

EPSB Meeting Agenda

EPSB Offices, 100 Airport Road, Frankfort, KY 40601

March 19, 2007

Sunday, March 18, 2007

4:00 PM – 6:00 PM Overview of Accreditation Process and Decision-Making
EPSB, Conference Room B

6:15 PM – 8:00 PM Informal Board Dinner at Johnny Carino's (Franklin Square,
Frankfort, KY)
NO BUSINESS WILL BE CONDUCTED

Monday, March 19, 2007

9:00 AM EDT **Call to Order**

Approval of January 22, 2007 Minutes (Pages 1-16)

Open Speak

Report of the Executive Director

- A. Report from the Kentucky Department of Education (Mr. Steve Schenck)
- B. Report from the Council on Postsecondary Education (Dr. Jim Applegate)
- C. Legislative Updates (Ms. Alicia Sneed)

Report of the Chair

Committee Reports

Report of the Committee to Develop the EPSB Retreat Agenda
(Dr. Jim Cibulka)

Information/Discussion Item

Awarded Contracts (Mr. Gary Freeland) **(Pages 17-18)**

Action Items

- A. Approval of Contract Proposals (Mr. Gary Freeland) **(Pages 19-22)**
- B. 16 KAR 1:030. Procedures for certificate revocation, suspension, voluntary surrender, reinstatement and reissuance, and application denial, Final Action (Ms. Alicia Sneed) **(Pages 23-34)**

- C. 16 KAR 9:080. University Based Alternative Certification Program, Final Action (Mr. Michael Carr) **(Pages 35-54)**
- D. Plan Pertaining to the December 20 and May 1 Deadlines for Resource Teacher Timesheets in 16 KAR 7:010. (Ms. Cindy Owen). (Ms. Cindy Owen) **(Pages 55-62)**
- E. Brescia University Accreditation with Conditions Report (Dr. Marilyn Troupe) **(Pages 63-66)**
- F. Program Approvals (Dr. Troupe) **(Pages 67-76)**
1. Thomas More College: Masters of Arts in Teaching **(Pages 67-70)**
 - Grades 5-9: English and Communications, Mathematics, Science and Social Studies
 - Grades 8-12: Biology, Chemistry, English, Mathematics, Physics, and Social Studies
 - Grades 5-12: Business and Marketing
 - Grades P-12: Art
 2. Morehead State University **(Pages 71-76)**
 - Instructional Computer Technology Endorsement, Grades P-12 (Graduate Level)
 - Masters of Arts in Education with Instructional Computer Technology Endorsement, Grades P-12 (Graduate Level)
 - Rank I with Instructional Computer Technology Endorsement, Grades P-12 (Graduate Level)

Waivers

- A. 16 KAR 5:040. Request to Waive the Cooperating Teacher Eligibility Requirements, Dr. Kathryn Akural on behalf of Ms. Teresa Griffin (Dr. Troupe) **(Pages 77-80)**
- B. 16 KAR 6:010. Request to Waive Written Examination Prerequisites for Teacher Certification, Mr. Aaron Halbert, Ms. Deborah Lewis, and Ms. Hannah Brooks (Ms. Cindy Owen) **(Pages 81-92)**
- C. 16 KAR 4:020. Exceptional Children Teacher Assignment Waiver (Mr. Carr) **(Pages 93-96)**

Alternative Route to Certification Application

Ms. Jorja Kremer, Middle School Science, Grades 5-9 (Mr. Carr) **(Page 97-98)**

Board Comments

Following a motion in open session, it is anticipated that the Board will move into closed session as provided by KRS 61.810 (1) (c) and (1) (j).

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.

Open Meeting Training (Ms. Amye Bensenhaver)

Adjournment

Next Regular Meeting:

EPSB Board Room

100 Airport Road, 3rd Floor

Frankfort, KY 40601

May 14, 2007

The actions delineated below were taken in open session of the EPSB at the January 22, 2007 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 Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601.

**Education Professional Standards Board (EPSB)
Summary Minutes of the Business Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky
January 22, 2007**

Members Present:

Lydia Coffey
Frank Cheatham
John DeAtley (for Tom Layzell)
Sam Evans
Jennifer Forgy
Rebecca Goss
Kristin Gregory
Steve Schenck (for Kevin Noland)
Zenaida Smith
Tom Stull
Lorraine Williams
Cynthia York

Members Absent:

Lonnie Anderson
Jim Cibulka
Kent Juett
Rita Presley

Call to Order

Chairman Tom Stull convened the meeting at 9:10 am EST.

Amendment of the January 22, 2007 Agenda

Motion made by Ms. Lydia Coffey, seconded by Dr. Sam Evans, to amend the agenda to add the swearing in of two new board members; add a report of the evaluation committee under Committee Reports; add Action Item, Waiver F: Request to waive 16 KAR 6:010. Written Examination Prerequisites for Teacher Certification; add Action Item, Waiver G: Request to waive language in 16 KAR 7:010 pertaining to the December 20 deadline for Resource Teacher Timesheets; and remove Action Item, Waiver D: Cooperating Teacher Waiver on behalf of Ms. Odicta.

Vote: *Unanimous*

Swearing in of New Board Members

Notary Public Ashley Abshire administered the oath to new Board member Rebecca Goss and John DeAtley. Mr. DeAtley served on Tom Layzell's behalf in the absence of Dr. Jim Applegate.

Approval of November 22, 2006 Minutes

Motion made by Dr. Frank Cheatham, seconded by Ms. Jennifer Forgy, to approve the minutes of the November 22, 2006 meeting.

Vote: *Unanimous*

Open Speak

There were no requests for Open Speak.

Report of the Executive Director

Dr. Rogers reviewed the documents within the board folders. He asked Dr. Sam Evans to provide additional information on a brochure in the folders regarding Western Kentucky University's *Academy for Mathematics and Science in Kentucky*. Dr. Evans reported that high school juniors and seniors who have demonstrated exceptional talent may attend the academy and complete their last two years of high school and first two years of college at the same time. Western Kentucky University representatives are hopeful that the academy, which will initially admit an estimated 120 students, will have a positive impact on Kentucky.

Report from the Kentucky Department of Education (KDE)

Mr. Steve Schenck updated the board on the recent work of the Kentucky Department of Education (KDE). He reviewed two documents detailing the estimated timeline and procedure for the commissioner selection process as well as the ideal characteristics of a new commissioner. On February 29th an open hearing on the selection process of a new commissioner will be in KDE's board room from 9:00 a.m. – 11:00 a.m.

EPSB is collaborating with the KDE on an application for a Teacher Incentive Fund (TIF) Grant. KDE intends to apply for twenty million dollars over five years to pilot the TIF grant in Central and Northern Kentucky, and the Green River Educational Cooperative. Based on "pay for performance," the grant focuses on math and science at the secondary level and the need for highly qualified teachers in these subject areas.

Report from the Council on Postsecondary Education (CPE)

Mr. John DeAtley reported on the recent work of CPE. Just like KDE, the CPE is searching for a new leader to replace President Tom Layzell who leaves in April. The selection criteria of CPE's new leader are very similar to that of KDE.

The current primary focus of CPE is the Developmental Education Task Force. The task force meets on Tuesday, January 23 to finalize its recommendations, which are as follows: 1) to update college admissions regulations 2) to create an integrated accountability system tied to performance funding 3) to fund infrastructure improvement, 4) to align college readiness standards and tie to teacher professional development 5) to develop early student interventions, and 6) to better link educator preparation to college readiness. These recommendations will go to CPE and be reviewed by different agencies and organizations.

In conjunction with the Education Leadership Redesign task force, CPE is creating a principal leadership academy for professional development. CPE anticipates employing an executive director of the principal leadership academy by the spring with its first cohort in the summer of 2007.

On January 29th, CPE is considering tuition setting for several institutions.

