thirty (30) days of reinstatement [or sub-
mission of an application for reissuance of the certificate].

(b) The certificate holder shall arrange for the drug testing facility to send the results of the
drug test directly to the EPSB.

(c) A certificate holder subject to the terms of this subsection may petition the EPSB to ap-
prove a drug testing facility of the certificate holder's choice.

1. Petition to Approve Drug Testing Facility. The petition shall contain the following infor-

da. The drug testing facility’s name and location;

b. The name and telephone number for the director of the facility;

c. The method of test specimen collection;

d. The drug testing facility’s method of assuring identity of the test subject;

e. Procedures for testing specimens, including forensic testing methods; and

f. Chain of custody protocols.
2. The drug testing facility shall test at a minimum for the following named controlled substances:
   a. Marijuana;
   b. Cocaine;
   c. Opiates;
   d. Amphetamines;
   e. Phencyclidene;
   f. Morphine;
   g. MDMA (Ecstasy);
   h. Methadone;
   i. Benzodiazepines;
   j. Barbiturates; and
   k. Oxycodone.
   (d) If the results of the drug test indicate illegal drug use by the certificate holder, the certificate shall not be reinstated or reissued.

Section 7. Procedure for Reissuance of a Certificate after Revocation. (1) If revocation was for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010[6], the conditions established in this subsection shall apply.
   (a) The former certificate holder shall complete the same application that all educators in Kentucky shall complete to obtain certification.
   (b) The former certificate holder shall bear the burden of proving that the certificate holder is fit for practice.
   (c) The former certificate holder shall satisfy all current educational requirements for the cer-
(d) The EPSB may include terms and conditions that the board reasonably deems appropriate as a condition of reissuance in accordance with KRS 161.120(11)(b) if reissuing the certificate.

(2) If revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6), the former certificate holder shall:

(a) Comply with the requirements established in Section 6(1) of this administrative regulation for reissuance of certification after revocation for all other offenses; and

(b) Submit to drug testing as established in Section 6(2) of this administrative regulation for the suspension resulting from illegal use of controlled substances.

(3) Regardless of the reason for the revocation, the revocation shall be noted on the certificate that is issued and shall remain on the EPSB Web site.

Section 8. Denial of Application for a Certificate. If the EPSB denies an individual's application for a Kentucky certificate pursuant to this administrative regulation, the applicant may file an appeal in accordance with KRS 161.120(5)(a)2.

Section 9. Motion to Reconsider. (1) The EPSB may reconsider, modify or reverse its decision of its own volition.

(2) Under exceptional circumstances, the EPSB may reconsider, modify or reverse its decision on any disciplinary matter upon a motion by one of the parties.
STAFF NOTE

Action Item:
Procedures Relating to Board Action on an Educator’s Certification, Amendment

Staff’s Recommendation:
The Education Professional Standards Board (EPSB) should approve the amendments to the Procedures Relating to Board Action on an Educator’s Certification with an effective date of December 13, 2021.

Rationale:
The proposed amendment to Procedures Relating to Board Action on an Educator’s Certification is necessary to provide further clarification regarding the EPSB’s processes related to educator cases and appeals, and to streamline staff processes in an effort to improve efficiency.

Action Question:
Should the EPSB approve the amendments to Procedures Relating to Board Action on an Educator’s Certification?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.120, 16 KAR 1:020, 16 KAR 1:030

History/Background:

Existing Policy: In 1998, the EPSB began compiling policies and procedures to fill in gaps of applicable statutes and administrative regulations and to ensure consistent board action. In the years since, various amendments have been made to the EPSB’s Policy and Procedures Manual. In 2007, the EPSB created procedures titled Determining Probable Cause to Take Disciplinary Action. In 2017, the EPSB approved Policy and Procedures Relating to Board Action on an Educator’s Certification to set forth a comprehensive set of procedures regarding proceedings relating to certification.

Summary: The proposed amendment: (1) removes language that is already stated in the EPSB’s statutes and administrative regulations; (2) adds introductory language at the beginning of each section; (3) reorders sections to more closely align with the day to day processes of staff; (4) adds clarifying sections on the superintendent’s duty to report, electronic service, rebuttal extensions, the closed session review docket, administrative charges, NASDTEC reporting, the EPSB’s probationary process, and motions to reconsider; (5) adds a definition for reprimand, amends the definition of dismissal to include with and without prejudice, and removes the definition of admonishment with training; (6) removes references to the EPSB’s Executive Director; and (7) replaces references to “board” with EPSB throughout. The amended procedures with track changes as well as a clean copy with all proposed changes are included for EPSB review.
**Budget Impact:** There is no budgetary impact.

**Contact Person:**
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Section 1. Purpose

The Education Professional Standards Board (“EPSB”) has the authority to take action upon any certificate or license issued under KRS 161.010 to KRS 161.100 for any of the reasons set forth in KRS 161.120(1). The EPSB is charged by statute with the vitally important public trust of administering a system of professional standards that will ensure that Kentucky school children receive a quality education from well-qualified professionals. The EPSB may take action against an educator’s certificate in an effort to either ensure that an educator has an understanding of an educator’s professional duties and responsibilities; and/or protect students, parents of students, school personnel, or school officials. 16 KAR 1:030. The EPSB may initiate any combination of the actions set forth below. KRS 161.120 and KRS 161.028.1

A. Admonishment: an admonishment is a written censure issued by the EPSB pursuant to KRS 161.120(4), and is appropriate for violations of KRS 161.120(1) that are not serious in nature. An admonishment is placed in the case file of the educator.

B. Reprimand: a reprimand is a formal written censure that may be utilized once the EPSB votes to send a case to an attorney or votes to initiate the hearing process. A reprimand may only be utilized in an Agreed Order or a Final Order.

C. Suspension: a suspension is a process by which the EPSB temporarily deactivates an educator’s certification for a specified period of time, not to exceed two years. KRS 161.120(10). At the conclusion of the specified period of time, the EPSB staff is required to reactivate the educator’s certificate upon a demonstration that the educator has complied with any reinstatement conditions that may be set forth in an Agreed Order or Final Order. KRS 161.120(10).

D. Revocation: a revocation is a permanent forfeiture of an educator’s certification. The EPSB is required to establish the minimum period of time before an applicant can reapply for a new certificate. KRS 161.120(11). Once the period of time has expired, the EPSB may consider a former educator’s re-application for certification upon demonstration by the applicant that the former educator is again fit for practice. KRS 161.120(11).

E. Probationary or Supervisory Conditions: the EPSB also has the authority to impose probationary or supervisory conditions upon an educator’s certificate. KRS 161.120(1). This authority shall include the authority to require training.

F. Surrender: a surrender occurs when an educator voluntarily agrees to a permanent forfeiture of the educator’s certificate. A surrender is a revocation of the certificate.
Section 2. Complaints and Reports

The EPSB receives reports or complaints against an educator or educators alleging a violation or violations of KRS 161.120(1) from superintendents, under KRS 161.120(2)(a), and from other sources under KRS 161.120(2)(c). Complaints may be made by any person, organization, or entity provided that they are in writing and signed by the person or representative of the organization or entity offering the complaint. An electronic signature will satisfy the requirement of a signed complaint. 16 KAR 1:030.

I. Intake.

A. Superintendents of local school districts have a duty, pursuant to KRS 161.120(2), to file written reports with the EPSB that contain the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct that might reasonably warrant action against an educator’s certificate under KRS 161.120(1). Failure to submit a timely, complete report may result in action against the superintendent’s certificate pursuant to KRS 161.120(1)(j).

1. When to Report:
   a. A superintendent must submit a report to the EPSB within 30 days of the event giving rise to the duty to report. KRS 161.120(2)(a);
   b. If additional information is obtained by the superintendent after the initial report, the superintendent shall supplement the report. KRS 161.120(2)(b);
   c. A superintendent’s duty to report includes reporting those convictions committed by an educator that occurred prior to the date an educator’s certificate was issued. KRS 161.120(2)(b);
   d. If the event giving rise to the duty to report relates to an educator’s criminal conviction, then the superintendent must submit a report to the EPSB within 30 days after the superintendent became aware of the criminal conviction;
   e. A superintendent is required to report allegations that have already been reported in the media.

2. Contents of Report:
   a. The report must contain the employee’s full name, most recent contact information on file for the employee including address and phone number, social security number and position title. KRS 161.120(2)(a). If the school district has a personal email address on file for the employee, the superintendent should include the email address in the report;
   b. The report must contain the full facts and circumstances of the conduct. KRS 161.120(2)(b). An allegation without any supporting facts or documentation is an insufficient report that may result in action against a superintendent’s certificate pursuant to KRS 161.120(1)(j);
c. The superintendent is required to forward all relevant documents and records in the superintendent’s possession. This includes but is not limited to the investigative report, witness statements, disciplinary letter, security camera footage, screen shots or pictures, police reports/citations, school district policies, and interview transcripts, unless prohibited by law.

i. The superintendent shall preserve any records, including audio or video, in the district’s possession related to the reported conduct. Failure to preserve the records and submit with the report may result in action against a superintendent’s certificate pursuant to KRS 161.120(1)(j).

d. The duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent. KRS 161.120(2)(a).

B. The EPSB may consider reports or complaints from any other source, including but not limited to parents/guardians, educators, media postings, and other government entities such as the Attorney General’s Office, Office of Education Accountability, and the Cabinet for Health and Family Services. Complaints should be sent by mail, fax or email. Anonymous complaints will not be accepted.

II. Review. The Commissioner or designee and staff will review all reports and complaints to determine whether the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred.

A. If the report or complaint contains insufficient credible evidence that conduct may have occurred that would constitute a violation of KRS 161.120(1), staff will gather additional information or facts through public sources. A public source includes, but is not limited to, any public agency that is subject to state or federal open records law.

B. After an attempt has been made to obtain additional information or facts from public sources, the Commissioner or designee and staff will re-evaluate the report or complaint to determine if there is sufficient credible evidence to establish that a violation of KRS 161.120(1) may have occurred. If there is still insufficient credible evidence that a violation of KRS 161.120(1) has occurred, the report or complaint will be closed, but it will be retained in the event additional information is received.
1. Reports or complaints that relate to an educator where there is insufficient credible evidence that a violation of KRS 161.120(1) occurred will be kept on file for five (5) years from the date the Commissioner or designee and staff determine there is insufficient evidence that a violation occurred.

2. Reports or complaints that relate to a non-certified individual will be kept on file for one (1) year after notification of the death of that individual per the EPSB’s Records Retention Schedule.

3. Reports or complaints are not subject to disclosure pursuant to KRS 61.878(1)(i) and (j). See OAG 17-ORD-198.

III. Notice to Educator.

A. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred, staff will open a case file and assign that file a number.

1. If multiple reports or complaints that contain sufficient credible evidence that a violation of KRS 161.120(1) may have occurred are received regarding an educator before any action is taken by the EPSB, all of the reports and/or complaints will be consolidated into a single case file.

2. If an additional report or complaint that contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred is received regarding an educator after the EPSB has issued a dismissal or an admonishment and the matter is otherwise closed, the report or complaint will be given a new case file number.

3. If an additional report or complaint that contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred is received regarding an educator after the EPSB has deferred the case for training, deferred the case for more information, or referred the matter for Attorney Review and Investigation, the additional report or complaint will be consolidated with the existing case file.

a. When a complaint or report is consolidated with an existing case file, a copy of the complaint or report will be sent to the educator or the educator’s attorney. KRS 161.120(2)(d). The educator or the educator’s attorney will be given the opportunity to submit a written rebuttal within thirty (30) days from receipt of the complaint or report. If a rebuttal is submitted, it will be included in the educator’s case file.
B. When a case file is opened, the EPSB staff shall ensure that the educator is served with a copy of the written complaint or report alleging violations of KRS 161.120(1) along with a Notification of Report or Complaint (Notification) to the educator’s last known address on file with the EPSB. The Notification shall:

1. Notify the educator that the EPSB has received a report or complaint pursuant to KRS 161.120(1);
2. Provide the educator with a copy of the report or complaint;
3. Notify the educator that the educator has thirty (30) days from the date the educator receives the Notification to provide the EPSB with a written rebuttal.
4. Notify the educator that the EPSB will review the report or complaint and written rebuttal to determine whether further action is necessary.
5. Notify the educator that the report or complaint is deemed confidential and should not be disclosed by the educator for any other purpose other than for preparing a rebuttal.
6. Notify the educator that all names, addresses, and counties will be redacted in order to protect the confidentiality of the educator and witnesses.
7. Notify the educator that the educator can opt into electronic notification from the EPSB, so long as another means of service are not required by law.

IV. Rebuttal. The educator shall have the right to file a written rebuttal with the EPSB within thirty (30) days from the date the educator receives the complaint or report from the EPSB, unless the parties agree to extend the time.

A. To request a rebuttal extension, the educator or their attorney shall send their request in writing to the EPSB’s Clerk of Court. The request may be sent by mail, fax or email.

B. Staff shall add the case to the EPSB's Closed Session Review Docket and prepare the case file for the EPSB to review by redacting all the educator's identifiers if one of the following occurs:

1. the educator’s rebuttal is received;
2. the Notice is returned as undeliverable; or
3. the educator:
   a. fails to file a rebuttal with the EPSB; and
   b. has not requested to extend the thirty (30) day deadline.

V. Closed Session Review Docket. In advance of each of its regularly scheduled EPSB meetings, staff shall prepare the Reports and Complaints for EPSB review.

A. The EPSB will receive summaries of the Reports and Complaints as well as redacted copies of the full corresponding written rebuttals for those matters it will be reviewing at the EPSB meeting.

1. If a member of the EPSB wants to review redacted copies of actual Reports and Complaints at the EPSB meeting, the EPSB member shall be given access to the full redacted case file on the day of the EPSB meeting.
2. To the greatest extent possible, the EPSB member wishing to access the
redacted case file shall make a request to staff, in advance of the EPSB meeting to give staff sufficient time to redact the case file.

B. Timeline.

1. **Docket:** In order to provide the EPSB with sufficient time to review all closed session materials, the Closed Session Review Docket closes 26 days prior to the scheduled EPSB meeting.

2. **Addendum:** In order to resolve cases in an efficient manner, and to provide the EPSB with sufficient time to review all closed session materials, the Addendum closes five days prior to the scheduled EPSB meeting at 12:00 p.m. EST.

C. **Contents.** This includes, but is not limited to the following:

1. **Docket:**
   
   a. Reports and Complaints received pursuant to KRS 161.120(2), and opened pursuant to Section 2, III. and any corresponding rebuttals submitted;
   
   b. Certification applications that are required to be reviewed by the EPSB pursuant to the Board’s Procedures Relating to Character and Fitness Applications;
   
   c. Agreed Orders of settlement received pursuant to KRS 161.120(8);
   
   d. Recommended Orders received pursuant to KRS 13B.110, if the period to file exceptions has lapsed; and
   
   e. Motions to Reconsider received pursuant to KRS 161.120(9).

