

## Agenda Book

### EPSB Mission Statement:

*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 Meeting Agenda**

#### **EPSB Offices**

**100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, KY 40601**

**February 13, 2017**

**Monday, February 13, 2017**

### **Regular Scheduled EPSB Meeting**

**10:00 AM EST      EPSB Conference Room A**

**Call to Order**

**Roll Call**

**Approval of February 13, 2017, EPSB Meeting Agenda**

**Open Speak**

#### **Approval of Consent Item**

A. Approval of December 12, 2016, EPSB Meeting Minutes  
(Pages 1-38)

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

- A. Report from the Kentucky Department of Education
- B. Report from the Council on Postsecondary Education
- C. Strategic Plan Update (written only)
- D. Title II Report (written only)
- E. Teach for America Annual Report (written only)
- F. KTIP Reliability and Validity Study
- G. Legislative Update
- H. NASDTEC Multistate Educator Lookup System
- I. Other Updates

#### **Report of the Chair**

- A. Appointments to the Ad Hoc Committee to Review Expanding Certificate Options for Rank II
- B. Appointment to the Waiver Committee

## Agenda Book

### Information/Discussion Items

- A. Board Committee Composition Policy (Ms. Lisa Lang) **(Pages 39-48)**
- B. Waiver Request Procedure Amendment (Ms. Lang) **(Pages 49-54)**
- C. 16 KAR 5:020. Standards for Admission to Educator Preparation, Amendment, Notice of Intent (Dr. Ben Boggs) **(Pages 55-58)**
- D. Awarded Contracts (Mr. John Fields) **(Pages 59-60)**
- E. Mid-Year Budget Report (Mr. Fields) **(Pages 61-62)**
- F. 16 KAR 2:020. Occupation-Based Career and Technical Education Certification, Amendment, Notice of Intent (Mr. Fields) **(Pages 63-68)**
- G. 16 KAR 8:040. Ranking of Occupation-Based Career and Technical Education Teachers, Amendment, Notice of Intent (Mr. Fields) **(Pages 69-72)**

### Action Item

- A. 16 KAR 6:020. Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers, Amendment, Final Action (Ms. Donna Brockman) **(Pages 73-96)**

### Alternative Route to Certification Application

Nicholas Broady, Computer Information Systems, Grades Primary-12 (Mr. Fields) **(Pages 97-98)**

### Board Comments

*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.*

### Certification Review and Revocation: Pending Litigation Review

*Following review of pending litigation, the board shall move into open session. All decisions will be made in open session.*

### Adjournment

Next Regular Meeting: April 2017

## Agenda Book

*The actions delineated below were taken in open session of the EPSB at the December 12, 2016, meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, KY 40601*

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

### Consent Item

#### Call to Order

Vice-Chair David Whaley called the meeting to order at 10:00 a.m. EST.

#### Swearing-In and Introduction of New EPSB Member

Board secretary Ashley Abshire swore in new EPSB member Tracy Adams. Ms. Adams then introduced herself to the Board.

#### Roll Call

The following Board members were present during the December 12, 2016, EPSB meeting: Tracy Adams, Rob Akers, Sarah Burnett, Rachel Colyer, Tolya Ellis, Casey Gesenhues, Donna Hedgepath, David Graham, R. Daniel Morgan, Jay Morgan, William Owens, Sherry Powers, Stephen Pruitt, Sandra Ramsey, Thomas Salyer, and David Whaley. Ashley Fishback was absent.

#### Open Speak

There were no requests for Open Speak.

#### Approval of Consent Items

##### 2016-057

*Motion made by Dr. Sherry Powers, seconded by, Mr. Rob Akers, to approve the following items on the consent agenda:*

Approval of October 10, 2016, EPSB Special Meeting Minutes

Approval of Educational Development Associates' Training Course

**Vote:** *Unanimous*

#### Report of the Executive Director

##### Report from the Kentucky Department of Education

In addition to submitting a written report to the Board, Commissioner Stephen Pruitt reported the Kentucky Board of Education (KBE) is working to build a new accountability system. The Systems Integration Work Group met November 30 - December 1, 2016, in Frankfort to discuss recommendations for Kentucky's new accountability system. The Systems Integration Work Group will take all recommendations from the individual work groups and develop them into a coherent accountability system, which is scheduled to be presented to the Accountability

## **Agenda Book**

Steering Committee on January 9-10, 2017. The Accountability Steering Committee will in turn, make recommendations on the overall system to the Commissioner, who will then bring recommendations to KBE for approval of changes in the accountability system.

Dr. Pruitt also informed the Board that KBE published its legislative agenda. The agenda included charter school framework should charter schools become a reality in Kentucky.

### Report from the Council on Postsecondary Education

In addition to a written report submitted to the Board, Dr. Jay Morgan reported that CPE will be working on changes to the college admission regulation with EPSB staff and deans from the colleges of education.

### Strategic Plan Update

A written report was provided to the Board.

### 2015-2016 SB1 (2009) Training Compliance Update

A written report was provided to the Board.

### Request for Pre-Service Teacher Participants, KEDC

Executive Director Adams reported that the Kentucky Educational Developmental Corporation (KEDC) recently received two grants from the Kentucky Board of Education. These grants combine to a total award of over \$10 million dollars. He stated that KEDC asked the EPSB to allow teacher candidates to receive a stipend for their classroom work experiences and to allow the same time to be counted toward their 200 clinical hours and possibly student teaching.

For clarification, Mr. Adams informed the Board that the EPSB did not have a regulation that prohibited an educator preparation provider from providing credit to a teacher candidate who had completed field experience and received compensation from an institution; however, the EPSB had directed individuals not to allow teacher candidates to receive compensation for the 200 clinical hours based on an opinion of the Office of Attorney General (OAG) from April 2, 1963, dealing with student teaching. He said that after reviewing this opinion, EPSB staff believed that there was reasonable argument that this particular situation did not entirely apply to that opinion. Additionally, Mr. Adams said that given the date of the opinion and the changes to state and federal law in the last 53 years he directed General Counsel Lisa Lang to ask the OAG to review this opinion. Depending on the response that the EPSB receives, he said that he would direct staff to reconsider the current advice and, if necessary, make changes.

Executive Director Adams also stated that this practice may be an unintended obstacle to teacher recruitment and district innovation. He had spoken with counterparts across the country and these counterparts said this was a belief that persisted but no data supported the practices. He said that some states were considering that candidates be paid for student teaching. At this time, Mr. Adams said the EPSB was waiting on an OAG response, and then EPSB staff would work on a proper response. In the meantime, Mr. Adams said the EPSB would be working with

## Agenda Book

KEDC as to how KEDC could accomplish its task of awarding candidates with financial compensation through offsetting tuition which currently takes place.

### Other Updates

#### **State Authorization Reciprocity Agreement (SARA) update:**

Executive Director Adams explained that SARA is an agreement among member states, districts, and territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state. SARA is overseen by a national council and administered by four regional education compacts. The 2016 General Assembly passed a bill that went into effect December 1, 2016, allowing Kentucky to become a part of SARA. This will make it possible for education preparation providers in Kentucky to operate in other states and make it possible for educator preparation programs in other states to operate in Kentucky. The EPSB plan is to continue utilizing the EPSB's existing regulation for out-of-state program approval. Out-of-state program providers must demonstrate to the EPSB how they will meet 16 KAR 4:030, 16 KAR 5:010, 16 KAR 5:020, and 16 KAR 5:040. Mr. Adams said while the EPSB is working to approve out-of-state providers, it will be reviewing the regulations and document what changes may need to occur in order to better meet the needs of Kentucky residents and the students that it serves. He further informed the Board that by accepting teacher leader masters' recommendations at its December meeting the EPSB will need to open, review, and possibly revise some regulations. During review of the regulations, the EPSB will have the opportunity to make necessary changes to reflect a better process to address SARA states if necessary.

#### **National Board for Professional Teaching Standards Program update:**

Supporting Effective Educator Development (SEED) Grant Director Ms. Suzanne Farmer gave an update on the National Board for Professional Teaching Standards (NBPTS) program. She gave 2016 statistics in Kentucky to include the following: 101 teachers renewed their National Board Certified Teaching certificate. The total number of National Board Certified Teachers in Kentucky is 3,292. Kentucky ranks 5<sup>th</sup> nationally for the number of candidates in the system.

#### **Staff Recognition**

Executive Director Adams recognized legal staff for their hard work in reducing the number of backlog complaints by 70% over the last 18 months. He said that it is likely that this year, despite not being fully staffed, more cases will be closed than over the past 6 years.

Mr. Adams recognized Executive Staff Advisor Marcie Lowe whose retirement was effective December 31, 2016. He thanked Ms. Lowe for her service to the Commonwealth, to the Board, and to the students and educators of Kentucky.

## Agenda Book

### Report of the Chair

#### Report from the Nominating Committee

Nominating Committee Chair David Graham stated that the nomination committee nominated Dr. David Whaley as EPSB chair. No further nominations were made for EPSB chair.

*Motion by Mr. Akers, seconded by Ms. Tolya Ellis, to approve the nomination.*

**Vote:** *Unanimous*

Mr. Graham stated that the nomination committee nominated Mr. Rob Akers for EPSB vice chair. No further nominations were made for EPSB vice chair. Mr. Akers was elected as vice chair.

#### Report from the Evaluation of the Executive Director Committee

The members of the Evaluation of the Executive Director Committee were Dr. Donna Hedgepath, Mr. David Graham, and Dr. David Whaley. Dr. Whaley reported that after a thorough review, the Board's evaluation committee found that Executive Director Jimmy Adams is highly successful, innovative, forward thinking, and strategic in his work. Dr. Whaley said, "His responsibilities are complex and his constituents are many, yet, he has managed to be highly visible to enhance communication to positively address many of the more controversial or contentious issues and to move the agency ahead in a highly positive fashion." Dr. Whaley continued by reporting that anecdotal information received on the efforts of Mr. Adams during this past year was complimentary of him as the agency leader and as a visionary for the future of the EPSB. In his closing comments, Dr. Whaley said, "He is to be commended for the progress which he and the EPSB staff have made in a relatively short time period that he has been executive director. He is a very staff friendly leader and is building a very cooperative and engaged community of employees. The members of the evaluation committee were unanimous in their support of Mr. Adams in his leadership of the EPSB during this past year."

### 2016-058

*Motion made by Dr. Powers, seconded by Dr. Morgan, to approve the report of the evaluation committee.*

**Vote:** *Unanimous*

#### Recognition of Out-Going EPSB Members

Former EPSB Chair Anthony Strong was recognized. He thanked the Board for the recognition as it was a very distinct honor to serve on the EPSB. Dr. Cassandra Webb and Ms. Sandy Sinclair-Curry were also recognized but were not in attendance.

## Agenda Book

### Information/Discussion Items

#### Awarded Contracts

Executive Director Adams informed the Board of two contracts that were awarded for the SEED grant – Oldham County Schools and Floyd County Schools.

#### 16 KAR 6:020. Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers, Amendment, Notice of Intent

Commissioner Stephen Pruitt and Associate Commissioner Laura Arnold reported on proposed amendments to 16 KAR 6:020. Commissioner Pruitt said that career and technical education (CTE) was a priority at KDE as it presented more opportunities for kids. Associate Commissioner Arnold stated that 16 KAR 6:020 provided guidance and oversight over the certification process for occupation-based CTE teachers. The proposed amendments provide clarity regarding the assessment requirements for occupation-based teacher certification within CTE. Ms. Arnold stated that prior to interviewing and prior to the certification process, teacher candidates must show mastery within the academic foundation. The Compass assessment had been used to show this mastery but was being phased out. As a result, KDE staff made recommendations to include ACT, SAT, Coyote, and GED college readiness exams in lieu of the Compass assessment. Board member William Owens asked how these changes could affect small districts. Ms. Arnold stated that the Compass assessment was the existing academic assessment so these assessment recommendations were necessary, as the Compass assessment was no longer available. Small districts should not be impacted by the change.

### Action Items

#### 16 KAR 6:010. Statement of Consideration and Amended after Comments

##### **2016-059**

*Motion made by Ms. Sandy Ramsey, seconded by Dr. Powers, to approve the Statement of Consideration and Amended After Comments Regulation.*

**Vote:** *Unanimous*

#### 16 KAR 7:010. Statement of Consideration and Amended after Comments

##### **2016-060**

*Motion made by Ms. Sarah Burnett, seconded by Mr. David Graham, to approve the Statement of Consideration and Amended After Comments Regulation.*

**Vote:** *Unanimous*

## Agenda Book

16 KAR 1:030. Statement of Consideration and Amended after Comments

### 2016-061

*Motion made by Ms. Ramsey, seconded by Ms. Casey Gesenhues, to approve the Statement of Consideration and Amended After Comments Regulation.*

**Vote:** *Unanimous*

16 KAR 4:040, 16 KAR 4:080, 16 KAR 4:090. Certification Fees, Reissuance, and Recency, Amendment, Final Action

### 2016-062

*Motion made by Mr. Graham, seconded by Ms. Gesenhues, to approve the proposed amendments to 16 KAR 4:040, 16 KAR 4:080, and 16 KAR 4:090.*

**Vote:** *Unanimous*

Approval of Charter for Ad Hoc Committee to Review Expanding Certificate Options for Rank II

### 2016-063

*Motion made by Mr. William Owens, seconded by Ms. Burnett, to approve the charter for an Ad Hoc Committee to review expanding certificate options for Rank II.*

**Vote:** *Unanimous*

16 KAR 1:010. Standards for Certified School Personnel, Amendment, Final Action

### 2016-064

*Motion made by Ms. Ramsey, seconded by Ms. Tolya Ellis, to approve the proposed amendments to 16 KAR 1:010.*

**Vote:** *Unanimous*

Teacher Leader Masters Recommendations

### 2016-065

*Motion made by Dr. Morgan, seconded by Mr. Graham, to approve the teacher leader masters' recommendations.*

**Vote:** *Unanimous (Dr. Powers recused)*

## Agenda Book

### Waivers

16 KAR 9:080. Request to Waive Language Pertaining to Observation of Teacher Candidates, University of Kentucky

#### 2016-066

*Motion made by Dr. Donna Hedgepath, seconded by Mr. Graham, to approve the waiver request.*

**Vote:** *Unanimous*

16 KAR 5:040. Request to Waive Language Pertaining to Student Teaching Experience, Dean Mary John O'Hair on Behalf of Tara Bray

#### 2016-067

*Motion made by Mr. Owens, seconded by Ms. Burnett, to approve the waiver request for Ms. Tara Bray.*

**Vote:** *Unanimous*

16 KAR 5:040. Request to Waive Language Pertaining to Student Teaching Experience, Dean Mary John O'Hair on Behalf of Hunter Lloyd

#### 2016-068

*Motion made by Mr. Ramsey, seconded by Ms. Gesenhues, to approve the waiver request.*

**Vote:** *Unanimous*

16 KAR 3:020. Request to Waive Language Pertaining to the Supervisor of Instruction Certification, Beth Morgan-Cook

#### 2016-069

*Motion made by Mr. Akers, seconded by Mr. Graham, to deny the waiver request.*

**Vote:** *Unanimous*

16 KAR 5:060. Literacy Program Requirements for Middle School, High School, Grades 5-12, and Grades P-12 Certification Programs

#### 2016-070

*Motion made by Ms. Ellis, seconded by Ms. Ramsey, to approve the waiver request.*

**Vote:** *Unanimous*

16 KAR 2:120. Request to Waive Language Pertaining to Grade Level Requirements, Bell County

#### 2016-071

*Motion made by Mr. Tom Salyers, seconded by Ms. Gesenhues, to approve the waiver request.*

## Agenda Book

**Vote:** *Unanimous (Ms. Sandy Ramsey recused)*

16 KAR 4:030. Request to Waive Language Pertaining to the Out-of-State Online Requirements, Ms. Kristin Ballard

**2016-072**

*Motion made by Dr. Hedgepath, seconded by Ms. Burnett, to deny the waiver request.*

**Vote:** *Unanimous*

### Board Comments

There were no Board comments.

### DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW

**December 12, 2016**

*Motion made by Ms. Casey Gesenhues, seconded by Mr. Daniel Morgan, 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).*

**Vote:** *Unanimous*

*Motion made by Mr. Rob Akers, seconded by Mr. David Graham, to return to open session.*

**Vote:** *Unanimous*

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

Tracy Adams, Rob Akers, Sarah Burnett, Rachel Colyer, Tolya Ellis, Casey Gesenhues, David Graham, Donna Hedgepath, Daniel Morgan, William Owens, Sherry Powers, Sandra Ramsey, Thomas Salyer, and David Whaley.

Attorneys present were Shuo Han, Lisa Lang, Eric Ray, Hannah Satram-Hale, Cassie Trueblood and Chelsea Young.

### Initial Case Review

| <u>Case Number</u> | <u>Decision</u>    |
|--------------------|--------------------|
| 1608505            | Defer for training |
| 160513             | Admonishment       |
| 1610817            | Admonishment       |
| 1609653            | Admonishment       |
| 1609633            | Defer for training |
| 1609661            | Defer for training |
| 1608499            | Hear               |

## Agenda Book

|         |                    |
|---------|--------------------|
| 1608497 | Hear               |
| 1609641 | Hear               |
| 1608495 | Admonishment       |
| 1609647 | Admonishment       |
| 1608501 | Hear               |
| 1609645 | Hear               |
| 1609651 | Hear               |
| 1608503 | Hear               |
| 1608577 | Hear               |
| 1608511 | Hear               |
| 1608521 | Admonishment       |
| 1608519 | Admonishment       |
| 1608579 | Dismissed          |
| 1609657 | Dismissed          |
| 1609629 | Hear               |
| 1609631 | Defer for training |
| 1607467 | Hear               |
| 1608517 | Hear               |
| 1506431 | Hear               |
| 1608507 | Hear               |
| 1609703 | Dismissed          |
| 1608551 | Defer for training |
| 1608549 | Defer for training |
| 1608545 | Defer for training |
| 1608543 | Defer for training |
| 1609713 | Defer for training |
| 1609685 | Defer for training |
| 1609687 | Defer for training |
| 1609699 | Defer for training |
| 1610779 | Defer for training |
| 1609675 | Defer for training |
| 1609673 | Defer for training |
| 1609671 | Defer for training |
| 1609677 | Defer for training |
| 1608567 | Defer for training |
| 1608571 | Defer for training |
| 1609683 | Defer for training |
| 1609681 | Defer for training |
| 1609711 | Defer for training |
| 1608626 | Defer for training |
| 1609709 | Defer for training |
| 1609701 | Dismissed          |
| 1608553 | Dismissed          |
| 1609695 | Defer for training |
| 1609707 | Defer for training |
| 1608573 | Defer for training |

## Agenda Book

|         |   |
|---------|---|
| 1609689 | Defer for training                      |
| 1609691 | Defer for training                      |
| 1608565 | Defer for training                      |
| 1608555 | Defer for training                      |
| 1608557 | Defer for training                      |
| 1608559 | Defer for training                      |
| 1608561 | Defer for training                      |
| 1608541 | Defer for training                      |
| 1609693 | Defer for training                      |
| 1608531 | Defer for training                      |
| 1608539 | Defer for training                      |
| 1609663 | Defer for training                      |
| 1608537 | Defer for training                      |
| 1608547 | Defer for training                      |
| 1609669 | Defer for training                      |
| 1610799 | Hear                                    |
| 1608509 | Hear                                    |
| 1609637 | Hear                                    |
| 1609643 | Defer for training                      |
| 1608523 | Defer for training                      |
| 1608515 | Hear                                    |
| 1609659 | Hear                                    |
| 1609635 | Defer for training                      |
| 1608525 | Defer for training                      |
| 1609655 | Admonishment                            |
| 1608527 | Admonishment                            |
| 1608529 | Admonishment                            |
| 1610839 | Dismissed                               |
| 1610833 | Dismissed ( <i>Ms. Ramsey recused</i> ) |
| 160275  | Dismissed                               |
| 1607459 | Dismissed                               |

### **Character/Fitness Review**

| <u>Case Number</u> | <u>Decision</u> |
|--------------------|-----------------|
| 161281             | Approve         |
| 161266             | Approve         |
| 161150             | Approve         |
| 161309             | Approve         |
| 161291             | Approve         |
| 161209             | Approve         |
| 161348             | Deny            |
| 161255             | Approve         |
| 161257             | Approve         |
| 161258             | Approve         |
| 161259             | Approve         |

## Agenda Book

|        |         |
|--------|---------|
| 161261 | Approve |
| 161274 | Approve |
| 161253 | Approve |
| 161262 | Approve |
| 161278 | Approve |
| 161270 | Approve |
| 161282 | Approve |
| 161292 | Approve |
| 161310 | Approve |
| 161092 | Approve |
| 161306 | Approve |
| 161311 | Approve |
| 161313 | Defer   |
| 16319  | Deny    |
| 161326 | Approve |
| 161036 | Deny    |
| 161328 | Deny    |
| 161333 | Deny    |
| 161335 | Approve |
| 161346 | Approve |
| 161350 | Approve |
| 161003 | Approve |
| 161280 | Approve |
| 1678   | Approve |
| 161298 | Approve |
| 161141 | Approve |
| 161336 | Deny    |

### Agreed Orders

#### Case Number

#### Decision

1408625 Arin Staples

Accept Agreed Order permanently revoking Certificate number 200127766. Staples shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon acceptance of this agreement by the Board, Staples shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

## Agenda Book

1605291 Lainie Miller

Accept Agreed Order suspending Certificate number 000069779, including any and all endorsements, for a period of forty five (45) days beginning June 15, 2017 through July 30, 2017. Upon acceptance of this agreement by the Board, Miller shall immediately surrender the original and all copies of his certificate, by personal deliver or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Upon the Board's acceptance of this Agreed Order, Certificate Number 000069779 and any future endorsements or new areas of certification, shall be on probation for a period of three (3) years and subject to the following probationary conditions:

1. Miller shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, by August 1, 2017. Miller shall also submit written proof to the Board that she has complied with the assessment process and has successfully completed any and all treatment recommendations, if any, by the end of the probationary period. If Miller is not able to complete all treatment recommendations by the end of the probationary period, she shall submit written progress reports from her chemical dependency counselor on January 1st and July 1st until such time as the counselor releases him from treatment. Each progress report shall certify that Miller is continuing to comply with any and all treatment recommendations, and that she remains fit and competent to fulfill her duties as an educator. Any expense for the assessment, treatment, and/or written reports shall be paid by Miller.
2. Miller shall submit written proof to the Board that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by August 1, 2017. Any expense for said training shall be paid by Miller.

## Agenda Book

3. In accordance with KRS 161.175, Miller shall submit to random drug testing during the probationary period, to be administered by a provider approved by the Board, and shall receive no drug test positive for illegal substances or in excess of therapeutic levels generally acceptable in the medical community. Any expense required for the drug testing shall be paid by Miller; and
4. Miller shall not be convicted of any crime involving the use and/or possession of any controlled substance or alcohol during the probationary period. Miller shall submit a copy of her current criminal record, as prepared by the Kentucky State Police, by July 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid by Miller.

Should Miller fail to satisfy any of the above conditions, certificate number 000069779 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

Miller 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*

1503110 Raymond McWhorter

Accept Agreed Order suspending Respondent's Professional Certificates for Instructional Leadership-Supervisor of Instruction, Instructional Leadership-Principal, and Director of Pupil Personnel, Level II associated with Certificate Number 200165112 for a period of two (2) years. McWhorter shall neither apply for, nor be issued an administrative certificate during the two year suspension.

Furthermore, upon acceptance of this agreement by the Board, McWhorter is admonished for using a school issued phone to take pornographic photographs, for transferring pornographic photographs using the school email and server, and for inappropriate communications during school hours. This conduct is unbecoming an educator and administrator and the Board reminds McWhorter that the principal of a school must create and foster an environment

## Agenda Book

in which staff can work together effectively. He must strive to uphold the responsibilities of his profession by maintaining a positive environment for all. The Board expects McWhorter to uphold the Processional Code of Ethics and will tolerate no further incidents of misconduct by McWhorter.

Upon acceptance of this agreement by the Board, Certificate Number 200165112 shall be on probation for a period of five (5) years subject to the following probationary conditions:

- 1) By August 31, 2017, McWhorter shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on professionalism, as approved by the Board. Any expense required for said training shall be paid by McWhorter. If McWhorter fails to satisfy this condition, Certificate Number 200165112 shall automatically be suspended until McWhorter completes the required training and provides the appropriate written proof to the Board.
- 2) During the probationary periods, McWhorter shall not receive any disciplinary action for conduct unbecoming 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 the tribunal and/or arbitration process. If McWhorter fails to satisfy this condition, Certificate Number 200165112 shall automatically be suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

McWhorter is aware that should he violate KRS 161.120, either during or following his five (5) year probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

## Agenda Book

1605331 Jennifer Skidmore

Accept Agreed Order admonishing Skidmore for failing to timely report suspected abuse to the appropriate authorities. Although Skidmore took the child to the nurse when she initially found bruising on the child, she did not report the suspected abuse to the proper authorities until almost two weeks later. The Board reminds Skidmore that as a certified educator in the Commonwealth of Kentucky she has a duty to uphold the professional Code of Ethics in the future. Skidmore failed in this duty when she did not timely report suspected child abuse to the proper authorities. The Board will tolerate no further acts of misconduct by Skidmore.

Skidmore is not currently teaching and has no immediate plans to return to the classroom, however, should Skidmore decide to return to the classroom in the future, Skidmore shall comply with the following condition prior to accepting a certified position:

- 1) Skidmore must provide written proof that she has completed twelve (12) hours of professional development/training in the area of classroom management. Should Skidmore fail to fulfill this condition, Certificate Number 200235208 shall be suspended and will remain so until the condition is met. Any expense incurred for said training shall be paid by Skidmore

Skidmore 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*

1305335 Shawn Staggs

Accept Agreed Order stating that Staggs shall neither apply for nor be issued any teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Staggs, or on his behalf, shall be denied.

**Vote:** *Unanimous*

1605305 James Burt

Accept Agreed Order stating that Burt voluntarily, knowingly, and intelligently surrenders his Certificate Number 000048271 and agrees to not apply for, nor be

## Agenda Book

issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon acceptance of this agreement by the Board, Burt shall surrender the original Certificate and all copies to EPSB, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1607439 Robert Oldfield

Accept Agreed Order permanently revoking Certificate Number 200184737. Oldfield shall neither apply for, nor be issued, a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Oldfield shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1408530 Michael Henke

Accept Agreed Order admonishing Henke for his lack of professional judgment in interactions with students. As an education professional, it is Henke's responsibility to use reasonable thinking when demonstrating exercises and getting the attention of students. The Board will tolerate no further misconduct from Henke.

Additionally, by July 1, 2017, Henke shall submit written proof that he has completed six (6) hours of professional development/training in the area of student and teacher boundaries or classroom management, as approved by the Board. Any expense incurred shall be paid by Henke.

If Henke fails to satisfy these conditions, certificate number 200001896 shall be automatically suspended until Henke completes the requirements and has submitted the appropriate written proof to the Board.

**Vote:** *Unanimous*

160257 Mary Wilson

Accept Agreed Order stating that by December 1, 2016, Wilson shall provide written proof to the Board that she has completed professionalism training, as approved by the

## Agenda Book

Board. Wilson shall pay any expense incurred. If Wilson fails to satisfy this condition by December 1, 2016, Certificate Number 000068000 shall be administratively suspended until such condition is satisfied.

Wilson 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*

130175 Brandon Bax

Accept Agreed Order admonishing Bax for neglect of duty, and for failing to exemplify behaviors which maintain the dignity and integrity of the profession. Driving under the influence is an especially dangerous activity that demonstrates a strong disregard for the health, welfare, and safety of others. The Board reminds Bax that he is expected to complete his professional responsibilities sufficiently no matter what circumstances he is dealing with in his personal life, and if he is unable to perform his duties effectively, to take the necessary steps to use the appropriate leave time. The Board will not tolerate any further incidents of misconduct by Bax.

Bax is not currently employed as an educator in Kentucky and has no immediate plans to return to the profession and/or to renew his certificate. However, prior to renewing Certificate Number 200303615 and/or applying for additional certification in Kentucky, Bax shall comply with the following conditions:

1. Bax shall provide written proof to the Board, dated within the month prior to the date of his application for renewal or additional certification, that he has complied with a comprehensive alcohol abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Bax shall pay any expense incurred.

## **Agenda Book**

2. Bax shall provide a state and federal criminal background report dated within the month prior to the date of his application for renewal or additional certification to the Board. Bax shall have no pending charges or further criminal convictions involving alcohol or endangering the lives of others. Bax shall pay any expense incurred.
3. Bax shall provide written proof to the Board that he has completed professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Bax shall pay any expense incurred.

If Bax fails to satisfy the above conditions prior to renewing Certificate Number 200303615 and/or applying for additional certification, then his application for renewal and/or additional certification shall be denied.

