

The actions delineated below were taken in open session of the EPSB at the October 10, 2016, special meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601

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

Call to Order

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

Swearing-In of New EPSB Members

Board secretary Ashley Abshire swore in new EPSB members, Thomas Salyer and R. Daniel Morgan.

Roll Call

The following Board members were present during the October 10, 2016, EPSB special meeting: Sarah Burnett, Rachel Colyer, Tolya Ellis, Casey Gesenhues, David Graham, Robin Hebert, R. Daniel Morgan, Jay Morgan, William Owens, Sherry Powers, Thomas Salyer, and David Whaley. Tracy Adams, Rob Akers, Ashley Fishback, Donna Hedgepath, Sandra Ramsey, were absent.

Open Speak

Dr. Ron Livingood, Superintendent of Grant County Public Schools, addressed the Board on expanding certification eligibility options to educators who do not desire to pursue graduate school. He shared information that Kentucky is one of few states that limit teachers to a graduate experience. Dr. Livingood stated that educators have a large amount of college debt and experience additional stress by being required to pursue graduate school for a master's degree. He also said that districts could provide a professional learning experience as an alternative to graduate school and asked the Board to look into other alternatives.

Approval of Consent Items

2016-047

Motion made by Mr. William Owens, seconded by Dr. Jay Morgan, to approve the following items on the consent agenda:

Approval of August 15, 2016, EPSB Special Meeting Minutes

Approval of August 14, 2016, EPSB Work Session Minutes

Emergency Non-Certified Personnel

Master of Arts in Education, Teacher Leader (Rank II), Kentucky Christian University

Dr. Ben Boggs recognized representatives at the Kentucky Christian University whose program was approved.

Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

Dr. Robin Hebert of KDE reported that during a recent KBE meeting the new KBE vision statement was released. The statement reads: “Each and every student empowered and equipped with the knowledge, skills and dispositions to pursue a successful future.” This statement will provide the basis on which to build state level goals at the Board level and then establish the Kentucky Department of Education’s mission statement and work plan.

Dr. Hebert also reported on some results under the Unbridled Learning Accountably System. Statewide, student achievement is up at almost all grade levels with notable improvement in middle school mathematics and in graduation and college/career-readiness rates. The KBE is currently working on improving the achievement gap which continues to be a problem.

A timeline for the new accountability model has been submitted. At the last KBE meeting, Education and Workforce Development Cabinet Secretary Hal Heiner brought an impassioned address that the KBE discuss charter schools at the December meeting.

Report from the Council on Postsecondary Education

Dr. Jay Morgan reported that CPE was collaborating with higher education institutions to review college readiness indicators, which included reviewing admission regulations. He said that many teacher education programs require the ACT for admission into teacher education candidacy. He said discussions are being held to discuss whether to use the ACT or another readiness indicator assessment. One of the main goals is to make sure KDE or higher education institutions have a seamless transition. Dr. Morgan said that CPE also has new Board members and he is eager to work with them.

Strategic Plan Update

A written report was provided to the Board.

New Teacher Survey Results

Ms. Donna Brockman, Director of Professional Learning and Assessment, reported on the results of the New Teacher Survey. Ms. Linda Borkosky and Dr. Jessica Cunningham from the Kentucky Center for Education and Workforce Statistics were also present to discuss the survey results. This survey is issued every other year to student teachers, intern teachers, resource teachers, cooperating teachers, and principals. Staff are considering issuing the survey annually and plan to form a committee of constituents to improve the survey questions. There was a 33% response rate for the survey this year. Dr. Whaley asked if there were additional steps taken to ensure that the survey data represented the whole population of new teachers, given the 33% response rate. Ms. Brockman said that deadlines and reminders to complete the survey were given. Mr. Adams showed how the survey results could be broken down to show the different respondent types to see who responded to each question. Dr. Whaley suggested looking at late respondents and examining them to help determine what the nonrespondents might be like. Ms.

Rachel Colyer suggested that survey completers be asked to complete the survey prior to the Cycle 3 meeting. Ms. Sarah Burnett asked if the survey values could be correlated using the same values in the Professional Growth and Evaluation System for cohesiveness. The survey results will be available after the meeting and the results will be interactive.

University of Kentucky Remote Observation Presentation

Drs. Margaret Bausch and Melinda Ault at the University of Kentucky, and Dr. Ginevra Courtade at the University of Louisville, gave an update on the University of Kentucky's pilot remote observation program. The conclusion was that both the students and the institutions were satisfied with the remote observations. Mr. Adams said that EPSB staff will discuss possibilities with the University of Kentucky on how to proceed with remote observations.

Other Updates

Executive Director Adams said that the regulation for certification fees will be brought back as an action item at the December meeting. Currently staff are receiving good feedback including the synchronization of certificates.

