

The actions delineated below were taken in open session of the EPSB at the January 13, 2003 regular meeting. This information is provided in summary form; an official record of the meeting is available on tape in the permanent records of the EPSB, 1024 Capital Center Drive, Suite 225, Frankfort, KY 40601.

**Education Professional Standards Board (EPSB)
Summary Minutes of the Business Meeting
Best Western Hotel
Frankfort, Kentucky
January 13-14, 2003**

Members Present:

Jim Applegate
Doris Barlow
Eugene Binion
Wally Campbell
Lydia Coffey
Joy Gray
Arthur Green
Kristin Gregory
Tim Hanner (for Gene Wilhoit)
Terry Poindexter
Jack Rose
Tom Stull
Ellie Thompson
Mark Wasicsko

Members Absent:

Penny Robinson
Joe Welch

Minutes

Call to Order

Chair Lydia Coffey called the meeting to order at 9:00 AM EST.

Approval of Minutes

Motion made by Dr. Doris Barlow, seconded by Ms. Terry Poindexter, to approve the minutes of the November 18-19, 2002 EPSB meeting.

Vote: Unanimous

Open Speak

No requests were made for Open Speak.

Internal Board Business

Pursuant to KRS 61.810(1)(j), motion made by Dr. Jack Rose, seconded by Ms. Joy Gray, to move into closed session to discuss personnel.

Vote: Unanimous

Pursuant to KRS 61.810(1)(j), motion made by Ms. Ellie Thompson, seconded by Ms. Poindexter, to move into open session

Vote: Unanimous

No action was taken as a result of the closed session.

Report of the Executive Director and Staff

Dr. Susan Leib and Ms. Mary Ellen W. Horner discussed letters that some board members have received from National Board for Professional Teaching Standards (NBPTS) candidates with regard to the availability of NBPTS incentive monies. In light of the budget situation, monies were not increased to continue to serve all candidates who want to be in the program. The board had adopted a "first come, first serve" policy, meaning that beginning July 1, 2002, staff began enrolling candidates into the incentive trust fund based on their application date with NBPTS. The program was quickly filled and these letters are from candidates who were unsuccessful in receiving NBPTS certification the first time around, and now are requesting incentive monies based on their retaking NBPTS assessments. Staff will continue to monitor the situation and allocate money to as many candidates as the fund will allow.

Dr. Phillip Rogers introduced three of the Teacher Quality grant coordinators: Mr. Tom Peterson, Program Coordinator; Dr. Denise Jones, Teacher Performance Strand Coordinator; and Dr. Melissa Miracle, Technology Strand Coordinator.

Dr. Leib reviewed with board members the following items:

- mid-year budget balances
- letter from Samuel Melloy, Superintendent, West Point Independent School District re. congratulations to EPSB staff
- KYEducators.org promotional materials
- articles of interest

Report of the Chair

Ms. Coffey reported on the release of *Education Week's 2003 Quality Counts* report card, in which Kentucky improved from a C to a B+ in "improving teacher quality," making the state second in the nation.

Full Board Information Items

2002-03 LEAD (Local Educator Assignment Data) Report

Ms. Janet Banta and Mr. Terry Hibpshman reviewed with the board the 2002-03 LEAD Report. There were a total of 164 kick-outs left unresolved, including 36 who hold no certification. Dr. Leib, Ms. Banta, and Mr. Hibpshman will meet with Commissioner Gene Wilhoit to discuss the results and to determine what action, if any, to take with the districts not in compliance.

2003-01 *Motion made by Dr. Rose, seconded by Ms. Poindexter, to approve the 2002-03 LEAD Report.*

Vote: Unanimous

Special Education Consortium

In September 2001, the Division of Testing, Research, and Internship conducted a study of the issues surrounding emergency certification of special education teachers. Results indicated that approximately half of all emergency certifications are in special education and of that half, about 80 percent are in the specialty area of Learning and Behavioral Disorders. In May 2002, the EPSB approved the results and recommendations of this study. The recommendations included a plan to work with the Higher Education Collaborative for Special Education, the Kentucky Department of Education (KDE), and representatives of special education teachers and administrators across the state to develop recommendations that teacher preparation institutions could incorporate into programs to help increase the number of candidates in special education. Also as a result of the study, Kyeducators.org will serve as a point of contact for persons interested in seeking certification. The site will provide the means by which interested persons may explore teaching exceptional children opportunities, sign-up for the introductory on-line modules, and have universities and school districts contact them.