2. **Addendum:**
   
   a. Certification applications that are required to be reviewed by the EPSB pursuant to the Board’s Procedures Relating to Character and Fitness Applications;
   
   b. Agreed Orders of settlement received pursuant to KRS 161.120(8);
   
   c. Recommended Orders received pursuant to KRS 13B.110, if the period to file exceptions has lapsed; and
   
   d. Motions to Reconsider received pursuant to KRS 161.120(9).
   
   e. Reports and Complaints received after the Docket has closed will not be included on the Addendum.
VI. EPSB Review. At each regularly scheduled EPSB meeting, the EPSB will discuss the Reports and Complaints in closed session.

A. When making a determination as to how to proceed, the EPSB shall consider the following factors:

1. the seriousness of the alleged violation;
2. whether the alleged misconduct was premeditated or intentional;
3. attempted concealment of alleged misconduct;
4. prior misconduct;
5. whether training is appropriate to prevent further violations;
6. whether the sanction is necessary to deter future violations; and
7. any other relevant circumstances or facts.

B. Permanent revocation may be warranted in some cases. Examples of some cases where permanent revocation may be warranted may include, but are not limited to, the following scenarios:

1. engaged in any sexual contact with a student or minor;
2. solicited any sexual contact with a student or minor;
3. possessed or distributed child pornography;
4. was registered as a sex offender;
5. committed criminal homicide;
6. transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Kentucky Revised Statutes, Chapter 218A, on school property; or
7. received disciplinary action or had the issuance of a certificate denied or restricted by another jurisdiction. The findings of fact contained in final orders from any other jurisdiction may provide the factual basis for EPSB action, if the underlying conduct for the action is a violation of Kentucky law.

VII. EPSB Action. The EPSB may take action upon confirmation that a quorum exists. If a quorum exists, the EPSB may take one of the following actions by majority vote:

A. Deferral. Deferral is appropriate when more information is needed before the EPSB can take action; the report or complaint will only be deferred until the next EPSB meeting.

1. If, by majority vote, the EPSB decides that it would like additional information before taking action, the EPSB shall direct staff to gather additional information from the reporting school district and/or from public sources and bring the case back before the EPSB as part of the Closed Session Review Docket.
2. The EPSB staff shall either provide the additional information sought by the EPSB at the next regularly scheduled EPSB meeting or, if the additional information is not available by the next regularly scheduled EPSB meeting, the EPSB staff shall be prepared to update the EPSB as to when the EPSB staff anticipates that the additional information will be received.

3. A deferral does not constitute a final action.

B. Dismissal with Prejudice. Dismissal with Prejudice is appropriate when the merits of the case do not warrant any action by the EPSB. Dismissal with Prejudice is also appropriate after the educator has completed the training requested by the EPSB through Deferral for Training and provided written proof to the EPSB.

1. An Order of Dismissal with Prejudice constitutes final action. No further action may be taken on this complaint.

2. Orders of Dismissal with Prejudice are filed as part of the case file. Pursuant to the EPSB's Records Retention Schedule, Educator Disciplinary Records must be retained one (1) year after notification of the educator’s death.

C. Dismissal without Prejudice. Dismissal without Prejudice is based on other factors including, but not limited to, incomplete reporting, and lack of cooperation by witnesses. A dismissal at this juncture does not prohibit the alleged conduct from being the subject of a new report or complaint brought back before the EPSB.

1. The EPSB reserves the right to review the case file at a later date should additional information be received in the future.

2. A Dismissal without Prejudice does not constitute final action.

D. Deferral for Training. Deferral for Training is appropriate when the EPSB determines that additional professional development of an educator is warranted. The EPSB may offer the educator an opportunity to complete specific training within a specific time period. If the educator completes the training within the time period, the educator shall present written proof of training to the EPSB. The EPSB will then enter an Order of Dismissal with Prejudice if the EPSB determines that the educator has satisfactorily completed the training requirement.
1. It is the educator’s responsibility to identify and seek appropriate approval for a training. If the educator takes a training course that has been pre-approved by the EPSB, no additional approval is required. If the educator locates a training that has not been pre-approved by the EPSB, the educator should request one-time approval prior to completing the training.

2. If the educator fails to either complete the training or fails to provide evidence to the EPSB of completed training during the required timeframe, the EPSB staff will put the case back on the Closed Session Review Docket for possible action by the EPSB.

3. Deferral for Training does not constitute final action.

E. Admonishment. The EPSB may issue a written admonishment to the educator if the EPSB determines, based on the evidence, a violation has occurred, but the violation is not of a serious nature. KRS 161.120(4).

1. The EPSB staff shall send a copy of the written admonishment to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.

2. Upon receipt of the written admonishment, the educator may:
   
a. Accept the written admonishment;
   
b. Accept the written admonishment, but provide a response within thirty (30) days of receipt of the admonishment and have it placed in the educator’s case file along with the written admonishment; or
   
c. Not accept the written admonishment and, within thirty (30) days of receipt of the admonishment, request that the matter be referred to hearing. Upon receipt of the request for hearing, the EPSB will set the admonishment aside and will refer the matter to a hearing.
   
i. The educator may enter into an agreed order pursuant to KRS 161.120(8).

3. Once the period of time for the educator to respond has ended, the EPSB shall take one of the following actions:
   
a. If the educator accepts the admonishment, the EPSB will place the admonishment and the educator’s response (if any) in the educator’s case file; or
   
b. If the educator does not accept the admonishment and requests a hearing, the EPSB staff will proceed in accordance with the procedures related to “Referral to Hearing.”

4. If the educator accepts the admonishment, the admonishment is considered final action.
F. Referral for Attorney Review and Investigation. Referral for Attorney Review is appropriate when the alleged conduct, should it be substantiated, would warrant sanctions. During this phase, the assigned attorney will review and evaluate the evidence; determine if more evidence is needed; and prepare a recommendation for the EPSB.

1. After the EPSB refers a report or complaint for attorney review and investigation, an attorney will be assigned to handle the report or complaint. The assigned attorney will be responsible for all aspects of the action through final disposition.

2. The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the educator.

3. Contents of Notice of Referral.
   a. The Notice of Referral shall notify the educator that the EPSB has referred the report or complaint for further review and investigation.
   b. The Notice of Referral shall notify the educator of the right to provide evidence that the educator’s conduct did not constitute a violation of law or ethics.
   c. The Notice of Referral shall be sent to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.

4. Review and Investigation.
   a. The assigned attorney will review the evidence contained in the investigative case file and determine what additional evidence is needed to evaluate the case.
   b. The assigned attorney will take all steps necessary to gather information or evidence necessary to evaluate case.

5. Recommendations
   a. Once the assigned attorney is satisfied that all information and evidence reasonably available has been collected, the attorney shall make a recommendation to the EPSB.
At any point during the review and investigation process, the EPSB staff has the authority to enter into discussions with an educator or an educator’s attorney to resolve the action by agreed order. KRS 161.120(8)

ii. An agreed order is appropriate when there is sufficient evidence that could result in a finding that the alleged misconduct did occur, and the educator is willing to accept sanctions without going to the expense of a hearing.

iii. All agreed orders must be approved by a majority of the EPSB and signed by the EPSB chair.

iv. The educator has the right to request a hearing at any point after an Agreed Order has been offered and rejected.

G. **Referral to Hearing.** Referral to Hearing is appropriate when the EPSB is satisfied, based on the report provided by staff that the alleged conduct occurred and that sanctions are warranted. Referral to Hearing is also appropriate when the educator requests a hearing after receiving a written admonishment or the educator’s application for certification has been denied and the educator has requested a hearing. KRS 161.120(5)(a).

VIII. **Notice of EPSB Action on Reports or Complaints.** Once the EPSB has taken any of the actions set forth above, staff or the EPSB chair shall issue a Notice of EPSB Action on Report or Complaint (Notice of Action) to the educator.

1. The Notice of Action will be sent as soon as practicable to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.
2. The Notice of Action will also be sent to the reporting party.
Section 3. Hearing Process

The EPSB must initiate a due process hearing before sanctions are imposed upon an educator’s certificate, unless sanctions are agreed to by the parties. KRS 161.120(5)(a), KRS 161.120(8). A hearing may also be initiated upon timely request of the educator after receiving an admonishment or after the educator’s application for certification has been denied. KRS 161.120(5)(a). The administrative hearing shall be conducted in conformance with the provisions of KRS Chapter 13B. In all cases, the EPSB shall initiate the administrative hearing process through a “Notice of Hearing and Statement of Charges and Issues” (Statement of Charges) that informs the educator of the specific reason for the proposed action including the statutory and/or regulatory violation(s), the factual basis on which the action is based, and the penalty the EPSB is seeking. The hearing process begins once the EPSB approves and issues a Statement of Charges prepared by the assigned attorney.

I. Agreed Orders. At any point during the hearing process, the EPSB staff has the authority to enter into discussions with an educator or an educator’s attorney to resolve the action by agreed order. KRS 161.120(8). If the educator enters into an Agreed Order, the educator waives the due process rights afforded under KRS 161.120 and KRS 13B.

II. Prehearing.

A. Filing Statement of Charges.

1. Once approved and issued, the original Statement of Charges shall be filed with the EPSB’s Clerk of Court, and a copy shall be sent via certified mail to the educator’s address on file with the EPSB, or any other means permitted by law.

2. A copy of the Statement of Charges shall also be sent to the educator’s attorney, if any.

3. The EPSB staff shall forward a copy of the Statement of Charges to an appointed hearing officer as set forth in KRS Chapter 13B.

B. Record. The original of all filings shall be submitted to the EPSB’s Clerk of Court by email, fax or mail, and copies of any filed item shall be served on all parties and the hearing officer by mail, or any other means permitted by law.

C. Location of Hearing. Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the EPSB.

D. Right to Private Hearing. The educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the educator fails to specifically request a private hearing in writing at least five days prior to the hearing, the educator is deemed to have waived the right to a private hearing and a public hearing will be conducted.

III. Hearing.
A. Burden of Proof. KRS 13B.090(7).

1. The EPSB’s proposed action on a certification currently held.
   a. The EPSB has the burden of proof on any issue, has the burden of going forward, and the ultimate burden of persuasion as to that issue.
   b. The EPSB must demonstrate by a preponderance of the evidence in the record that the penalty sought is appropriate.
   c. The educator has the burden of asserting an affirmative defense and has the burden to establish that defense.

2. Applicant’s appeal on the EPSB’s denial of an application of certification, or any other entitlement sought, to the applicant.
   a. The applicant has the burden of proof and the ultimate burden of persuasion as to that issue.
   b. The applicant must demonstrate by a preponderance of the evidence in the record entitlement to the benefit sought.
   c. The EPSB has the burden of asserting an affirmative defense and has the burden to establish that defense.

B. Recommended Order.

1. Sanctions. The hearing officer’s Recommended Order shall include only those sanctions that are permitted pursuant to KRS 161.120(1) and shall not exceed the time limits set forth in KRS 161.120(10) - (11).

2. Factors. The hearing officer shall consider the factors set forth in 16 KAR 1:030 Section 2(3)(f) when recommending sanctions.

C. Filing of Exceptions.

1. Service. A party may file any exceptions to the Recommended Order within 15 days of the date the Recommended Order is mailed in accordance with KRS 13B.110(4), if applicable. The original shall be filed with the EPSB’s Clerk of Court by email, fax or mail and copies shall be served on all parties and the hearing officer by mail, or any other means permitted by law.

2. Waiver. Any disagreement with a factual finding, conclusion of law or recommended disposition in the Recommended Order not contained in an exception to the Recommended Order shall be waived.
3. **Form of Exceptions.** Each exception to a finding of fact, conclusion of law or recommended disposition shall be concisely stated and should summarize the evidence in support of each exception.

   a. Any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

   b. In summarizing evidence, the parties shall include a specific citation to the hearing record where such evidence appears or shall attach the relevant excerpts from the hearing record.

   c. Arguments shall be logical and coherent and citations to authorities shall be complete.

4. **Basis for Exceptions.** Exceptions to the Recommended Order may include the following:

   a. the hearing officer has made an incorrect conclusion of law;

   b. the hearing officer has failed to make an essential finding of fact;

   c. the hearing officer applied the incorrect burden or standard of proof;

   d. the findings of fact do not support the conclusions of law;

   e. the hearing officer has made a finding of fact that is not supported by the preponderance of the evidence; or

   f. the hearing officer recommended a sanction not permitted by law.

**D. Disclosure of Record Before Final Order Issued.** Regardless of whether an educator elects to proceed with a private or public hearing, the Recommended Order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order. After the EPSB issues its Final Order, all records, not otherwise exempt by law, will be subject to disclosure pursuant to Kentucky’s Open Record Act.

**IV. Review of Recommended Order**

   A. **Closed Session.** All recommended orders shall be reviewed by the EPSB in closed session. KRS 61.810 (1)(c) and (j).

   B. **Final Order.** Once the EPSB has returned to open session, and the EPSB chair has certified that a quorum is present, the EPSB shall vote in accordance with KRS 13B.120.

   C. **Signature Authority.** The EPSB may delegate to the chair the authority to sign on behalf of a majority of the EPSB members a decision made, or order issued.
D. **Copies.** A copy of the Final Order shall be sent to the educator by certified mail or any other means permitted by law, and to the educator’s attorney, if any, the reporting party, the appointed hearing officer, and the EPSB attorney by mail or any other means permitted by law.

E. **Disclosure of Case File After Final Order Issued.** Regardless of whether an educator elected to proceed with a public or private hearing, the case file including, but not limited to, the Final Order, the Recommended Order, and the hearing transcript, is subject to disclosure upon the EPSB’s issuance of its Final Order unless specifically closed by the hearing officer pursuant to a provision of law.

1. **Redaction.** Prior to the public disclosure of the case file in accordance with KRS 61.870, et seq., staff shall ensure that any information otherwise prohibited from disclosure by law or regulation is redacted.

V. **Administrative Finality.** All Final Orders are appealable to Franklin Circuit Court as outlined in KRS Chapter 13B and KRS 161.120(12).
Section 4. Procedure for Suspension, Surrender, or Revocation of a Certificate

The EPSB has the authority to suspend or revoke an educator’s certificate under KRS 161.120(1). Suspension of a certificate shall be for a specific period of time, not to exceed two years and may be reinstated after the suspension period, if all required conditions are met. KRS 161.120(10). Revocation of a certificate is a permanent forfeiture of the certificate. If the revocation is for a term of years, an applicant may apply for a new certificate at the end of the revocation period, if all required conditions are met. KRS 161.120(11).

I. When the EPSB issues an order of suspension, surrender, or revocation, staff shall mail a copy of the order to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties. Copies shall also be sent to the educator’s attorney, if any, the appointed hearing officer, if any, the reporting party, and the employing school district if different from the reporting party.

II. The order of suspension, surrender, or revocation of a certificate shall become part of the educator’s case file maintained by the EPSB.

III. Following each EPSB meeting, staff shall ensure that:

   A. The suspension, surrender, or revocation is noted on the EPSB website.

      1. The period of suspension shall only be noted on the website while the certificate is suspended.

      2. The period of revocation shall be noted on the certificate and shall remain on the EPSB website.

   B. The suspension, surrender, or revocation is noted in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

      1. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline. Only NASDTEC members have access to the Clearinghouse.