Furthermore, any and all certificates issued to Bax shall be subject to the following probationary conditions:

1. Bax shall provide to the Board by January 1st and July 1st of each year in which he holds an active certificate, documentation from his current treatment provider or Alcoholics Anonymous sponsor that he is maintaining sobriety and is still seeking support and continued assistance in maintaining his sobriety. Bax shall pay any expense incurred. If Bax fails to submit the required documentation by the above dates, any and all certificates shall be administratively suspended until such condition is satisfied.
2. Bax shall submit to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for alcohol or any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Bax shall pay any expense incurred. If Bax fails to satisfy this condition, any

## Agenda Book

and all certificates shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

3. Bax shall not receive any disciplinary action involving neglect of duty or conduct unbecoming from any school district in which he is employed. If Bax fails to satisfy this condition, any and all certificates shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

“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. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition.

Bax 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*

CF16539 Spencer Sullivan

Accept Agreed Order admonishing Sullivan for supplying alcohol to a minor and for possessing marijuana. The Board acknowledges that mistakes will be made, but educators are held to a very high standard of conduct both in and out of the classroom. The Board reminds Sullivan that obtaining a certificate is a privilege, and he should refrain from conduct that reflects poorly on the education profession in the future.

Upon acceptance of this agreement by the Board, Sullivan shall be issued a Kentucky teaching certificate upon

## **Agenda Book**

providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Sullivan shall submit written proof to the Board that he has completed training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Sullivan shall pay any expense incurred.
2. Sullivan shall submit written proof to the Board, from a Kentucky licensed/certified chemical dependency counselor, as approved by the Board that he has completed a comprehensive alcohol/substance abuse assessment and is compliant with all treatment recommendations. Sullivan shall pay any expense incurred.

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

1. If the evaluating chemical dependency counselor recommends ongoing treatment, Sullivan shall submit quarterly written progress reports to the Board from his chemical dependency counselor until he is released from treatment. Sullivan shall pay any expense incurred. Failure to comply with this condition will result in the administrative suspension of his certificate until such condition is satisfied.
2. Sullivan shall have no further criminal convictions. If Sullivan is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, he shall submit this information to the Board, in writing, within thirty (30) days. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. Failure to comply with this condition will result in the administrative suspension of his certificate pending Board review and disposition.
3. With any application for renewal of a certificate and/or with any application for an additional certificate, Sullivan shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts. Sullivan shall

## Agenda Book

pay any expense incurred. Failure to comply with this condition will result in the denial of his application for renewal and/or additional certification.

4. For a period of five (5) years from the date of issuance of the first certificate, Sullivan shall submit to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for alcohol or any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Sullivan shall pay any expense incurred. Failure to comply with this condition will result in the automatic suspension of his certificate for a period of thirty (30) days, and subject to additional sanctions by the Board pursuant to KRS 161.120.
5. For a period of five (5) years from the date of issuance of the first certificate, Sullivan shall receive no disciplinary action for violation of the Professional Code of Ethics for Kentucky Certified School Personnel from any school district in which he is employed. Failure to comply with this condition will result in the automatic suspension of his certificate for a period of thirty (30) days, and subject to additional sanctions by the Board pursuant to KRS 161.120.

“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. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition.

**Vote:** *Unanimous*

1602163 Bonnie Schaad

Accept Agreed Order stating that Schaad has retired and has no immediate plans to return to the education

## **Agenda Book**

profession. However, if Schaad returns to the Kentucky public school system in any capacity that requires certification, she shall first comply with the following conditions:

1. Schaad shall provide written proof to the Board that she has completed professional development or training on educator ethics, as approved by the Board. Schaad shall pay any expense incurred. If Schaad fails to satisfy this condition prior to accepting certified employment, Certificate Number 200169322 shall be administratively suspended until such condition is satisfied.
2. Schaad shall provide written proof to the Board that she has completed professional development or training on professionalism, as approved by the Board. Schaad shall pay any expense incurred. If Schaad fails to satisfy this condition prior to accepting certified employment, Certificate Number 200169322 shall be administratively suspended until such condition is satisfied.
3. Schaad shall provide written proof to the Board that she has completed professional development or training on special education documentation, as approved by the Board. Schaad shall pay any expense incurred. If Schaad fails to satisfy this condition prior to accepting certified employment, Certificate Number 200169322 shall be administratively suspended until such condition is satisfied.

Upon returning to the Kentucky public school system, Certificate Number 200169322 shall be subject to the following probationary condition:

4. Schaad shall not receive any disciplinary action for incompetency or neglect of duty from any school district in which she is employed. If Schaad fails to satisfy this condition, Certificate Number 200169322 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

## Agenda Book

“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. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition.

Schaad 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*

1306444 Mark Thomas

Accept Agreed Order suspending Certificate Number 000020402 from July 1, 2013 through June 30, 2014. In addition, Certificate Number 000020402, shall be subject to the following probationary conditions:

1. By December 1, 2017, Thomas shall provide written proof to the Board that he has completed training in the area of educator ethics, as approved by the Board. Thomas shall pay any expense incurred. If Thomas fails to satisfy this condition by December 1, 2017, Certificate Number 000020402 shall be administratively suspended until such condition is satisfied.
2. By December 1, 2017, Thomas shall provide written proof that he has completed training in the area of professionalism and/or successful leadership, as approved by the Board. Thomas shall pay any expense incurred. If Thomas fails to satisfy this condition by December 1, 2017, Certificate Number 000020402 shall be administratively suspended until such condition is satisfied.

Thomas 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*

## Agenda Book

1508593 Joseph Frech

Accept Agreed Order admonishing Frech for failing to take reasonable measures to protect the health, safety, and emotional well-being of his students. A teacher may not use force, which is outside the limits of their restraint training. The Board will not tolerate any further incidents of misconduct by Frech.

1. By January 31, 2017, Frech shall provide written proof to the Board that he has had an assessment for anger management and completed any and all recommendations made by the counselor. Any expense for this assessment and any recommendations shall be paid by Frech. If Frech fails to satisfy this condition, Certificate Number 201137134 shall be automatically suspended until Frech completes the assessment and any recommendations and provides the appropriate written proof to the Board.
2. By January 31, 2017, Frech shall provide written proof to the Board that he has completed professional development/training in the area of classroom management, with an emphasis on de-escalation, as approved by the Board. Any expense for this professional development/training shall be paid by Frech. If Frech fails to satisfy this condition, Certificate Number 201137134 shall be automatically suspended until Frech completes the required training and provides the appropriate written proof to the Board.

**Vote:** *Unanimous*

1303223 Bryan Warner

Accept Agreed Order admonishing Warner for conduct unbecoming a teacher, specifically, for calling a student a name under his breath. The Board reminds Warner that as a certified educator in the Commonwealth of Kentucky, he has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Warner.

Warner resigned from his teaching position and Certificate Number 201153451 is expired. Warner has no immediate plans to return to the classroom, however, should Warner decide to return to the classroom in the future, Warner shall comply with the following condition prior to renewing

## Agenda Book

Certificate Number 201153451 and accepting a certified position:

1. Warner shall provide written proof to the Board that he has attended twelve (12) hours of training on the Professional Code of Ethics with an emphasis on classroom management. Any expense involved in meeting this requirement shall be paid by Warner. If Warner fails to satisfy this condition, Certificate Number 201153451 shall not be renewed until the condition is met.

Furthermore, Certificate Number 201153451 shall be on lifetime probation with the following condition:

1. During the probationary period, Warner shall not receive any disciplinary action for conduct unbecoming a teacher. "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. If Warner fails to satisfy this condition, Certificate Number 201153451 shall be automatically and permanently revoked.

**Vote:** *Unanimous*

1412874 Brittany Perez

Accept Agreed Order stating that Perez shall provide the Board with written evidence from a Kentucky licensed and/or certified physician, as approved by the Board that she is fit to return to the classroom. Any expense for the assessment and/or written reports shall be paid by Perez.

Upon acceptance of this agreement by the Board, Certificate Number 000069616 shall be on two (2) year probation and subject to the following probationary condition:

Perez shall submit semiannual written progress reports, by January 31st and July 31st of each year, from her treatment provider stating that she is maintaining the counseling relationship and following all treatment recommendations

## Agenda Book

until such time as the counselor releases her from treatment. Any expense for the treatment and written reports shall be paid by Perez. If Perez fails to satisfy this condition, certificate number 000069616 shall be automatically suspended until Perez submits the required written documentation to the Board.

Perez 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*

1607451 John Stinson

Accept Agreed Order admonishing Stinson for neglect of duty, specifically for engaging in romantic encounters on district property. The Board reminds Stinson that as a certified educator in the Commonwealth of Kentucky he has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Stinson and the Board expects Stinson to uphold the Professional Code of Ethics in the future.

Upon acceptance of this agreement by the Board, Certificate Number 000009393 shall be on probation for a period of five (5) years subject to the following probationary conditions:

- 1) By July 31, 2017, Stinson shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Stinson. If Stinson fails to satisfy this condition, Certificate Number 00009393 shall automatically be suspended until Stinson completes the required training and provides the appropriate written proof to the Board.
- 2) During the probationary period, Stinson shall not receive any disciplinary action from any school district in the Commonwealth of Kentucky for neglect of duty. "Disciplinary action" is defined as any suspension, termination, or public reprimand

## Agenda Book

issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Stinson fails to satisfy this condition, Certificate Number 000009393 shall automatically be suspended pending review by the Board and subject to additional sanctions by the Board pursuant to KRS 161.120.

Stinson 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*

1607449 Nora Hageman

Accept Agreed Order admonishing Hageman for neglect of duty, specifically for engaging in romantic encounters on district property. The Board reminds Hageman that as a certified educator in the Commonwealth of Kentucky she has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Hageman and the Board expects Hageman to uphold the Professional Code of Ethics in the future.

Hageman is not currently teaching and has no immediate plans to return to the classroom. Should Hageman decide to return to the classroom at some point in the future, she must comply with the following condition prior to accepting a certified teaching position:

Hageman shall submit written proof to the Board that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Hageman. If Hageman fails to satisfy this condition, Certificate Number 201155860 shall automatically be suspended until Hageman completes the required training and provides the appropriate written proof to the Board.

Upon acceptance of a certified teaching position in the Commonwealth of Kentucky, Certificate Number

## Agenda Book

201155860 shall be on probation for a period of five (5) years subject to the following probationary condition:

During the probationary period, Hageman shall not receive any disciplinary action from any school district in the Commonwealth of Kentucky for neglect of duty.

“Disciplinary action” is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Hageman fails to satisfy this condition, Certificate Number 201155860 shall automatically be suspended pending review by the Board and subject to additional sanctions by the Board pursuant to KRS 161.120.

Hageman 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*

1307559 Carl Gross

Accept Agreed Order stating that Gross voluntarily, knowingly, and intelligently surrenders his teaching certificate, number 201121207, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Gross shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, KY 40601

**Vote:** *Unanimous*

1408560 Weylin Fairchild

Accept Agreed Order admonishing Fairchild for conduct unbecoming a teacher, specifically for signing correspondence with students and referring to himself as “gossip boy xoxo”. The Board reminds Fairchild that as a

## **Agenda Book**

certified educator in the Commonwealth of Kentucky, he has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Fairchild.

Fairchild resigned from his teaching position to pursue a career in finance. Fairchild has no immediate plans to return to the classroom, however, should Fairchild decide to return to the classroom in the future, Fairchild shall comply with the following condition prior to accepting a certified position in the Commonwealth of Kentucky:

1. Fairchild shall provide written proof to the Board that he has attended twelve (12) hours of training on the Professional Code of Ethics with an emphasis on student/educator boundaries or use of social media. Any expense involved in meeting this requirement shall be paid by Fairchild. If Fairchild fails to satisfy this condition, Certificate Number 201114747 shall not be renewed until the condition is met.

Furthermore, upon acceptance of a certified position, Certificate Number 201114747 shall be on three (3) year probation with the following condition:

1. During the probationary period, Fairchild shall not receive any disciplinary action for inappropriate relationships with a student. "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. If Fairchild fails to satisfy this condition, Certificate Number 201114747 shall be automatically suspended pending further investigation by the Board.

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

## Agenda Book

**Vote:** *Unanimous*

1210629 James Beard

Accept Agreed Order suspending Certificate Number 200100858 for a period of one (1) year beginning October 16, 2012.

Certificate Number 200100858 is currently expired. Before Beard shall be issued any certificate, he must comply with the following:

1. Beard shall provide written proof to the Board that he has been assessed by a state certified mental health counselor approved by the Board and is competent to fulfill his duties as an educator. Beard shall provide proof that he has complied with any treatment recommendations proposed by the mental health counselor and shall continue to provide treatment records to the Board until he has been released from treatment by the counselor. Any expense incurred for the assessment or follow-up treatment shall be paid by Beard.
2. Beard shall provide written proof to the Board that he has successfully completed a course on educator ethics, as approved by the Board, which shall include instruction on appropriate teacher/student boundaries. Any expense incurred for said training shall be paid by Beard.

Upon issuance of Certificate Number 200100858, Beard shall be on probation for a period of five (5) years. Accordingly, Beard shall receive no disciplinary action involving teacher/student boundaries. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

By entering into this Agreed Order, Beard agrees that should he fail to satisfy the terms of the probation, Certificate Number 200100858 shall be automatically suspended pending Board review and disposition.

## Agenda Book

### Vote: *Unanimous*

1408558 Linda Gibson

Accept Agreed Order suspending Certificate number 200001186, including any and all endorsements, for a period of thirty (30) days. The thirty (30) days suspension period shall be served upon acceptance of this agreement by the Board.

Upon reinstatement after the thirty (30) day suspension period, Gibson's certificate number 200001186, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions:

1. By December 31, 2016, Gibson shall supply the Board with written proof that she has completed a fit for duty assessment by a Kentucky licensed and/or certified physician, as approved by the Board, and that she completed any treatment recommendations made by the evaluator, whether those include inpatient or outpatient treatment. Any expense for the assessment, treatment, and/or written reports shall be paid by Gibson. If Gibson fails to satisfy this condition, Certificate Number 200001186 shall be suspended until Gibson provides the appropriate written proof to the Board.
2. By December 31, 2016, Gibson shall provide written proof to the Board that she has completed a comprehensive alcohol/substance abuse assessment by a Kentucky licensed or certified chemical dependency counselor, as approved by the Board. Gibson shall also submit written proof to the Board that she has successfully completed any and all treatment recommendations proposed by the counselor and is competent to fulfill her duties as a certified educator. Any expense for the assessment, treatment, and/or written reports shall be paid by Gibson. If Gibson fails to satisfy this condition, Certificate Number 200001186 shall be suspended

## Agenda Book

until Gibson provides the appropriate written proof to the Board.

Gibson is aware that should she violate any provision of KRS 161.120 at any time in the future, the Board shall initiate disciplinary action and seek additional sanctions.