Report of the Chair

Appointment to the Accreditation Audit Committee

Vice-Chair David Whaley appointed Michael Rowe to the Accreditation Audit Committee.

Appointment to the Evaluation of the Executive Director Committee

Vice-Chair Whaley appointed David Graham to the Evaluation of the Executive Director Committee.

Appointment of the Nomination Committee

Vice-Chair Whaley appointed Sarah Burnett to the Nomination Committee.

Appointment to the Waiver Committee

Vice-Chair Whaley appointed Thomas Salyer to the Waiver Committee.

Information/Discussion Items

Teacher Leader Masters Recommendations

Dr. Ben Boggs, Director of Division of Educator Preparation, and Dr. Sam Evans, Dean at Western Kentucky University, gave a report on the Teacher Leader Masters Recommendations. Dr. Evans discussed the committee's objectives given by the Board which were as follows:

1. Review regulatory requirements for the teacher leader master's program.
2. Develop a survey instrument to use in surveying candidates who have completed the teacher leader master's program.
3. Analyze the outcomes of the survey.

4. Work with EPSB staff to connect the outcomes of the teacher leader master's programs and the impact of those programs on student learning/closing the achievement gap.

The results from the survey were shared with the Board at the last EPSB meeting. Information from institutions indicated that enrollment trends were lagging in some areas. Dr. Jay Morgan mentioned that he hoped the Board could have more discussion pertaining to advanced coursework providing strong dual credit at a future meeting date.

Dr. Evans reviewed the committee recommendations to the Board. The recommendations were as follows:

1. Continue the Teacher Leader Master's Program with detailed modifications as a choice option for KY educators seeking rank change.

2. Adopt the following modification requirements for the Teacher Leader Master's (TLM) Program:

- A. TLM programs shall be aligned with CAEP Standards for Advanced Programs including the cross cutting themes of technology and diversity.

- B. TLM programs shall provide opportunities to enhance P-12 student achievement by directly focusing on the Program of Studies, Kentucky Academic Standards, and College and Career Readiness Standards.

- C. TLM programs shall follow the Teacher Leader Program Review Guidelines (August 31, 2016).

- D. TLM programs shall reflect the Teacher Leader Model Standards which align with InTASC Standards.

3. Direct the Education Professional Standards Board staff to develop regulations that will set forth the standards for the TLM programs reflecting the modified requirements above, and an Implementation Plan, with the ability to hold EPPs accountable for compliance.

This item will be brought back to the Board as an action item in December.

16 KAR 1:010. Standards for Certified School Personnel

Dr. Ben Boggs discussed proposed changes to 16 KAR 1:010. This regulation has not been revised since 2008. Changes include proposed standards that align with CAEP requirements. This item will be brought back at the December EPSB meeting for final action.

Action Items

Meeting Policy Amendment, Notice of Intent

2016-048

Motion made by Dr. Sherry Powers, seconded by Mr. David Graham, to approve the proposed amendments to the meeting policy.

Vote: *Unanimous*

2017 Legislative Agenda

2016-049

Motion made by Dr. Powers, seconded by Mr. Graham, to approve the proposed 2017 legislative agenda as follows:

- *Support the EPSB's recommendations to modernize language in KRS 161.048- Alternative certification program, purpose, options, testing eligibility requirements*
- *Support the EPSB's recommendations to modify KRS 161.155*
- *Support legislation which furthers the EPSB Mission, Goals and Strategic Plan*
- *Oppose any attempt to dilute or modify the current authority of the EPSB*

Vote: *Unanimous*

KTIP Appeal

2016-050

Motion made by Mr. Owens, seconded by Dr. Morgan, to approve the appeals committee recommendation. Procedural errors by the intern committee make it impossible to determine if the intern was in fact unsuccessful. The internship should be nullified and the intern allowed to repeat internship without penalty.

Vote: *Unanimous*

Approval of Offsite Campus Location, Campbellsville University

2016-051

Motion made by Mr. Graham, seconded by Ms. Tolya Ellis, to approve Campbellsville University's request to establish an offsite campus location at the Somerset Education Center for its IECE and Elementary P-5 undergraduate initial certification programs.

Vote: *Unanimous*

Waivers

16 KAR 5:010: Request to Waive Language Pertaining to Standards for Accreditation of Educator Preparation Units and Approval of Programs, Thomas More College

2016-052

Motion made by Dr. Morgan, seconded by Ms. Casey Gesenhues, to approve the waiver request of Thomas More College.

Vote: *Unanimous*

16 KAR 5:040. Request to Waive Language Pertaining to Student Teacher Requirements, University of Louisville

2016-053

Motion made by Ms. Sarah Burnett, seconded by Mr. Owens, to approve the waiver request of the University of Louisville.

Vote: *Unanimous*

16 KAR 5:040. Request to Waive Language Pertaining to Cooperating Teacher Eligibility Requirements, University of Kentucky

2016-054

Motion made by Dr. Morgan, seconded by Ms. Gesenhues, to approve the waiver request of the University of Kentucky.