Section 5. Procedure for Reinstatement of a Suspended Certificate or Reissuance of a Certificate after Revocation

I. Upon reinstatement, staff shall ensure that:

   A. The suspension is no longer noted on the website; and

   B. The reinstatement of the suspended certificate is noted in the NASDTEC Clearinghouse.

II. Upon reissuance, the EPSB staff shall ensure the reissuance of a revoked certificate is noted in the NASDTEC Clearinghouse.
Section 6. Procedure for Probationary Conditions

The EPSB has the authority to impose probationary or supervisory conditions upon an educator’s certificate under KRS 161.120(1). Probationary or supervisory conditions may be imposed through an Agreed Order pursuant to KRS 161.120(8) or a Final Order pursuant to KRS 13B.120.

I. Compliance.

A. The educator shall provide written proof of compliance with the probationary or supervisory conditions within the timeframe specified in the Agreed Order or Final Order.

B. Proof of compliance shall be sent to staff by mail, fax or email.

C. It is the educator’s responsibility to ensure written proof of the condition has been received by staff.

II. Noncompliance.

A. If the educator fails to provide written proof of compliance with the probationary or supervisory conditions within the timeframe specified in the Agreed Order or Final Order, staff shall send the educator a Ten-Day Letter (Letter). The Letter shall:

1. Notify the educator that the educator has failed to comply with a probationary or supervisor condition(s);

2. Restate the probationary or supervisory condition(s) that the educator has failed to comply with, in full;

3. Inform the educator that the educator has ten (10) days from the date of the letter to submit written proof of compliance with the probationary or supervisory conditions to the EPSB or the educator’s certificate will be sanctioned according to the terms of the Agreed Order or Final Order; and

4. Provide a point of contact.

B. If the educator provides written proof of compliance with the probationary or supervisory conditions after receiving the Letter, the educator’s certificate will not be sanctioned.

C. If the educator fails to provide written proof of compliance with the probationary or supervisory conditions after the ten (10) days has lapsed, the EPSB staff shall sanction the educator’s certificate in accordance with the terms of the Agreed Order or Final Order, and notify the educator of the sanction.
III. Drug Testing.

A. If an educator has been ordered, through an Agreed Order or a Final Order, to submit to drug testing, staff shall send the educator a Notice of Drug Testing Letter (Drug Testing Letter). The Drug Testing Letter shall:

1. Notify the educator that the educator is required to complete drug testing at an EPSB approved facility;
   a. An EPSB approved facility must conduct specimen collection, analysis and reporting in accordance with federal guidance and state laws.

2. Restate the drug testing condition in the Agreed Order or Final Order, in full;

3. Inform the educator that the educator has 48 hours to submit a sample to an EPSB approved facility, and to sign a confidentiality waiver for the EPSB to receive the drug test results; and

4. Provide a point of contact for receipt of the drug test results.

B. If the educator fails to submit a sample to an EPSB approved facility within 48 hours, staff shall sanction the educator’s certificate in accordance with the terms of the Agreed Order or Final Order and notify the educator of the sanction.

Section 7. Procedure for Motions to Reconsider, Modify or Reverse

I. The EPSB may reconsider, modify, or reverse its decision on any disciplinary matter upon a motion by one of the parties or on its own volition. KRS 161.120(9).

A. An educator or the educator’s attorney may request that the Board reconsider, modify, or reverse its decision on any disciplinary matter by filing a motion with the Board.

1. Timing. A motion may be filed at any time to be included in the Closed Session Review Docket or Addendum. See Section 2 Complaints and Reports, V. Closed Session Review Docket.

2. Evidence. The motion may include any evidence that circumstances have changed since the disciplinary action was taken, any evidence that the educator has been rehabilitated or paid restitution for past actions, and any other relevant facts and circumstances. Evidence submitted may include but is not limited to sworn affidavits, court or medical records, and letters of support.

¹ To the extent the procedures are inconsistent with the statutory or regulatory language, the statutes and regulations control.
Section 1
Types of Actions

AMENDED: Board Meeting Date
APPROVED: (Approved April 10, 2017)

Section 1. Purpose

In order to support the mission of the Education Professional Standards Board, the Board may take action against an educator’s certificate in an effort to either 1) ensure that an educator has an understanding of an educator’s professional duties and responsibilities; and/or 2) protect students, parents of students, school personnel, or school officials. The Board is authorized to take the actions set forth below. The Education Professional Standards Board ("EPSB") has the authority to take action upon any certificate or license issued under KRS 161.010 to KRS 161.100 for any of the reasons set forth in KRS 161.120(1). The EPSB is charged by statute with the vitally important public trust of administering a system of professional standards that will ensure that Kentucky school children receive a quality education from well-qualified professionals. The EPSB may take action against an educator’s certificate in an effort to either ensure that an educator has an understanding of an educator’s professional duties and responsibilities; and/or protect students, parents of students, school personnel, or school officials. 16 KAR 1:030. The EPSB may initiate any combination of the actions set forth below. KRS 161.120 and KRS 161.028.

A. Admonishment: an admonishment (or reprimand) is a formal written censure issued by the EPSB pursuant to KRS 161.120(4), and is appropriate for violations of KRS 161.120(1) that are not serious in nature. An admonishment is placed in the case file of the educator, that is placed in the case file of the educator. It is considered appropriate for violations of statute or law that are not serious in nature. KRS 161.120(4).

B. Reprimand: a reprimand is a formal written censure that may be utilized once the EPSB votes to send a case to an attorney or votes to initiate the hearing process. A reprimand may only be utilized in an Agreed Order or a Final Order.

B.C. Suspension: a suspension is a process by which the Board—EPSB temporarily deactivates an educator’s certification for a specified period of time, not to exceed two years. KRS 161.120(10). At the conclusion of the specified
period of time, the EPSB staff is required to reactivate the educator’s certificate upon a demonstration that the educator has complied with any reinstatement conditions that may be set forth in an Agreed Order or Final Order. KRS 161.120(10).

**C.D. Revocation**: a revocation is a permanent forfeiture of an educator’s certification. The Board-EPSB is required to establish the minimum period of time before an applicant can reapply for a new certificate. KRS 161.120(11). Once the period of time has expired, the Board-EPSB may consider a former educator’s re-application for certification upon demonstration by the applicant that the former educator is again fit for practice. KRS 161.120(11).

**D.E. Probationary or Supervisory Conditions**: the Board-EPSB also has the authority to impose probationary or supervisory conditions upon an educator’s certificate. KRS 161.120(1). This authority shall include the authority to require training.

**E.F. Surrender**: a surrender occurs when an educator voluntarily agrees to a permanent forfeiture of the educator’s certificate. A surrender is a revocation of the certificate.

II. The Board may initiate any combination of the actions listed above regarding any certificate or license issued under KRS 161.010 to 161.100 for any of the reasons set forth in KRS 161.120(1).

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1. The Board shall be used to refer to the board and the EPSB shall be used to refer to the agency.

2. For the purpose of KRS 161.120, the EPSB considers an admonition and a reprimand to be synonymous.

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3. To the extent the procedures are inconsistent with the statutory or regulatory language, the statutes and regulations control.
PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR’S CERTIFICATION

Section 2

Intake and Review of Reports and Complaints

APPROVED: April 10, 2017

Section 2. Complaints and Reports

The EPSB receives reports or complaints against an educator or educators alleging a violation or violations of KRS 161.120(1) from superintendents, under KRS 161.120(2)(a), and from other sources under KRS 161.120(2)(c). Complain about them made be by any person, organization, or entity provided that they are in writing and signed by the person or representative of the organization or entity offering the complaint. An electronic signature will satisfy the requirement of a signed complaint. 16 KAR 1:030.

I. Intake. The EPSB receives reports or complaints alleging conduct listed in KRS 161.120(1), KRS 161.120(2)(a) and 161.120(2)(c).

A. Superintendents of local school districts have a duty, pursuant to KRS 161.120(2), to file written reports with the EPSB reports in writing that contain the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct that might reasonably warrant action against an educator’s certificate under KRS 161.120(1). Failure to submit a timely, complete report may result in action against the superintendent’s certificate pursuant to KRS 161.120(1)(i).

1. When to Report:
   a. A superintendent must submit a report to the EPSB within 30 days of the event giving rise to the duty to report, KRS 161.120(2)(a);
   b. If additional information is obtained by the superintendent after the initial report, the superintendent shall supplement the report, KRS 161.120(2)(b);
   c. A superintendent’s duty to report includes reporting those convictions committed by an educator that occurred prior to the date an educator’s certificate was issued, KRS 161.120(2)(b);
   d. If the event giving rise to the duty to report relates to an educator’s criminal conviction, then the superintendent must submit a report to the EPSB within 30 days after the superintendent became aware of the criminal conviction;
e. A superintendent is required to report allegations that have already been reported in the media.

2. **Contents of Report:**
   a. The report must contain the employee’s full name, most recent contact information on file for the employee including address and phone number, social security number and position title, KRS 161.120(2)(a). If the school district has a personal email address on file for the employee, the superintendent should include the email address in the report;

   b. The report must contain the full facts and circumstances of the conduct, KRS 161.120(2)(b). An allegation without any supporting facts or documentation is an insufficient report that may result in action against a superintendent’s certificate pursuant to KRS 161.120(1)(i);

   c. The superintendent is required to forward all relevant documents and records in the superintendent’s possession. This includes but is not limited to the investigative report, witness statements, disciplinary letter, security camera footage, screen shots or pictures, police reports/citations, school district policies, and interview transcripts, unless prohibited by law.

   i. The superintendent shall preserve any records, including audio or video, in the district’s possession related to the reported conduct. Failure to preserve the records and submit with the report may result in action against a superintendent’s certificate pursuant to KRS 161.120(1)(i).

   d. The duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent. KRS 161.120(2)(a).

   — A superintendent’s duty to report includes reporting those convictions committed by an educator that occurred prior to the date an educator’s certificate was issued. KRS 161.120(2)(b).

   — A superintendent must submit a report to the EPSB within 30 days of the event giving rise to the duty to report. KRS 161.120(2)(a).

   — If the event giving rise to the duty to report relates to an educator’s criminal conviction, then the superintendent must submit a report to the EPSB within 30 days after the superintendent or designee became aware of the criminal conviction.

   — The duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent. KRS 161.120(2)(a).

B. The EPSB may consider reports or complaints from any other source, including
but not limited to parents/guardians, educators, media postings, and other government entities such as the Attorney General’s Office, Office of Education Accountability, and the Cabinet for Health and Family Services. Complaints should be sent by mail, fax or email. Anonymous complaints will not be accepted. Pursuant to KRS 161.120(2)(c), the EPSB may consider complaints or reports from any other source, but the EPSB will only accept written, signed complaints.

II. Review. The EPSB’s Executive Director, Commissioner or designee, and the EPSB staff will review all reports and complaints to determine whether the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred.

A. If the report or the complaint contains insufficient credible evidence that conduct may have occurred that would constitute a violation of KRS 161.120(1), the EPSB staff will gather additional information or facts through public sources. A public source includes, but is not limited to, any public agency that is subject to state or federal open records law.

B. After an attempt has been made to obtain additional information or facts from public sources, the EPSB’s Executive Director and the EPSB Commissioner or designee, staff, and staff will re-evaluate the report or complaint to determine if there is sufficient credible evidence to establish that a violation of KRS 161.120(1) may have occurred. If there is still insufficient credible evidence that a violation of KRS 161.120(1) has occurred, the report or complaint will be closed, no further action will be taken, but the report or complaint will be kept on file in the event additional information is received; it will be retained in the event additional information is received.

1. Reports or complaints that relate to an educator where there is insufficient credible evidence that a violation of KRS 161.120(1) occurred will be kept on file for five (5) years from the date the EPSB’s Executive Director and the EPSB staff, Commissioner or designee, and staff determined there is insufficient evidence that a violation occurred.

2. Reports or complaints that relate to a non-certified individual will be kept on file for one (1) year after the notification of the death of that individual per the EPSB’s Records Retention Schedule.

3. Reports or complaints kept on file are not subject to disclosure pursuant to KRS 61.878(1)(i), and (j)(h). See OAG 91-198.17-ORD-198.

III. Notice to Educator.

A. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred, the EPSB staff will open a case file and assign that file a number.

1. If multiple reports or complaints that contain sufficient credible
evidence that a violation of KRS 161.120(1) may have occurred are received regarding an educator before any action is taken by the EPSB, all of the reports and/or complaints will be consolidated into a single case file. 

2. If an additional report or complaint that contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred is received regarding an educator after the EPSB has issued a dismissal or an admonishment and the matter is otherwise closed, the report or complaint will be given a new case file number.

23. If an additional report or complaint that contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred is received regarding an educator after the EPSB has deferred the case for training, deferred the case for more information, or referred the matter for Attorney Review and Investigation, the additional report or complaint will be consolidated with the existing case file. Multiple reports or complaints are received regarding an educator after the Board has issued a dismissal; a deferral for training; an admonishment (and the educator has not requested that the matter be referred to hearing); or an admonishment with training (and the educator has not requested that the matter be referred to hearing) and the matter is otherwise closed, the reports or complaints will be given a new case file number; or

3. If an additional report or complaint is received by the EPSB staff after the Board has referred the matter for Attorney Review and Investigation, the additional report or complaint will be consolidated with the existing case file.

a. When a complaint or report is consolidated with an existing case file, a copy of the complaint or report will be sent to the educator or the educator’s attorney. KRS 161.120(2)(d). The educator or the educator’s attorney will be given the opportunity to submit a written rebuttal within thirty (30) days from receipt of the complaint or report. If a rebuttal is submitted, it will be included in the educator’s case file.

B. When a case file is opened, the EPSB staff shall ensure that the educator is served with a copy of the written complaint or report alleging violations of KRS 161.120(1) along with a Notification of Report or Complaint (Notification) to the educator’s last known address on file with the EPSB. The Notification shall:

1. Notify the educator that the EPSB has received a report or complaint pursuant to KRS 161.120(1);
2. Provide the educator with a copy of the report or complaint;
3. Notify the educator that the educator has thirty (30) days from the date
the educator receives the Notification to provide the EPSB with a written rebuttal.

4. Notify the educator that the EPSB will review the report or complaint and written rebuttal to determine whether further action is necessary.

5. Notify the educator that the report or complaint is deemed confidential and should not be disclosed by the educator for any other purpose other than for preparing a rebuttal.

6. Notify the educator that all names, addresses, and counties will be redacted in order to protect the confidentiality of the educator and witnesses.

7. Notify the educator that the educator can opt into electronic notification from the EPSB, so long as another means of service is not required by law.

IV. Rebuttal. The educator shall have the right to file a written rebuttal with the EPSB within thirty (30) days from the date the educator receives the complaint or report from the EPSB, unless the parties agree to extend the time.

C.A. To request a rebuttal extension, the educator or their attorney shall send their request in writing to the EPSB’s Clerk of Court. The request may be sent by mail, fax or email.

D.B. The EPSB staff shall add the case to the EPSB’s Closed Session Review Docket and prepare the case file for the EPSB to review by redacting all the educator’s identifiers if one (1) of the following occurs:

1. the educator’s rebuttal is received;
2. the Notice is returned as undeliverable; or
3. the educator:
   a. fails to file a rebuttal with the EPSB; and
   b. has not requested to extend the thirty (30) day deadline.

V. Closed Session Review Docket. In advance of each of its regularly scheduled EPSB meetings, staff shall prepare the Reports and Complaints for EPSB review.