### **Vote:** *Unanimous*

CF16916 Jeremy Bollman

Accept Agreed Order stating that Bollman shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Bollman shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process. Any expense for the assessment, treatment and written reports shall be paid by Bollman.
2. Bollman shall submit written proof to the Board that he has completed a course on professional ethics, as approved by the Board. Any expense required for said training shall be paid by Bollman.

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

1. If Bollman's chemical dependency counselor makes any treatment recommendations, Bollman shall comply with the treatment recommendations. Bollman 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 Bollman. Failure to comply with this condition will result in Bollman's certificate being automatically suspended until Bollman is in compliance.

## Agenda Book

2. Bollman 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 Bollman is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use or possession of alcohol, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Bollman's certificate being automatically suspended pending Board review and disposition.
3. Bollman shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Bollman. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Bollman or on his behalf.

**Vote:** *Unanimous*

CF161125 Aaron Brock

Accept Agreed Order stating that Brock shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Brock shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process. Any expense for the assessment, treatment and written reports shall be paid by Brock.
2. Brock shall submit written proof to the Board that he has completed a course on professional ethics, as

## Agenda Book

approved by the Board. Any expense required for said training shall be paid by Brock.

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

1. If Brock's chemical dependency counselor makes any treatment recommendations, Brock shall comply with the treatment recommendations. Brock 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 Brock. Failure to comply with this condition will result in Brock's certificate being automatically suspended until Brock is in compliance.
2. Brock 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 Brock is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use or possession of alcohol, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Brock's certificate being automatically suspended pending Board review and disposition.
3. Brock shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Brock. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Brock or on his behalf.

**Vote:** *Unanimous*

1607445 Ezekial Edwards

Accept Agreed Order stating that Edwards voluntarily, knowingly, and intelligently surrenders Certificate Number

## Agenda Book

201168141 and agrees not to apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Upon acceptance of this agreement by the Board, Edwards shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

1305323 Shayla Branch

Accept Agreed Order stating that Branch shall provide written proof to the Board by December 1, 2016 that she has completed professional development or training on classroom management/de-escalation techniques, as approved by the Board. Branch shall pay any expense incurred. If Branch fails to provide written proof by December 1, 2016, Certificate Number 200701861 shall be administratively suspended until proof is provided to the Board.

Branch 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*

1604253 Bradford Carr

Accept Agreed Order admonishing Carr for subjecting his players to embarrassment or disparagement, and for failing to take reasonable measures to protect the health, safety and emotional wellbeing of his players. The Board reminds Carr that being a coach is a privilege, and it is not a license to ignore the Professional Code of Ethics for Kentucky Certified School Personnel. Carr must remain cognizant of the manner in which he addresses his players even in the midst of competition. The Board will not tolerate any further incidents of misconduct from Carr.

1. By February 1, 2017, Carr shall provide written proof to the Board that he has completed professional development or training on educator ethics, as approved by the Board. Carr shall pay any expense incurred. If Carr fails to satisfy this

## Agenda Book

condition by February 1, 2017, Certificate Number 199902070 shall be administratively suspended until such condition is satisfied.

Carr 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*

CF16643 David Adkins

Accept Agreed Order stating that Adkins shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Adkins shall submit written proof to the Board that he has completed training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Adkins shall pay any expense incurred.
2. Adkins shall submit written proof to the Board that he has completed the Kentucky Department of Education's training entitled Positive Behavior in Schools I. Adkins shall pay any expense incurred.

Furthermore, any and all certificates issued to Adkins shall be subject to the following condition for a period of three (3) years:

1. Adkins shall receive no disciplinary action from any school district in which he is employed. If Adkins fails to satisfy this condition, any and all certificates 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. If the tribunal amends the

## Agenda Book

disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition.

**Vote:** *Unanimous*

1606387 Buffy House

Accept Agreed Order stating that House shall provide written proof to the Board, by May 1, 2017, from a licensed/certified psychiatrist or mental health professional, as approved by the Board that she has complied with a comprehensive evaluation and is fit to return to the profession, 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. House shall pay any expense incurred. If House fails to satisfy this condition by May 1, 2017, Certificate Number 199903095 shall be administratively suspended until such condition is satisfied.

Furthermore, Certificate Number 199903095 shall be subject to the following probationary conditions for a period of five (5) years:

1. House shall not receive any criminal charges. If House is charged or indicted of any criminal charge, other than a minor traffic violation, she shall submit this information to the Board, in writing, within thirty (30) days. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If House fails to satisfy this condition, Certificate Number 199903095 shall be administratively suspended pending Board review and disposition.
2. House shall not receive any disciplinary action from any school district in which she is employed. If House fails to satisfy this condition, Certificate Number 199903095 shall be administratively suspended pending Board review and disposition.

## Agenda Book

“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. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition.

House 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*

*Motion made by Mr. William Owens, seconded by Mr. Daniel Morgan to adjourn the meeting.*

**Vote:** *Unanimous*

Meeting adjourned at 3:00 p.m.

Next Meeting: February 13, 2017  
10:00 AM  
EPSB Board Room, Frankfort, KY 40601

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item A

##### **Information Item:**

Intent to create a procedure relating to Board composition and duties.

##### **Applicable Statutes and Regulation:**

KRS 161.028

##### **Applicable Goal:**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations and established federal, state, and agency policies.

##### **Issue:**

Should the Education Professional Standards Board create a procedure relating to board composition and duties?

##### **Background:**

This procedure describes the composition, powers, and duties of the Board, as defined by Kentucky Revised Statutes, and establishes procedures for the performance of its functions. In these procedures, the Board delegates certain responsibilities to the Executive Director to provide for the responsible and efficient administration of the Board and the accomplishment of the Board goals.

##### **Contact Person:**

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##### **Date:**

February 13, 2017

# Agenda Book

## Agenda Book

### Education Professional Standards Board

#### BOARD ADMINISTRATION PROCEDURES

APPROVED \_\_\_\_\_

- I. Purpose: This procedure describes the composition, powers, and duties of the Board, as defined by Kentucky Revised Statutes, and establishes procedures for the performance of its functions. In these procedures, the Board delegates certain responsibilities to the Executive Director to provide for the responsible and efficient administration of the Board and the accomplishment of the Board goals.
- II. Authority:
  - A. Executive Director of the EPSB
    1. The Board recruits, selects, employs, and evaluates the EPSB Executive Director. KRS 161.028(1)(n).
    2. The Board authorizes the Executive Director to be responsible for the day-to-day operations of the EPSB pursuant to KRS 161.017(1) which includes, but is not limited to, the following:
      - a. Setting up appropriate organizational structure and personnel policies for the EPSB;
      - b. Appointing all staff, including the Deputy Executive Director;
      - c. Preparing annual reports on the Board's program of work;
      - d. Carrying out policy and program directives of the Board;
      - e. Preparing and submitting to the Board for its approval a proposed biennial budget; and
      - f. Performing all other duties and responsibilities assigned by state law.
    3. The Board authorizes the Executive Director to enter into agreements with any state agency or political subdivision of the state, any postsecondary education institution, or any other person or entity necessary to implement the duties and responsibilities of the Board. KRS 161.017(3).
    4. The Executive Director shall have access to the papers, books, and records of education personnel as part of an inquiry or investigation relating to disciplinary actions against a certified employee. KRS 161.017(4).
    5. The Executive Director is authorized pursuant to KRS 161.120 to issue administrative subpoenas for the attendance of witnesses and the production of documents relevant to disciplinary cases under consideration.

## Agenda Book

### B. Board

1. The Board is a public board, corporate and politic. KRS 161.028(1) with its membership requirement set forth in KRS 161.028(2).
2. Board Membership
  - a. Governor Appointments. The Board, appointed by the Governor, consists of fifteen (15) members who then must be confirmed by the Senate and the House of Representatives under KRS 11.160.
    - (1) Nine (9) members shall be teachers representing elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
    - (2) Two (2) members shall be school administrators, one (1) of whom shall be a school principal;
    - (3) One (1) member shall be a member of a local board of education; and
    - (4) Three (3) members shall be representatives of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
  - b. Ex Officio Voting Members. Two (2) members or their designees serve on the Board as ex officio voting members.
    - (1) The Commissioner of Education; and
    - (2) The President of the Council on Postsecondary Education.

### C. Board Officers

1. Board Chair
  - a. The Chair shall be selected by and from the membership. KRS 161.028(2)(f).
  - b. The Chair shall be selected by the membership at the August meeting or later, at the discretion of the Board, in accordance with the Board Meeting Procedure.
  - c. The Chair of the Board shall serve no more than three (3) one (1) year terms in succession as chair. KRS 161.028(2)(f).
  - d. The Chair shall encourage full participation in decision making; conduct/chair Board meetings; sign orders on behalf of the Board; make reports at Board meetings; form committees.
2. Vice Chair
  - a. The Vice Chair shall also be selected by and from the membership in accordance at the August meeting or later, at the discretion of

## Agenda Book

the Board, in accordance with Board's Election of Officers Procedure.

- b. The Vice Chair of the Board shall serve no more than three (3) one (1) year terms in succession as chair.
  - c. The Vice Chair shall assume the responsibilities and assist Chair as necessary.
3. Secretary
- a. While the Executive Director is ultimately responsible for keeping records of the board meetings pursuant to KRS 161.028(2)(f), the Executive Director may delegate the role of Board Secretary to an EPSB staff member.
  - b. The Secretary shall be responsible for keeping the minutes of all meetings, issue notices of meetings, and provide for the publication and distribution of the minutes in accordance with instructions from the Board.

### III. Standing and Ad Hoc Committees:

A. The purpose of standing and ad hoc committees is to assist the Board in its oversight role by gathering information, discussing, and providing advice on policy proposals prior to their coming before the entire Board. Members of the general public may attend any committee meeting. An individual desiring to address a particular committee or otherwise participate in a committee meeting should contact the committee chair.

#### B. Standing Committee

##### 1. General Rules

- a. Unless otherwise provided in the Board Procedures, membership of standing committees shall include at least three (3) members of the Board including the committee chair.
- b. Unless otherwise provided in the Board Procedures, committee members shall be appointed by the Chair of the Board for one (1) year terms.
- c. Unless otherwise provided in the Board Procedures, the Chair of the Board shall select the Chair for each committee from the Board members.
- d. Board members may be reappointed to a committee for consecutive terms.
- e. Any vacancy occurring before the expiration of the term of the appointment shall be filled for the unexpired term.
- f. A quorum of the committee members must be present in order to conduct business.

## Agenda Book

2. Types
  - a. Officer Nomination Committee
    - (1) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
    - (2) The Nomination Committee shall be responsible for providing nominations for the Chair and the Vice Chair on an as needed basis in accordance with the Board Election of Officers Procedure.
    - (3) Meetings may be held as necessary at the call of the Chair.
  - b. Executive Director Evaluation Committee
    - (1) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
    - (2) This committee is responsible for ensuring that the Board completes a mid-year evaluation in accordance with Board Executive Director Evaluation Procedure.
    - (3) Meetings may be held as necessary at the call of the Chair.
  - c. Waiver Request Committee
    - (1) The waiver committee shall consist of three (3) Board members. One (1) committee member shall be a Board member who is serving as a teacher representative; one (1) committee member shall be a Board member who is serving as an administrator representative; and one (1) committee member shall be a Board member who is serving as a postsecondary representative. An alternate waiver committee member shall also be selected. The alternate waiver committee member will only serve if one (1) of the other members of the committee is unavailable to attend a committee meeting.
    - (2) Selection of committee members shall be made at the first spring meeting of the Board. Vacancies may be filled at any meeting of the Board.
    - (3) The waiver committee is responsible for reviewing waiver requests pursuant to KRS 161.028(r) with Education Professional Standards Board staff and for making recommendations on those waivers to the full Board in accordance with the Board Waiver Request Procedure.
    - (4) Meetings shall immediately precede meetings of the Board unless another time is designated by the Committee Chair.

## Agenda Book

- C. Ad Hoc Committees
  - 1. Ad hoc committees may be established and appointed at any time by the Chair and with such charge as the Board Chair may determine.
  - 2. Ad hoc committees shall carry out their duties as specified and report to the Board. Such committees shall function until discharged, unless otherwise stipulated in the specific Committee Charter. Membership may include Board members, and it may also include persons who are not Board members.
  
- IV. Board Statutory Authority and Responsibilities: The Board's statutory authority and areas of responsibility are set forth in KRS 161.028(1)(a) - (x) and KRS 161.028(2)(g):
  - A. Establish standards and requirements for obtaining and maintaining a teaching certificate;
  - B. Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:
    - 1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
    - 2. Research-based classroom practices, including effective classroom management techniques;
    - 3. Emphasis on subject matter competency of teacher education students;
    - 4. Methodologies to meet diverse educational needs of all students;
    - 5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
    - 6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
    - 7. The diversity of faculty;
    - 8. The effectiveness of partnerships with local school districts; and
    - 9. The performance of graduates on various measures as determined by the board;
  - C. Conduct an annual review of diversity in teacher preparation programs;
  - D. Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
  - E. Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the Board;
  - F. Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
  - G. Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards

## Agenda Book

- Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
- H. Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
  - I. Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;
  - J. Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
  - K. Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
  - L. Develop a professional code of ethics;
  - M. Set the qualifications and salary for the positions of executive director and deputy executive director to the Board, notwithstanding the provisions of KRS 64.640;
  - N. Recruit, select, employ and evaluate the executive director to the Board;
  - O. Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
  - P. Approve the biennial budget request;
  - Q. Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
  - R. Waive a requirement that may be established in an administrative regulation promulgated by the Board. A request for a waiver shall be submitted to the Board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The Board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
  - S. Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Kentucky Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

## Agenda Book

- T. Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a post-baccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the Board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the Board;
- U. Employ consultants as needed;
- V. Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the Board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
- W. Sponsor studies, conduct research, conduct conferences, and publish information as appropriate;
- X. Issue orders as necessary in any administrative action before the Board; and
- Y. As set for in 161.028(2)(g), to carry out the functions relating to its duties and responsibilities, the Board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

### V. Board Action:

- A. Any action relating to the Board's statutory authority or areas of responsibility are set forth in KRS 161.028(1)(a) - (x) and KRS 161.028(2)(g) and will require Board approval.
- B. EPSB staff shall bring before the Board any actions that require Board approval first as an information item and then as an action item.
- C. The Board shall consider the recommendations of EPSB staff and then approve, modify, or deny the action proposed.

### References and Related Materials

Kentucky Revised Statutes:

Kentucky Administrative Regulations:

Board Policies and/or Procedures:

# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item B

##### **Information Item:**

Intent to Amend Waiver Request Procedure

##### **Applicable Statutes and Regulation:**

KRS 161.028

##### **Applicable Goal:**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations and established federal, state, and agency policies.