Legislative Update

Currently two bills, House Bill 101 and House Bill 198, may have an impact on the EPSB,. HB101 specifically names the EPSB and, if passed, impacts institutions of higher education. This bill requires a 3-hour literacy course to be incorporated into any teacher preparation program in the state. Out-of-state teachers would be required to take a three-hour professional development course in literacy upon obtaining employment and certification in Kentucky. EPSB and site-based council/school districts are required to approve the professional development. The bill's second part requires that a one hour civics course be incorporated into teacher preparation programs.

House Bill 188, a revenue bill, would impact the EPSB indirectly. This bill would provide tax credits to individuals and corporations that donate money to 501(c)(3) non-profit corporations, provided that 90% of the non-profit's gross receipts go to agencies or institutions that provide training for a\Alternative Route to Certification, Option 7.

Bills confirming the appointment of all new board members, except Ms. Becky Goss, have been proposed.. Ms. Goss's confirmation bill should be proposed soon.

New National Board Teachers

Ms. Cindy Owen reported that an additional 218 teachers earned National Board certification in Kentucky, for a total of 1,116 National Board certified teachers in Kentucky. Kentucky ranks 9th in the United States in the number of new teachers certified by the National Board. NBPTS Hill Day will be held in early March to represent National Board Teacher Day.

Report of the Chair

Appointment of committee to develop retreat agenda

Chairman Tom Stull appointed Dr. Jim Cibulka as the chair of the committee to develop a retreat agenda. Kris Gregory and Zenaida Smith will also serve on the committee. The committee was asked to prepare a report for the March 2007 EPSB meeting.

Appointments to the Kentucky Advisory Council on Internships

Chairman Tom Stull appointed the following individuals to the Kentucky Advisory Council on Internships: LuAnn Asbury, Diana Whitt, Ruth Etta Buchanan, Linda Nickel, Julie Wise, Laura Lewis, and Amy Harris. Chairman Stull reappointed Artie Atkins to the committee.

Committee Reports

Dr. Sam Evans reported on the evaluation committee's progress on amending the executive director's evaluation form. He discussed proposed changes of the draft executive director evaluation form.

2007-001

Motion made by Dr. Sam Evans, seconded by Ms. Kris Gregory, to approve the executive director's evaluation instrument.

Vote: *Unanimous*

Introduction of New Board Member

Chairman Stull introduced Ms. Becky Goss to the board. From Harlan, Kentucky, Ms. Goss works in Harlan County Schools as a speech-language pathologist. She serves on the Harlan Independent Board of Education. Additionally, she is a member of the Prichard Committee for Academic Excellence. She stated that she is pleased to be serving on the EPSB.

Information/Discussion Items

16 KAR 1:030. Procedures for certificate revocation, suspension, voluntary surrender, reinstatement and reissuance, and application denial, Notice of Intent

Ms. Alicia Sneed reported that during the 2006 General Assembly, KRS 161.175 was passed, which requires teachers involved in illegal use of controlled substances to undergo mandatory drug testing. Any teacher whose certificate has been suspended or revoked by the EPSB for misconduct involving the illegal use of controlled substances must submit to drug testing. To be in compliance with KRS 161.175, Ms. Sneed stated that the Board needs to promulgate regulations regarding drug testing of these individuals. This is difficult because the EPSB does not have trained staff to administer the drug tests or the appropriate funding; therefore, she drafted an administrative regulation that mimics the past EPSB Agreed Order regarding drug testing. Since the regulation was opened to make these necessary changes, EPSB staff added clarifying language. Ms. Zenaida Smith asked that language be added in Section 2 to read, "If a certificate lapses during a period of suspension, at the end of the suspension period and upon completion of all conditions and requirements ordered by the Education Professional Standards Board, the certificate holder shall apply for renewal of the certificate and shall meet all educational requirements for renewal of the certificate." This regulation will be brought back in March for final action.

16 KAR 9:080 University-Based Alternative Certification Program, Notice of Intent

Mr. Mike Carr reported on a new regulation, a product of a focus group which included representatives from the five districts employing the most Option 6 candidates in Kentucky, along with universities offering the Option 6 program. Since the number of temporary provisional certificates rose to nearly 1800 during the 2005-06 school year, the need for more guidance was evident. Dr. Evans stated that on page 36, line 17 of the Agenda Book, the word "adequate" varies in interpretation and suggested using a more descriptive word.

Mr. Carr reported that a new form was developed despite the effort to avoid additional paperwork. Dr. Evans reported his concerns about the TC-1 form, which needs clarifying language on the back, and suggested that it be changed in the near future.

2006-07 Local Educator Assignment Data (LEAD) Report

Mr. Carr reported on the 2006-2007 LEAD report, the report developed to identify out-of-field assignments. The EPSB is obligated to report its findings from the LEAD report to the KDE Commissioner by Nov. 15 of each year. Support Educational Excellence in Kentucky (SEEK) funds may be withheld from districts if out-of-field assignments are in the commissioner's most interested categories. This year, the commissioner's most interested categories included those individuals assigned who were never certified, had an expired certificate, held insufficient certification, and/or held only a Statement of Eligibility. Recently, these areas have been cleared by the districts so no SEEK funds will be withheld. Mr. Carr acknowledged Ms. Cindy Godsey for her diligent work on completing the LEAD report.

Mr. Carr also reported that there will be changes in the Student Information System. Infinite Campus received the bid for the Student Information System in Kentucky. The process will be changing over the next 3 years, but the software should work well with the EPSB system and no problems are anticipated.

Recommended Plan Pertaining to the December 20 and May 1 Deadlines for Resource Teacher Timesheets

Ms. Cindy Owen reported on the problem of unmet deadlines for resource teacher timesheets. According to regulation, if the resource teacher timesheet is not submitted by the deadline of either May 1 or December 20, EPSB staff members do not have the authority to pay the resource teacher, although in most instances, the resource teacher did submit a signed timesheet by the deadline. Ms. Owen stated that an action item will be brought in March asking the Board to waive the deadlines because the EPSB wants to pay resource teachers for their work. Since the regulation needs to be opened to add pertinent details of the Teacher Performance Assessment, staff would like to take the deadlines out of the regulation while it is opened. The deadlines will still be in the implementation guide.

Discussion ensued among the board. Ms. Owen stated that the deadline for resource teacher timesheets was essential in the past because unused funding allotted for the Kentucky Teacher Internship Program (KTIP) by the end of the fiscal year was returned to the general fund. Recently, however, legislation allowed funding for both KTIP and KPIP to be transferred to the next fiscal year, thus removing the barrier of using the current year's funds to pay the prior year's expenses. The EPSB staff's recommended procedure was as follows: 1) Continue to communicate the December 20 and May 1 deadlines in the KTIP Implementation Guide at regional meetings held across the state and in the monthly electronic newsletters 2) Continue to pay all districts and private school resource teachers whose resource teacher timesheets are submitted by the deadlines in a timely manner 3) Review each case related to a resource teacher timesheet that is submitted after the deadline and work with the school and/or district to increase the probability that future timesheets will arrive on time 4) Pay all late-submission districts and private school resource teachers as soon as possible 5) Present to EPSB an action item in March that requests the board to waive the December 20 and May 1 deadlines until the regulation can be brought to the board with the dates omitted from the regulation. The regulation is scheduled to be open and brought to the board prior to Fall 2008 when the TPA will be fully implemented. Ms. Coffey suggested that EPSB staff track patterns in districts that submit late resource teacher timesheets.

Report on the Year-to-Date Financial Performance of the Agency's Programs and Operations through December 31, 2006

Mr. Gary Freeland summarized the financial results of the agency through December 31, 2006. Total budgeted agency funds for FY 2007 are \$16,124,800. As of December 31, 2006, Year-to-Date expenditures are \$4,993,789 with 31% of funds expended.

Action Items

Approval of Contracts

2007- 002

Motion made by Ms. Lorraine Williams, seconded by Ms. Kristin Gregory, to authorize the executive director to enter into all of the contracts as presented to the board.