A. The EPSB will receive summaries of the Reports and Complaints as well as redacted copies of the full corresponding written rebuttals for those matters it will be reviewing at the EPSB meeting.

1. If a member of the EPSB wants to review redacted copies of actual Reports and Complaints at the EPSB meeting, the EPSB member shall be given access to the full redacted case file on the day of the EPSB meeting.

1. To the greatest extent possible, the EPSB member wishing to access the redacted case file shall make a request to staff, in advance of the EPSB meeting to give staff sufficient time to redact the case file.

B. Timeline.

1. Docket: In order to provide the EPSB with sufficient time to review all closed session materials, the Closed Session Review Docket closes 26 days prior to the scheduled EPSB meeting.
2. **Addendum:** In order to resolve cases in an efficient manner, and to provide the EPSB with sufficient time to review all closed session materials, the Addendum closes five days prior to the scheduled EPSB meeting at 12:00 p.m. EST.

C. **Contents.** This includes, but is not limited to the following:

1. **Docket:**
   
   a. Reports and Complaints received pursuant to KRS 161.120(2), and opened pursuant to Section 2, III. and any corresponding rebuttals submitted;
   
   b. Certification applications that are required to be reviewed by the EPSB pursuant to the EPSB’s Procedures Relating to Character and Fitness Applications;
   
   c. Agreed Orders of settlement received pursuant to KRS 161.120(8);
   
   d. Recommended Orders received pursuant to KRS 13B.110, if the period to file exceptions has lapsed; and
   
   e. Motions to Reconsider received pursuant to KRS 161.120(9).

2. **Addendum:**

   a. Certification applications that are required to be reviewed by the EPSB pursuant to the EPSB’s Procedures Relating to Character and Fitness Applications;
   
   b. Agreed Orders of settlement received pursuant to KRS 161.120(8);
   
   c. Recommended Orders received pursuant to KRS 13B.110, if the period to file exceptions has lapsed; and
   
   d. Motions to Reconsider received pursuant to KRS 161.120(9).
   
   e. Reports and Complaints received after the Docket has closed will not be included on the Addendum.
PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR’S CERTIFICATION

Section 3
Board Action on Reports and Complaints APPROVED: April 10, 2017

I. In advance of each of its regularly scheduled Board meetings, the Board will receive summaries of the Reports and Complaints as well as redacted copies of the full corresponding written rebuttals for those matters it will be reviewing at the Board meeting.

A. If a member of the Board wants to review redacted copies of actual Reports and/or Complaints at the Board meeting, the Board member shall be given access to the full redacted case file on the day of the Board meeting.

B. To the greatest extent possible, the Board member wishing to access the redacted case file shall make a request to the Executive Director, in advance of the Board meeting to give the EPSB staff sufficient time to redact the case file.

1. VI. Board EPSB Review. At each regularly scheduled Board EPSB meeting, the Board EPSB will discuss the Reports and Complaints in closed session.

A. When making a determination as to how to proceed, the Board EPSB shall consider the following factors:

1. the seriousness of the alleged violation;
2. whether the alleged misconduct was premeditated or intentional;
3. attempted concealment of alleged misconduct;
4. prior misconduct;
5. whether training is appropriate to prevent further violations;
6. whether the sanction is necessary to deter future violations; and
7. any other relevant circumstances or facts.

B. Permanent revocation may be warranted in some cases. Examples of some cases where permanent revocation may be warranted may include, but are not limited to, the following scenarios:

1. engaged in any sexual contact with a student or minor;
2. solicited any sexual contact with a student or minor;
3. possessed or distributed child pornography;
4. was registered as a sex offender;
5. committed criminal homicide;
6. transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Kentucky Revised Statutes, Chapter 218A, on school property; or
7. received disciplinary action or had the issuance of a certificate denied or restricted by another sanctioned misconduct in another jurisdiction. The findings of fact contained in final orders from any other jurisdiction may provide the factual basis for EPSB action, if the underlying conduct for the administrative sanction of an educator’s certificate or license issued in another jurisdiction is a violation of Kentucky law.

V. VII. Board EPSB Action. The Board EPSB may take action upon confirmation that a quorum exists. If a quorum exists, the Board EPSB may take one of the following actions by majority vote:

A. Deferral. Deferral is appropriate when more information is needed before the Board EPSB can take action; the report or complaint will only be deferred until the next Board EPSB meeting.

1. If, by majority vote, the Board EPSB decides that it would like additional information before taking any further action, the Board EPSB shall direct the EPSB staff to gather additional information from the reporting school district and/or from public sources and bring the case back before the Board EPSB as part of the Closed Session Review Docket.
2. The EPSB staff shall either provide the additional information sought by the Board EPSB at the next regularly scheduled Board EPSB meeting or, if the additional information is not available by the next regularly scheduled Board EPSB meeting, the EPSB staff shall be prepared to update the Board EPSB as to when the EPSB staff anticipates that the additional information will be received.
3. A deferral does not constitute a final action.

B. Dismissal with Prejudice. Dismissal with Prejudice is appropriate when the merits of the case do not warrant any action by the EPSB. Dismissal with Prejudice is also appropriate after the educator has completed the training requested by the EPSB through Deferral for Training and provided written proof to the EPSB.

1. An Order of Dismissal with Prejudice constitutes final action. No further action may be taken on this complaint.
2. Orders of Dismissal with Prejudice are filed as part of the case file. Pursuant to the EPSB’s Records Retention Schedule, Educator Disciplinary Records must be retained one (1) year after notification of
b.C. **Dismissal without Prejudice.** Dismissal without Prejudice is based on other factors including, but not limited to, lack of evidence, incomplete reporting, and refusal by witnesses to cooperate. A dismissal at this juncture does not prohibit the alleged conduct from being the subject of a new report or complaint brought back before the **Board EPSB**.

1. The **Board EPSB** reserves the right to review the case file at a later date should additional information be received in the future.

2. A Dismissal without Prejudice does not constitute final action.

3. Orders of Dismissal are filed as part of the case file. Pursuant to the EPSB’s Records Retention Schedule, Educator Disciplinary Records must be retained one (1) year after notification of the educator’s death.

i. An Order of Dismissal constitutes final action.

A.D. **Deferral for Training.** Deferral for Training is appropriate when the Board EPSB determines that additional professional development of an educator is warranted. The Board EPSB shall require the educator to undergo specific training within a specific time period. If the educator completes the training within the time period, the educator shall present written proof of training to the EPSB. Upon completion of training, the educator will be required to present written proof of training to the Board. The Board EPSB will then enter an Order of Dismissal with Prejudice if satisfied that the educator has satisfactorily completed the training requirement.

1. It is the educator’s responsibility to identify and seek appropriate approval for a training. If the educator takes a training course that has been pre-approved by the EPSB, no additional approval is required. If the educator locates a training that has not been pre-approved by the EPSB, the educator should request one-time approval prior to completing the training.

ii. If the educator fails to either complete the training or fails to provide evidence to the Board EPSB of completed training during the required timeframe, the EPSB staff will put the case back on the Closed Session Review Docket for possible further action by the Board EPSB.

1.3. Deferral for Training does not constitute final action.

e.E. **Admonishment.** The Board EPSB may issue a written admonishment to the educator if the Board EPSB determines, based on the evidence, a violation has occurred, but the violation is not of a serious nature. KRS 161.120(4).

i.1. The EPSB staff shall send a copy of the written admonishment to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.

ii.2. Upon receipt of the written admonishment, the educator may:
a. Accept the written admonishment;
b. Accept the written admonishment, but provide a response within thirty (30) days of receipt of the admonishment and have it placed in the educator’s case file along with the written admonishment; or
c. Not accept the written admonishment and, within thirty (30) days of receipt of the admonishment, request that the matter be referred to hearing. Upon receipt of the request for hearing, the BoardEPSB will set the admonishment aside and will refer the matter to a hearing.

   4.i. The educator may enter into an agreed order pursuant to KRS 161.120(8).

   iii.3. Once the period of time for the educator to respond has ended, the EPSB shall take one of the following actions:

   1.a. If the educator accepts the admonishment, the EPSB will place the admonishment and the educator’s response (if any) in the educator’s case file; or
   2.b. If the educator does not accept the admonishment and requests a hearing, the EPSB staff will proceed in accordance with the procedures related to “Referral to Hearing,” will recommend to the Board that the matter be referred for hearing.
   iv.4. If the educator accepts the admonishment, the admonishment is considered final action.

1. The EPSB staff, a hearing officer, and the Board may consider any past written admonishments when seeking, recommending, or ordering sanctions based on subsequently obtained evidence of similar improper or criminal conduct by the educator.

E. Admonishment with Training. The Board may issue a written admonishment with training if the Board determines, based on the evidence, a violation has occurred, the violation is not of a serious nature, and that the additional professional development is warranted to prevent future violations. The Board shall require the educator to undergo specific training within a specific time period. Upon completion of training, the educator will be required to present written proof of training to the Board. If the educator fails to complete the training within the specified timeframe, the Board may consider taking additional action. In all other respects, the process for imposition of an Admonishment with Training will be handled in the same manner as the Admonishment alone.

F. Referral for Attorney Review and Investigation. Referral for Attorney Review is appropriate when the alleged conduct, should it be substantiated, would warrant sanctions. During this phase, the assigned attorney will review and evaluate the evidence; determine if more evidence is needed; and prepare a recommendation for the BoardEPSB, as to whether the report or complaint should be referred to hearing.
1. After the BoardEPSB refers a report or complaint for attorney review and investigation, an attorney will be assigned to handle the report or complaint. The assigned attorney will be responsible for all aspects of the action through final disposition.

2. The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the educator.

3. **Contents of Notice of Referral.**
   a. The Notice of Referral shall notify the educator that the BoardEPSB has referred the report or complaint for further review and investigation.
   b. The Notice of Referral shall notify the educator of the right to provide evidence that the educator’s conduct did not constitute a violation of law or ethics.
   c. The Notice of Referral shall be sent to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.

4. **Review and Investigation.**
   a. The assigned attorney will review the evidence contained in the investigative case file and determine what additional evidence is needed to evaluate the case.
   b. The assigned attorney will take all steps necessary to gather information or evidence necessary to evaluate case.

5. **Recommendations for Resolution**
   a. Once the assigned attorney is satisfied that all information and evidence reasonably available has been collected, the attorney shall make a recommendation to the EPSB:
      - recommend that the case be referred for hearing;
      - recommend that an agreed order be approved; or
      - recommend that the case be dismissed for lack of evidence or insufficiency of evidence.

   i. At any point during the review and investigation process, after a report or complaint has been referred for investigation and review or referred to hearing, the EPSB staff has the authority to enter into discussions with an educator or an educator’s attorney to resolve the action by agreed order. KRS 161.120(8)

   ii. An agreed order is appropriate when there is sufficient evidence that could result in a finding that the alleged misconduct did occur, and the educator
is willing to accept sanctions without going to the expense of a hearing.

iii. All agreed orders must be approved by a majority of the Board EPSB and signed by the Board EPSB chair.

iv. The educator has the right to request a hearing at any point after an Agreed Order has been offered and rejected.

G. Referral to Hearing. Referral to Hearing is appropriate when the Board EPSB is satisfied, based on the report provided by the EPSB staff that the alleged conduct occurred and that sanctions are warranted. Referral to Hearing is also appropriate when the educator requests a hearing after receiving a written admonishment or the educator’s application for certification has been denied and the educator has requested a hearing. KRS 161.120(5)(a).

Notice of Board Action on Reports or Complaints. Once the Board has taken any of the actions set forth above, the Executive Director shall issue a Notice of Board Action on Report or Complaint to the educator.

— The Notice of Board Action on Reports or Complaints (Notice of Board Action) shall be signed by the Executive Director or the Board Chair.
— The Notice of Board Action will be sent as soon as practicable to the educator’s address on file with the EPSB.
— The Notice of Board Action will also be sent to the reporting party.

VIII. Notice of EPSB Action on Reports or Complaints. Once the EPSB has taken any of the actions set forth above, staff or the EPSB chair shall issue a Notice of EPSB Action on Report or Complaint (Notice of Action) to the educator.

1. The Notice of Action will be sent as soon as practicable to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties.
2. The Notice of Action will also be sent to the reporting party.
Section 3. Hearing Process

The EPSB must initiate a due process hearing before sanctions are imposed upon an educator’s certificate, unless sanctions are agreed to by the parties. KRS 161.120(5)(a), KRS 161.120(8). A hearing may also be initiated upon timely request of the educator after receiving an admonishment or after the educator’s application for certification has been denied. KRS 161.120(5)(a). The administrative hearing shall be conducted in conformance with the provisions of KRS Chapter 13B. In all cases, the EPSB shall initiate the administrative hearing process through a “Notice of Hearing and Statement of Charges and Issues” (Statement of Charges) that informs the educator of the specific reason for the proposed action including the statutory and/or regulatory violation(s), the factual basis on which the action is based, and the penalty the EPSB is seeking. The hearing process begins once the EPSB approves and issues a Statement of Charges prepared by the assigned attorney.

I. Agreed Orders. At any point during the hearing process, the EPSB staff has the authority to enter into discussions with an educator or an educator’s attorney to resolve the action by agreed order. KRS 161.120(8). If the educator enters into an Agreed Order, the educator waives the due process rights afforded under KRS 161.120 and KRS 13B.

II. Prehearing.

A. Filing Statement of Charges.

1. Once approved and issued, the original Statement of Charges shall be filed with the EPSB’s Clerk of Court, and a copy shall be sent via certified mail to the educator’s address on file with the EPSB, or any other means permitted by law.

2. A copy of the Statement of Charges shall also be sent to the educator’s attorney, if any.

3. The EPSB staff shall forward a copy of the Statement of Charges to an appointed hearing officer as set forth in KRS Chapter 13B.
B. Record. The original of all filings shall be submitted to the EPSB’s Clerk of Court by email, fax or mail, and copies of any filed item shall be served on all parties and the hearing officer by mail, or any other means permitted by law.

C. Location of Hearing. Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the EPSB.

D. Right to Private Hearing. The educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the educator fails to specifically request a private hearing in writing at least five days prior to the hearing, the educator is deemed to have waived the right to a private hearing and a public hearing will be conducted.

— Referral to Hearing. When the Board determines that the allegations warrant sanctions, the Board shall refer the matter to hearing. The administrative hearing shall be conducted in conformance with KRS Chapter 13B, KRS 161.120(5)(a).

— Commencement of Disciplinary Action. The disciplinary process begins once the Board approves and issues a Notice of Hearing and Statement of Charges and Issues prepared by the attorney assigned by the EPSB staff to handle the case.

— Notice of Hearing and Statement of Charges and Issues. The Notice of Hearing and Statement of Charges (Statement of Charges) shall inform the educator of the specific reason for the proposed administrative hearing action. Specifically, the Statement of Charges should include at least the following information:

  — Statutory or regulatory violation(s);
  — Factual basis on which the disciplinary action is based; and
  — Penalty sought.

— The Notice of Hearing and Statement of Charges shall be sent to the educator’s address on file with the EPSB.

— Pursuant to KRS 161.120(5)(c), the Board may elect to conduct the disciplinary hearing before the full Board, a panel of three (3) members of the Board, or a person appointed as hearing officer by the Board pursuant to KRS 13B.030(1).