##### **Issue:**

Should the Education Professional Standards Board approve the amendments to Waiver Request Procedure?

##### **Background:**

The Waiver Request Procedure identifies the process by which an applicant for certification, a postsecondary institution, or a superintendent of a local school district, submits a request for a waiver of an administrative regulation promulgated by the Board.

The proposed amendment seeks to accomplish the following objectives:

1. Reformats the existing procedure;
2. Clarifies existing practice; and
3. Creates a conditional waiver that EPSB staff will only use in exceptional circumstances after consultation with the Board Chair and the Waiver Committee Chair.

##### **Contact Person:**

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##### **Date:**

February 13, 2017

# Agenda Book

## Agenda Book

### Education Professional Standards Board

#### WAIVER REQUEST PROCEDURE

**APPROVED** September 28, 1998  
Amended August 14, 2000; August 26, 2002; \_\_\_\_\_

- I. The Board has the authority to waive regulatory requirements promulgated by the Board pursuant to KRS 161.028(1)(r).
  - A. Request
    1. Applicant for Certification;
    2. Postsecondary Institution; or
    3. Superintendent of a local school district.
  - B. Format of Request
    1. All waiver requests submitted to the Board pursuant to KRS 161.028(1)(r) shall be submitted in writing to the Board's Executive Director at least 30 days before the next regularly scheduled Board meeting. Each waiver request shall set forth all facts to support the extraordinary circumstances necessary for waiver and shall stipulate the specific regulation for which the waiver is requested.
    2. If the applicant for waiver wishes to be considered for a conditional waiver while the request for waiver is pending consideration by the Board, the applicant shall include in his/her application an explanation as to: 1) why the applicant did not submit the application sooner; and 2) why the applicant will suffer significant hardship if the application has to wait until the Board makes a final decision.
    3. The waiver request, along with all supporting documentation, shall be included in the agenda materials for the next Board meeting. The waiver request agenda item shall be assigned to the Board Waiver Committee for initial review and recommendation.
  - C. EPSB Staff Review
    1. EPSB staff shall conduct a preliminary review of the request.
    2. If the applicant is seeking a conditional waiver, the Executive Director will consult with the Board Chair and the Waiver Committee Chair regarding the request for a conditional waiver.
    3. If approval is obtained by the Board Chair and the Waiver Committee Chair, the EPSB shall approve a conditional waiver prior to review by the full Board Waiver Committee and final decision of the full Board.

## Agenda Book

### D. Conditional Waiver

1. A conditional waiver is exceptional relief granted in limited circumstances.
2. The granting of a conditional waiver does not limit the Board's ability to deny the waiver once presented to the full Board.

### E. Acknowledgement of Waiver Request

1. The Executive Director shall send a letter to the applicant notifying him/her of the date, time, and location of the Board Waiver Committee Meeting as well as the Board meeting at which his/her request will be considered.
2. If the application included a request for a conditional waiver, the Executive Director shall inform the applicant of the status (approved/not approved) of the conditional waiver request.

### F. Recommendation by Waiver Committee

1. The Waiver Committee shall review the request for waiver, along with any attached supporting documentation submitted by the applicant in the presence of EPSB Staff in an open meeting prior to a regularly scheduled Board meeting.
2. The Waiver Committee shall hear a presentation from EPSB staff regarding the waiver during its meeting and shall have the opportunity to ask EPSB staff questions.
3. The Waiver Committee has the sole discretion in determining whether or not the waiver applicant may address the committee.
4. The Waiver Committee shall formulate a recommendation to be made to the full Board at the next regularly scheduled Board meeting.
5. When considering a waiver request, the Waiver Committee shall only recommend that the Board approve the waiver if the applicant has demonstrated extraordinary circumstances.
6. The Waiver Committee shall make a recommendation to the Board.

### G. Final Decision by Board

1. After receiving the committee's recommendation, the Board shall vote in open session on the committee's recommendation and render a final decision.
2. The Board shall only grant waiver requests if the applicant demonstrates that extraordinary circumstances exist.
3. The Executive Director shall notify the applicant in writing of the decision of the Board.

## Agenda Book

4. Any waiver granted pursuant to KRS 161.028(1)(r) shall be subject to revocation if the person or institution falsifies information or fails to meet the intent of the waiver.
5. Waivers are limited to a one-year period. If a waiver is sought for a period that exceeds one year, the applicant must reapply at the end of each one-year period.

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# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item C

##### **Information Item:**

Intent to Amend 16 KAR 5:020 Standards for Admission to Educator Preparation

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, 161.030, 161.048; 16 KAR 5:020

##### **Applicable Goal:**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 5:020: Standards for Admission to Educator Preparation?

##### **Background:**

16 KAR 5:020 identifies the minimum standards for admission to approved educator preparation programs.

The proposed amendment seeks to accomplish the following objectives:

1. Adds the minimum standards for admission for occupation-based career and technical education.
2. Adds the minimum standards for admission to advanced programs.
3. Makes clear that all educator preparation program providers must notify the EPSB when a candidate is admitted into an approved program; it provides a timeline for that notification; and it provides a consequence if notification is not made.
4. Shortens the timeframe in which educator preparation providers have to exit candidates who have not enrolled in at least one course required for program completion.
5. Adds an assessment recency requirement.
6. Removes out dated language that is no longer necessary.

Teaching quality is the most important school-based factor in determining student success. The EPSB has the responsibility to ensure that all educator candidates are of high quality and are equipped to enter their classrooms prepared to excel. This amendment reflects Kentucky's commitment that only quality educator candidates are admitted into approved educator preparation programs. EPSB issues certificates for Occupation-Based Career and Technical Education to applicants prepared to excel in the classroom and to support student success.

## **Agenda Book**

### **Contact Person:**

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### **Date:**

February 13, 2017

# Agenda Book

## 16 KAR 5:020. Standards for admission to educator preparation.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.048(7)

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(b) requires the Educational Professional Standards Board to promulgate administrative regulations setting standards for approval of an educator preparation institution that offers a preparation program corresponding to a particular certificate. KRS 161.030(1) requires the board to promulgate administrative regulations establishing requirements for issuance of a certificate authorized under KRS 161.010 to 161.126. This administrative regulation establishes the standards for admission to an educator preparation program.

Section 1. Selection and Admission to Educator Preparation Programs. (1) ~~In addition to the National Council for Accreditation of Teacher Education standards incorporated by reference in 16 KAR 5:010, each provider of an approved program of educator preparation educator preparation institution shall develop minimum standards for admission to its initial certification educator preparation programs, including those university-based alternative programs established pursuant to KRS 161.048(7) in accordance with this section.~~

(2) Admission to an approved undergraduate initial ~~certification~~ educator preparation program shall require the following:

- (a) 1. A cumulative grade point average of 2.75 on a 4.0 scale; or
2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit completed; and

(b) Successful completion of the following pre-professional skills assessments of basic knowledge administered by the Educational Testing Service with the corresponding minimum score:

1. ~~Until August 31, 2014:~~

- ~~a.(i) "Pro-Professional Skills Test: Mathematics (0730)" - 174; or~~
- ~~(ii) "Computerized Pro-Professional Skills Test: Mathematics (5730)" - 174;~~
- ~~b.(i) "Pro-Professional Skills Test: Reading (0710)" - 176; or~~
- ~~(ii) "Computerized Pro-Professional Skills Test: Reading (5710)" - 176; and~~
- ~~c.(i) "Pro-Professional Skills Test: Writing (0720)" - 174; or~~
- ~~(ii) "Computerized Pro-Professional Skills Test: Writing (5720)" - 174.~~

~~2. Beginning September 1, 2014:~~

- a. "Praxis Core Academic Skills for Educators (CASE): Reading (5712)" - 156;
- b. "Praxis Core Academic Skills for Educators (CASE): Writing (5722)" - 162; and
- c. "Praxis Core Academic Skills for Educators (CASE): Mathematics (5732)" - 150.

(3) Admission to an approved graduate level initial ~~certification~~ educator preparation program, including an educator preparation program established pursuant to KRS 161.048(7), shall require the following:

- (a) 1. A bachelor's degree or advanced degree awarded by a regionally accredited college or university with a cumulative grade point average of 2.75 on a 4.0 scale; or
2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework; and

(b) 1. Successful completion of the pre-professional skills assessments in subsection (2)(b) of this section; or

2. Successful completion of the Graduate Record Exam (GRE) administered by the Education Testing Service with the following corresponding scores on the corresponding sections:

- a. ~~(i) Verbal Reasoning taken prior to August 1, 2011 - 450; or~~
- ~~(ii) Verbal Reasoning taken after August 1, 2011 - 150;~~
- b. ~~(i) Quantitative Reasoning taken prior to August 1, 2011 - 490; or~~
- ~~(ii) Quantitative Reasoning taken after August 1, 2011 - 143; and~~
- c. Analytical Writing - 4.0.

(4) Admission to an approved educator preparation advanced program shall require a statement of eligibility.

(5) Admission to an approved program of preparation leading to occupation-based career and technical teacher certification pursuant to 16 KAR 2:020.

(a) A minimum of a high school diploma or equivalency exam.

(b) Four (4) years of successful and appropriate occupational experience in the area to be taught:

1. At least two (2) years of occupational experience completed within the last five (5) years. A maximum of one (1) year of the required work experience may be satisfied by completion of an approved program of preparation for the occupation to be taught; and

2. The occupational experience confirmed by the Kentucky Department of Education, Office of Career and Technical Education;

(c) The assessment provisions established in 16 KAR 6:020;

(d) An offer of employment from a state or local technology center, or a school district.

~~(5)(6) Each provider of an approved program of educator preparation accredited educator preparation institution shall have a formal application procedure for admission to an initial teacher preparation program, which shall include the following:~~

~~(a) Documentation that the applicant demonstrates the following:~~

1. Critical thinking;
2. Communication;
3. Creativity; and
4. Collaboration;

~~(b) Evidence that the applicant has reviewed:~~

~~1. The Professional Code of Ethics for Kentucky School Certified Personnel established in 16 KAR 1:020; and~~

~~2. The character and fitness questionnaire contained in Section III of the TC-1 incorporated by reference in 16 KAR 2:040; and~~

## Agenda Book

(c) A method to allow the applicant to demonstrate that the applicant understands professional dispositions expected of professional educators.

~~(5)~~ (7) Undergraduate students shall not enroll in any educator preparation program courses restricted to admitted candidates.

~~(6)~~ (8) The educator preparation program shall maintain electronic records that document that all students admitted after September 1, 2012, meet the requirements established in Section 1 of this administrative regulation subsection (2) of this section.

~~(6)~~(9) A provider of approved educator preparation programs shall provide notice to the Educational Professional Standards Board (EPSB) which candidates it has admitted to an approved program of educator preparation within six months of the candidate's admission.

~~(7)~~(10) Failure of an approved educator preparation provider to provide EPSB with notice of each candidate it admitted to an approved program of preparation in accordance with this section may result in action against the provider's accreditation status.

Section 2. Assessment Recency. (1) A passing score on an assessment established at the time of admission shall be valid for the purpose of applying for admission for five (5) years from the assessment administration date.

Section 3. Annual Report. (1) Each educator preparation provider (provider) ~~unit~~ shall submit an electronic report annually to the ~~EPSB Education Professional Standards Board~~ that includes the following program data on each candidate admitted to educator preparation programs:

(a) ~~EPSB Education Professional Standards Board~~ Person Identifier;

(b) Student School Identification number;

(c) Social Security number;

(d) Full name;

(e) Birth date;

(f) Reported ethnicity;

(g) Reported gender;

(h) Email address;

(i) Present home mailing address;

(j) Permanent home mailing address;

(k) Phone number;

(l) Admission date;

(m) Total number of credit hours prior to admission to the institution's educator preparation program;

(n) Total number of credit hours in educator preparation courses completed prior to admission to the institution's educator preparation program;

(o) Grade point average at admission;

(p) Current program enrollment status;

(q) Program completion date;

(r) Grade point average at program completion;

(s) Academic major at program completion; and

(t) Academic minor or minors at program completion, if applicable.

(2) The report shall be submitted in the following manner:

(a) The ~~provider institution~~ shall electronically submit all data identified in subsection (1) to the ~~EPSB Education Professional Standards Board~~; and

(b) By September 15 of each year, each institution shall provide written confirmation by electronic mail to the ~~EPSB Director of the Division of Educator Preparation~~ that all required information has been entered.

(3) The preparation program shall exit any candidate who has not been enrolled in at least one (1) course required for program completion within the last ~~six~~ ~~eighteen~~ (18) months.

(4) Failure to submit the annual report in accordance with this section may result in action against the program's accreditation status pursuant to ~~16 KAR 5:010, Section 24.~~

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**Agenda Book**

**EDUCATION PROFESSIONAL STANDARDS BOARD  
STAFF NOTE**

**Information/Discussion Item D**

**Information Item:**

To inform the EPSB about contracts which were signed by the Executive Director since the prior EPSB Board Meeting

**Applicable Statutes and Regulation:**

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

**Applicable Goal:**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state and agency policies.

**Background:**

KRS 161.028 (1) (v) (d) authorizes the EPSB to enter into contracts and KRS 161.017 (3) stipulates that with Board approval, the Executive Director may enter into agreements "...to enlist assistance to implement the duties and responsibilities of the Board."

| <b>Vendor Name</b>       | <b>Services</b>        | <b>Service Period</b> | <b>Contract Amount</b> |
|--------------------------|------------------------|-----------------------|------------------------|
| Capitol Link Consultants | Legislative Consultant | 1/3/17– 6/30/17       | \$50,000.00            |

**Contact Person:**

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**Date:**

February 13, 2017

# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD

#### STAFF NOTE

#### Information/Discussion Item E

##### **Information Item:**

A report on the year-to-date financial performance of the agency's programs and operations through December 31, 2016

##### **Applicable Statutes and Regulation:**

KRS 161.017 (1) (c)

##### **Applicable Goal:**

Goal 5: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statutes, regulations, and established federal, state and agency policies.

##### **Background:**

The state fiscal year begins July 1 and ends June 30.

##### **Groups/Persons Consulted**

None-All information was produced from information maintained in the eMARS financial system and analysis by Jimmy Adams.

##### **Contact Person:**

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##### **Date:**

February 13, 2017

# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item F

##### **Information Item:**

Intent to Amend 16 KAR 2:020 Occupation-Based Career and Technical Education Certificate

##### **Applicable Statutes and Regulation:**

KRS 161.020, 161.028, and 161.030  
16 KAR 2:020, and 704 KAR 3:303

##### **Applicable Goal:**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 2:020: Occupation-Based Career and Technical Education Certificate?