Vote: *Unanimous*

16 KAR 4:010. Request to Waive Language Pertaining to Qualifications for Professional School Positions, Superintendent Leonard Whalen on behalf of Ms. Lori Wooton

2016-055

Motion made by Dr. Morgan, seconded by Ms. Gesenhues, to approve the waiver request by Superintendent Leonard Whalen on behalf of Ms. Lori Wooton.

Vote: *Unanimous*

16 KAR 8:040. Request to Waive Language Pertaining to the Ranking Requirements of an Occupation-Based Career and Technical Education Certification, Superintendent Gary Fields on Behalf of Matthew Atkinson

2016-056

Motion made by Ms. Gesenhues, seconded by Ms. Ellis, to approve the waiver request from Superintendent Gary Fields on behalf of Matthew Atkinson.

Vote: *Unanimous*

Board Comments

There were no board comments.

DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW

October 10, 2016

Motion made by David Graham, seconded by Dr. Sherry Powers, to go into closed session for the purpose of discussing pending litigation and disciplinary matters in accordance with KRS 61.810(1) (c) & (j).

Vote: *Unanimous*

Motion made by Dr. Sherry Powers seconded by Mr. William Owens, to return to open session.

Vote: *Unanimous*

Motion made by Sarah Burnett, seconded by Mr. David Graham, to return to closed session for the purpose of discussing pending litigation and disciplinary matters in accordance with KRS 61.810(1) (c) & (j).

Vote: *Unanimous*

Motion made by Ms. Sarah Burnett, seconded by Ms. Casey Gesenhues, to return to open session.

Vote: *Unanimous*

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

Sarah Burnett, Rachel Colyer, Tolya Ellis, Casey Gesenhues, David Graham, Robin Hebert, Daniel Morgan, William Owens, Sherry Powers, 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>
1606409	Hear
1606383	Admonish
1608575	Dismissed
1605343	Admonish
1606377	Hear
1606391	Hear
1606385	Hear
1607447	Hear
1606387	Hear
1606401	Hear
1607457	Admonish
1606397	Hear
1606389	Hear
1607445	Hear
1604261	Hear
1607439	Hear
1511777	Hear
1607449	Hear
1607451	Hear
1607461	Admonish
1605315	Admonish
1607459	Defer for training
1606411	Hear
1606399	Hear
1607463	Defer for training
1606407	Hear
1608569	Dismissed
1608533	Defer for training
1608535	Defer for training
1608563	Dismissed
1607455	Defer for training

1606417	Dismissed
1606419	Dismissed
1605309	Defer for training
1606413	Defer for training
1605321	Dismissed
1606405	Defer for training
1606393	Defer for training
1607453	Dismissed
1606403	Hear
1607441	Defer for training
1607471	Dismissed
1607477	Dismissed
1607475	Dismissed
1607473	Dismissed
1607469	Defer for training
1312862	Dismissed
1603181	Dismissed
1505228	Defer for training
120131	Dismissed
1605293	Dismissed
1603203	Dismissed
160293	Dismissed
1506293	Dismissed
1603237	Dismissed

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
161017	Approve
161016	Approve
161022	Approve
161005	Approve
16970	Approve
161029	Approve
161043	Approve
161058	Approve
161080	Approve
16456	Approve
151313	Approve
161112	Approve
161113	Approve
16864	Approve
161102	Approve
161081	Approve
161106	Approve
161143	Approve

16949	Deny
16581	Approve
161140	Approve
161060	Approve
161156	Approve
161054	Approve
161173	Approve
161136	Approve
16959	Deny
16707	Approve
16643	Deny
16717	Deny
16974	Approve
16965	Approve
16967	Approve
16968	Approve
161010	Approve
16281	Deny
161019	Approve
16995	Deny
16993	Approve
161020	Approve
161097	Deny
161051	Deny
161121	Approve
161128	Deny
161132	Approve
161125	Deny
161109	Approve
161146	Defer
161137	Approve
16978	Approve
161090	Approve
161127	Deny
161120	Approve
161170	Deny
161149	Approve
161001	Deny
161129	Approve
161101	Approve
161131	Approve
16964	Approve
161167	Deny
161155	Approve
161152	Deny
161096	Approve

16372	Approve
16972	Approve
16999	Deny

Agreed Orders

Case Number

Decision

1511827 Leon Lussier

Accept Agreed Order permanently revoking Certificate Number 201157436. Lussier shall neither apply for, nor be issued, a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Lussier 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

1308612 Patricia Crider

Accept Agreed Order stating that prior to accepting a position that requires Kentucky certification, Crider shall comply with the following conditions:

1. Crider shall provide written proof to the Board that she has been evaluated by a licensed or certified physician and is fit to return to the classroom, presents as capable of fulfilling her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. Crider shall pay any expense incurred. If Crider fails to satisfy this condition prior to accepting a certified position in Kentucky, Certificate Number 200000988 shall be administratively suspended until such condition is satisfied.
2. Crider shall provide written proof to the Board that she has complied with a comprehensive substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with any and all treatment recommendations. Crider shall pay any expense incurred. If Crider fails to satisfy this condition prior to accepting a certified position in Kentucky, Certificate Number 200000988 shall be

administratively suspended until such condition is satisfied.