1. If the Board elects to proceed by the appointment of a hearing officer and has not sought permission from the Office of the Attorney General to contract with a private hearing officer, the EPSB staff shall request that the Office of the Attorney General appoint a hearing officer to preside over the administrative hearing.

2. The EPSB staff will forward a copy of the Statement of Charges to the Office of the Attorney General.
B. Appointment of Hearing Officer. Once appointed, the hearing officer shall preside over the conduct of an administrative hearing and shall regulate the conduct of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080.

Location of Hearing. Unless otherwise agreed to by the parties, all hearings shall be conducted in the offices of the EPSB, 100 Airport Road, 3rd Floor, Frankfort, KY 40601.

Right to Private Hearing. The educator may request in writing a public or private hearing pursuant to KRS 161.120(5)(b). If the educator fails to specifically request a private hearing, the educator is deemed to have waived the right to a private hearing and a public hearing will be conducted.

Disclosure of Record. All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the hearing phase.

Regardless of whether an educator elects to proceed with a private or public hearing, the Recommended Order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the Board issues its Final Order. After the Board issues its Final Order, all records, not otherwise exempt by law, will be subject to disclosure pursuant to Kentucky’s Open Record Act.

III. Hearing.

A. Burden of Proof. KRS 13B.090(7).

1. The EPSB’s proposed action on a certification currently held.
   a. The EPSB has the burden of proof on any issue, has the burden of going forward, and the ultimate burden of persuasion as to that issue.
   b. The EPSB must demonstrate by a preponderance of the evidence in the record that the penalty sought is appropriate.
   c. The educator has the burden of asserting an affirmative defense and has the burden to establish that defense.

2. Applicant’s appeal on the EPSB’s denial of an application of certification, or any other entitlement sought, to the applicant.
   a. The applicant has the burden of proof and the ultimate burden of persuasion as to that issue.
b. The applicant must demonstrate by a preponderance of the evidence in the record entitlement to the benefit sought.

c. The EPSB has the burden of asserting an affirmative defense and has the burden to establish that defense.

B. Recommended Order

1. Sanctions. The hearing officer’s Recommended Order shall include only those sanctions that are permitted pursuant to KRS 161.120(1) and shall not exceed the time limits set forth in KRS 161.120(10) - (11).

2. Factors. The hearing officer shall consider the factors set forth in 16 KAR 1:030 Section 2(3)(f) when recommending sanctions.

C. Filing of Exceptions

1. Service. A party may file any exceptions to the Recommended Order within 15 days of the date the Recommended Order is mailed in accordance with KRS 13B.110(4), if applicable. The original shall be filed with the EPSB’s Clerk of Court by email, fax or mail and copies shall be served on all parties and the hearing officer by mail, or any other means permitted by law.

2. Waiver. Any disagreement with a factual finding, conclusion of law or recommended disposition in the Recommended Order not contained in an exception to the Recommended Order shall be waived.

3. Form of Exceptions. Each exception to a finding of fact, conclusion of law or recommended disposition shall be concisely stated and should summarize the evidence in support of each exception.

   a. Any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

   b. In summarizing evidence, the parties shall include a specific citation to the hearing record where such evidence appears or shall attach the relevant excerpts from the hearing record.

   c. Arguments shall be logical and coherent and citations to authorities shall be complete.

4. Basis for Exceptions. Exceptions to the Recommended Order may include the following:

   a. the hearing officer has made an incorrect conclusion of law;
b. the hearing officer has failed to make an essential finding of fact;

c. the hearing officer applied the incorrect burden or standard of proof;

d. the findings of fact do not support the conclusions of law;

e. the hearing officer has made a finding of fact that is not supported by the preponderance of the evidence; or

f. the hearing officer recommended a sanction not permitted by law.

D. Disclosure of Record Before Final Order Issued. Regardless of whether an educator elects to proceed with a private or public hearing, the Recommended Order and hearing transcript is considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order. After the EPSB issues its Final Order, all records, not otherwise exempt by law, will be subject to disclosure pursuant to Kentucky’s Open Record Act.

IV. Review of Recommended Order

A. Closed Session. All recommended orders shall be reviewed by the EPSB in closed session. KRS 61.810 (1)(c) and (j).

B. Final Order. Once the EPSB has returned to open session, and the EPSB chair has certified that a quorum is present, the EPSB shall vote in accordance with KRS 13B.120.

C. Signature Authority. The EPSB may delegate to the chair the authority to sign on behalf of a majority of the EPSB members a decision made or order issued.

D. Copies. A copy of the Final Order shall be sent to the educator by certified mail or any other means permitted by law, and to the educator’s attorney, if any, the reporting party, the appointed hearing officer, and the EPSB attorney by mail or any other means permitted by law.

E. Disclosure of Case File After Final Order Issued. Regardless of whether an educator elected to proceed with a public or private hearing, the case file including, but not limited to, the Final Order, the Recommended Order, and the hearing transcript, is subject to disclosure upon the EPSB’s issuance of its Final Order unless specifically closed by the hearing officer pursuant to a provision of law.

1. Redaction. Prior to the public disclosure of the case file in accordance with KRS 61.870, et seq., staff shall ensure that any information otherwise prohibited from disclosure by law or regulation is redacted.

V. Administrative Finality. All Final Orders are appealable to Franklin Circuit Court as outlined in KRS Chapter 13B and KRS 161.120(12).
The hearing officer shall preside over the conduct of an administrative hearing and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing. KRS 13B.080(1).

Right to Counsel. Any party to an administrative hearing may participate in person or be represented by counsel. KRS 13B.080(5).

I. Record. The original of all filings shall be mailed to the offices of the EPSB, and copies of any filed item shall be served on all parties and the hearing officer by mail, or any other means permitted by law. The EPSB shall stamp the time and date upon the document when the document is received. KRS 13B.080(2).

Pre-Hearing Process.

Pre-Hearing Conference. The hearing officer shall schedule a pre-hearing conference upon reasonable notice to all parties. KRS 13B.070.

During the pre-hearing conference, the hearing officer will explore jurisdictional matters, mediation and settlement possibilities, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas and orders, and other matters that will promote the orderly and prompt conduct of the hearing.

Upon conclusion of a prehearing conference, the hearing officer shall issue a prehearing order incorporating all matters determined at the prehearing conference. If a prehearing conference is not held, the hearing officer may issue a prehearing order, based on the pleadings, to regulate the conduct of the hearing.

Pre-Hearing Matters and Discovery. KRS 13B.080(2) – (3).

The hearing officer, at appropriate stages of the proceedings, shall give all parties full opportunity to file pleadings, motions, objections, and offers of settlement. The hearing officer, at appropriate stages of the proceedings, may give all parties full opportunity to file briefs, proposed findings of fact and conclusions.
of law, and proposed recommended or final orders.

The hearing officer may issue subpoenas and discovery orders when requested by a party or on his or her own volition. When a subpoena is disobeyed, any party may apply to the Circuit Court of the judicial circuit in which the administrative hearing is held for an order requiring obedience. Failure to comply with an order of the court shall be cause for punishment as contempt of the court.

Default. If a party properly served under KRS 13B.050 fails to attend or participate in a prehearing conference, hearing, or other stage of the administrative hearing process, or fails to comply with the orders of a hearing officer, the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate. A Default Order shall be considered a Recommended Order and shall be processed as provided in KRS 13B.110. KRS 13B.080(6).

Hearing.

Burden of Proof. KRS 13B.090(7).

The EPSB’s proposed action on a certification currently held.

The EPSB has the burden of proof on any issue, has the burden of going forward, and the ultimate burden of persuasion as to that issue.

a. The EPSB must demonstrate by the preponderance of evidence in the record that the penalty sought is appropriate.

b. The educator has the burden of asserting an affirmative defense and has the burden to establish that defense.

Applicant’s appeal on the EPSB’s denial of an application of certification.

The applicant has the burden of proof and the ultimate burden of persuasion as to that issue.

The applicant must demonstrate by the preponderance of evidence in the record entitlement to the benefit sought.

The EPSB has the burden of asserting an affirmative defense and has the burden to establish that defense.

Recommended Order. As appropriate, the presiding hearing officer shall issue a Recommended Order in conformance with the requirements of KRS Chapter 13B.
— **Timeframe.**

— The hearing officer shall complete and submit that Recommended Order to the EPSB no later than 60 days after receiving a copy of the official record of the proceeding. KRS 13B.110(1).

— If an extension of time is needed, the hearing officer may submit a request to the EPSB in accordance with KRS 13B.110.

— **Format.** In addition to the requirements of KRS Chapter 13B, the Hearing officer’s recommendation shall be consistent with the EPSB’s policy and procedures.

— The hearing officer’s Recommended Order shall include only those sanctions that are permitted pursuant to KRS 161.120(1) and shall not exceed the time limits set forth in KRS 161.120(10) – (11).

— The hearing officer shall consider the factors set forth in Procedure Section 3, IIA when recommending sanctions.

— **Filing of Exceptions.** A party may file any exceptions to the Recommended Order within 15 days of the date the Recommended Order is mailed in accordance with KRS 13B.110(4), if applicable. This time limit may not be extended and no responses to exceptions shall be considered by the Board.

— **Service**

— Exceptions shall be served upon the other party by mail or any other means permitted by law.

— Original shall be mailed to the offices of the EPSB.

— **Waiver.** Any disagreement with a factual finding or conclusion of law in the Recommended Order not contained in an exception to the Recommended Order shall be waived.

— **Form of Exceptions.** Each exception or reply to a finding of fact or conclusion of law should be concisely stated and should summarize the evidence in support of each exception.

— Any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

— In summarizing evidence, the parties shall include a specific citation to the hearing record where such evidence appears or shall attach the relevant excerpts from the hearing record.
Arguments shall be logical and coherent and citations to authorities shall be complete.

**Basis for Exceptions.** Exceptions to the Recommended Order may include the following:

- the hearing officer has made an incorrect conclusion of law;
- the hearing officer has failed to make an essential finding of fact;
- the hearing officer applied the incorrect burden or standard of proof;
- the findings of fact do not support the conclusions of law;
- the hearing officer has made a finding of fact that is not supported by the preponderance of the evidence; or
- the hearing officer recommended a sanction not permitted by law.

**Disclosure.**

- All records relating to a private hearing are generally deemed preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 and KRS 13B.080 (8) during the hearing phase.

- Regardless of whether an educator elects to proceed with a private or public hearing, the **Recommended Order and hearing transcript** are considered preliminary and, therefore, exempt from disclosure pursuant to KRS 61.878 until the EPSB issues its Final Order.

**Section 4. Procedure for Suspension, Surrender, or Revocation of a Certificate**

The EPSB has the authority to suspend or revoke an educator’s certificate under KRS 161.120(1). Suspension of a certificate shall be for a specific period of time, not to exceed two years and may be reinstated after the suspension period, if all required conditions are met. KRS 161.120(10). Revocation of a certificate is a permanent forfeiture of the certificate. If the revocation is for a term of years, an applicant may apply for a new certificate at the end of the revocation period, if all required conditions are met. KRS 161.120(11).

**I.** When the EPSB issues an order of suspension, surrender, or revocation, staff shall mail a copy of the order to the educator’s address on file with the EPSB, unless a different method of service has been agreed to by the parties. Copies shall also be sent to the educator’s attorney, if any, the appointed hearing officer, if any, the reporting party, and the employing school district if different from the reporting party.

**II.** The order of suspension, surrender or revocation of a certificate shall become part of the educator’s case file maintained by the EPSB.

**III.** Following each EPSB meeting, staff shall ensure that:

- the suspension, surrender, or revocation is noted on the EPSB website.
1. The period of suspension shall only be noted on the website while the certificate is suspended.

2. The period of revocation shall be noted on the certificate and shall remain on the EPSB website.

B. The suspension, surrender, or revocation is noted in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

1. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline. Only NASDTEC members have access to the Clearinghouse.
PROCEDURES RELATING TO BOARD ACTION
ON AN EDUCATOR'S CERTIFICATION

Section 6
Post-Hearing Phase

APPROVED: April 10, 2017

Review of Recommended Order. In making the Final Order, the Board shall consider the record including the Recommended Order and any exceptions to the Recommended Order. KRS 13B.120(1).

Final Decisions and Orders. After the Board chair certifies that a quorum is present at an EPSB board meeting, a majority vote of the voting members present shall be required to make a final decision on the Recommended Order or request for issuance of a Default Judgment:

— The Board may adopt an order, or it may reject or modify, in whole or in part, the Recommended Order submitted by the presiding hearing officer. KRS 13B.120(2).

— The Board may remand the matter back to the hearing officer, in whole or in part, for further proceedings as appropriate. KRS 13B.120(2).

— If the Final Order differs from the Recommended Order, it shall include a separate statement of the findings of fact and conclusions of law. KRS 13B.120(3).

Timeframe. When using the services of a hearing officer, the Board shall render a Final Order within 90 days after the hearing officer submits a Recommended Order to the Board unless the matter is remanded back to the hearing officer for further proceedings. KRS 13B.120(4).

Signature Authority. The Board may delegate to the chair the authority to sign on behalf of a majority of the Board members a decision made or order issued under this section.

Disclosure of Case File After Final Decision Issued. Regardless of whether an educator elected to proceed with a public or private hearing, the case file including, but not limited to, the Final Order, the Recommended Order, and the hearing transcript, is subject to disclosure upon the Board’s issuance of its Final Order unless specifically closed by the hearing officer pursuant to a provision of law.

Redaction. Prior to the public disclosure of the case file in accordance with KRS 61.805, et seq., the EPSB staff shall ensure that any information otherwise prohibited from disclosure by law or regulation is redacted.
Administrative Finality.

In accordance with KRS Chapter 13B, Final Orders issued by the Board shall be subject to judicial review by the Franklin Circuit Court. KRS 161.120(12).

A petition for judicial review shall not automatically stay a Final Order pending the outcome of the review unless a stay is ordered by the Franklin Circuit Court. KRS 13B.140(4).

Motions to Reconsider, Modify, or Reverse. Under exceptional circumstances, the Board may reconsider, modify, or reverse its decision on any disciplinary matter upon a motion by one of the parties or on its own volition. KRS 161.120(9).

Section 5. Procedure for Reinstatement of a Suspended Certificate or Reissuance of a Certificate after Revocation

I. Upon reinstatement, staff shall ensure that:

A. The suspension is no longer noted on the website; and

B. The reinstatement of the suspended certificate is noted in the NASDTEC Clearinghouse.

II. Upon reissuance, the EPSB staff shall ensure the reissuance of a revoked certificate is noted in the NASDTEC Clearinghouse.
When the Board issues an order of suspension, surrender, or revocation, the EPSB staff shall mail a copy of the order to the educator’s address on file with the Education Professional Standards Board.

A record of the Board action suspending or revoking a certificate shall become part of the educator’s case file maintained by the EPSB staff.

Immediately following the issuance of the order, the EPSB staff shall notify, as applicable, the reporting district, the employing school district, and the reporting party of the action taken.

EPSB staff will also ensure that the suspension, surrender, or revocation is noted on the EPSB website. The period of suspension shall only be noted on the website while the certificate is suspended.