Vote: *Unanimous*

Lincoln Memorial University Accreditation Report

2007- 003

Issue 1: Motion made by Dr. Sam Evans, seconded by Ms. Lydia Coffey, to accept the recommendation of the Accreditation Audit Committee and grant accreditation for Lincoln Memorial University with noted areas of improvement as identified.

Vote: *Unanimous*

2007- 004

Issue 2: Motion made by Ms. Lydia Coffey, seconded by Dr. Frank Cheatham, to accept the recommendation of the Accreditation Audit Committee and grant approval for the initial level educator preparation program at Lincoln Memorial University.

Vote: *Unanimous.*

Review of Indiana Wesleyan University's Program Status

Dr. Marilyn Troupe reported on the review of Indiana Wesleyan University's (IWU) Rank II and Rank I programs. The board raised concerns regarding IWU's program history and recent concerns brought by Dr. Troupe.

2007-005

Motion made by Dr. Sam Evans, seconded by Ms. Lydia Coffey, that effective January 22, 2007, Indiana Wesleyan University can not admit nor begin any more students to Rank 1 or Rank 2 programs in Kentucky. Students currently in the programs will be able to complete the program by September 1, 2008. During this period of time, no more Canter or PLS courses can be offered to these students. If Indiana Wesleyan University wishes to submit a program in the future, it shall be recognized as a Kentucky institution and meet all Kentucky

and NCATE Standards. Indiana Wesleyan University has 30 days to provide to the EPSB the names of students currently in the program.

Vote: *Unanimous*

16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Final Action

2007-006

Issue 1. *Motion made by Ms. Lydia Coffey, seconded by Dr. Sam Evans, to amend 16 KAR 6:010 to replace a Praxis II test and establish the required cut score and effective date.*

Vote: *Unanimous*

2007-007

Issue 2. *Motion made by Ms. Coffey, seconded by Mr. John DeAtley, to amend 16 KAR 6:010 to delete dated language and correct typographical errors.*

Vote: *Unanimous*

2007-008

Issue 3. *Motion made by Ms. Coffey, seconded by Ms. Lorraine Williams, to amend 16 KAR 6:010 and waive 16 KAR 2:040 to remove the requirement for an applicant for IECE certification to successfully complete the IECE Specialty Test.*

Vote: *Unanimous*

16 KAR 1:040. Teachers' National Certification Incentive Trust Fund, Final Action

2007-009

Motion made by Ms. Kristin Gregory, seconded by Ms. Zenaida Smith, to approve the waiver of language in 16 KAR 1:040 that limits the amount for mentoring services to 25% of the amount provided by the General Assembly.

Vote: *Unanimous*

Waivers

Exceptional Children Assignment Waivers

2007-010

Motion made by Ms. Coffey, seconded by Ms. Gregory, to approve the exceptional children teacher assignment waivers.

Vote: *Unanimous*

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements, Dr. Cathy Gunn, on behalf of Ms. Johnnie Bishop

2007-011

Motion made by Dr. Sam Evans, seconded by Ms. Cynthia York, to approve the waiver request for cooperating teacher eligibility requirements.

Vote: *Unanimous*

16 KAR 5:040. Request to Waive Cooperating Teacher Eligibility Requirements, Dr. Cathy Gunn, on behalf of Mr. Robert Bishop

2007-012

Motion made by Mr. John DeAtley, seconded by Ms. Gregory, to approve the waiver request for cooperating teacher eligibility requirements.

Vote: *Unanimous*

Request to waive 16 KAR 6:010: Written Examination Prerequisites for Teacher Certification

2007-013

Motion made by Ms. Lydia Coffey, seconded by Ms. Gregory, to deny all three waiver requests.

Vote: *Unanimous*

Request for Waiver of Language in 16 KAR 7:010 pertaining to the December 20 deadline for Resource Teacher Timesheets

2007-014

Motion made by Ms. Lorraine Williams, seconded by Ms. Kristin Gregory, to approve the waiver requests.

Vote: *Unanimous*

Alternative Route to Certification

Ms. Leonor Garnett, Adjunct for Spanish, Grades P-12

2007-015

Motion made by Ms. Gregory, seconded by Ms. Smith, to approve the waiver request.

Vote: *Unanimous*

Ms. Meredith Lewis, Vocal Music, Grades P-12

2007-016

Motion made by Ms. Coffey, seconded by Ms. Smith, to approve the waiver request.

Vote: *Unanimous*

Board Comments

There were no board comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW
January 22, 2007**

Motion made by Ms. Lydia Coffey, seconded by Ms. Lorraine Williams, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1)(c)&(j) and a personnel matter in accordance with KRS 61.810(1)(f).

Vote: *Unanimous*

Motion made by Ms. Williams, seconded by Ms. Kristin Gregory, to return to open session.

Vote: *Unanimous*

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

Tom Stull, Zenaida Smith, Kristin Gregory, Sam Evans, Lorraine Williams, Jennifer Forgy, Cynthia York, Lydia Coffey, Rebecca Goss, and John DeAtley.

Attorneys present were Alicia A. Sneed, Diane Fleming, and Gary A. Stephens.

Motion made by Dr. Sam Evans, seconded by Ms. Gregory, to accept the job targets that the Board has set for Dr. Phillip Rogers as part of his duties as Executive Director .

Vote: *Unanimous*

INITIAL CASE REVIEW

<u>Case Number</u>	<u>Decision</u>
06-11265	DWOP
06-08214	Hear
06-11273	Hear
06-11262	Hear
06-11272	Admonish

Agenda Book

06-10249	Admonish
06-11274	Hear
06-11275	Hear
06-09224	Hear
06-09244	Admonish
06-09242	Hear
06-09243	Hear
06-09232	Hear
06-11266	Hear
06-09239	DWOP (<i>Ms. Forgy, recused</i>)
06-11263	Hear
06-11268	Hear
06-11276	Hear (<i>Mr. Stull, recused</i>)
06-11257	Hear
06-11271	Admonish
06-11254	Admonish (<i>Mr. Stull, dissented</i>)
06-11259	Hear
06-11258	Hear
06-09240	Hear
06-09236	Hear
06-09241	Hear
06-10248	Hear
06-09246	Hear
06-10251	Hear
06-11264	Hear
06-11261	Defer
06-11269	Hear (<i>Mr. Stull, recused</i>)
06-10252	Hear (<i>Ms. Williams, recused</i>)
06-10247	Hear
06-09228	Hear
05-08154	DWOP
05-0117	DWOP
06-07199	Hear
05-11213	Dismiss

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
06-249	Approve
06-252	Approve
04-0565cf	Defer
06-254	Approve
06-255	Approve
06-256	Approve
06-247	Defer
06-250	Approve

Agenda Book

06-253	Approve
06-257	Approve
07-003	Approve
07-002	Approve
07-004	Deny
07-005	Approve
07-006	Approve
07-007	Approve
07-008	Approve
07-009	Approve
07-001	Approve

Agreed Orders

Case Number

Decision

05-0360 (Shannon Twilford-Hoar) Accept Agreed Order placing Respondent's certificate on probation for a period of two (2) years beginning from the date of acceptance of the agreed order by the Board. Respondent shall surrender the original and all copies of her certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road 3rd Floor, Frankfort, Kentucky 40601. Respondent shall complete twelve (12) hours of ethics training prior to July 31, 2007. No further disciplinary action by any school district in the United States including, but not limited to, admonishment, reprimand, suspension or termination. If Respondent receives any disciplinary action the certificate will be automatically suspended for one (1) year. Any further violations of KRS 161.120 will result in additional sanctions for those violations. Failure to comply with the terms of this agreement will result in an automatic suspension of the certificate until the terms are satisfied. Any expense for said training shall be born by the Respondent.