Crider 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*

1604251 Chris Stapleton

Accept Agreed Order admonishing Stapleton for his lack of professional judgment in addressing a player during practice. The Board reminds Stapleton that coaching is a privilege, and he must abide by the Professional Code of Ethics for Kentucky Certified School Personnel at all times, including practice. The Board will not tolerate any further incidents of misconduct by Stapleton.

Stapleton has provided written proof to the Board that he has successfully completed the Kentucky Department of Education's training entitled Positive Behavior in Schools III: Bullying Prevention. Stapleton 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*

1605311 Shari Cook

Accept Agreed Order stating that Cook is retired with no immediate plans to return to the education profession. However, prior to returning to the Kentucky public school system in any capacity that requires certification, she shall first comply with the following reentry conditions:

1. Cook shall provide written proof to the Board that she has complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Cook shall pay any expense incurred. If Cook fails to satisfy this condition prior to accepting certified employment, Certificate Number 199700144 shall be administratively suspended until such condition is satisfied.

2. Cook shall provide written proof to the Board that she has completed professional development or training on educator ethics, as approved by the Board. Cook shall pay any expense incurred. If Cook fails to satisfy this condition prior to accepting certified employment, Certificate Number 199700144 shall be administratively suspended until such condition is satisfied.

Cook 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*

1506301 Heather Steffan Accept Agreed Order stating that Certificate Number 200701477 shall be on one (1) year probation and subject to the following conditions:

1. Steffan shall receive no disciplinary action involving neglect of duty during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process; and
2. Steffan must provide written proof that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by February 1, 2017. Any expense incurred for said training shall be paid by Steffan.

By entering into this Agreed Order, Steffan agrees that should she fail to satisfy the terms of the probation, Certificate Number 200701477 shall be automatically suspended for a period of one (1) year.

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

Vote: *Unanimous*

1602101 Mitchell Watts

Accept Agreed Order suspending Certificate Number 201130531 for a period of ninety (90) days from the date

upon which the Board approves this agreement. Watts shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Watts shall immediately surrender the original and all copies of her certificate to the EPSB by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Upon accepting any teaching and/or administrative position, in any capacity, in any school district in the Commonwealth of Kentucky, Certificate Number 201130531 shall be on probation for a period of five (5) years and subject to the following probationary conditions:

1. By December 15, 2016, Watts shall provide written proof to the Board from a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, that he has complied with a comprehensive alcohol abuse assessment, and is compliant with all treatment recommendations. If the evaluating chemical dependency counselor recommends ongoing treatment, Watts shall provide to the Board quarterly written progress reports to begin three (3) months after submission of the initial evaluation to the Board, until the evaluating chemical dependency counselor releases him from treatment. Watts shall pay any expense incurred. If Watts fails to satisfy this condition, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended until Watts completes the required assessment and provides the appropriate written proof to the Board.

2. Watts 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 by February 1, 2017. Any expense for said training shall be paid by Watts. If Watts fails to satisfy this condition, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended until Watts completes the required training and provides the appropriate written proof to the Board.

3. Watts shall not be convicted of any offense involving the use and/or possession of any controlled substance or alcohol during the probationary period. Watts

shall submit a copy of his current criminal record, as prepared by the Kentucky State Police, by July 1st of each year of the probationary period. Any expense required to satisfy this condition shall be paid by Watts. If Watts fails to satisfy this condition, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended until Watts provides the appropriate documentation to the Board.

4. For the entirety of the probationary period, Watts shall receive no disciplinary action. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Watts fails to comply with the requirements of this paragraph, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

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

Vote: *Unanimous*

1108613 Shirley Smith

Accept Agreed Order admonishing Smith for failing to follow the administrative procedures related to student testing. Strict compliance with the Administration Code for Kentucky's Educational Assessment Program ensures the well-being of the students and the integrity of the testing process are maintained. The Board will not tolerate any further violations of testing procedures by Smith.

On or before March 1, 2017, Smith shall submit written proof to the Board that he has successfully completed six (6) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Smith fails to satisfy this condition, Certificate Number 000016213, and any future endorsements or new areas of certification, shall be automatically suspended until Smith completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

1310716 Janet Granada

Accept Agreed Order admonishing Granada for falsifying student attendance records and submitting official personnel forms with false information regarding the assignment of stipend dollars. Furthermore, Certificate Number 000048137 shall be retroactively suspended for a period of four (4) weeks from October 2, 2013 through October 30, 2013. The Board reminds Granada that as a certified educator and administrator 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 Granada.