Full Board Action Items

State Definition of "Highly Qualified Teacher," No Child Left Behind (NCLB) Act 2001

In November 2002, the EPSB approved a draft definition of "Highly Qualified Teacher" as it related to teachers who are new to the profession based on data provided at that time from the U.S. Department of Education (USDOE). In December 2002, the USDOE released regulations pertaining to NCLB. In mid-December, the deans and chairs met and discussed the capacity of the institutions to meet the demand of moving all emergency-certified teachers into alternative routes to certification programs. Participants at the meeting made the following suggestions on what the board and staff could do to make it easier for institutions to admit candidates and to move them through so that they can get fully certified: (1) revisit certification grade levels and areas; (2) revisit grade point average regulation; and (3) assist with marketing teacher preparation programs. These topics will be on the EPSB's retreat agenda.

2003-02 *Motion made by Mr. Arthur Green, seconded by Ms. Gray, to approve the definition of "Highly Qualified Teacher," adding a statement on pages 7 and 8 (3) on the "successful completion of the Kentucky Teacher Internship Program (KTIP)."*

Vote: Unanimous

The EPSB also discussed what role to take in defining the "high, objective, uniform state standard of evaluation" (HOUSSE) that NCLB requires for teachers not new to the profession who have not already demonstrated subject matter competency via one of the acceptable options for teachers who are new to the profession (i.e., major, test, graduate degree in area, advanced certification).

2003-03 *Motion made by Ms. Poindexter, seconded by Dr. Mark Wasicsko, to take the lead in establishing the process and in defining and developing the HOUSSE and asked the EPSB chair to name an advisory group to make recommendations to the full board at a later date.*

Vote: Unanimous

Chair Coffey asked Ms. Gray to chair the HOUSSE advisory group, with Ms. Kristin Gregory, Mr. Tom Stull, and Ms. Poindexter also serving.

2003 Legislative Package

2003-04 *Motion made by Dr. Rose, seconded by Dr. Barlow, to approve the 2003 Legislative Package, adding under Alternative Routes to Certification, the new KYEducators.org modules "or equivalent college course work" and clarifying language under National Board Certification.*

Vote: Unanimous

16 KAR 5:010, Accreditation, Including Quality Performance Index, Notice of Intent

2003-05 *Motion made by Ms. Gray, seconded by Ms. Poindexter, to modify and approve 16 KAR 5:010, Accreditation, Including Quality Performance Index, Notice of Intent, with minor changes as recommended by staff.*

Vote: Unanimous

Committee of the Whole

Motion made by Dr. Rose, seconded by Ms. Poindexter, to review the remainder of the agenda as a Committee of the Whole.

Vote: Unanimous

Information Item

Certification Revisions

Beginning in 1999, the EPSB embarked on a long-term project to revise and update all administrative regulations. Many of these regulations had not been amended since the EPSB's creation and contained out-dated references to KDE, the old advisory council that predated the EPSB, and the old State Board for Elementary and Secondary Education that preceded the Kentucky Board of Education. Some of the regulatory language, drafting provisions, statutory references, and policies also have become outmoded or overridden by other changes during the last 12 years. Additional "clean-up" (amend and repeal) is needed on several regulations in the areas of teaching certificates, administrative certificates, certification procedures, educator preparation, and assessment.

Action Items

Career and Technical Education Teachers, Notices of Intent

House Bill 185, enacted during the 2001 General Assembly, mandated that the EPSB name a work group to review current certification requirements for teachers in technical fields whose entry into

teaching does not require a bachelor's degree, and to make recommendations for revising the current certification requirements for those persons entering teaching after July 1, 2003.

Mr. Rodney Kelly, KDE; Mr. Steve Fardo, Eastern Kentucky University; Ms. Joyce Wogoman, Department for Technical Education; and Mr. Keith Stephens, Kentucky Community and Technical College System; all members of the work group named by the board, were present as the EPSB reviewed and discussed the draft Notices of Intent on Career and Technical Education Teachers.

2003-06 *Motion made by Dr. Barlow, seconded by Dr. Rose, to approve the Career and Technical Education, Notices of Intent.*

Vote: Unanimous

Staff asked the board for direction on one issue that was left unresolved by the work group, particularly between the KDE and the Department for Technical Education. There are a substantial number of teachers in the area of Information Technology. Currently, the EPSB allows people to teach in this area who do not have the "regular prerequisites" for teaching. The issue is, should these individuals be required to follow the probationary route as outlined in the draft notices of intent or to be forever "grandfathered" in?