Vote: Unanimous

05-09179 (Anita Jones)

Respondent is admonished for conduct unbecoming a teacher. The Board reminds Respondent that as principal, she is expected to be familiar with and to follow the relevant laws and bylaws regarding teacher elections. The Board will not tolerate any further incidents of misconduct from Jones.

This agreement is expressly conditioned upon Respondent providing written evidence to the Board that she has satisfied the following conditions.

1. Respondent must provide written proof to the Board that she has received twelve (12) hours of professional development/training in the area of ethics, as approved by the Board, no later than June 30, 2007. Any expense for this professional development/training shall be paid by Jones.
2. Respondent must provide written proof to the Board that she has completed a Board approved training course in Site Based Decision Making, no later than June 30, 2007. Any expense for this professional development/training shall be paid by Jones. By entering into this Agreed Order, Respondent agrees that should she fail to satisfy any of these conditions, her certificate shall be automatically suspended until such time as all of the above conditions are met.

Vote: *Unanimous*

05-0583 (Alyssa Fay)

Accept Agreed Order revoking Respondent's certificate. Respondent shall surrender the original and all copies of her certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Respondent shall neither renew nor apply for a teaching certificate in the Commonwealth of Kentucky for a period of seven (7) years from the date of acceptance of this Order by the Board.

At the conclusion of the seven (7) year period, issuance of any certificate to Respondent, or on her behalf, is expressly conditioned upon Respondent providing, in addition to proof of any academic requirements, written evidence to the Board of the following.

1. Successful completion of eighteen (18) hours of professional development/training, approved by the Board, in the area of appropriate behavior management strategies for teaching exceptional children-moderate and severe disabilities, grades primary through twelve. Any expense for this professional development/training shall be paid by Respondent.

Compliance with any and all conditions of probation imposed by Henry County Circuit Court.

Should Respondent fail to satisfy either of these conditions, any application for certification submitted by her, or on her behalf, shall be denied.

Vote: *Unanimous*

05-0473 (Robert Conroy)

Accept Agreed Order placing Respondent's certificate and any future endorsements or new areas of certification on probation for a period of two years from the date of acceptance of this Order by the Board .

1. On or before May 1, 2007, Respondent shall present written evidence to the Board that he has successfully completed twelve hours of professional development/training, approved by the Board, in the areas of ethics and appropriate relationships. Any expense for this professional development/training shall be paid by Respondent.

2. On or before May 1, 2007, Respondent shall provide written evidence to the Board that he has completed thirty hours of community service approved by the Board.

3. Respondent shall receive no disciplinary sanction from any school district in the Commonwealth of Kentucky. For purposes of this agreement, "disciplinary sanction" is defined as any admonishment, reprimand, suspension or termination upheld by the tribunal, arbitration or employment appeal process.

By entering into this agreement, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall automatically be suspended for a period of one year. If applicable, at the conclusion of the one year suspension, his certificate shall remain suspended until such time as conditions 1 and 2 are met.

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

Vote: *Unanimous*

04-09114 (Marian Paula Wheeler Risner)

Accept Agreed Order placing Respondent's certificate and any future endorsements or new areas of certification, on probation for a period of two years from the date of acceptance of this Order by the Board.

1. By September 1, 2006, Respondent 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 she has complied with the assessment process and has successfully completed any and all treatment recommendations. If Respondent is not able to

complete all treatment recommendations by September 1, 2006, she shall submit quarterly written progress reports from her chemical dependency counselor until such time as the counselor releases her from treatments. If Respondent has not successfully completed all treatment recommendations by the end of the two year probationary period, Respondent agrees that the probationary period shall be extended and she shall submit quarterly written progress reports from the chemical dependency counselor to the Board until such time as the counselor releases her from treatment. Any expense for the assessment, treatment and/or written reports shall be paid by Respondent. Prior to execution of this agreement, Respondent submitted written proof that she had completed this condition.

1. Respondent shall receive no additional alcohol and/or drug related arrests, charges or convictions.

2. By September 1, 2006, Respondent shall provide written evidence to the Board that she has successfully completed a drug and alcohol awareness/education/prevention program approved by the Board. Any expense for this program shall be paid by Respondent. Prior to execution of this agreement, Respondent submitted written proof that she had completed this condition.

3. On or before June 1, 2007 and June 1, 2008, Respondent shall provide the Board with an up to date criminal records check report from the Kentucky State Police. Any cost involved in obtaining these reports shall be paid by Respondent.

By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions, his certificate shall be automatically suspended for a period of one year. If applicable, at the conclusion of the one year suspension, Respondent's certificate shall remain suspended until such time as condition 4 is met.

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

Furthermore, Respondent is admonished for demonstrating the willful and/or careless disregard for the health, welfare and safety of others. As a certified educator, Respondent must strive to uphold the dignity and integrity of her profession. She must be continually aware of her position as a positive role model to both her students and community.

Vote: *Unanimous*

Findings of Fact, Conclusions of Law and Recommended Orders

Consideration of the following matter took place with attorneys Alicia A. Sneed and Gary A. Stephens out of the room.

Case Number

Decision

04-0208 (James Tracy Carroll) Adopt the Hearing Officer's Findings of Fact and Conclusions of Law, Modify the Hearing Officer's Recommended Order and issue a Final Order permanently revoking Respondent's certificate.

Vote: *Unanimous*

Motion made by Ms. Coffey, seconded by Ms. Gregory, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 5:10 p.m.

Next Meeting: March 19, 2007
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item

Information Item:

To inform the EPSB about a contract for public official’s liability insurance

Applicable Statutes and Regulation:

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

Applicable Goal:

Goal 6: 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) 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.” The EPSB approved procedures for seeking approval and authorization for entering contractual agreements at the October 23, 2006 EPSB meeting.

The following contracts have been completed or are in the state approval process as approved by the Board at the January 22, 2007 Board meeting.

Marriott Hotel	June EPSB Retreat	June 15-18, 2007	\$9,040
Bob Pace - travel	Legal Investigator	FY 2007 - 2008	\$3,500

Groups/Persons Consulted:

N/A

Contact Person:

Mr. Gary W. Freeland
Deputy Executive Director
(502) 564-4606
E-mail: garyw.freeland@ky.gov

Executive Director

Date:

March 19, 2007

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item A

Action Item

Request approval to authorize the executive director to enter into contracts to conduct normal business operations

Applicable Statutes and Regulation

KRS 161.028 (1) (v) (d)

KRS 161.017 (3)

Applicable Goal

Goal 6: The EPSB shall be managed for both effectiveness and efficiency, fully complying with all statues, regulations, and established federal, state, and agency policies.

Issue

Should the Education Professional Standards Board (EPSB) authorize the executive director to enter into the specified contracts to conduct normal business operations?

Background

KRS 161.028 (1) (v) 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." The EPSB approved procedures for seeking approval and authorization for entering financial agreements at the October 23, 2006 EPSB meeting.

Purpose of the contracts:

1. The SREB training on teacher and administrator prep programs, scheduled for March 8 – 9 will require a hotel contract for food and refreshments for the attendees. This experience will qualify participants to lead future training on how school districts and educator preparation programs can collaborate effectively in the preparation and support of teachers and administrators. Emergency approval of this contract was obtained by Dr. Rogers from the EPSB Chairman and Vice Chairman on January 30, 2007 since the event would take place prior to the next EPSB Board meeting on March 19, 2007.
 - Approximate cost of the contract: \$3,500
 - Impact on budget: These expenditures were included in the FY 2007 budget.
 - Type of entity providing service: Hotel
 - Bidding process: Not required to bid.
 - Singular vs. continuing service: Singular
2. Due to greater enrollment in the National Board for Professional Teaching Standards (NBPTS) program in certain regions of the state, some of our contracts with local school

districts and educational coops need to be amended to provide enough funding to pay the mentoring fees. Out of a total of nine contracts, there are four contracts that need to be increased by a total of \$22,225. They are CKEC, WKEC, Muhlenberg County, and Oldham County.