Granada has retired and Certificate Number 000048137 is expired. Should Granada decide to return to the classroom or an administrative position in the future, Certificate Number 000048137 shall be on lifetime probation and Granada must comply with the following conditions prior to renewing Certificate Number 000048137 and accepting a certified position:

1. Granada must provide written proof to the Board that she has attended twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense involved in meeting this requirement shall be paid by Granada. If Granada fails to satisfy this condition, Certificate Number 000048137 shall not be renewed until all conditions are met.
2. During the probationary period, Granada shall not receive any disciplinary action for mismanagement of funds or falsifying official documents from any school district in which she is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested by either tribunal/ or arbitration process. If Granada fails to satisfy this condition, Certificate Number 000048137 shall be automatically and permanently revoked.

Granada 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*

1309683 Ben Jones Accept Agreed Order admonishing Jones for creating a hostile work environment and exhibiting a pattern of behavior which is both unprofessional and unbecoming an administrator. The Board reminds Jones that as a certified educator and administrator 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 further incidents of misconduct by Jones.

Upon acceptance of this agreement by the Board, Certificate number 200101286 shall be on probation for two (2) years and subject to the following probationary conditions:

1. Jones shall provide written proof to the Board that he has completed twelve (12) hours of professional development/ training in the area of professional ethics with an emphasis on professionalism by August 1, 2017. Any expense required for said training shall be paid by Jones. If Jones fails to satisfy this condition, certificate number 200101286 shall be automatically suspended until Jones completes the required training and provides the appropriate written proof to the Board.
2. During the probationary period, Jones shall not receive any disciplinary action for creating a hostile work environment or behavior that is unprofessional and unbecoming an administrator from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested by either the tribunal/ or arbitration process. If Jones fails to satisfy this condition,

Certificate Number 200101286 shall be automatically revoked until further action by this Board.

Jones 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*

150219 Matthew Freire

Accept Agreed Order retroactively suspending Certificate Number 201157059 for a period of sixty (60) days from July 1, 2015 through August 30, 2015. Furthermore, Freire is admonished for having an inappropriate relationship with a nineteen year old student while he was employed as a substitute teacher in the same district. Although Freire was not actively substitute teaching at the time the incident occurred, the Board reminds Freire that as a certified educator the Commonwealth of Kentucky, he has a duty to uphold the Professional Code of Ethics at all times in the future and must be conscious of his role as an educator even outside the classroom. The Board will not tolerate any other incidents of misconduct by Freire.

Freire is not actively teaching and is pursuing a career in finance. Should Freire decide to return to the classroom in the future, Certificate Number 201157059 shall be on a lifetime probation beginning on the date Freire accepts a certified position and Freire must comply with the following conditions prior to accepting a certified position:

1. Freire must provide written proof to the Board that he has attended twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel with an emphasis on educator-student boundaries. Any expense involved in meeting this requirement shall be paid by Freire. If Freire fails to satisfy this condition prior to accepting a certified position and returning to the classroom, Certificate Number 201157059 shall be suspended until all conditions are met.

2. During the probationary period, Freire shall not receive any disciplinary action for student-teacher boundary violations or inappropriate relationship with students from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/ or arbitration process. If Freire fails to satisfy this condition, Certificate Number 201157059 shall be automatically suspended pending the Board's action.

Freire 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*

1302123 Dustin Martin

Accept Agreed Order retroactively suspending Certificate Number 201152598 for a period of one (1) year from October 25, 2012 through October 25, 2013. Martin 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, Third Floor, Frankfort, Kentucky 40601.

In addition to any educational requirements, reinstatement of Martin's certificate at the conclusion of the suspension is expressly conditioned upon the following:

1. Martin shall provide the Board with written evidence from a Kentucky licensed and/or certified physician, as approved by the Board, that he is fit to return to the classroom. Any expense for the assessment and/or written reports shall be paid by Martin.
2. Martin 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 Martin.

Should Martin fail to satisfy any of these conditions, Certificate Number 201152598 shall not be reinstated.

Upon reinstatement, Certificate Number 201152598 shall be on probation for a period of three (3) years and subject to the following probationary condition:

During the probationary period, Martin shall not receive any disciplinary action involving neglect of duty from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Martin fails to satisfy this condition, certificate number 201152598 shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120.

Martin is aware that should he violate KRS 161.120 either during or following this three (3) year probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1511771 Glenn Rueger

Accept Agreed Order admonishing Rueger for failure to use appropriate discourse with students. The Board reminds Rueger that, as an educator, it is his duty to take reasonable measures to protect the health, safety, and emotional well-being of students. Rueger must be especially aware of the language and discourse used in the classroom and must refrain from making inappropriate comments to students.