EPSB staff will also ensure that the information is provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion in The NASDTEC Clearinghouse. The Clearinghouse is a searchable database administered by NASDTEC relating to educator certification and discipline.
Section 8
Procedure for the Reinstatement of a Suspended Certificate

APPROVED: April 10, 2017

Reinstatement of a suspended certificate for reasons other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6).

A certificate that has been suspended by the Board shall not be reinstated until the educator has met all conditions and requirements ordered by the Board.

If a certificate lapses during a period of suspension, at the end of the suspension period and upon completion of all conditions and requirements ordered by the Board, the educator shall apply for the renewal of the certificate and shall meet all educational requirements for renewal of the certificate.

The burden to reinstate a certificate that has been suspended is on the educator.

Conditions.

When the terms of the suspension did not include conditions:

Upon expiration of the period of suspension, the EPSB staff will reinstate the certificate and remove the reference to the suspension from the EPSB website.

The EPSB staff will notify the educator in writing to the home address on file with the EPSB that the certificate has been reinstated.

The EPSB will notify the school district that employs the educator.

When the terms of the suspension included conditions:

The burden to reinstate the educator’s certificate is on the educator.

The EPSB staff will review the file to determine if the educator has submitted evidence demonstrating that the conditions of suspension were met.

The EPSB staff will reinstate the certificate after the suspension period is concluded and remove from any
reference to the suspension from EPSB’s website once the educator has provided evidence that the conditions of suspension have been met.

A. The record of suspension as well as reinstatement of the certification shall become part of the educator’s case file, but the suspension will not be noted on any future certificate issued to the educator.

II. Reinstatement of a suspended certificate for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6).

In addition to conditions for reinstatement or reissuance set forth above, the educator shall, at the educator’s own expense, provide written evidence that the educator has submitted to a drug test administered by a drug testing facility approved by the Board within thirty (30) days of reinstatement or submission of an application for reissuance of the certificate.

The educator shall arrange for the drug testing facility to send the results of the drug test directly to the EPSB.

An educator subject to the terms of this subsection may petition the EPSB to approve a drug testing facility of the educator’s choice.

Petition to Approve Drug Testing Facility. The petition shall contain the following information:

the drug testing facility’s name and location;
the name and telephone number for the director of the facility;
the method of test specimen collection;
the drug testing facility’s method of assuring identity of the test subject;
procedures for testing specimens, including forensic testing methods; and
chain of custody protocols.

The Drug Testing Facility must test, at a minimum, the following controlled substances:

Marijuana;
Cocaine;
Opiates;
Amphetamines;
Phencyclidine;
Morphine;
MDMA (Ecstasy);
Methadone;
Benzodiazepines;
Barbiturates; and
Oxycodone.

If the results of the drug test indicate illegal drug use by the educator, the certificate shall not be reinstated or reissued.

**Education Professional Standards Board**

**PROCEDURES RELATING TO BOARD ACTION ON AN EDUCATOR’S CERTIFICATION**

Section 9
Procedure for the Reissuance of a Certificate After Surrender or Revocation APPROVED

When surrender or revocation was for a reason other than misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6), the following conditions apply:

- The former certificate holder must complete the same application that all educators in Kentucky must complete to obtain certification.

- The former certificate holder bears the burden of proving that the certificate holder is fit for practice.

- The former certificate holder must satisfy all current educational requirements for the certificate sought.

- The Board may include terms and conditions that the Board reasonably deems appropriate as a condition of reissuance in accordance with KRS 161.120(11)(b) if reissuing the certificate.

When surrender or revocation was for misconduct involving the illegal use of controlled substance as defined in KRS 218A.010(6), the former certificate holder must comply not only with the requirements set forth above for reissuance of certification after revocation for all other offenses, the former certificate holder will also have to submit to drug testing as set out in the procedures for suspension resulting from illegal use of controlled substances.

Regardless of the reason for the revocation, the revocation will be noted on the certificate that is issued and will remain on the EPSB website.

I. The record of surrender or revocation as well as reissuance shall become part of the educator’s case file.
Section 6. Procedure for Probationary Conditions

The EPSB has the authority to impose probationary or supervisory conditions upon an educator’s certificate under KRS 161.120(1). Probationary or supervisory conditions may be imposed through an Agreed Order pursuant to KRS 161.120(8) or a Final Order pursuant to KRS 13B.120.

I. Compliance.

A. The educator shall provide written proof of compliance with the probationary or supervisory conditions within the timeframe specified in the Agreed Order or Final Order.

B. Proof of compliance shall be sent to staff by mail, fax or email.

C. It is the educator’s responsibility to ensure written proof of the condition has been received by staff.

II. Noncompliance.

A. If the educator fails to provide written proof of compliance with the probationary or supervisory conditions within the timeframe specified in the Agreed Order or Final Order, staff shall send the educator a Ten-Day Letter (Letter). The Letter shall:

1. Notify the educator that the educator has failed to comply with a probationary or supervisor condition(s);

2. Restate the probationary or supervisory condition(s) that the educator has failed to comply with, in full;

3. Inform the educator that the educator has ten (10) days from the date of the letter to submit written proof of compliance with the probationary or supervisory conditions to the EPSB or the educator’s certificate will be sanctioned according to the terms of the Agreed Order or Final Order; and

4. Provide a point of contact.

B. If the educator provides written proof of compliance with the probationary or supervisory conditions after receiving the Letter, the educator’s certificate will not be sanctioned.

C. If the educator fails to provide written proof of compliance with the probationary or supervisory conditions after the ten (10) days has
lapsed, the EPSB staff shall sanction the educator’s certificate in accordance with the terms of the Agreed Order or Final Order, and notify the educator of the sanction.

III. Drug Testing.

A. If an educator has been ordered, through an Agreed Order or a Final Order, to submit to drug testing, staff shall send the educator a Notice of Drug Testing Letter (Drug Testing Letter). The Drug Testing Letter shall:

1. Notify the educator that the educator is required to complete drug testing at an EPSB approved facility:
   
a. An EPSB approved facility must conduct specimen collection, analysis and reporting in accordance with federal guidance and state laws.

2. Restate the drug testing condition in the Agreed Order or Final Order, in full;

3. Inform the educator that the educator has 48 hours to submit a sample to an EPSB approved facility, and to sign a confidentiality waiver for the EPSB to receive the drug test results; and

4. Provide a point of contact for receipt of the drug test results.

B. If the educator fails to submit a sample to an EPSB approved facility within 48 hours, staff shall sanction the educator’s certificate in accordance with the terms of the Agreed Order or Final Order and notify the educator of the sanction.

Section 7. Procedure for Motions to Reconsider, Modify or Reverse

I. An educator or the educator’s attorney may request that the EPSB reconsider, modify, or reverse its decision on any disciplinary matter by filing a motion with the EPSB. 16 KAR 1:030 Section 9(2)

A. Timing. A motion may be filed at any time to be included in the Closed Session Review Docket or Addendum. See Section 2 Complaints and Reports, V. Closed Session Review Docket.

B. Evidence. The motion should include evidence that circumstances have changed since the disciplinary action was taken, any evidence that the educator has been rehabilitated or paid restitution for past actions, and any other relevant facts and circumstances. Evidence submitted may include but is not limited to sworn affidavits, court or medical records, and letters of support.
Action Item:
16 KAR 6:010. Assessment Prerequisites for Teacher Certification, Statement of Consideration and Amended After Comments Regulation

Staff's Recommendation:
The Education Professional Standards Board (EPSB) should approve the statement of consideration and amended after comments regulation.

Rationale:
The statement of consideration addresses the comments received and meets the requirements of KRS 13A.280. The amended regulation returns to the previous Praxis exam for certification for Interdisciplinary Early Childhood Education (IECE), Birth to Primary, which better aligns to the current grade level range of the certificate and preparation program.

Action Question:
Should the EPSB approve the Statement of Consideration and Amended After Comments Regulation?

Applicable Statute or Regulation:
KRS 13A, KRS 161.030, 16 KAR 6:010

History/Background:
Existing Policy: At the June 21st meeting, the EPSB approved an amendment to 16 KAR 6:010. This administrative regulation establishes the examination prerequisites for teacher certification. In the amendment, the EPSB updated the Praxis exam for IECE certification from the Interdisciplinary Early Childhood Education (5023) exam to the Education of Young Children (5024) exam. The regulation was filed with the Legislative Research Commission and the public comment period ran through September 30th. During the comment period, written comments were received. Pursuant to KRS 13A.280, the EPSB must give consideration to the comments received and file a statement of consideration.

Summary: The Kentucky Division for Early Childhood (KY DEC) filed comments expressing their concern over the change in exams for IECE certification. KY DEC noted that there is a critical shortage in Kentucky of early interventionists and preschool educators who teach children with and without disabilities. They asked that the EPSB reconsider the exam change based on the following concerns from stakeholders:

- The content found on the Education of Young Children (5024) exam does not align with the grade levels of the IECE certification and the corresponding programs of preparation. Both the certificates and programs align with birth through kindergarten whereas the exam covers content through third grade. This will negatively affect teacher candidates as they attempt to pass a test without proper training.
• Educators holding IECE certification serve as a primary developer and implementer of student’s individual education plan (IEP) and individual family service plan (IFSP), but the Education of Young Children (5024) exam has only minimal focus on the IEP and no verbiage on the IFSP.

• While there are broad statements describing the population addressed in the Education of Young Children (5024) exam, there is virtually no content that seems to focus on the specifics of infants and toddlers with or without special needs.

After reviewing the comments from KY DEC and further examining the two Praxis exams, staff recommends that the EPSB file a statement of consideration and an amended after comments regulation that returns to the Interdisciplinary Early Childhood Education (5023) exam as the prerequisite for IECE certification. A copy of the comments from KY DEC, the statement of consideration, and amended after comments regulation are included for review.

Budget Impact: There is no budgetary impact.

Contact Person:
Cassie Trueblood, Policy Advisor and Counsel
Office of Educator Licensure and Effectiveness
(502) 564-4606
Email: cassie.trueblood@education.ky.gov
To Whom it may concern,

In a recent Kentucky (KY) Division for Early Childhood (DEC) board meeting, the board discussed the recent change to the IECE licensure area praxis requirement. It has come to our attention that the Kentucky Educational Professional Standards Board has replaced the Interdisciplinary Early Childhood Education (5023) praxis test with the Education of Young Children (5024) praxis. As the KY DEC board has representation from a variety of institutions of higher education, part C providers, Regional Training Centers, preschool teachers, families, and students in personnel preparation programs, we ask that you support our efforts in the reconsideration of this change based on concerns from all stakeholders.

Specific concerns are outlined below:

- As stated, “(1) The professional certificate for interdisciplinary early childhood education, birth to primary, shall be valid for teaching children from birth to entry into the primary program, including teaching children in kindergarten or another program for five (5) year old children if the program is operated separately from the primary program.” (section 4, 16 KAR 2:040) – The Education of Young Children (5024) praxis has overlapping content but continues through the third grade. The content found on the exam does not align with the Kentucky personnel preparation programs as Institutions of Higher Education have aligned programs with birth through kindergarten content as stated in the above regulations. This will negatively affect our teacher candidates as they attempt to pass a test without proper training, hence negatively affecting our already critical shortage of early interventionists and preschool educators who teach children with and without disabilities.

- Furthermore, to clarify the need for special education knowledge and proficiency, section 2, 16 KAR 2:040 states “(2) A person holding this certificate shall serve as a primary developer and implementer of an individual program for children with or without disabilities including an individual education plan (IEP) and individual family service plan (IFSP) with consultation and support from a specialist according to the needs of the
child.” This regulation demonstrates the necessity of assessing in-depth interdisciplinary (special education) knowledge on the praxis exam. Education of Young Children (5024) praxis has only minimal focus on the IEP and no verbiage on the IFSP.

- The Education of Young Children (5024) was specifically designed to align with the National Association for the Education of Young Children’s (NAEYC) Standards for Early Childhood Professional Preparation (2009) and the Common Core State Standards. This does not align with the Kentucky standards that include and adopted the Council for Exceptional Children (CEC) Early Interventionist/ Early Childhood Special Educator Preparation Standards. Section 6 (soon to be revised to Section 5) states, “The interdisciplinary early childhood education, birth to primary, program shall be subject to the program approval requirements established in 16 KAR 5:010 and shall incorporate the National Association for the Education of Young Children (NAEYC) Professional Standards and Competencies for Early Childhood Educators and the Council for Exceptional Children (CEC) Early Interventionist/ Early Childhood Special Educator Preparation Standards” and further states ““Interdisciplinary” means a preparation program combining early childhood and early childhood special education (16 KAR 2:040)”. The CEC standards are specific to early childhood special education practices that go beyond developmentally appropriate practices addressed by NAEYC. This statute implies that our students are trained to work with young children with disabilities, yet, the Education of Young Children (5024) test does not address this content.

- And finally, while there are broad statements describing the population addressed in Education of Young Children (5024) as “birth to age eight” there is virtually no content that seems to focus on the specifics of infants and toddlers with or without special needs. Many of our graduates go on to serve this population of children and families and therefore Part C of IDEA absolutely must not be disregarded.

Currently, the new praxis, Education of Young Children (5024), is available, but not mandatory as the Interdisciplinary Early Childhood Education (5023) is still accepted. However, as of February 1, 2022, there will be no alternative. In summary, there are negative consequences of having IECE certification students fail the new praxis that is not aligned with the KY IECE certification as outlined in state regulations. Kentucky faces a serious shortage of preschool teachers, as well as early intervention providers. We do not need to make it more difficult for the state to grant certification to IECE teachers to the detriment of providing services to young children with and without disabilities in Kentucky. Thank you for your prompt attention to this matter.
Sincerely,

Julie H. Rutland, Ph.D.
Associate Professor, IECE Graduate Coordinator, EKU

Sarah Hawkins-Lear, Ed.D., BCBA-D, LBA
Clinical Associate Professor, UK

Jennifer Grisham Brown Ed. D.
Professor IECE, Faculty Director, University of Kentucky Early Childhood Laboratory

Rebecca Crawford, Ph.D.
Clinical Faculty, EKU

Stacey G. Stevens
Director, Ashland Regional Training Center

Caroline Gooden, PhD
University of Kentucky Adjunct Early Childhood Faculty

Elizabeth McLaren, Ed.D.
Developmental Interventionist (Part C)

Kristy Lovell
Early Childhood Coordinator, Berea College

Meg Gravil, Ph.D.
Clinical Assistant Professor, University of Louisville

Ryan Zuehl, M.A.T. IECE
Preschool Teacher

Abby T. Rucker B.A.
UK Graduate Student

Amanda Duncan B.A.
Parent Liaison for DEC, UK Graduate Student
STATEMENT OF CONSIDERATION
Relating to 16 KAR 6:010
Assessment Prerequisites for Teacher Certification

Education Professional Standards Board
(Amended After Comments)

I. The public hearing on 16 KAR 6:010, scheduled for September 23, 2021, at 10:00 a.m. in the State Board Room, Kentucky Department of Education, 300 Sower Blvd., 5th Floor, Frankfort, Kentucky was cancelled; however, written comments were received during the public comment period.