2003-07 *Motion made by Dr. Rose, seconded by Ms. Gregory, to appoint a group from the board and staff to meet with KDE and Department for Technical Education to resolve the issue of "grandfathering" in teachers in Information Technology and to report back at the March board meeting*

Vote: Unanimous

Accordingly, the board chair named the following individuals to this work group: Mr. Emil Jezik; Mr. Kelly, Mr. Green, Ms. Gray, Ms. Thompson, Dr. Rose, and Dr. Barlow. Mr. Wendell Cave and Ms. Banta will staff the work group.

Waiver Requests

2003-08 *Motion made by Dr. Rose, seconded by Ms. Gray, to approve the request of Ms. Tammy Wilson to waive 16 KAR 2:010, Major Equivalent and PRAXIS II Exam, thus adding physical education to Ms. Wilson's certification.*

Vote: Yes - 10
No - 1 (*Mr. Green*)

2003-09 *Motion made by Dr. Rose, seconded by Ms. Gregory, to approve the request of Mr. Dale Brown, Superintendent, Warren County Schools, on behalf of Mr. Gilbert Boyd, to waive 16 KAR 2:100, Extension to Complete JROTC Renewal Requirements, and extend Mr. Boyd's certificate to June 30, 2003.*

Vote: Unanimous

2003-10 *Motion made by Mr. Green, seconded by Ms. Gray, to approve the request of Ms. Leona Cary to waive 16 KAR 2:120, Extension to Complete Renewal*

Requirements for Emergency Certification, and extend Ms. Cary's certificate to June 30, 2003.

Vote: Yes - 7

No - 4 (*Dr. Wally Campbell, Ms. Poindexter, Dr. Rose, Ms. Thompson*)

2003-11 *Motion made by Mr. Green, seconded by Dr. Rose, to deny the request of Mr. Steven A. Mitchell to waive 16 KAR 3:050, Requirements for Principal Certification.*

Vote: Unanimous

2003-12 *Motion made by Dr. Rose, seconded by Ms. Gray, to approve the request of Mr. Wayne Puckett, Superintendent, Breckinridge County Schools, on behalf of Mr. Michael Simpson, to waive 16 KAR 4:020, Requirements for District Assessment Coordinator.*

Vote: Unanimous

2003-13 *Motion made by Dr. Rose, seconded by Ms. Poindexter, to approve the request of Dr. Betty Lindsey, Spalding University, on behalf of Ms. Angela Allen-Parsons and Ms. Cindy Kustes, to waive 16 KAR 5:040, Cooperating Teacher Eligibility Requirements. Accordingly, both Ms. Allen-Parsons and Ms. Kustes can be assigned student teachers in the Jefferson County Public Schools for the Spring 2003 semester.*

Vote: Yes - 10

No - 1 (*Mr. Green*)

2003-14 *Motion made by Dr. Rose, seconded by Ms. Poindexter, to deny the request of Ms. Tonya Artman to waive 16 KAR 6:010, Principles of Learning and Teaching Test.*

Vote: Unanimous

2003-15 *Motion made by Mr. Green, seconded by Ms. Thompson, to deny the request of Mr. David Gearheart, to waive 16 KAR 6:010, Current PRAXIS Test Score Requirement.*

Vote: Unanimous

Exceptional Children Program Assignment Waivers

2003-16 *Motion made by Mr. Green, seconded by Dr. Rose, to approve the teaching assignment waivers as recommended by the Division of Exceptional Children Services and the Division of Certification.*

Vote: Unanimous

Alternative Route to Certification Applications

2003-17 *Motion made by Mr. Green, seconded by Dr. Rose, to approve the application for adjunct instructor certification in art, grades 9-12, for Mr. Larry Frost.*

Vote: Unanimous

2003-18 *Motion made by Dr. Rose, seconded by Mr. Stull, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in biology, grades 9-12, for Mr. William Morris Durbin.*

Vote: Unanimous

Program & Technical Assistance Work Group

Action Items

Program Approval

2003-19 *Motion made by Dr. Rose, seconded by Dr. Barlow, to approve the alternative route to certification umbrella proposal submitted by Bellarmine University.*

Vote: Unanimous

The meeting recessed at 2:00 PM EST

DISCIPLINARY MATTERS EPSB MINUTES OF CASE REVIEW JANUARY 14, 2003

Chair Coffey re-convened the meeting at 8:35 AM

Full Board Discussion Item

Dating of Disciplinary Actions

EPSB members had previously requested time on the agenda to discuss the issue of imposing retroactive disciplinary actions. Ms. Brenda Allen presented information regarding the practice of imposing retroactive suspensions or revocations in disciplinary matters.