Upon acceptance of this Agreed Order by the Board, Certificate number 200201404, including any and all endorsements, shall be on six (6) month probation. Rueger shall receive no disciplinary action involving inappropriate discourse with students during the probationary period. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process.

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

Vote: *Unanimous*

1506379 Frances Vinson

Accept Agreed Order stating that Vinson shall provide written proof to the Board that she has completed three (3) hours of professional development/training in classroom management by January 1, 2017. Any expense required for said training shall be paid by Vinson.

If Vinson fails to satisfy this condition, Certificate Number 000072592 shall be automatically suspended until the appropriate written proof is provided to the Board.

Vote: *Unanimous*

1407401 Ronald Barnard

Accept Agreed Order stating that Barnard voluntarily, knowingly, and intelligently surrenders his Certificate Number 48484, 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, Barnard 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*

1307547 Linda Murphy

Accept Agreed Order admonishing Murphy for failing to timely change a student with special needs' soiled clothes while the Respondent was also escorting seventeen (17) other students to their busses during this time. The Board reminds Respondent that as a certified educator in the Commonwealth of Kentucky she has a duty to uphold the professional Code of Ethics in the future. Respondent failed in this duty when she allowed the student with special needs to remain in soiled clothing for an extended period of time. The Board will tolerate no further acts of misconduct by Respondent.

Respondent must provide written proof, on or before February 1, 2017 that she has completed six hours of professional development/training in the area of classroom management of special needs students. Should Respondent violate this condition, her certificate shall be suspended and will remain so until the condition is met. Any expense incurred for said training shall be paid by Respondent.

Vote: *Unanimous*

1307543 Deron Saylor

Accept Agreed Order stating that Saylor voluntarily, knowingly, and intelligently surrenders his teaching

certificate, number 000083133, 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, Saylor 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*

1205267 Ruth King

Accept Agreed Order stating that King has retired and has no immediate plans to return to the education profession. Should King decide to return to the classroom at some point in the future, she must comply with the following conditions prior to accepting a certified position:

1. King must provide written proof to the Board that she has received twelve (12) hours of professional development/training in the area of professional ethics.
2. King must provide written proof to the Board that she has completed a course on appropriate assessment techniques.

Any expense involved in meeting these requirements shall be paid by King. If King fails to satisfy these conditions, Certificate Number 000008011 shall be automatically suspended until all conditions are met.

Vote: *Unanimous*

1407435 Matt Mercer

Accept Agreed Order admonishing Mercer for exercising poor professional judgment and for failing to follow proper accounting procedures. As a certified educator in the Commonwealth of Kentucky, Mercer has a statutory obligation to properly collect, spend, and account for school funds. The Board reminds Mercer that he has a statutory duty to competently perform his duties and to follow all state statutes and regulations relating to schools. The Board reminds Mercer of his duty to exemplify behaviors which maintain the dignity and integrity of the

profession at all times. The Board will not tolerate any further incidents of misconduct by Mercer.

Certificate Number 200101358 including any and all endorsements, is hereby subject to the following probationary conditions for a period of two (2) years from the date the Board accepts this Agreed Order:

1. By February 1, 2017, Mercer shall provide written proof to the Board that he has completed six (6) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified Personnel, as approved by the Board. Mercer shall pay any expense incurred. Should Mercer fail to satisfy this condition by February 1, 2017, Certificate Number 200101358 shall be automatically suspended
2. By June 1st of each year of the probationary period, Mercer shall provide written proof to the Board that he has completed professional development or training on the "Accounting Procedures for Kentucky School Activity Funds" commonly known as Redbook, as approved by the Board. Mercer shall pay any expense incurred. Should Mercer fail to satisfy this condition by June 1st of each year of the probationary period, Certificate Number 200101358 shall be automatically suspended until such condition is satisfied.
3. For the entirety of the probationary period, Mercer shall receive no disciplinary action involving violations of Fiscal Mismanagement. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Mercer fails to comply with the requirements of this paragraph, Certificate Number 200101358, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

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

Vote: *Unanimous*

1603193 Jeff Hamilton

Accept Agreed Order admonishing Hamilton for subjecting students to embarrassment/disparagement. As an education professional, it is Hamilton's responsibility to set and maintain appropriate boundaries with all students. Subjecting students to demeaning or using inappropriate language in their presence is unacceptable conduct. This Board reminds Hamilton that as a professional educator, it is his responsibility to treat students with dignity and respect and consistently maintain a positive learning environment for all. The Board will not tolerate any further incidents of misconduct from Hamilton.