- Approximate cost of the amendments: \$22,225
 - Impact on budget: These expenditures were included in the FY 2007 budget and will be somewhat offset by other contracts that have fewer candidates than expected.
 - Type of entity providing service: Education agencies
 - Bidding process: Not required to bid.
 - Singular vs. continuing service: Singular
3. Two events took place in February that required a need for hotel contracts to provide lodging for members of EPSB. Two contracts were executed with the Hampton Inn hotel; one contract for February 12 to provide for lodging for the new EPSB members being confirmed by the House Education Committee, and another contract for February 16 to provide lodging for the EPSB for the winter retreat. Emergency approval of these contracts was obtained on January 30, 2007.
- Approximate cost of the contracts: \$ 1,800.
 - Impact on budget: These expenditures were included in the FY 2007 budget.
 - Type of entity providing service: Hotel
 - Bidding process: Not required to bid.
 - Singular vs. continuing service: Singular
4. EPSB has been involved in the Value-Added Assessment study at the University of Kentucky (UK). We would like to provide \$5,000 toward the support of this project and conference through an Memorandum Of Agreement (MOA) with UK. Emergency approval of this contract was obtained from the EPSB Chairman and Vice Chairman on February 22, 2007.
- Approximate cost of the contract: \$5,000
 - Impact on budget: These expenditures were included in the FY 2007 budget.
 - Type of entity providing service: University
 - Bidding process: Not applicable
 - Singular vs. continuing service: Singular

Alternative Actions

1. Authorize the executive director to enter into all of the contracts described above.
2. Authorize the executive director to enter into only certain contracts described above and disapprove the others.
3. Modify and approve the contracts.
4. Do not approve any of the contracts.

Staff Recommendation

Alternative 1

Rationale

These are routine and necessary expenditures

Contact Person:

Mr. Gary W. Freeland
Deputy Executive Director
(502) 564-4606
E-mail: garyw.freeland@ky.gov

Executive Director

Date:

March 19, 2007

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item B

Action Item:

16 KAR 1:030. Procedures for certificate revocation, suspension, voluntary surrender, reinstatement and reissuance, and application denial, Notice of Intent

Applicable Statute:

KRS 161.028, KRS 161.120, KRS 161.175

Applicable Goals:

Goal III: Every credentialed educator exemplifies behaviors that maintain the dignity and integrity of the profession by adhering to established law and EPSB Code of Ethics.

Issue:

Should the Education Professional Standards Board approve the amendments to 16 KAR 1:030?

Background:

During the 2006 Legislative session, the General Assembly passed KRS 161.175 which requires teachers involved in illegal use of controlled substances to undergo mandatory drug testing. Any teacher whose certificate has been suspended or revoked by the Education Professional Standards Board for misconduct involving the illegal use of controlled substances must submit to drug testing in accordance with administrative regulations promulgated by the Board. To be in compliance with KRS 161.175, the Board needs to promulgate regulations regarding drug testing of these individuals.

The Board has required drug testing for individuals in the past, and often it is a part of any agreed or final order issued by the Board in disciplinary cases. In these cases, the Board has ordered the individual to provide written proof of a negative drug test prior to reinstatement or reissuance of the certificate. Staff has incorporated the requirements of those orders into the attached amended version of 16 KAR 1:030. These requirements are the minimum requirements an educator must meet for reinstatement or reissuance of a certificate. Neither the statute nor the draft amendment prohibits the Board from requiring additional conditions on the individual.

While amending 16 KAR 1:030 to include the requirements of KRS 161.175, staff noticed that this regulation had not been amended since 1997. Many of the procedures in the regulation had been supplanted by requirements in KRS 161.120 (which was last amended in 2000). The regulation as written no longer assists an educator in understanding the Board's procedures in disciplinary actions, but instead causes confusion. Therefore, staff has attempted to clarify the regulation by making the noted amendments.

Alternative Actions:

1. Approve the amendment to 16 KAR 1:030
2. Modify and approve the amendment to 16 KAR 1:030
3. Do not approve the amendment 16 KAR 1:030

Staff Recommendation:

Alternative 1

Rationale

This amendment will satisfy the Board's statutory duty to promulgate regulations pursuant to KRS 161.175 and will clarify language in 16 KAR 1:030 so that it is less confusing to educators and other individuals.

Contact Person:

Ms. Alicia A. Sneed
Director of Legal Services
(502) 564-4606
E-mail: alicia.sneed@ky.gov

Executive Director

Date:

March 19, 2007

1 **EDUCATION PROFESSIONAL STANDARDS BOARD**

2 **(Amendment)**

3 **16 KAR 1:030. Procedures for certificate revocation, suspension, voluntary surrender,**
4 **reinstatement and reissuance, and application denial.**

5 RELATES TO: KRS 161.028, ~~[461.140]~~, 161.120

6 STATUTORY AUTHORITY: KRS 161.028, KRS 161.175

7 NECESSITY, FUNCTION, AND CONFORMITY: ~~[KRS 161.040 provides that a person~~
8 ~~shall not receive or hold a teaching certificate if the person is not of good moral character.]~~ KRS
9 161.028 establishes the Education Professional Standards Board and authorizes the Education
10 Professional Standards Board to establish standards and requirements for obtaining and maintaining
11 a teaching certificate. [and 161.120 provide that the Education Professional Standards Board may
12 suspend or revoke teaching certificates.] KRS 161.175 authorizes the Education Professional
13 Standards Board to promulgate regulations requiring a teacher whose certificate has been
14 suspended or revoked by the Education Professional Standards Board because the teacher engaged
15 in misconduct involving the illegal use of controlled substances to submit to drug testing. This
16 administrative regulation identifies the conditions for initiating a disciplinary [an] action against [to
17 revoke or suspend] a teaching or administrative certificate and establishes procedures for certificate
18 [revocation, suspension, voluntary surrender,] reinstatement, [and] reissuance, and application
19 denial.

20 Section 1. Initiating Disciplinary Action against [to Revoke or Suspend] a Certificate. (1) The
21 [An action to revoke or suspend a Kentucky certificate may be initiated by the] Education
22 Professional Standards Board may initiate disciplinary action against a Kentucky teaching or
23 administrative certificate [("the board")] upon receipt from any source of a report or complaint
24 which contains allegations that an individual who holds a Kentucky teaching or administrative
25 certificate has engaged in conduct to warrant consideration for action against the certificate
26 pursuant to KRS 161.120(1). [of one (1) or more of the following:

1 ~~(a) Report of criminal prosecution for a person who is not employed in a public or private~~
2 ~~school position but who holds a Kentucky teaching certificate;~~

3 ~~—(b) Report of certificate revocation or suspension from another state;~~

4 ~~—(c) Report from a local district superintendent resulting from an unsatisfactory criminal records~~
5 ~~check as required by KRS 160.380;~~

6 ~~—(d) Report from the chief state school officer or a local board of education of the conduct of the~~
7 ~~superintendent which might reasonably be construed as grounds for revocation as set forth in KRS~~
8 ~~161.120(1); or~~

9 ~~—(e) Report or information from other sources which might reasonably be construed as grounds~~
10 ~~for revocation as set forth in KRS 161.120(1).~~

11 ~~—(2) Failure to report by the district superintendent as required by KRS 161.120(2)(b) may~~
12 ~~constitute grounds for revocation of the superintendent's certificate.~~

13 ~~—Section 2. Investigation. (1) Upon receiving a report as identified in Section 1 of this~~
14 ~~administrative regulation or KRS 161.120(2)(b), the board shall review a summary of the report~~
15 ~~prepared by the office of its executive secretary.~~

16 ~~—(2) The board may cause an investigation relating to the cause for certificate revocation to be~~
17 ~~conducted.~~

18 ~~—(3) The board may make the determination that the report does not warrant a hearing for~~
19 ~~certificate revocation.~~