##### **Background:**

16 KAR 2:020 identifies the process by which the Education Professional Standards Board issues certificates to applicants seeking occupation-based teacher certification.

The proposed amendment seeks to accomplish the following objectives:

1. Ensure that all applicants complete an approved program of preparation that prepares the applicants to be successful teachers for any information technology, industrial education, public service, health science, or human services occupation area that may be offered under 704 KAR 3:303.
2. Ensure that all certified occupation-based career and technical education teachers have the credentials necessary for their students to receive both high school credit and college credit for the classes taught by these occupation-based teachers.

Teaching quality is the most important school-based factor in determining student success, and we must ensure that all Kentucky educators enter their classrooms prepared to excel. This amendment reflects Kentucky's commitment to ensure that the EPSB issues certificates for Occupation-Based Career and Technical Education to applicants prepared to excel in the classroom and to support student success.

##### **Contact Person:**

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##### **Date:**

February 13, 2017

# Agenda Book

# Agenda Book

## 16 KAR 2:020. Occupation-based career and technical education certification.

RELATES TO: KRS 156.095, 158.070, 158.816, 160.380, 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. This administrative regulation establishes the qualifications for teachers of occupation-based career and technical education and implements the testing and internship requirements of KRS 161.030.

Section 1. (1) The Education Professional Standards Board (EPSB) shall issue and reissue certificates for occupation-based career and technical ~~teachers~~ ~~education established in this administrative regulation shall be issued and renewed for occupation-based career and technical education teachers~~ employed by the public schools, the Kentucky Community and Technical College System, or the Kentucky Department of Education Office of Career and Technical Education.

(2) The EPSB may issue certificates ~~may be issued~~ for any information technology, industrial education, public service, health science, or human services occupation area for which programs may be offered under the required Kentucky Academic Standards established in 704 KAR 3:303.

(3) ~~The EPSB shall issue~~ certificates for occupation-based career and technical ~~teachers~~ ~~education~~ established in this administrative regulation ~~to shall~~:

(a) ~~Be initially issued to~~ Teacher candidates who are employed based upon required occupational experience in the occupation ~~subject~~ area to be taught; and

(b) ~~The EPSB shall~~ not require a college degree for initial issuance.

Section 2. Issuance and Renewal of One (1) Year Provisional Certificates. (1) Initial issuance. ~~The EPSB shall issue~~ a provisional ~~internship~~ certificate ~~to~~ ~~for teaching~~ occupation-based career and technical ~~teacher candidates~~ ~~education, valid for teaching only the subject or subjects stated on the face of the certificate, issued to an applicant who has submitted a completed CA-3~~ for a duration period of one (1) year. ~~The EPSB shall only issue the provisional certificate after the KDE and, if applicable, an accredited provider of an occupation-based educator preparation program, recommends the teacher candidate for certification and the teacher candidate~~ ~~upon~~ completes the ~~completion of the following~~ requirements set forth in this Section.:

(a) ~~For those teacher candidates who do not hold at least an associate degree in the occupation area in which the teacher candidate is seeking certification, the teacher candidate shall:~~

1. ~~Demonstrate that he or she holds at least~~ ~~A minimum of~~ a high school diploma or its equivalent ~~determined by evidence of an acceptable score on the general education development test administered by an approved testing center~~;

~~(b)~~2. ~~Demonstrate that he or she has four (4) years of successful and appropriate occupational experience in the occupation area in which certification is sought~~ ~~to be taught~~ with:

~~a~~4. At least two (2) years of the occupational experience completed within the last five (5) years. A maximum of one (1) year of the required work experience may be satisfied by completion of an occupation-based educator preparation program ~~accredited occupational preparation program~~ for the occupation to be taught; and

~~b~~2. The occupational experience ~~has been~~ confirmed by the KDE ~~Kentucky Department of Education Office of Career and Technical Education~~;

3. ~~(c)~~ Demonstrate that the teacher candidate meets the assessment requirements ~~The testing provisions~~ established in 16 KAR 6:020;

4. Answer no to the EPSB's background disclosure questions set forth in Section 4 ~~(e) A national and state criminal background check performed in accordance with KRS 160.380(5) within twelve (12) months prior to the date of application~~; and

5. ~~(e)~~ Demonstrate that the teacher candidate has an offer of employment from a local school district, the KDE ~~Kentucky Department of Education, the Department of Workforce Investment~~, or the Kentucky Community and Technical College System.

(b) For those teacher candidates who hold either the required occupation-based degree in the area in which certification is sought or who hold an occupation-based educator degree, those teacher candidates shall provide proof of that degree to the EPSB as well as proof that the requirements set forth in paragraph (a) of this subsection have also been met.

(c) For those teacher candidates who answer "yes" to the EPSB's background disclosure questions set forth in Section 4, the EPSB may issue provisional certificates to those teacher candidates, but the board shall retain final authority to deny the request if the board so chooses.

(2) First renewal of one (1) year provisional certificates. The EPSB shall issue the first renewal of the one (1) year provisional certificate to a requesting teacher candidate only after the KDE and, if applicable, an accredited provider of an occupation-based educator preparation degree recommends the renewal of the provisional certificate. ~~shall require the successful completion of~~:

(a) The KDE or the accredited provider of an occupation-based educator preparation program shall only recommend renewal of the first provisional certificate for a teacher candidate who does not hold an occupation-based degree in the area in which certification is sought after that teacher candidate meets the following requirements: ~~The Kentucky Teacher Internship Program established in 16 KAR 7:010; and~~

1. ~~(b)~~ Three (3) semester hours of credit in occupation-based career and technical education laboratory/classroom management. This requirement may be met by successfully completing professional learning through the New Teacher Institute sponsored by the Kentucky Department of Education Office of Career and Technical Education.

2. Completion of professional learning through the New Teacher Institute (NTI) sponsored by KDE for teacher candidates required by the KDE in year one (1);

3. Recommendation by KDE or the accredited provider of an occupation-based educator preparation program for enrollment in the Kentucky Teacher Internship Program (KTIP);

4. Answer no to the EPSB's background disclosure questions set forth in Section 4.

## Agenda Book

(b) The KDE shall only recommend renewal of the first provisional certificate for a teacher candidate who holds the requisite occupation-based degree or an occupation-based educator preparation program after the teacher candidate completes the following requirements:

1. Completion of professional learning through NTI sponsored by KDE for teacher candidates required by the KDE in year one (1); and

2. Recommendation by KDE or the accredited provider of an occupation-based educator preparation program for enrollment in KTIP.

(c) If the teacher candidate answers "yes" to the EPSB's background disclosure questions set forth in Section 4, the EPSB may issue provisional certificates to those teacher candidates, but the board shall retain final authority to deny a request for certification if the board so chooses.

(3) Subsequent renewal of one (1) year provisional certificate. The EPSB shall issue any subsequent renewal of the one (1) year provisional certificate to a requesting teacher candidate only after the KDE or the provider of an approved occupational preparation program recommends to the EPSB that the EPSB renew the one (1) year provisional certificate. The KDE or an approved occupation-based preparation program shall ensure that the teacher candidate meets the following requirements before recommending renewal [an applicant who has submitted a completed CA-3 after the successful completion of the internship shall require]:

(a) The completion of a minimum of six (6) semester hours of college credit for each renewal selected from the approved degree program [sixty-four (64) semester hour planned program for the preparation of teachers in information technology, industrial education, public service, health science, or human services occupations established in Section 4 of this administrative regulation]; and

(b) Documentation of completion of four (4) days of professional development as required by KRS 156.095 and 158.070.

(4) Answers "no" to the EPSB's background disclosure questions set forth in Section 4. If the teacher candidate answers "yes" to the questions set forth in Section 4, the EPSB may issue provisional certificates to those teacher candidates, but the board shall retain final authority to deny a request for certification if the board so chooses. [Credit granted by a regionally or nationally accredited postsecondary institution for occupational proficiency based upon past relevant experience or credit by examination shall not be applied toward the provisional certificate renewal requirements.]

(5) The one (1) year provisional certificate shall be limited to five (5) [nine (9)], one (1) year renewals for a total validity period of six (6) [ten (10)] years, which do not need to be consecutive.

(6) Upon completion of a degree program [the sixty-four (64) hour planned program established in Section 4 of this administrative regulation], the teacher candidate shall be eligible to:

(a) receive the professional certificate established in Section 3 of this administrative regulation [; and

(b) Adhere to the subsequent renewal requirements established in Section 3(3) of this administrative regulation].

Section 3. Issuance and Renewal of the Professional Certificate. (1) [Initial] Issuance. The EPSB shall issue a professional certificate pursuant to this administrative regulation [for teaching occupation-based career and technical education, valid for teaching only the subject or subjects stated on the face of the certificate, shall be issued] for a duration period of five (5) years [one (1) year] to a requesting teacher candidate only after the KDE and, if applicable, a provider of an approved occupation-based preparation program recommends that the EPSB issue a professional certificate. Neither the KDE nor the provider of the approved occupation-based preparation program shall recommend issuance of the professional certificate until the teacher candidate has met [an applicant who submitted a completed CA-3 upon completion of] the following requirements:

(a) The teacher candidate receives an occupation-based degree or an occupation-based educator preparation degree; [Compliance with Section 2(1) of this administrative regulation; and]

(b) The teacher candidate completes the two years professional learning through NTI sponsored by KDE; and [The completion of a planned program consisting of a minimum of sixty-four (64) semester hours of college credit established in Section 4 of this administrative regulation.]

(c) The teacher candidate successfully completes KTIP.

(2) [First] Renewal. The EPSB shall renew the professional certificate in accordance with 16 KAR 4:060.

(a) The first renewal shall require the successful completion of the Kentucky Teacher Internship Program established in 16 KAR 7:010.

(b) Upon meeting the requirements established in paragraph (a) of this subsection, the teacher shall receive the professional certificate valid for an additional four (4) years.

(c) An occupation-based career and technical education teacher who has successfully completed the Kentucky Teacher Internship Program prior to issuance of the initial professional certificate or who is not required to complete the internship program under the requirements for out-of-state teachers established in KRS 161.030(5) shall not be required to complete the internship program again while serving on the professional certificate.

(3) Subsequent renewal. The professional certificate shall be renewed for subsequent five (5) year periods upon completion of:

(a) Three (3) years of teaching or occupational experience in the occupational specialty; or

(b) Six (6) semester hours of college credit related to the certification area.]

Section 4. Disclosure of Background Information. (1) Teachers and teacher candidates shall disclose certain background information to the EPSB whenever those teachers and teacher candidates apply for the issuance and renewal of the provisional certificate and the professional certificate by answering the following questions:

(a) Have you ever had a professional certificate, license, credential, or any document issued for practice denied, suspended, revoked, or voluntarily surrendered? If you have had a professional certificate, license, credential, or any other document issued for practice initially denied by a licensing body, but later issued, you must answer "yes."

(b) Have you ever been suspended or discharged from any employment or military service because of allegations of misconduct?

(c) Have you ever resigned, entered into a settlement agreement, or otherwise left employment as a result of allegations of misconduct?

## Agenda Book

(d) Is any action now pending against you for alleged misconduct in any school district, court, or before any educator licensing agency?

(e) Have you ever been convicted of or entered a guilty plea, an "Alford" plea, or a plea of nolo contendere (no contest) to a felony or misdemeanor, even if adjudication of the sentence was withheld in Kentucky or any other state? Minor traffic violations should not be reported. Convictions for driving while intoxicated (DWI) or driving under the influence of alcohol or other drugs (DUI) must be reported.

(f) Do you have any criminal charges pending against you?

(g) If you answered affirmatively to any of the questions in this Section, has the EPSB previously reviewed the information?

(2) The EPSB shall provide teachers and teacher candidates will the opportunity to submit a narrative to the board to consider before the board approves the request for issuance or renewal of a provisional certificate or a professional certificate. The teacher or teacher candidate may include in their narrative any dates, locations, school systems, court records, or any other information the teacher or teacher candidate would like the board to consider. [The planned program for occupation-based career and technical education teachers shall:

— (1) Include a minimum of sixty-four (64) semester hours of college credit with at least twenty-four (24) semester hours in academic and professional education preparation during the first four (4) years of certificate validity;

— (2) Utilize the proficiency evaluation established in 16 KAR 5:030;

— (3) Be based upon the experienced teacher standards established in 16 KAR 1:040;

— (4) Meet the specialty program association standards established in 16 KAR 5:040; and

— (5) Be accredited by the Education Professional Standards Board using the applicable standards and procedures established in 16 KAR 5:040.]

Section 5. Effective August 1, 2018 the EPSB shall not issue provisional or professional certificates for those teacher candidates that do not have at least an associate degree in the area in which the teacher candidate is seeking certification, and that have not completed the two year professional learning through NTI sponsored by KDE [Information Technology Teachers. (1) A teacher shall possess one (1) of the following credentials to instruct in the field of information technology:

— (a) Provisional certificate established in Section 2 of this administrative regulation;

— (b) Professional certificate established in Section 3 of this administrative regulation;

— (c) Computer information systems certificate established in 16 KAR 2:040;

— (d) Computer science endorsement established in 16 KAR 2:040; or

— (e) Instructional computer technology endorsement established in 16 KAR 2:040.

(2) If a qualified teacher is not available for the position of information technology teacher, as attested to by the local school superintendent or the Associate Commissioner of the Kentucky Department of Education Office of Career and Technical Education, a one (1) year probationary certificate may be issued under the requirements established in 16 KAR 2:190].

**DRAFT**

# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Information/Discussion Item G

##### **Information Item:**

Intent to Amend 16 KAR 8:040 Ranking of Occupation-Based Career and Technical Education Teachers

##### **Applicable Statutes and Regulation:**

KRS 156.095, 161.020, 161.028, 161.030, 161.1211  
16 KAR 8:040

##### **Applicable Goal:**

Goal

##### **Issue:**

Should the Education Professional Standards Board approve the amendment to 16 KAR 8:040: Ranking of Occupation-Based Career and Technical Education Teachers?

##### **Background:**

16 KAR 8:040 identifies the classification requirements for occupation-based career and technical education teachers.

The proposed amendment seeks to eliminate the three year teaching experience requirement for all occupation-based career and technical education teachers seeking classification for Ranks I and II.

This proposed amendment also makes Occupation-Based Career and Technical Education Teachers eligible for a rank change based on college degrees earned.