Upon the Board's acceptance of this Agreed Order, Hamilton's teaching certificate, number 24658, and any future endorsements or new areas of certification, shall be on probation for a period of two (2) years and subject to the following probationary conditions:

1. Hamilton shall submit written proof to the Board that he has completed six (6) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by March 1, 2017. Any expense for said training shall be paid by Hamilton. If Hamilton fails to comply with the requirements of this paragraph, Certificate Number 24658, and any future endorsements or new areas of certification, shall be automatically suspended until Hamilton completes the required written documentation to the Board.
2. For the entirety of the probationary period, Hamilton shall receive no disciplinary action which involves subjecting students to embarrassment and/or disparagement by any school district in which he is employed. "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 Hamilton fails to comply with the requirements of this paragraph, Certificate Number 24658, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

Vote: *Unanimous*

160291 Darrin Swisshelm

Accept Agreed Order admonishing Swisshelm for breach of contract, specifically, for job abandonment. A teacher shall not neglect his duty to his students by abandoning his position. The Board will not tolerate any further acts of misconduct from Swisshelm.

Swisshelm is currently not employed by a school district. As such, upon accepting a position that requires Kentucky Certification, Swisshelm shall provide written proof to the Board that he has been assessed by a state certified mental health counselor, approved by the Board, who certifies that Swisshelm is competent and fit to fulfill his duties as an educator. Swisshelm shall also provide written proof that he has complied with all treatment recommendations proposed by the mental health counselor, if any, and shall continue to provide treatment records to the Board until he has been released from treatment by the counselor. Any expense incurred for said evaluation, treatment, and/or reports shall be paid by Swisshelm. Should Swisshelm fail to satisfy this condition, Certificate Number 200233410 shall be automatically suspended until such condition is satisfied.

Vote: *Unanimous*

1605287 Alice Forcht

Accept Agreed Order admonishing Forcht for using physical force in disciplining students. As a professional educator, Forcht must treat each and every student with dignity and respect, no matter the circumstance. The Board

reminds Forcht that she has a duty to take reasonable measures to protect the health, safety, and emotional well-being of students. In the future, Forcht should be more cognizant of appropriate physical boundaries when enforcing discipline in her classroom.

Forcht is currently retired. Prior to accepting a position that requires Kentucky Certification, Forcht shall provide the Board with written proof that she has successfully completed one (1) course of professional development or training, as approved by the Board, in the areas of classroom management and effective disciplinary techniques. Any expense incurred for said training shall be paid by Respondent. If Forcht fails to comply with the requirements of this paragraph, Certificate Number 33394, and any future endorsements or new areas of certification, shall be automatically suspended until Forcht completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

1512839 Elizabeth Reed

Accept Agreed Order admonishing Reed for violation of State School Law, specifically, for failing to follow due process policies and procedures related to students with disabilities and for forging the ARC Chair's name on the due process forms. The Board directs and Reed acknowledges that she, as an educator working with special needs students, has a professional responsibility to provide students with educational services in a competent and efficient manner. This responsibility includes adhering to proper policies and procedures in order to ensure that necessary paperwork are completed in an acceptable and accurate fashion. The Board will not tolerate any further violations by Reed.

Certificate Number 199903189, including any and all endorsements, is hereby subject to the following probationary conditions for a period of two (2) years from the date the Board accepts this Agreed Order:

1. On or before January 1, 2017, Reed shall submit written proof to the Board that she has successfully completed six (6) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Reed fails to satisfy this condition, Certificate Number 199903189, and any future endorsements or new areas of certification, shall be automatically suspended until Reed completes the required training and provides the appropriate written proof to the Board.
2. On or before January 1st and June 1st of each year of the probationary period, Reed shall provide to the Board written progress reports from either the Director of Special Education (“DOSE”) and/or other knowledgeable supervisor. The reports shall state that Reed is maintaining proper and accurate documentation of student files under her supervision and that she is in compliance with all record keeping requirements. If Reed fails to comply with the requirements of this paragraph on or before January 1st and June 1st of each year of the probationary term, Certificate Number 199903189, and any future endorsements or new areas of certification, shall be automatically suspended until Reed submits the required written report to the Board.
3. For the entirety of the probationary period, Reed shall receive no disciplinary action involving violations of State School Law. “Disciplinary action” is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Reed fails to comply with the requirements of this paragraph, Certificate Number 199903189, and any future endorsements or new

areas of certification, shall be automatically suspended for a period of thirty (30) days.

Reed is aware that should she violate KRS 161.120, either during or following this two (2) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1511787 Mark Raleigh

Accept Agreed Order admonishing Raleigh for violation of state school law, and for failing to exemplify behaviors, which maintain the dignity and integrity of the profession when he permitted a student to receive academic credit for a class he did not take. The Board reminds Raleigh that as an administrator, it is his responsibility to ensure proper procedures are being followed in his school at all times. The Board will not tolerate any further incidents of misconduct by Raleigh.