20 ~~—(4) If the board determines that a hearing is not warranted, written notice of the decision shall~~
21 ~~be forwarded to the certificate holder. A copy of the notice shall be forwarded to the party initiating~~
22 ~~the complaint.~~

23 ~~—Section 3. Revocation or Suspension Upon Voluntary Surrender. (1) The board may revoke or~~
24 ~~suspend a teaching certificate upon a voluntary surrender of the certificate.~~

25 ~~—(2) The revocation or suspension of the teaching certificate shall be for a defined period of time~~
26 ~~or for an indefinite period, and shall be according to specified terms and conditions best adapted to~~

1 ~~protect the health, welfare and safety of school children and to rehabilitate or educate the certificate~~
2 ~~holder.~~

3 ~~—(3) The executive secretary to the board, or designee, may negotiate the terms and conditions of~~
4 ~~the revocation or suspension upon voluntary surrender.~~

5 ~~—(4) A revocation or suspension upon voluntary surrender shall not be final until approved by the~~
6 ~~board.~~

7 ~~—(5) The revocation or suspension shall:~~

8 ~~—(a) Set forth findings of fact and the terms and conditions of the revocation or suspension upon~~
9 ~~voluntary surrender; and~~

10 ~~—(b) Provide that the certificate holder agrees that:~~

11 ~~— 1. He is ineligible to hold a teaching certificate;~~

12 ~~— 2. The surrender of the certificate is for cause; and~~

13 ~~— 3. He has surrendered the certificate voluntarily, knowingly, and intelligently.~~

14 ~~—(6) The revocation or suspension shall be signed by the certificate holder, his attorney, if any,~~
15 ~~the chairman of the board, and the board's prosecutor.]~~

16 Section 2 [4]. Reinstatement and Reissuance of Certificate. (1) A [An individual whose]
17 certificate that has been suspended by the Education Professional Standards Board shall not be
18 reinstated until the certificate holder has met all conditions and requirements ordered by the
19 Education Professional Standards Board [revoked may file a written petition seeking reissuance of
20 the teaching certificate which shall state the reasons the applicant believes himself to be suitable for
21 reissuance]. If a certificate lapses during a period of suspension, at the end of the suspension period
22 and upon completion of all conditions and requirements ordered by the Education Professional
23 Standards Board, the certificate holder shall apply for renewal of the certificate and shall meet all
24 educational requirements for renewal of the certificate.

25 (2) An individual whose certificate has been revoked [~~suspended~~] shall complete a written
26 application for certification prior to the reissuance [~~date~~] of the certificate.

1 (3) ~~[The burden of proving suitability for reissuance of a revoked certificate shall rest on the~~
2 ~~applicant seeking reinstatement.]~~

3 ~~(4)]~~ If reissuing a certificate, the Education Professional Standards Board ~~[board]~~ may include
4 terms and conditions that the Board ~~[board]~~ reasonably deems appropriate to impose as a condition
5 of reissuance.

6 (4) ~~{(5)}~~ An applicant for reissuance of a revoked ~~[or suspended]~~ certificate shall satisfy all
7 current educational requirements for the certificate.

8 (5) If a certificate is suspended or revoked because the certificate holder engaged in
9 misconduct involving the illegal use of controlled substances as defined in KRS 218A.010, in
10 addition to any conditions for reinstatement or reissuance ordered by the Education Professional
11 Standards Board, the certificate holder shall at his or her own expense provide written evidence that
12 he or she has submitted to a drug test administered by a drug testing facility approved by the
13 Education Professional Standards Board within thirty (30) days of reinstatement or submission of
14 an application for reissuance of the certificate. If the results of the drug test indicate drug use by
15 the certificate holder, the certificate shall not be reinstated or reissued.

16 (a) The certificate holder shall arrange for the drug testing facility to send the results of the
17 drug test directly to the Education Professional Standards Board.

18 (b) A drug test conducted under this subsection shall at a minimum test for the following
19 controlled substances:

20 1. Marijuana;

21 2. Cocaine;

22 3. Opiates;

23 4. Amphetamines;

24 5. Phencycliden;

25 6. Morphine;

26 7. MDMA (Ecstasy);

- 1 8. Methadone;
2 9. Benzodiazepines;
3 10. Barbiturates; and
4 11. Oxycodone.

5 (c) A certificate holder subject to the terms of this subsection may petition the Education
6 Professional Standards Board to approve a drug testing facility of his or her choice. The petition
7 must contain the following information:

- 8 1. The drug testing facility's name and location;
9 2. Name and telephone number for the director of the facility;
10 3. Method of test specimen collection;
11 4. The drug testing facility's method of assuring identity of the test subject;
12 5. Procedures for testing specimens, including forensic testing methods;
13 6. Chain of custody protocols; and
14 7. Reason certificate holder wishes to use the facility.

15 Section 3 [5]. Denial of Application for a Certificate. [~~After denying~~] If the Education
16 Professional Standards Board denies an individual's application for a Kentucky teaching or
17 administrative certificate pursuant to KRS 161.120(1) or this administrative regulation, the
18 individual may file a written request for a hearing. The individual shall file the written request for a
19 hearing within thirty (30) days of receipt of the letter notifying the individual of the denial. The
20 Education Professional Standards Board shall [KRS 161.040, the board shall schedule and] conduct
21 a hearing on the matter in accordance with KRS Chapter 13B [upon written request filed by the
22 applicant within thirty (30) days of the date of the letter advising of the denial].

23 _____
24 Date

Tom Stull, Chairperson
Education Professional Standards Board

1

2 PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this
3 administrative regulation shall be held on May 31, 2007 at 9:00 a.m. at the offices of the
4 Education Professional Standards Board, 100 Airport Road, 3rd Floor, Conference Room A,
5 Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this
6 agency in writing by May 23, 2007 five workdays prior to the hearing, of their intent to attend.
7 If no notification of intent to attend the hearing is received by that date, the hearing may be
8 canceled. This hearing is open to the public. Any person who wishes to be heard will be given
9 an opportunity to comment on the proposed administrative regulation. A transcript of the public
10 hearing will not be made unless a written request for a transcript is made. If you do not wish to
11 be heard at the public hearing, you may submit written comments on the proposed
12 administrative regulation. Written comments shall be accepted until June 1, 2007. Send written
13 notification of intent to be heard at the public hearing or written comments on the proposed
14 administrative regulation to the contact person.

15 Contact Person: Alicia A. Sneed, Director of Legal Services
16 Education Professional Standards Board
17 100 Airport Road, Third Floor
18 Frankfort, KY 40601
19 (502) 564-4606
20 FAX: (502) 564-7080

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A.Sneed

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the steps for initiating a disciplinary action, reinstatement or reissuance of a teaching or administrative certificate after a period of suspension or revocation pursuant KRS 161.120, and denial of an application for a certificate.

(b) The necessity of this administrative regulation: This administrative regulation supplements KRS 161.120 by establishing clear procedures for initiating a disciplinary action, reinstatement or reissuance of a teaching or administrative certificate after a period of suspension or revocation pursuant KRS 161.120, and denial of an application for a certificate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.028 authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.175 authorizes the Education Professional Standards Board to promulgate regulations requiring a teacher whose certificate has been suspended or revoked by the Education Professional Standards Board because the teacher engaged in misconduct involving the illegal use of controlled substances to submit to drug testing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clearly delineates in concert with KRS 161.120 the steps necessary to initiate a disciplinary action, reinstatement or reissuance of a teaching or administrative certificate, and denial of an application for a certificate.

(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: The amendment clarifies the regulation so that the procedures established in the regulation work in concert with KRS 161.120 by removing surplus language and antiquated procedures used prior to the last amendments to KRS 161.120 and the passage of KRS Chapter 13B. The amendment amends prior language to clarify that the Education Professional Standards Board may initiate a disciplinary action against a certificate based on a complaint or report from any source. The amendment establishes the requirements for drug testing prior to

reinstatement or reissuance of a certificate after a period of suspension or revocation in which the certificate holder engaged in misconduct involving the illegal use of controlled substance.