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##### **Date:**

February 13, 2017

# Agenda Book

# Agenda Book

## 16 KAR 8:040. Ranking of occupation-based career and technical education teachers.

RELATES TO: KRS 156.095, 161.020, 161.028, 161.030, 161.1211

STATUTORY AUTHORITY: KRS 161.1211

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.1211 requires the Education Professional Standards Board to determine equivalent qualifications for the salary ranks and directs that consideration be given to the apprenticeship and industrial experience of certain vocational and career and technical teachers. This administrative regulation defines equivalency for Rank III, Rank II, and Rank I classifications taking into account the factors of apprenticeship and industrial experience.

Section 1. (1) Equivalent ranking qualifications for occupation-based career and technical education teachers, as provided for in KRS 161.1211, shall be limited to those persons who are serving in positions identified as occupation-based career and technical education and who hold one (1) of the certificates established in 16 KAR 2:020.

(2) Occupation-based career and technical education teachers identified in subsection (1) of this section who achieve certification as principal, supervisor or coordinator of career and technical education may retain the same rank, or advance to a higher rank, earned on the basis of the provisions of this administrative regulation.

Section 2. A Rank III Classification for an occupation-based career and technical education teacher identified in Section 1 of this administrative regulation shall require the following:

(1) A one (1) year provisional certificate for teaching occupation-based career and technical education issued [~~established~~] in accordance with 16 KAR 2:020;

(2)(a) High school graduation; or

(b) The equivalent determined by evidence of an acceptable score on the general education development test administered by an approved testing center; and

(3) Four (4) years of successful and appropriate occupational experience in the area to be taught, in accordance with 16 KAR 2:020[~~, Section 2(1)(b)~~].

Section 3. A Rank II classification for an occupation-based career and technical education teacher identified in Section 1 of this administrative regulation shall require one of the following:

(1) an occupation-based educator associate degree[~~Enrollment in an a planned program consisting of a minimum of sixty-four (64) semester hours of approved college credit established in 16 KAR 2:020~~]; or

(2) an occupation-based associate degree within the specific technical field in which certification was issued in accordance with 16 KAR 2:020. [~~Three (3) years of teaching experience as an occupation-based career and technical education teacher. The experience shall be further defined as follows:~~

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

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

~~(3) One (1) of the following certificates:~~

~~(a) Certificate for Vocational Education – Industrial Education, Ten (10) Year Certificate;~~

~~(b) Certificate for Vocational Education – Industrial Education, Five (5) Year Certificate;~~

~~(c) Any high school certification with an area of concentration in vocational industrial and technical education (certification code A77) or industrial education – preparation level (certification code A96);~~

~~(d) Certificate for Trades and Industrial Education; or~~

~~(e) A professional certificate for teaching occupation-based career and technical education established in 16 KAR 2:020.]~~

Section 4. A Rank I classification for an occupation-based career and technical education teacher identified in Section 1 of this administrative regulation shall require an occupation-based specialized degree beyond an associate's degree within the technical field in which certification was issued in accordance with [the following:

~~(1) An approved bachelor's degree from a regionally accredited institution defined as follows:~~

~~(a) A bachelor's degree in technical education, industrial education, health occupations, health science, human services occupation, public service, information technology, personal services occupation or which has been planned with a teacher education institution and is specifically related to the occupation to be taught; or~~

~~(b) A bachelor's degree leading to a provisional high school certificate with an area of concentration identified in subsection (2)(c) (3)(c) of this section;~~

~~(2) Six (6) years of teaching experience identified as occupation-based career and technical education teacher. The experience shall be further defined as follows:~~

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

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

~~(3) One (1) of the following certificates:~~

~~(a) Certificate for Vocational Education – Industrial Education, Ten (10) Year Certificate;~~

~~(b) Certificate for Vocational Education – Industrial Education, Five (5) Year Certificate;~~

~~(c) Any high school certification with an area of concentration in vocational industrial and technical education (certification code A77) or industrial education – preparation level (certification code A96);~~

~~(d) Certificate for Trades and Industrial Education; or~~

~~(e) A professional certificate for teaching occupation-based career and technical education established in]16 KAR 2:020. (SBE 42.860; 1 Ky.R. 493; eff. 3-12-75; Am. 7 Ky.R. 784; eff. 6-3-81; 15 Ky.R. 558; eff. 10-7-88; Recodified from 704 KAR 20:025, 7-2-2002; 29 Ky.R. 2927; 30 Ky.R. 270; eff. 8-13-03.)~~

# Agenda Book

## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD

#### STAFF NOTE

#### Action Item A

##### **Action Item:**

Intent to Amend 16 KAR 6:020 Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers

##### **Applicable Statutes and Regulation:**

KRS 161.010, 161.028(1), 161.030(3), (4)  
16 KAR 6:020

##### **Applicable Goal:**

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

##### **Issue:**

Should the Education Professional Standards Board approve the amendments to 16 KAR 6:020 Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers to become effective September 1, 2017?

##### **Background:**

16 KAR 6:020 identifies the test(s) or tests that teacher applicants and teachers seeking occupation-based teacher certification within career and technical education need to take in order to become certified.

The proposed amendment removes from the regulation those assessments that were designed to assess communication skills and general knowledge, but have been discontinued (the Pre-Professional Skills Test (PPST) and the COMPASS Test). This amendment replaces those discontinued assessments with four different assessments new teachers and teachers seeking additional certification may choose to take in order to demonstrate communication skills and general knowledge. These assessments have been aligned to those assessments required by the Kentucky Community and Technical College System.

This amendment aligns the language of this regulation with the language contained in KRS 161.028 and 161.030, but substitutes “test” with “assessment.”

This amendment no longer specifically identifies every specialty assessment in the occupational area for which teacher certification is requested. These specialty assessments are the same assessments that must be taken and passed to receive appropriate state or national industry licensure or certification. The occupational area determines the appropriate assessments to be taken. Neither the KDE nor the EPSB have any control or input over specialty assessments in occupational areas that result in state or national industry licensure or certification. The EPSB in conjunction with the KDE makes information relating to these assessments available to new

## **Agenda Book**

teachers and teachers seeking teaching certification in an additional certification area. Given the fast pace of ever-changing industry, it is more efficient for the EPSB and the KDE to periodically review and update, as necessary, the specialty assessments and the corresponding scores required for teacher certification.

This amendment makes clear that the EPSB will work in conjunction with the KDE and the Kentucky Center for Education and Workforce Statistics to gather data necessary to evaluate the adequacy of educator preparation programs.

This administrative regulation will affect candidates for Kentucky certification; the KDE because the KDE submits Kentucky certification recommendations on behalf of candidates for provisional teaching certificates for technical programs; institutions of higher education that offer educator preparation programs for technical programs; and the 173 Kentucky public school districts who hire teachers to teach technical programs.

Teacher candidates will be required to demonstrate content mastery on the identified assessment(s) prior to being hired as an occupation-based career and technical education teacher. Verification of these assessment scores will be required of the Kentucky Department of Education, Office of Career and Technical Education.

### **Groups/Persons Consulted:**

EPSB staff has worked closely with KDE staff to develop these recommended changes.

### **Potential Actions:**

1. Approve the proposed amendments to 16 KAR 6:020.
2. Do not approve the proposed amendments to 16 KAR 6:020.
3. Modify the proposed amendments to 16 KAR 6:020.

### **Staff Recommendation:**

Potential Action 1

### **Rationale:**

Teaching quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These amendments reflect Kentucky's commitment to ensure that only qualified individuals are issued a teaching certificate, thus enabling them to provide quality instruction to Kentucky's children. All teacher candidates must successfully demonstrate essential knowledge via comprehensive assessments which help measure skills and content knowledge.

## **Agenda Book**

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### **Date:**

February 13, 2017

# Agenda Book

## Agenda Book

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 6:020. Assessment requirements [~~Written examination prerequisites~~] for occupation-  
5 based career and technical education teachers.

6 RELATES TO: KRS 158.816, 161.020, 161.028, 161.030

7 STATUTORY AUTHORITY: KRS 158.816, 161.028, 161.030

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(3)(a) requires that all new  
9 teachers, including out-of-state teachers with less than two (2) years' experience, successfully  
10 complete appropriate assessments [~~written tests~~] prior to initial certification in Kentucky and  
11 serve a one (1) year internship. This administrative regulation establishes the assessments [~~tests~~]  
12 and passing scores for occupation-based career and technical education teachers certified under  
13 16 KAR 2:020.

14 Section 1. (1) All new information technology, industrial education, health science, human  
15 service, and public service teacher applicants, and other applicants for occupation-based career  
16 and technical education teacher certificates both with and without a teacher preparation degree,  
17 and out-of-state applicants for occupation-based career and technical education certification with  
18 less than two (2) years of teaching experience shall successfully complete the appropriate  
19 assessments \_\_\_\_\_ [~~written tests~~] prior to initial Kentucky certification.

## Agenda Book

1 (2) Each applicant who has not completed ~~[without]~~ an educator preparation program  
2 ~~[degree]~~ or does not currently hold a specialized associates degree within the specific technical  
3 field of certification, verified by official transcript, shall successfully complete ~~[either]~~ the  
4 following assessments ~~[Pre Professional Skills Test (PPST) or the COMPASS Test]~~ for  
5 communication skills and general knowledge;[-]

6 (a) ACT:

- 7 1. Reading – score of twenty (20) or higher;
- 8 2. Mathematics – score of nineteen (19) or higher; and
- 9 3. English (Writing) – score of eighteen (18) or higher; or

10 (b) SAT:

- 11 1. Reading – score of 470 or higher on Evidence-Based Reading and Writing;
- 12 2. Mathematics – score of 460 or higher; and
- 13 3. English (Writing) – score of 430 or higher on Evidence-Based Reading and Writing; or

14 (c) Kentucky On-Line Testing (KYOTE):

- 15 1. Reading – score of twenty (20) or higher;
- 16 2. Mathematics – score of twenty-two (22) or higher on College Readiness Mathematics  
17 or score of fourteen (14) or higher on College Algebra; and
- 18 3. English (Writing) – score of six (6) or higher; or

19 (d) General Education Readiness (GED):

- 20 1. Reading – score of 165 or higher on Reasoning Through the Language Arts;
- 21 2. Mathematics – score of 165 or higher on Mathematical Reasoning; and
- 22 3. English (Writing) - score of 165 or higher on Reasoning Through the Language Arts.

## Agenda Book

1 (3) All applicants shall demonstrate subject matter competency via passage of the specialty  
2 assessment [~~test~~] in the occupational area for which certification is to be granted or completion  
3 of the appropriate state or national industry licensure, or certification[, ~~or registration~~ as  
4 ~~established in this administrative regulation~~].

5 (4) The assessments [~~certificates, examinations, or prerequisites~~] shall be divided into the  
6 following three (3) categories:

7 (a) Industrial education and information technology:

8 1. National Occupational Competency Testing Institute's (NOCTI) Teacher Occupational  
9 Competency Test (TOCT) if one (1) corresponding to the teaching specialty is available;

10 2. Kentucky Department of Education [~~or Kentucky Department of Workforce Investment~~]  
11 developed or identified assessment corresponding to the teaching specialty;

12 3. Appropriate state or national industry licensure, or certification[, ~~or registration~~]; or

13 4. Minimum postsecondary educational attainment in a related area of study;

14 (b) Health science and human services.

15 1. The appropriate state or national industry licensure, or certification[, ~~or registration~~]; or

16 2. Minimum postsecondary program [~~education attainment~~] in a related area of study; or

17 (c) Public-service. The appropriate state or national industry licensure, or certification[, ~~or~~  
18 ~~registration~~].

19 Section 2. The Education Professional Standards Board (EPSB) shall require the specialty  
20 assessments [~~tests~~] and passing scores [~~or other examination prerequisites identified in this~~  
21 ~~section~~] for new applicants [~~each new teacher applicant~~] and educators [~~each teacher~~] seeking an  
22 additional certificate under 16 KAR 2:020.

## Agenda Book

1       (1) Specialty assessment scores for new applicants and educators seeking an additional  
2 certificate under 16 KAR 2:020 shall be determined by the EPSB in consultation with the  
3 Kentucky Department of Education. [~~Preprofessional Skills Test:~~

4       ~~(a) Reading—167;~~

5       ~~(b) Mathematics—166; and~~

6       ~~(c) Writing—167;~~

7       (2) The EPSB shall specify the specialty assessments and passing scores for new applicants  
8 and educators seeking an additional certificate via order of the EPSB. The order shall be posted  
9 on the Web site for the EPSB. [~~In lieu of the Preprofessional Skills Tests identified in subsection~~  
10 ~~(1) of this section, a new teacher applicant may meet the testing requirement by obtaining the~~  
11 ~~following COMPASS Test scores:~~

12       ~~(a) Reading—78;~~

13       ~~(b)1. Prealgebra—48; or~~

14       ~~2. Algebra—any reported score; and~~

15       ~~(c) Writing—68.~~

16       ~~(3) Specialty area tests or other examination prerequisites for industrial education~~  
17 ~~certification:~~

18       ~~(a) Auto body technology and collision repair and refinish:~~

19       ~~1. NOCTI Collision Repair/Refinishing Technology Test—61; or~~

20       ~~2. Automotive Service Excellence (ASE) certification;~~

21       ~~(b) Automotive technology:~~

22       ~~1. NOCTI Automotive Technology Test—63; or~~

23       ~~2. Automotive Service Excellence (ASE) certification;~~

## Agenda Book

- 1        ~~(c) Aviation flight technician. Federal Aviation Administration certified commercial license~~  
2        ~~with instructor endorsement;~~
- 3        ~~(d) Aviation maintenance technician. Federal Aviation Administration certified airframe and~~  
4        ~~power plant;~~
- 5        ~~(e) Building and apartment maintenance. NOCTI Building Trades Maintenance—52;~~
- 6        ~~(f) Construction Carpentry. NOCTI Carpentry—58;~~
- 7        ~~(g) Computer Aided Drafting and Drafting technology. NOCTI Technical Drafting—62;~~
- 8        ~~(h) Diesel technology:~~
- 9        ~~1. NOCTI Diesel Mechanics—62; or~~
- 10       ~~2. Automotive Service Excellence (ASE) certification;~~
- 11       ~~(i) Digital media. No test identified;~~
- 12       ~~(j) Electrical technology. NOCTI Electrical Technology Construction—45;~~
- 13       ~~(k) Engineering technology. Bachelor's degree in engineering or engineering technology;~~
- 14       ~~(l) Environmental technology. No test identified;~~
- 15       ~~(m) HVAC and Air conditioning technology. No test identified;~~
- 16       ~~(n) Heavy equipment. Commonwealth of Kentucky license for equipment taught;~~
- 17       ~~(o) Industrial chemical technology. Bachelor's degree in chemistry or related sciences;~~
- 18       ~~(p) Industrial electronics technology. No test identified;~~
- 19       ~~(q) Industrial maintenance technology. NOCTI Industrial Maintenance Mechanic—44;~~
- 20       ~~(r) Interior finishing and design. No test identified;~~
- 21       ~~(s) Machine tool technology. NOCTI Precision Machining—50;~~
- 22       ~~(t) Major appliance technology. No test identified;~~
- 23       ~~(u) Manufacturing. NOCTI Industrial Maintenance Mechanic—44;~~