1. Raleigh has provided written proof to the Board that he has completed three (3) hours of training by a Kentucky Department of Education (KDE) approved trainer on the topic of “The Role of the Principal in SBDM Council Elections.”
2. Raleigh has provided written proof to the Board that he has completed three (3) hours of training from a KDE approved training on the topic of “The Principal’s Duty in the Hiring Process in SBDM Schools.”
3. Raleigh has provided written proof to the Board that he has completed one (1) hours of training from an EPSB approved trainer on the topic of “Employment of Substitute Teachers.”
4. Raleigh has provided written proof to the Board that he has completed three (3) hours of training from an EPSB approved training on the topic of “The Requirements of KRS 161.020.”

Raleigh 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*

1511785 Melissa Ruhe

Accept Agreed Order admonishing Ruhe for using inappropriate physical restraint procedures with preschool students. Physical contact should not be used as a method to gain students' attention. The Board reminds Ruhe that as a certified educator in the Commonwealth of Kentucky, she has a duty to take reasonable measures to protect the health, safety and emotional well-being of her students. The Board will not tolerate any further incidents of misconduct by Ruhe.

1. By December 1, 2016, Ruhe shall provide written proof to the Board that she has completed the Kentucky Department of Education's trainings entitled Promoting Positive Behavior in Schools I, II & III. Ruhe shall pay any expense incurred. If Ruhe fails to satisfy this condition by December 1, 2016, Certificate Number 199800126 shall be administratively suspended until such condition is satisfied.

2. By December 1, 2016, Ruhe shall provide written proof to the Board that she has completed professional development or training on classroom management, as approved by the Board. Ruhe shall pay any expense incurred. If Ruhe fails to satisfy this condition by December 1, 2016, Certificate Number 199800126 shall be administratively suspended until such condition is satisfied.

Ruhe 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*

1207415 Tracey Dunn

Accept Agreed Order dismissing Case No. 1207415 without prejudice conditioned upon the following:

1. Prior to applying for certification, Dunn shall provide written proof to the Board that he has successfully completed one unit of classroom management training, as approved by the Board. Any expense incurred shall be paid by Dunn. Failure to meet this condition will result in a denial of the application for certification until such condition is satisfied.

Dunn 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*

Recommended Order

Case Name

1412857 Brook Bayko

Decision

Accept the Hearing Officer's Findings of Fact, Conclusions of Law, Recommended Order and Notice of Appeal Rights revoking Certificate Number 200407200 for a period of five (5) years.

At the conclusion of the five (5) year revocation period, Bayko in order to have her certificate reissued SHALL COMPLETE the following conditions, in addition to the requirements necessary for issuance of a certificate:

- A. Submit written proof to the Board that she has complied with a comprehensive evaluation from a licensed or certified psychiatrist or mental health professional, as approved by the Board, and is fit to return to the classroom, presents as capable of performing her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. If Bayko is unable to complete all treatment recommendations prior to reissuance, she shall submit to the Board quarterly written progress reports from her psychiatrist or mental health professional until she is released from treatment. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition prior to

reissuance, Certificate Number 200407200 shall not be reissued until such condition is satisfied.

- B. Submit written proof to the Board that she has complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. If Bayko is unable to complete all treatment recommendations prior to reissuance, she shall submit to the Board quarterly written progress reports from her chemical dependency counselor until she is released from treatment. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition prior to reissuance, Certificate Number 200407200 shall not be reissued until such condition is satisfied.
- C. Submit to the Board, documentation from her current treatment provider or Narcotics Anonymous sponsor stating that she is maintaining her sobriety and still seeking support and continued assistance in maintaining her sobriety. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall not be reissued until such condition is satisfied.
- D. Submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall not be reissued until such condition is satisfied.

Upon reissuance, Certificate Number 200407200 and any endorsements or new areas of certification shall be subject to the following permanent probationary conditions:

- A. Submission to the Board, by January 1st and July 1st of each year in which she holds an active

certificate, documentation from her current treatment provider or Narcotics Anonymous sponsor stating that she is maintaining her sobriety and still seeking support and continued assistance in maintaining her sobriety. Bayko shall pay any expense incurred. If Bayko fails to submit the documentation by the due dates, Certificate Number 200407200 shall be administratively suspended until such condition is satisfied.

- B. 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. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be automatically permanently revoked.
- C. Not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Bayko is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, she shall submit this information to the Board, in writing, within thirty (30) days. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be administratively suspended pending Board review and disposition.
- D. Bayko shall have no disciplinary action involving use of alcohol or any illegal substance by any school district in which she is employed. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be automatically permanently revoked "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 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*

Motion made by Ms. Casey Gesenhues, seconded by Mr. David Graham, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 2:30 p.m.

Next Meeting: December 12, 2016
 10:00 AM (EST)
 EPSB Board Room
 Frankfort, Kentucky