(b) The necessity of the amendment to this administrative regulation: This amendment supplements KRS 161.120 by establishing clear procedures for initiating a disciplinary action, reinstatement or reissuance of a teaching or administrative certificate after a period of suspension or revocation pursuant KRS 161.120, and denial of an application for a certificate.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.028 authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.175 authorizes the Education Professional Standards Board to promulgate regulations requiring a teacher whose certificate has been suspended or revoked by the Education Professional Standards Board because the teacher engaged in misconduct involving the illegal use of controlled substances to submit to drug testing.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies the steps necessary to initiate a disciplinary action, reinstatement or reissuance of a teaching or administrative certificate, and denial of an application for a certificate and specifically adds the steps required have a certificate reinstated or reissued after a period of suspension or revocation due to misconduct involving the illegal use of controlled substances.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified school teachers and administrators, specifically those whose certificates have been suspended or revoked, and the general public.

(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: Certified school teachers whose certificates have been suspended or revoked will have to follow the steps in the regulation to have their certificates reinstated or reissued. Applicants for certification who are denied certification will have to follow the steps to request a hearing in accordance with KRS Chapter 13B. Other certificate holders and the general public will not have to take

any actions to comply with this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The general public will be informed that they may submit a report or complaint containing allegations of misconduct to the Education Professional Standards Board to initiate an action against a certified educator. Applicants and certified individuals will be clearly informed on the steps necessary to gain or regain certification after denial of an application or action against a certificate.

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is necessary.

(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: No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Certificate holders who are suspended or revoked due to misconduct involving use of illegal substances will have to pay for a drug test at a Board approved testing site prior to reissuance or reinstatement.

(9) TIERING: Is tiering applied? (Explain why or why not) YES, tiering is applied by requiring certificate holders who are suspended or revoked due to misconduct involving use of illegal substances will be required to take a drug test prior to reissuance or reinstatement.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.16 KAR 1:030

Contact Person: Alicia A. Sneed

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes _____ No X

If yes, complete questions 2-4.

2. 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?

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

4. 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.

(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?

(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?

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

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

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:

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item C

Action Item:

16 KAR 9:080. University Based Alternative Certification Program. Notice of Intent

Applicable Statutes:

KRS 161.027, 161.028, 161.030, and 161.048

Applicable Goal:

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

Background:

In early 2006, EPSB staff convened a representative focus group comprised of university certification officers, district personnel directors from the five districts employing the most Option 6 candidates in Kentucky, and selected EPSB staff. This group provided a collection of issues to be addressed in a new regulation which would provide more guidance in the issuance of temporary provisional certificates for alternative certification candidates in teaching and school administration. These certificates have been issued under the limited guidance of KRS 161.048. Since the number of temporary provisional certificates rose to nearly 1800 during the 2005-06 school year, the need for more guidance was evident among all who work with these candidates.

Over the next eight months, this focus group provided review and feedback as various drafts were composed by EPSB staff. The resulting regulation is being presented to the EPSB after feedback has been gathered from a broader group of stakeholders from colleges and universities along with district superintendents and personnel directors.

Key areas addressed by the proposed regulation are:

- Pertinent definitions
- Written notification of program eligibility provided to candidates by institutions before hiring
- Observation and monitoring requirements for institutions and districts
Institution faculty/candidate ratios to ensure appropriate
- Notification requirements (via the TC-TP) regarding readiness for the Kentucky Teacher/Principal Internship Program, including the need for alternative principal candidates to pass all assessments before beginning KPIP
- Options for institutions and districts for “incomplete” candidates if necessary
- Preparation for the Superintendent’s Training Program
- Use of a new form (TC-TP) to organize the temporary provisional process for all parties (copy of form enclosed)

Based on the board discussion in January 2007, some minor wording changes have been made to the regulation; these are underlined for emphasis within the regulation. Minor changes have also been made to the TC-TP form to add references to the Kentucky Principal Internship Program for clarification.

Groups/Persons Consulted:

University certification officers, university deans and chairs, district superintendents, district human resources directors

Alternative Actions:

1. Approve the proposed regulation
2. Do not approve the proposed regulation

Staff Recommendation:

Alternative 1

Rationale:

Approval of the proposed regulation will provide needed direction to all parties that collaborate in the university alternate route program. The proposed regulation has been reviewed by both district and university personnel and strong consensus has been reached on its contents.

Contact Person:

Mr. Michael C. Carr, Director
Division of Certification
(502) 564-4606
E-mail: mike.carr@ky.gov

Executive Director

Date:

March 19, 2007

APPLICATION FOR TEMPORARY PROVISIONAL CERTIFICATION

Please complete all requested information. Incorrect or missing information will delay processing.

SECTION I. RECORD OF PERSONAL INFORMATION AND PREPARATION TO BE COMPLETED BY APPLICANT (type or print)

A. PERSONAL INFORMATION

Social Security Number	E-Mail Address	Telephone Number	
Last Name	First Name	Middle or Maiden Name	
Mailing Address	City	State	Zip Code
Date of Birth (Month/Day/Year) Sex: Male or Female (Please circle one)			

ETHNIC IDENTIFICATION – OPTIONAL (check one)

Are you a veteran of the United States Armed Forces or Reserves with at least six years of service? Yes No

White, Non-Hispanic Black, Non-Hispanic Asian or Pacific Islander
 American Indian Hispanic Other

B. TYPE(S) OF CERTIFICATION REQUESTED

Temporary Provisional Certificate for: _____

Option 6 Option 7

C. COLLEGE ATTENDANCE RECORD

Attach an official transcript of all college or university credits not previously submitted

COLLEGE/UNIVERSITY	ADDRESS	DATES OF ATTENDANCE FROM TO	TOTAL SEMESTER HOURS OR DEGREES AWARDED

SECTION II. VERIFICATION OF EMPLOYMENT TO BE COMPLETED BY THE HIRING SCHOOL DISTRICT

Teaching/Administrative Assignment (subject and grade level): _____

I verify that the applicant currently is employed or has an offer of employment in the above assignment for the _____ school year and that a mentoring program has been / will be established to support the applicant.

Signed _____
 Local School Superintendent School District Date

**PROFESSIONAL CODE OF ETHICS
FOR
KENTUCKY SCHOOL PERSONNEL
16 KAR 1:020**

Section 1. Certified personnel in the Commonwealth:

- (1) Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;
- (2) Shall believe in the worth and dignity of each human being and in educational opportunities for all;
- (3) Shall strive to uphold the responsibilities of the education profession:

(A) To Students

- Shall provide students with professional education services in a non-discriminatory manner and in consonance with accepted best practice known to the educator.
- Shall respect the constitutional rights of all students.
- Shall take reasonable measures to protect the health, safety, and emotional well-being of students.
- Shall not use professional relationships or authority with students for personal advantage.
- Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- Shall not knowingly make false or malicious statements about student or colleagues.
- Shall refrain from subjecting students to embarrassment or disparagement.
- Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

(B) To Parents

- Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
- Shall endeavor to understand community cultures and diverse home environments of students.
- Shall not knowingly distort or misrepresent facts concerning educational issues.
- Shall distinguish between personal views and the views of the employing educational agency.
- Shall not interfere in the exercise of political and citizenship rights and responsibilities of others.
- Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities.
- Shall not accept gratuities, gifts or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

(C) To the Education Profession

- Shall exemplify behaviors which maintain the dignity and integrity of the profession.
- Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law.
- Shall not use coercive means or give special treatment in order to influence professional decisions.
- Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications.
- Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualification or those of other professionals.

SECTION III. CHARACTER AND FITNESS

This form must be completed and submitted with each certification application to the Division of Certification, 100 Airport Road, 3rd Floor, Frankfort, KY 40601, (502) 564-4606; (888) 598-7667; www.kyepsb.net

Name: _____ Social Security Number: _____

Address:

(Street) (City) (State) (Zip)

Telephone Number: _____
(Area Code)

Answer each question by circling "yes" or "no." If you answer "yes" to any question, you must submit a full explanation using a separate sheet of paper.