II. The following people submitted written comments:

Name and Title                  Agency/Organization/Entity/Other
Dr. Julie H. Rutland            Kentucky Division for Early Childhood

III. The following people from the promulgating administrative body responded to the written comments:

Name and Title
Dr. Byron Darnall, Associate Commissioner, Office of Educator Licensure and Effectiveness
Cassie Trueblood, Policy Advisor and Counsel, Office of Educator Licensure and Effectiveness

IV. Summary of Comments and Responses

(1) Subject Matter: The Praxis exam required for certification for Interdisciplinary Early Childhood Education (IECE), Birth to Primary.

(a) Comment: Dr. Julie Rutledge – There are negative consequences to the Education Professional Standards Board’s (EPSB) decision to move from the Interdisciplinary Early Childhood Education (5023) exam to the Education of Young Children (5024) exam. The content found on the Education of Young Children (5024) exam does not align with the grade levels of the IECE certification and the corresponding programs of preparation. Both the certificates and programs align with birth through kindergarten whereas the exam covers content through third grade, does not focus on the specifics of infants and toddlers with or without special needs, and has minimal focus on the special education aspect of the certificate. This will negatively affect teacher candidates as they attempt to pass a test without proper training. Asks the EPSB to reconsider this change.

(b) Response: Staff and the EPSB have carefully reviewed and appreciates this comment. After a deeper review of the two Praxis Exams, the EPSB agrees with the commenter that the Interdisciplinary Early Childhood Education (5023) exam is better aligned to the IECE, birth to primary certificate and preparation program. Therefore, the EPSB is amending the regulation to return to the Interdisciplinary Early Childhood Education (5023) exam.
V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was canceled; however, written comments were received. The EPSB responded to the comments and amends the administrative regulation as follows:

Page 1
Section 2(1)
Line 18
After “shall take”, insert the following:
"Interdisciplinary Early Childhood Education (5023)" – 166.
Delete “Education of Young Children (5024) – 160”

Page 2
Section 2(3)(d)
Line 16
After “Social Studies (5089)”, delete “:”.

"Interdisciplinary Early Childhood Education (5023)" – 166.
Delete “Education of Young Children (5024) – 160”
EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education Professional Standards Board

(Amended After Comments)

16 KAR 6:010. Assessment 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 (EPSB) to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) require the EPSB to select the appropriate assessments required prior to teacher certification. This administrative regulation establishes the examination prerequisites for teacher certification.

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

Section 2. The EPSB shall require the assessment or assessments and passing scores identified in this section for each new teacher applicant and each teacher seeking an additional certificate. (1) An applicant for Interdisciplinary Early Childhood Education certification (birth to primary) shall take "Interdisciplinary Early Childhood Education (5023)" – 166. [“Education of Young Children (5024) – 160”] [“Interdisciplinary Early Childhood Education (5023)” – 166.]

(2) An applicant for Elementary certification (grades P-5) shall take "Elementary Education:
Multi-Subjects Test (5001)" with the following passing scores on the corresponding assessment sections:

(a) "Elementary Education: Reading and Language Arts (5002)" - 157;
(b) "Elementary Education: Mathematics (5003)" - 157;
(c) "Elementary Education: Social Studies (5004)" - 155; and
(d) "Elementary Education: Science (5005)" - 159.

(3) An applicant for certification at the middle school level (grades 5 through 9) shall take the content assessment or assessments based on the applicant’s content area or areas with the corresponding passing scores as identified in this subsection:

(a) Middle School English and Communications: "Middle School English Language Arts (5047)" - 164;
(b) Middle School Mathematics: "Middle School Mathematics (5164)" – 157["Middle School Mathematics (5169)" – 165];
(c) Middle School Science: "Middle School Science (5442)" – 152["Middle School Science (5440)" – 150]; or
(d) Middle School Social Studies: "Middle School Social Studies (5089)"[•] - 149.

(4) An applicant for certification at the secondary level (grades 8 through 12) shall take the content assessment or assessments corresponding to the applicant's content area or areas with the passing scores identified in this subsection:

(a) Biology:
"Biology: Content Knowledge (5235)" - 146;
(b) Chemistry:
"Chemistry: Content Knowledge (5245)" - 147;

(c) Earth Science:

"Earth and Space Sciences: Content Knowledge (5571)" - 147;

(d) English: "English Language Arts: Content and Analysis (5039)" - 168;

(e) Mathematics: "Mathematics (5165)" – 159[Mathematics: Content Knowledge (5161)"

160];

(f) Physics: "Physics: Content Knowledge (5265)" - 133; or

(g) Social Studies:

"Social Studies: Content and Interpretation (5086)" - 153.

(5) An applicant for certification in all grades shall take the content assessment or assessments

1 corresponding to the applicant's area or areas of specialization identified in this subsection, and,

2 if a passing score is established in this subsection, the applicant shall achieve the passing score or

3 higher:

4 (a) Art:

"Art: Content and Analysis (5135)" - 161;

(b) Chinese: "Chinese (Mandarin): World Language (5665)" - 164;

(c) French: "French: World Language (5174)" - 162;

(d) German: "German: World Language (5183)" - 163;

(e) Japanese: “Japanese: World Language (5661)” -156;

(f)[(e)] Health: "Health Education (5551)" – 155;

(g)[(f)] Health and Physical Education:

1. "Health and Physical Education: Content Knowledge (5857)" – 160; and

2."Physical Education: "Physical Education: Content and Design (5095)" – 169;
Integrated Music:

"Music: Content and Instruction (5114)" - 162;

Instrumental Music:

"Music: Instrumental and General Knowledge (5115)" - 150
"Music: Content and Analysis (5114)" - 162;

Vocal Music:

"Music: Vocal and General Knowledge (5116)" - 153
"Music: Content and Analysis (5114)" - 162;

Latin:

"Latin (5601)" - 166;

Physical Education:

"Physical Education: Content and Design (5095)" - 169;

School Media Librarian:

"Library Media Specialist (5311)" - 156;

School Psychologist:

"School Psychologist (5402)" - 147; or

Spanish:


Except as provided in subsection (7) of this section, 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 the content assessment or assessments based on the applicant's area or areas of specialization with the corresponding passing scores as identified in this subsection:

(a) Communication Disorders:
1. "Special Education: Core Content Knowledge and Applications (5354)" - 151; and
2. "Speech-Language Pathology (5331)" – 162;

(b) Hearing Impaired:
1. "Special Education: Core Knowledge and Applications (5354)" - 151; and
2. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" – 160;

(c) Hearing Impaired With Sign Proficiency:
1. "Special Education: Core Knowledge and Applications (5354)" – 151;
2. "Special Education: Education of Deaf and Hard of Hearing Students (5272)" -160; and
3. "American Sign Language Proficiency Interview (ASLPI)" – 3+;

(d) Learning and Behavior Disorders:
"Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;

(e) Moderate and Severe Disabilities:
"Special Education: Core Knowledge and Severe to Profound Applications (5545)" - 158; or

(f) Visually Impaired:
1. "Special Education: Core Knowledge and Applications (5354)" - 151; and

(7) A holder of an exceptional child certificate in Learning and Behavior Disorders or Moderate and Severe Disabilities who is seeking additional certification for any exceptional children teaching certificate listed in subsection (6) of this section shall not be required to take "Special Education: Core Knowledge and Applications (5354)".

(8)(a) Except as provided in paragraph (b) of this subsection, an applicant for Career and Technical Education certification to teach in grades 5 - 12 shall take the content assessment or assessments corresponding to the applicant's area or areas of specialization identified in this par-
agraph, and, if a passing score is established in this paragraph, the applicant shall achieve the
passing score or higher:

1. Agriculture:
   "Agriculture (5701)" – 147;

2. Business and Marketing Education:
   "Business Education (5101)" - 154;

3. Family and Consumer Science:
   "Family and Consumer Sciences (5122)" – 153; or

4. Engineering and Technology Education:
   "Technology Education (5051)" -159.

(b) An applicant for Industrial Education shall take the content assessment or assessments cor-
responding to the applicant's area or areas of specialization with the passing scores identified in
16 KAR 6:020.

(9) An applicant for a restricted base certificate in the following area or areas shall take the
content assessment or assessments based on the applicant’s area or areas of specialization with
the corresponding passing scores as identified in this subsection:

(a) English as a Second Language:

1. Until August 31, 2017: "English to Speakers of Other Languages (5361)" - 157; or
2. Beginning September 1, 2017: "English to Speakers of Other Languages (5362)" – 155;

(b) Speech/Media Communications:

"Speech Communication (5221)" – 146; or

(c) Theater:

"Theatre (5641)" - 162.
(10) An applicant for an endorsement in the following content area or areas shall take the content assessment or assessments based on the applicant’s area or areas of specialization with the passing scores identified in this subsection:

(a) American Sign Language: "American Sign Language Proficiency Interview (ASLPI)" - 3+

(b) English as a Second Language:
   1. Until August 31, 2017: "English to Speakers of Other Languages (5361)" – 157; or
   2. Beginning September 1, 2017: "English to Speakers of Other Languages (5362)" – 155;

(c) Learning and Behavior Disorders, grades 8 - 12:
   "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" - 158;

(d) Literacy Specialist:
   "Reading Specialist (5302)" - 165 ["Reading Specialist (5301)" – 164];

(e) Gifted Education, grades primary - 12:
   "Gifted Education (5358)" – 157; or

(f) Reading Primary through Grade 12:
   "Teaching Reading: K-12 (5206)" – 156 ["Teaching Reading (5204)" – 153].

Section 3. In addition to the content area assessment or assessments established in Section 2 of this administrative regulation, each new teacher shall take the pedagogy assessment and meet the passing score identified in this section that corresponds to the grade level of certification sought. If a certified teacher is seeking additional certification in any area, the applicant shall not be required to take an additional pedagogy assessment.

(1) An applicant for Elementary certification (grades primary – 5) shall take "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160.
(2) An applicant for certification at the middle school level (grades 5 through 9) shall take "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160.

(3) An applicant for certification at the secondary level (grades 8 through 12) shall take "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

(4) An applicant for certification in all grades with a content area identified in Section 2(5) of this administrative regulation shall take one (1) of the following assessments and achieve the corresponding passing score or higher:

(a) "Principles of Learning and Teaching: Grades kindergarten – 6 (5622)" - 160;

(b) "Principles of Learning and Teaching: Grades 5 – 9 (5623)" - 160; or

(c) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

(5) An applicant applying only for certification for teacher of exceptional children shall not be required to take a separate pedagogy assessment established in this section. The content area assessment or assessments established in Section 2 of this administrative regulation shall fulfill the pedagogy assessment requirement for a teacher of exceptional children.

(6) An applicant for Career and Technical Education certification in grades 5 through 12 shall take one (1) of the following assessments and receive the identified passing score:

(a) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

(b) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160; or

(c) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

Section 4. Assessment Recency. (1) A passing score on an assessment established at the time of administration shall be valid for the purpose of applying for certification for five (5) years from the assessment administration date.

(2) A teacher who fails to complete application for certification to the EPSB|Education Pro-
fessional Standards Board] within the applicable recency period of the assessment and with the passing score established at the time of administration shall retake the applicable assessment or assessments and achieve the passing score or scores required for certification at the time of application.

(3) The assessment 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; or

(b) The agency established by the EPSB[Education Professional Standards Board] as the authorized test administrator.

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

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

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

Section 6. An applicant shall pay the assessment fee established by the Educational Testing Service or other authorized test administrator for each relevant assessment required to be taken.
Section 7. An applicant who fails to achieve at least the minimum passing score on any of the applicable assessments may retake the assessment.

Section 8. The EPSB[Education Professional Standards Board] in conjunction with the Kentucky Center for Statistics[Kentucky Center for Education and Workforce Statistics] shall collect data and conduct analyses of the scores and institutional reports provided by the Educational Testing Service or other authorized test administrator to determine the impact of these assessments.
KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

**Action Item:**
Request to Approve Certification of Expiring Regulations

**Staff’s Recommendation:**
The Education Professional Standards Board (EPSB) should approve the proposed regulatory actions.

**Rationale:**
The list of recommended actions meets the requirements of KRS 13A.3102. Staff reviewed current EPSB regulations to determine alignment with statutory and program requirements and whether regulations should remain in effect, with or without amendment.

**Action Question:**
Should the EPSB approve the proposed regulatory actions?

**Applicable Statute or Regulation:**
KRS 13A.3102, KRS 13A.3104, KRS 161.020, KRS 161.028

**History/Background:**

**Existing Policy:** KRS 13A.3102(1) provides that “an ordinary administrative regulation with a last effective date on or after March 1, 2013, shall expire seven (7) years after its last effective date, except as provided by the certification process in KRS 13A.3104.” KRS 13A.3104 sets forth the certification process that an agency must follow to avoid the expiration of an administrative regulation. This process requires the agency to review the administrative regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation and file a letter with the regulations compiler prior to the expiration date, stating whether the administrative regulation shall be amended or remain in effect without amendment. If the certification letter states that the administrative regulation will be amended, the EPSB must file an amendment to the administrative regulation within eighteen months of the date the certification letter was filed.

**Summary:** There are four regulations that are set to expire during the current school year. Staff has reviewed and proposed action for all four regulations. The proposed actions are included for EPSB review.

**Budget Impact:** There will be a cost associated with staff time for amending the regulation. There may be additional impacts, dependent on any significant revisions to the existing regulation.

**Contact Person:**
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<table>
<thead>
<tr>
<th>Title</th>
<th>CH</th>
<th>Reg #</th>
<th>Title/Description of Regulation</th>
<th>Last Effective Date</th>
<th>7 Year Expiration Date</th>
<th>Division</th>
<th>Recommend (Certify / Amend / Repeal)</th>
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<tr>
<td>16</td>
<td>2</td>
<td>120</td>
<td>Emergency certification and out-of-field teaching</td>
<td>1/5/2015</td>
<td>1/5/2022</td>
<td>Certification</td>
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<td>060</td>
<td>Certificate renewals and teaching experience</td>
<td>9/5/2014</td>
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<td>Certification</td>
<td>Amend</td>
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<td>16</td>
<td>5</td>
<td>060</td>
<td>Literacy program requirements for middle school, high school, grades 5-12, and grades P-12, certification programs</td>
<td>2/6/2015</td>
<td>2/6/2022</td>
<td>Ed Prep</td>
<td>Amend</td>
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<td>9</td>
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<td>University-based alternative certification program</td>
<td>10/31/2014</td>
<td>10/31/2021</td>
<td>Ed Prep/ Certification</td>
<td>Certify</td>
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Action Item:
Request to Waive Grade Point Average Requirement for Issuance of Emergency Certification for the 2021-2022 School Year

Staff’s Recommendation:
The Education Professional Standards Board (EPSB) should waive the grade point average (GPA) requirement in 16 KAR 2:120, Section 2(7) for issuance of emergency certification for the 2021-2022 school year.

Rationale:
This waiver will expand the pool of emergency certified teachers for districts as many are unable to fill all vacancies with qualified teachers.

Action Question:
Should the EPSB waive the GPA requirements in 16 KAR 2:120, Section 2(7) for issuance of the emergency teaching certificate for the 2021-2022 school year?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.100, 16 KAR 2:120

History/Background:
Existing Policy: KRS 161.100 creates an emergency teaching certificate that can be used when a district is unable to secure a qualified teacher for a position. The certificate is valid only for the specific job for which issued and for the current school term. 16 KAR 2:120 sets the standards for issuance of the emergency certificate as a bachelor's degree from a regionally accredited college or university with a cumulative minimum GPA of 2.5 on a 4.0 scale or 3.0 on a 4.0 scale on the last sixty (60) hours of credit completed.