## Agenda Book

- 1 ~~(v) Marine technology. No test identified;~~
- 2 ~~(w) Masonry—No test identified;~~
- 3 ~~(x) Metal fabrication. No test identified;~~
- 4 ~~(y) Multimedia technology:~~
- 5 ~~1. Macromedia Certified Professional; or~~
- 6 ~~2. Adobe Certified Expert;~~
- 7 ~~(z) Plastics technology. No test identified;~~
- 8 ~~(aa) Plumbing technology. NOCTI Plumbing—55;~~
- 9 ~~(bb) Printing technology. No test identified;~~
- 10 ~~(cc) Small engine and motorcycle repair technology:~~
- 11 ~~1. NOCTI Small engine technology—71; or~~
- 12 ~~2. Equipment and Engine Training Council (EETC) Outdoor Power Equipment Certification;~~
- 13 ~~(dd) Visual communication art.~~
- 14 ~~1. NOCTI Advertising and Design—69; or~~
- 15 ~~2. Adobe certified expert in Photoshop or Illustrator;~~
- 16 ~~(ee) Welding:~~
- 17 ~~1. NOCTI Welding—53; or~~
- 18 ~~2. American Welding Society (AWS) Certified Welder; or~~
- 19 ~~(ff) Wood manufacturing technology. No test identified;~~
- 20 ~~(4) Specialty area tests or other examination prerequisites for health science and human~~
- 21 ~~service;~~

**DRAFT**

## Agenda Book

- 1       ~~(a) Allied health sciences. Active licensure, certification, or registration by a state or~~  
2 ~~nationally recognized accrediting agency as a professional health care practitioner following~~  
3 ~~completion of a minimum of an associate degree or technical diploma preparation program;~~
- 4       ~~(b) Barbering. A license for teacher of barbering issued by the Kentucky Board of Barbering;~~
- 5       ~~(c) Biomedical sciences. Baccalaureate or higher degree in biomedical or health science area;~~
- 6       ~~(d) Culinary arts. In the field of culinary arts, an individual shall provide proof of one (1) of~~  
7 ~~the following prerequisites:~~
- 8           ~~1. NOCTI Commercial Foods – 55; or~~
- 9           ~~2. American Culinary Federation Professional Certification;~~
- 10       ~~(e) Cosmetology. A license for instructor of cosmetology issued by the Kentucky Board of~~  
11 ~~Hairdressers and Cosmetologists;~~
- 12       ~~(f) Health science. An active Registered Nurse License in Kentucky and meet applicable~~  
13 ~~accrediting body state and federal requirements; or~~
- 14       ~~(g) Practical nursing. An active Registered Nurse License in Kentucky and baccalaureate or~~  
15 ~~higher degree in nursing;~~
- 16       ~~(5) Specialty area tests or other examination prerequisites for public service:~~
- 17           ~~(a) EMS training. First Responder Instructor Certification and EMT Instructor Certification~~  
18 ~~by the Kentucky Board of Emergency Medical Services;~~
- 19           ~~(b) Fire and rescue training. State Fire Commission Instructor Certification;~~
- 20           ~~(c) Law Enforcement. Certification as a police officer or police instructor from the Kentucky~~  
21 ~~Law Enforcement Council; or~~
- 22       ~~(6) Specialty area tests for information technology:~~
- 23           ~~(a) Computing Technology Industry Association (CompTIA):~~

## Agenda Book

- 1 1. A+ Certification;
- 2 2. Security+ Certification; or
- 3 3. Network+ Certification;
- 4 (b) Cisco Certified Network Associate (CCNA);
- 5 (c) Microsoft Certified Professional (MCP);
- 6 (d) Novell Certified Administrator (CAN); or
- 7 (e) NOCTI Computer Technology Test ~~63.~~

8 Section 3. A ~~teacher~~ applicant in any occupation-based career and technical education  
9 program for which no appropriate specialty assessment ~~test~~ is yet available shall not be  
10 required to take a specialty assessment ~~test~~, except for research and validation purposes. After a  
11 new program has been piloted and fully implemented, an assessment ~~a test~~ shall be developed  
12 or identified and only new applicants ~~and a new teacher applicant~~ shall be required to pass the  
13 new ~~a designated~~ specialty assessment ~~test~~.

14 Section 4. (1) An applicant for initial certification may take the assessments ~~written tests~~  
15 on any of the dates established by the Kentucky Department of Education ~~Workforce~~  
16 Investment ~~or other appropriate entity~~, ~~with the tests to be administered on a regular basis~~.

17 (2) ~~Public announcement of testing dates and locations shall be issued sufficiently in~~  
18 ~~advance of testing dates to permit advance registration as required by the Kentucky Department~~  
19 ~~of Workforce Investment.~~

20 (3) ~~An applicant shall seek information regarding the dates and location of the tests and make~~  
21 ~~application to the Kentucky Department of Workforce Investment for the appropriate tests prior~~  
22 ~~to the deadlines established and sufficiently in advance of anticipated employment.~~

## Agenda Book

1       (4) Applicants shall authorize assessment [~~test~~] results to be forwarded to the Education  
2 Professional Standards Board (EPSB).

3       Section 5. Applicants shall pay an examination fee directly to the appropriate entity [~~testing~~  
4 ~~agency~~] for the required assessments [~~tests~~]. [~~The testing agency shall publish the examination~~  
5 ~~fee with the publication of testing dates.~~]

6       Section 6. An applicant who fails to achieve at least the minimum score on any of the  
7 appropriate assessments [~~examinations~~] may retake the assessment or assessments [~~test or tests~~  
8 ~~during one (1) of the scheduled test administrations. All retakes shall meet the regularly~~  
9 ~~scheduled testing dates.~~] Initial certification shall not be granted until acceptable scores are  
10 achieved in each of the required areas.

11       Section 7. Assessment Recency. (1) An applicant for initial or additional [~~Kentucky teacher~~]  
12 certification under 16 KAR 2:020 shall comply with the assessment recency requirements  
13 established in this section.

14       (2) An assessment [~~A test~~] established in this administrative regulation shall be valid for five  
15 (5) years from the [~~test~~] administration date.

16       (3) A passing score on an assessment [~~a test~~] established in this administrative regulation and  
17 completed on or after January 1, 2002 shall be valid for five (5) years from the [~~test~~]  
18 administration date.

19       (4)(a) An applicant [~~A teacher~~] shall complete application for certification to the EPSB  
20 [~~Education Professional Standards Board~~] within the five (5) year validity period of the  
21 assessment [~~test~~] and the passing score.

22       (b) An applicant [~~A teacher~~] who fails to complete application for certification to the EPSB  
23 [~~Education Professional Standard Board~~] within the five (5) year validity period of the

## Agenda Book

1 assessment [~~test~~] and the passing score shall retake the appropriate assessment or assessments  
2 [~~test or tests~~] and achieve the appropriate passing score or scores required for certification at the  
3 time of application.

4 [~~(5) The test administration date shall be established by the National Occupational~~  
5 ~~Competency Testing Institute or other authorized test administrator.~~]

6 Section 8. The EPSB [~~Education Professional Standards Board~~] in conjunction with the  
7 Kentucky Department of Education and the Kentucky Center for Education and Workforce  
8 Statistics [~~Department of Workforce Investment~~] shall collect data and conduct analyses of [~~the~~  
9 ~~impact of~~] these assessments to determine whether the assessment scores are appropriate and to  
10 evaluate the adequacy of educator preparation program [~~tests as to permit a review of this~~  
11 ~~administrative regulation on a regular basis~~].

**Agenda Book**

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Date

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David Whaley, Board Chair  
Education Professional Standards Board

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## Agenda Book

### PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on March 21, 2017 at 9:00 a.m., at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until March 31, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov), telephone number (502) 564-4606, and facsimile (502) 564-7080.

**DRAFT**

## Agenda Book

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 6:020

Contact Person: Lisa K. Lang, Phone 502-564-4606, Email [LisaK.Lang@ky.gov](mailto:LisaK.Lang@ky.gov)

(1) Provide a brief summary of

(a) What this administrative regulation does:

This administrative regulation establishes the assessment requirements for occupation-based career and technical education teachers certified under 16 KAR 6:020.

(b) The necessity of this administrative regulation:

KRS 161.028(1)(a) requires that the Education Professional Standards Board (EPSB) establish requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3)(a) states that the certification of all new teachers and teachers seeking additional certification shall require the successful completion of the appropriate assessments prior to certification.

KRS 158.816(3)(a) requires that the Kentucky Department of Education coordinate the development of a statewide technical assistance plan relating to technical education to aid providers of programs identify areas where improvement is needed. That plan must include analysis of the adequacy of teacher preparation.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 161.028(1)(a) authorizes the EPSB to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) require the EPSB to select and determine the appropriate level of achievement for assessments required prior to teacher certification. KRS 158.816 requires that the Kentucky Department of Education (KDE) consult with the Education Professional Standards Board as it relates to teacher preparation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes assessment requirements for occupation-based career and technical education teachers certified under 16 KAR 6:020.

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

(a) How the amendment will change this existing administrative regulation:

This amendment removes from the regulation those assessments that were designed to assess communication skills and general knowledge, but have been discontinued (the Pre-Professional Skills Test (PPST) and the COMPASS Test). This amendment replaces those

## Agenda Book

discontinued assessments with four different assessments new teachers and teachers seeking additional certification may choose to take to demonstrate communication skills and general knowledge. These assessments have been aligned to those assessments required by the Kentucky Community and Technical College System.

This amendment aligns the language of this regulation with the language contained in KRS 161.028 and 161.030, by substituting “test” with “assessment”.

This amendment no longer specifically identifies every specialty assessment in the occupational area for which teacher certification is requested. These specialty assessments are the same assessments that must be taken and passed to receive appropriate state or national industry licensure, or certification. The occupational area determines the appropriate assessments to be taken. Neither the KDE nor the EPSB have any control or input over specialty assessments in occupational areas that result in state or national industry licensure, or certification. The EPSB in conjunction with the KDE makes information relating to these assessments available to new teachers and teachers seeking teaching certification an additional certification area. Given the fast pace of ever-changing industry, it is more efficient for the EPSB and the KDE to periodically review and update as necessary the specialty assessments and the corresponding scores necessary for teacher certification.

This amendment makes clear that the EPSB will work in conjunction with the KDE and the Kentucky Center for Education and Workforce Statistics to gather data necessary to evaluate the adequacy of educator preparation programs.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to replace and/or discontinue assessments designed to ensure new teachers possess the communication skills and general knowledge necessary to teach technical programs and to provide the EPSB and the KDE with greater flexibility to review, revise, and update specialty assessments of occupational areas that require state or national industry licensure.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment establishes assessment requirements and minimal acceptable achievement scores for those assessments required of teachers of technical programs as required by KRS 161.028(1)(a) and KRS 161.030(3)(a).

(d) How the amendment will assist in the effective administration of the statutes:

This amendment clarifies the assessments required for teacher certification for technical programs and their corresponding minimal acceptable achievement scores for certification.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

## Agenda Book

This administrative regulation will affect candidates for Kentucky certification; the KDE because the KDE submits Kentucky certification recommendations on behalf of candidates for provisional teaching certificates for technical programs; institutions of higher education that offer educator preparation programs for technical programs; and the 173 Kentucky public school districts who hire teachers to teach technical programs.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Candidates for teacher certification must ensure that they have taken and successfully passed the appropriate assessment for certification. The KDE will assist the EPSB with the notification of candidates for certification interested in teaching technical programs. Institutions of higher education will need to review their curriculum to implement changes, if necessary. Public school districts will not have to take any action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no additional cost associated with this amendment. The cost associated with any new assessments is the same as the cost associated with the previous assessments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Teaching quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These amendments reflect Kentucky's commitment to ensure that only qualified individuals are issued a teaching certificate, thus enabling them to provide instruction to Kentucky's children. All teacher candidates must successfully demonstrate essential knowledge via comprehensive assessments which help measure skills and content knowledge.

Educator preparation programs must ensure their curriculum prepares teachers for the specific teaching field of the applicant, including content of the field and teaching of that content. The assessments measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky.

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

(a) Initially:

N/A

## Agenda Book

(b) On a continuing basis:

N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Assessment fees are provided to the test administrator by the certification candidates.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment:

These assessments are not administered by the EPSB therefore no fee or funding increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees have been increased. This is a cost to the certification candidate and is paid to the assessment administration agent.

(9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation. All candidates for certification are required to take the specified assessment which measures content knowledge in the specific teaching field of the applicant. The EPSB does not administer these assessments nor does the EPSB set the rates for these assessments.

## Agenda Book

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 6:020

Contact Person: Lisa K. Lang, Phone: (502) 564-4606, Email: LisaK.Lang@ky.gov

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

This administrative regulation will impact the Education Professional Standards Board, the KDE, institutions of higher education, and Kentucky public school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.028(1)(a) requires that the EPSB establish requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3)(a) states that the certification of all new teachers and teachers seeking additional certification shall require the successful completion of the appropriate assessments prior to certification.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There should be no effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

Currently, the EPSB spends approximately \$25,000.00 per year to manage assessments.

(d) How much will it cost to administer this program for subsequent years?

The administrative costs associated with this program are estimated to remain constant at approximately \$25,000.00 per year.

## Agenda Book

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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## Agenda Book

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 6:020

Contact Person: Lisa K. Lang, Phone: (502) 564-4606, Email: LisaK.Lang@ky.gov

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This administrative regulation will impact the Education Professional Standards Board, the KDE, institutions of higher education, and Kentucky public school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

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3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There should be no effect.

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## Agenda Book

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Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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## Agenda Book

### EDUCATION PROFESSIONAL STANDARDS BOARD STAFF NOTE

#### Alternative Route to Certification Application

**Action Item:**

Alternative Route to Certification Application

**Applicable Statutes and Regulation:**

KRS 161.028, 161.030, 161.048  
16 KAR 9:010

**Applicable Goal:**

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

**Issue:**

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

**Background:**

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

Nicholas Broady, Computer Information Systems, Grades Primary-12

The application will be sent under separate cover.

**Alternative Actions:**

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

**Contact Person:**

Mr. John Fields  
Deputy Executive Director  
(502) 564-4606  
E-mail: [John.Fields@ky.gov](mailto:John.Fields@ky.gov)

**Date:**

February 13, 2017

## **Agenda Book**