Motion made by Ms. Thompson, seconded by Mr. Eugene Binion to go into closed session for purpose of discussing proposed or pending litigation in accordance with KRS 61.801(c)&(j).

Vote: Unanimous

Motion made by Mr. Green, seconded by Dr. Rose to return to open session.

Vote: Unanimous

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

Lydia Coffey, Arthur Green, Joy Gray, Wally Campbell, Ellie Thompson, Terry Poindexter, Tom Stull, Eugene Binion, Kristin Gregory and Jack Rose.

Attorneys present were Brenda Dinkins Allen, Cynthia Clay Grohmann, and Courtney Baxter.

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
02-10125	Admonish
02-10126	Admonish
02-10127	Admonish
02-10128	Admonish (with required training)
02-10123	Admonish (with letter to Superintendent)
02-10129	Hear (<i>Ms. Gray recused</i>)
02-09119	Dismiss without prejudice
02-10131	Dismiss
02-11134	Dismiss without prejudice
02-10130	Admonish
02-09120	Hear (<i>Ms. Gregory recused</i>)
02-11132	Dismiss (with letter to Superintendent)
02-11135	Admonish
01-12162	Hear
02-0339	Dismiss without prejudice

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
02-193	Approve
02-194	Approve
02-196	Approve
02-197	Deny
02-199	Approve
02-192	Approve
00-07149	Deny
02-198	Approve
02-200	Approve
02-201	Approve
02-203	Approve
02-204	Approve
02-205	Approve
02-195	Approve
03-002	Approve
02-202	Approve
03-003	Approve

03-004	Approve
03-005	Approve
03-006	Approve
03-007	Approve

Agreed Orders

<u>Case Number</u>	<u>Decision</u>
01-0766 (Carla Hughes)	<p>Accept Agreed Order whereby respondent agrees to relinquish her right to apply for or hold a teaching certificate in the Commonwealth of Kentucky for the remainder of her natural life.</p> <p>Vote: Unanimous</p>
01-0885 (Donald Quire)	<p>Accept Agreed Order suspending respondent's teaching certificate for 30 days beginning January 14, 2003. Further, respondent is admonished for failing to maintain the dignity and integrity of the profession. The board will not tolerate any further misconduct of this nature by respondent.</p> <p>Vote: Unanimous</p>
02-0564 (Cecilia Sterretton)	<p>Accept Agreed Order suspending respondent's certificate for a period of two years beginning March 12, 2002. Reinstatement or re-issuance is expressly conditioned upon respondent's providing written evidence to the board of the completion of anger management course approved by the board.</p> <p>Vote: 9 Yes 1 Dissent (<i>Dr. Rose: Period of suspension is insufficient and includes retroactive time.</i>)</p>
02-0455 (William Fischer)	<p>Accept Agreed Order suspending respondent's certificate from April 17, 2002 through April 17 2003. Respondent must submit proof that he has received therapy from a mental health professional approved by the board continually during the suspension period. Prior to reinstatement, respondent must submit proof from the mental health professional that respondent is not a danger to children and is fit to return to the classroom.</p> <p>Vote: 9 Yes 1 Dissent (<i>Dr. Rose: Period of suspension is insufficient and includes retroactive time.</i>)</p>
02-0213 (Kim Tipton)	<p>Accept Agreed Order revoking respondent's teaching certificate for a period of three years from January 14, 2003. Upon reapplication, respondent must submit evidence of successful completion of 12 hours of professional development/training in the</p>

area of professional ethical responsibility as approved by the board. Respondent is further admonished for failing to maintain the dignity and integrity of the profession.

Vote: Unanimous

02-0445 (Jeff Baker)

Accept Agreed Order revoking respondent's teaching certificate for a minimum period of three years from January 14, 2003. Upon re-application, the respondent must provide written evidence of successful completion of sex offender treatment program with a mental health therapist approved by the board. The therapist must provide evidence that respondent is not a danger to children and is fit to return to the classroom.

Vote: 9 Yes
1 Dissent (*Mr. Stull*)

Findings of Fact, Conclusions Of Law, and Recommended Orders

Case Number

Decision

00-11247 (John Greenwell)

Accept the Findings of Fact, Conclusions of Law, and Recommended Order. The board hereby orders that this matter is dismissed.

Vote: Unanimous

Motion made by Dr. Campbell, seconded by Mr. Binion to adjourn the meeting.

Vote: Unanimous

The meeting adjourned at 9:40 AM EST.

**Next Meeting: March 17-18, 2003
Best Western Motel
Frankfort, Kentucky**