Summary: During the 2021 Special Session, the legislature passed Senate Bill 1 which expanded the qualifications for the emergency substitute certificate and allowed classified staff to perform instructional activities without direct supervision. Specifically, for the 2021-2022 school year, districts may employ individuals with the following qualifications as emergency substitutes:

  a) At least 64 hours of college credit; or
  b) A high school diploma or equivalent and 4 years of occupational experience related to education, childcare or the subject area to be taught.

The GPA requirement for emergency substitutes contained in 16 KAR 2:120 is not required for the 2021-2022 school year. In addition, classified staff employed in the district as of September 9, 2021, may perform classroom instructional activities without direct supervision by certified staff, and provide home or hospital instruction. A certificate is not required for these individuals to perform these tasks.
In light of this action, staff is recommending that the EPSB waive the GPA requirement for emergency teaching certificates. This will expand the pool of emergency certified teachers for the 2021-2022 school year. If districts have access to more emergency certified teachers, it could decrease the need for classified staff to perform instructional activities. Multiple districts have expressed interest in this action, and the EPSB has previously approved these waivers on an individual basis. Emergency certified teachers will be subject to character and fitness review and are required to uphold the Professional Code of Ethics for Kentucky School Certified Personnel; classified staff are not held to these requirements.

**Budget Impact:** There is no budgetary impact.

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KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Waiver:
16 KAR 2:010. Request to Waive Grade Level Restrictions for Two Bell County Teachers

Action Question:
Should the Education Professional Standards Board (EPSB) approve the district’s request that the grade restriction requirements of 16 KAR 2:010 be waived for the 2021-2022 school year to allow two teachers to teach down to 4th grade in their content area?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 2:010

History/Background:

Existing Policy: 16 KAR 2:010 Section 4(1)(c) allows for middle school certified teachers to teach their content in grades 5-9.

Summary: The Bell County Schools has continued to request this waiver as several of their K-8 elementary teachers have reached retirement. Decreased enrollment in the district’s K-8 schools prevents the district from hiring additional elementary certified teachers to cover the lower grades. The middle schools in the district are on a seven-period day and without this waiver, they are only able to utilize these middle school teachers for four periods of the instructional day. By allowing the teachers to teach their content in a 4th grade class, they can teach an additional period of instruction. Therefore, the district requests that the EPSB waive the grade restrictions to allow Tina Tipton and Sarah Napier to teach 4th grade in their content area during the 2021-2022 school year.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Amanda Covert

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request that the requirements of 16 KAR 2:120 be waived for a third issuance of an emergency certification?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.100, 16 KAR 2:120

History/Background:
Existing Policy: 16 KAR 2:120 only allows issuance of a subsequent emergency certification if the first emergency certificate was issued after February 15th of a school year or if it was issued for less than fifty (50) percent of the person’s class schedule. For the 2020-2021 and 2021-2022 school years, the EPSB has approved waivers to allow issuance of a second emergency certification.

Summary: Amanda Covert holds certification in the areas of elementary education and middle school math and English. Ms. Covert held emergency certification for secondary math during the 2015-2016 school year in Bourbon County and the 2019-2020 school year in Scott County. Scott County Schools has continued to post this and other critical shortage positions with few if any qualified applicants. Ms. Covert’s middle school math certification allows her to teach math content up to 9th grade, but not above grade 9. She is the best teacher that the district has available to serve in this role and continue without disruption for the students. Due to the shortage of secondary math teachers in the district, Scott County Schools is requesting the EPSB issue Ms. Covert a third emergency certificate so she can continue to serve in this role for the 2021-2022 school year.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Martha Day

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request that the requirements of 16 KAR 2:120 be waived for a third issuance of an emergency certification?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.100, 16 KAR 2:120

History/Background:
Existing Policy: 16 KAR 2:120 only allows issuance of a subsequent emergency certification if the first emergency certificate was issued after February 15th of a school year or if it was issued for less than fifty (50) percent of the person’s class schedule. For the 2020-2021 and 2021-2022 school years, the EPSB has approved waivers to allow issuance of a second emergency certification.

Summary: Martha Day holds lifetime certification in the areas of agriculture education and instructional leadership, principal and vocational supervision. For the past two years she has been emergency certified for special education, learning and behavior disorders (LBD). To lessen the burden on the certified special education teachers, she also provides home/hospital services to general education and special education students who are in the home/hospital program. Due to the shortage of special education teachers in the district, Woodford County Schools is requesting the EPSB issue Ms. Day a third emergency certificate so she can continue to serve in this role for the 2021-2022 school year.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Corey Martin

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request that the requirements of 16 KAR 2:120 be waived for a third issuance of an emergency certification?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.100, 16 KAR 2:120

History/Background:

Existing Policy: 16 KAR 2:120 only allows issuance of a subsequent emergency certification if the first emergency certificate was issued after February 15th of a school year or if it was issued for less than fifty (50) percent of the person’s class schedule. For the 2020-2021 and 2021-2022 school years, the EPSB has approved waivers to allow issuance of a second emergency certification.

Summary: Corey Martin has been hired as a special education teacher, moderate and severe disabilities (MSD) in Johnson County for the 2021-2022 school year. The district was left without a teacher when the teacher hired for the position decided after three days that she wouldn’t be returning. The vacancy was reposted, and Mr. Martin was the only applicant. He has previously held an emergency certificate for MSD for the second half of the 2018-2019 school year, and the 2020-2021 school years. due to the shortage of special education teachers in the district, Johnson County Schools is requesting the EPSB issue Mr. Martin a third emergency certificate so that he can serve in this role for the 2021-2022 school year.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Sarah Strilka

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request that the requirements of 16 KAR 2:120 be waived for a third issuance of an emergency certification?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.100, 16 KAR 2:120

History/Background:
Existing Policy: 16 KAR 2:120 only allows issuance of a subsequent emergency certification if the first emergency certificate was issued after February 15th of a school year or if it was issued for less than fifty (50) percent of the person’s class schedule. For the 2020-2021 and 2021-2022 school years, the EPSB has approved waivers to allow issuance of a second emergency certification.

Summary: Gallatin County Schools is requesting an emergency certificate for Sarah Strilka in the area of middle school science. Ms. Strilka held an emergency certificate for the 2002-2003 and 2003-2004 school years, and briefly at the end of the 2004-2005 school year. At that time, the regulation did not limit the number of emergency certificates that could be issued to an individual. Due to a long-term illness with the school’s science teacher and a lack of qualified applicants for the position, the district is requesting the EPSB issue Ms. Strilka an emergency certificate for the 2021-2022 school year.

Budget Impact: There is no budgetary impact.

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Action Question: Should the Education Professional Standards Board (EPSB) approve the request to waive the requirement for the applicant to possess an equivalent certification in Indiana?

Applicable Statute or Regulation: KRS 161.028, 16 KAR 4:030

History/Background:

Existing Policy: 16 KAR 4:030 requires out-of-state prepared educators to possess an equivalent certification from the state where the applicant completed his or her preparation program.

Summary: Owensboro Independent Schools hired Katelynn Rhodes as a middle school English teacher on an emergency certification for the 2020-2021 school year. Ms. Rhodes completed her program in Indiana; however, she has not passed the tests required to obtain an equivalent certification in that state. Ms. Rhodes has taken the Kentucky required tests and has passed both the Principles of Learning and Teaching and the English content exam. Owensboro Independent states that Ms. Rhodes has done an excellent job and they are requesting that the EPSB approve this waiver so that she can receive the full professional certification.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 4:030. Request to Waive Equivalent Certification Requirement for Out-of-State Prepared Educator Emily Hackman

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request to waive the requirement for the applicant to possess an equivalent certification in Ohio?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 4:030

History/Background:

Existing Policy: 16 KAR 4:030 requires out-of-state prepared educators to possess an equivalent certification from the state where the applicant completed his or her preparation program.

Summary: Emily Hackman has been hired as a Speech Language Pathologist at Boone County Schools for the 2021-2022 school year. She completed her program at the University of Cincinnati; however, she is a Kentucky resident and was seeking employment in the state of Kentucky. Since she was not an Ohio resident nor seeking employment in Ohio, she did not pursue certification through the Ohio Department of Education though she qualified to do so. Ms. Hackman is requesting that the EPSB approve this waiver so she can receive the full professional certification.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 4:030. Request to Waive Equivalent Certification Requirement for Out-of-State Prepared Educator Katherine Walker

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request to waive the requirement for the applicant to possess an equivalent certification in Ohio?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 4:030

History/Background:

Existing Policy: 16 KAR 4:030 requires out-of-state prepared educators to possess an equivalent certification from the state where the applicant completed his or her preparation program.

Summary: Katherine Walker has been hired as a Speech Language Pathologist at Boone County Schools for the 2021-2022 school year. She completed her program at the University of Cincinnati; however, she is a Kentucky resident and was seeking employment in the state of Kentucky. Since she was not an Ohio resident nor seeking employment in Ohio, she did not pursue certification through the Ohio Department of Education though she qualified to do so. Ms. Walker is requesting that the EPSB approve this waiver so that she can receive the full professional certification.

Budget Impact: There is no budgetary impact.

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STAFF NOTE

Waiver:
16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Brittany Cain

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request to allow the applicant’s expired passing assessment scores to qualify for issuance of a certificate?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 6:010

History/Background:
Existing Policy: 16 KAR 6:010, Section 4 states “A passing score on an assessment established at the time of administration shall be valid for the purpose of applying for certification for five (5) years from the assessment administration date.” The regulation further provides that an educator who fails to complete the EPSB application for certification within the applicable recency period of the assessment shall retake the assessment.

Summary: Western Kentucky University (WKU) is requesting this waiver on behalf of Brittany Cain. Ms. Cain completed a dual certification bachelor’s program in middle school English language arts and social studies in 2014. She took and passed the Principles of Learning and Teaching (PLT) and middle school social studies content exams but had not passed the middle school English content exam. At that time, WKU required candidates to pass all tests for dual certification programs before recommending the candidate for certification. WKU no longer has this policy and now will recommend for the individual certifications even if the candidate has not passed the tests for both areas. WKU is requesting that the EPSB approve this request since the scores are still less ten years old and the Educational Testing Service website states that scores are valid and accessible for ten years.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Catherine Gray

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request to allow the applicant’s expired passing assessment scores to qualify for issuance of a certificate?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 6:010

History/Background:
Existing Policy: 16 KAR 6:010, Section 4 states “A passing score on an assessment established at the time of administration shall be valid for the purpose of applying for certification for five (5) years from the assessment administration date.” The regulation further provides that an educator who fails to complete the EPSB application for certification within the applicable recency period of the assessment shall retake the assessment.

Summary: Western Kentucky University (WKU) is requesting this waiver on behalf of Catherine Gray. Ms. Gray completed a master’s in communication disorders in April 2013 when WKU offered the preparation program leading to teacher certification for speech language pathologists. Ms. Gray passed the required test in 2013 but failed to apply for her communication disorders teaching certificate at that time and is now seeking her certification. WKU is requesting that the EPSB approve this request since the scores are still less than ten years old and the Educational Testing Service website states that scores are valid and accessible for ten years.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Contessa Vick

Action Question:
Should the Education Professional Standards Board (EPSB) approve the request to allow the applicant’s expired passing assessment scores to qualify for issuance of a certificate?

Applicable Statute or Regulation:
KRS 161.028, 16 KAR 6:010

History/Background:
Existing Policy: 16 KAR 6:010, Section 4 states “A passing score on an assessment established at the time of administration shall be valid for the purpose of applying for certification for five (5) years from the assessment administration date.” The regulation further provides that an educator who fails to complete the EPSB application for certification within the applicable recency period of the assessment shall retake the assessment.

Summary: In 2016, Contessa Vick graduated from Eastern Kentucky University’s (EKU) master’s program for communication disorders leading to teacher certification. At that time, she had only taken the Speech-Language Pathology content exam, but not the Special Education: Core Content Knowledge and Applications exam. Ms. Vick received her license with the Kentucky Board of Speech-Pathology and Audiology as well as the American Speech Language Hearing Association (ASHA) and began working in the clinical setting for the next five years. She recently took and passed the Special Education: Core Content Knowledge and Applications exam but was informed that her other score expired in April 2021. Ms. Vick is requesting that the EPSB approve this request to allow the expired test score to count towards issuance of the certification.

Budget Impact: There is no budgetary impact.

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Waiver:
16 KAR 8:010. Request to Allow Mental Health Counseling Degree for Rank I and Rank II for Whitney Coe

Action Question:
Should the Education Professional Standards Board approve the applicant’s request to allow the previous master’s degree program to meet the requirements for Rank II and Rank I?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.030, KRS 161.1211, 16, KAR 8:010, 16 KAR 8:020

History/Background:

Existing Policy: KRS 161.1211 sets the standards for Rank II for certified educators as a master's degree in a subject field approved by the EPSB or equivalent continuing education. Per 16 KAR 8:020 Section 2, a master’s degree for rank change should either be in the academic content area for which the individual is certified or part of an approved program for rank change completed through a college of education and approved by the EPSB.

KRS 161.1211 also sets the standards for Rank I for certified educators as a master's degree in a subject field approved by the EPSB, thirty additional semester hours of approved graduate work, or equivalent continuing education. 16 KAR 8:010, requires the completion of approved graduate level credit or approved equivalent for issuance of Rank I.

Summary: Whitney Coe is currently enrolled at Northern Kentucky University in the Option 6 program leading to certification for special education, moderate and severe disabilities (MSD). She previously became a licensed professional clinical counselor (LPCC) upon completion of her master’s degree in mental health counseling from Lindsey Wilson College. This degree was a 60-hour graduate program. Since 2017, Ms. Coe has been employed as a professional counselor specializing in child therapy. Ms. Coe and the Russell County Schools are requesting that the EPSB recognize her previous degree for issuance of Rank II and Rank I as the degree is directly related to Ms. Coe’s MSD certification and the children that she serves.

Budget Impact: There is no budgetary impact.

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Action Item:
Option 1 Alternative Route to Certification Application for Melanie Meek

Action Question:
Should the Education Professional Standards Board (EPSB) approve the alternative route to certification application?

Applicable Statute or Regulation:
KRS 161.028, KRS 161.030, KRS 161.048, 16 KAR 9:010

History/Background:

Existing Policy: The applicant must meet a minimum GPA requirement and must have either a major in the academic area or passing score on the academic content assessment. The applicant must also have a job offer in the academic area for which certification is requested in a Kentucky school district.

Summary: Christian County Schools has submitted the CA-265 application and portfolio for Melanie Meek. The district is requesting that the EPSB approve the application for certification in the area of Chemistry, Grades 8-12. The application and portfolio are included under separate cover.

Budget Impact: There is no budgetary impact.

Groups Consulted and Brief Summary of Responses:
Todd Davis, Division Director
Crystal Hord, Branch Manager
Melinda Penny, Consultant

The applicant meets the minimum GPA requirement in the academic area. Christian County Schools offered the applicant a job teaching Chemistry, Grades 8-12. The EPSB will need to determine if the applicant’s work experience constitutes exceptional work experience.

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