If you have ever held, or currently hold a professional certificate, license, credential or other document issued to you by any jurisdiction (other than Kentucky) within the United States or abroad, enclose a copy of the certificate(s) or provide the following:

State or Jurisdiction _____ Certificate Number _____

Type _____ Issue Date _____ Expiration Date _____

- | | | |
|---|-----|------------------|
| 1. Have you ever had a professional certificate, license, credential, or any document issued to you for practice denied, suspended, revoked, or voluntarily surrendered? | Yes | No |
| 2. Are you currently being reviewed or investigated for purposes of such action as stated in #1 or is such action pending? | Yes | No |
| 3. Have you ever been dismissed, resigned, released, or asked to resign/retire or discharged from a professional position or military service for immorality, incompetence, willful neglect of duty, misconduct, or presenting false information toward obtaining the position? | Yes | No |
| 4. Is any such action as stated in #3 pending? | Yes | No |
| 5. Have you ever been convicted of a felony or misdemeanor (other than a moving traffic violation), been found guilty, or entered a plea of nolo contendere (no contest), even if adjudication was withheld, in Kentucky or any other state? | Yes | No |
| 6. If you indicated "yes" to any items, #1 through #6, has that action been reviewed by the Education Professional Standards Board? _____ | Yes | No |
| | | (Date of Review) |

I affirm and declare that all information given by me on this application is true, and correct, and complete to the best of my knowledge. I understand that any misrepresentation of facts, by omission or addition, may result in the denial or revocation of my teaching certificate. Further, I understand that KRS 161.120 provides that a teaching certificate may be revoked at any time upon determination that false information was presented toward obtaining a teaching certificate.

I declare that I understand the standard for personal and professional conduct expected of a professional educator in Kentucky. I further certify that I have read and examined the CODE OF ETHICS (**enclosed**) applicable to school personnel, understand its provisions, and agree to abide by its terms during the course of my career as a professional educator.

SIGNATURE: _____ DATE: _____

APPLICATION FOR TEMPORARY PROVISIONAL CERTIFICATION

SECTION V. INTERNSHIP NOTIFICATION – TO BE COMPLETED BY THE RECOMMENDING INSTITUTION

Candidate:

SSN: _____

District/School:

The above individual is a candidate in the alternative certification program at

_____.

COLLEGE/UNIVERSITY

He/She is ready to begin the Kentucky Teacher Internship Program (KTIP) in

_____/_____.
MONTH YEAR

He/She is ready to begin the Kentucky Principal Internship Program (KPIP) in

_____/_____.
MONTH YEAR

His/Her area of certification area is:

COLLEGE/UNIVERSITY

SIGNATURE AND TITLE

DATE

Upon successful completion of KTIP/KPIP, the candidate should submit \$35 **AND** the appropriate EPSB form to apply for certification for subsequent years. (*TC-I* if they have completed their alternative route program; *TC-TP* if they are continuing in the alternative route program)

Please send a copy of this page to the appropriate district internship coordinator when submitting pages 1 – 4 to EPSB

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EDUCATION PROFESSIONAL STANDARDS BOARD

16 KAR 9:080. University-based alternative certification program.

RELATES TO: KRS 161.027, 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.027, 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 (7) requires the Education Professional Standards Board to promulgate administrative regulations establishing the standards and procedures for a university alternative certification option for teacher and administrator certification. This administrative regulation establishes the requirements for entry and completion of the teacher and administrator university-based alternative certification options, the responsibilities of the employing school or school district, and the responsibilities of the approved college or university alternative program.

Section 1. Definitions. (1) “Alternative administrator program” means a college or university post baccalaureate administrator preparation program for an individual who is enrolled concurrently with employment in a local school district as an assistant principal, principal, assistant superintendent, guidance counselor, director of special education, director of pupil personnel, supervisor of instruction, or superintendent. The employment position shall be consistent with the area of certification being sought through the preparation program.

(2) “Alternative teacher program” means a college or university post baccalaureate teacher preparation program for an individual who is enrolled concurrently with employment as a teacher in a local school district or Kentucky private school. The individual enrolled may be seeking initial teacher certification or if the individual is a professionally certified educator, an additional area or areas of teacher certification. The employment position shall be consistent with the area of certification being sought.

1 (3) "Private school" means a regionally or nationally accredited non-public school, or a non-
2 public school meeting the state performance standards as established in KRS 156.160.

3 Section 2. University Requirements. (1) An accredited college or university seeking to offer a
4 post-baccalaureate alternative teacher or administrator program shall apply to the Education
5 Professional Standards Board for program approval in accordance with 16 KAR 5:010.

6 (2) In addition to the standards for program approval set forth in 16 KAR 5:010, the educator
7 preparation institution seeking alternative teacher or alternative administrator program approval
8 shall develop and publish a plan of selection and admission of candidates to the alternative
9 program. The plan shall be filed with the Education Professional Standards Board and shall
10 describe:

- 11 (a) A method to verify that an applicant has a minimum of a bachelor's degree from an
12 accredited college or university and the minimum grade point average required for admission to
13 the program;
- 14 (b) One or more assessments to measure academic proficiency for program admission;
- 15 (c) An evaluation of a candidate's disposition for the education profession;
- 16 (d) A procedure to ensure that a candidate reviews the Professional Code of Ethics for Kentucky
17 School Personnel established in 16 KAR 1:020; and
- 18 (e) A copy of the declaration signed by a candidate affirming a commitment to upholding the
19 Code of Ethics and acknowledging awareness of information required for state certification.

20 (3) The alternative program shall be designed in a manner that will provide a candidate with
21 adequate coursework and mentoring to permit a candidate to maintain employment in an eligible
22 position and successfully complete any applicable assessments, including internship programs,
23 within a period of:

- 24 (a) three years for those enrolled in an alternative teacher program; or
- 25 (b) two years for those enrolled in an alternative administrator program.

26 (4) Upon approval, the alternative teacher or administrator program unit shall:

- 1 (a) Assess a candidate's educational background and develop a plan of coursework that shall
2 adequately prepare the candidate for successful completion of the requirements for program
3 completion and certification for the areas and grade ranges that correspond with the candidate's
4 school placement;
- 5 (b) Provide a candidate written and dated documentation of eligibility for the university
6 alternative certification program so that the candidate may be considered for employment
7 pursuant to KRS 160.345 (2) (h);
- 8 (c) Ensure that a candidate begins course work no later than 90 days from the date the eligibility
9 notice is issued;
- 10 (d) Establish, in consultation with the administration of a candidate's employing school, a
11 written plan for mentoring the candidate in the employment setting;
- 12 (e) Provide, prior to a candidate's participation in the Kentucky Teacher or Principal Internship
13 Program, a minimum of 15 hours of observation of a candidate in practice in the employment
14 setting utilizing university faculty and a district-based mentor teacher;
- 15 (f) Provide effective candidate mentoring by maintaining an adequate number of personnel and
16 sufficient resources to ensure that candidates meet professional, state, and institutional standards,
17 including successful transition to the professional certificate;
- 18 (g) Maintain regular communications with the employing school so that the institution and
19 employing school can assist the candidate as needed and address identified areas of
20 improvement; and
- 21 (h) Notify the Education Professional Standards Board in writing if a candidate's employment in
22 a covered position or enrollment in the alternative certification program permanently ceases.
- 23 Section 3. Participation in the alternative teacher program. (1) Participation in the institution's
24 alternative teacher program shall be available only to individuals who meet the institution's
25 alternative program admission requirements.

- 1 (2) A candidate's employment position shall be consistent with the area of certification being
2 sought through the preparation program.
- 3 (3) After notice of acceptance into the alternative teacher program and subsequent notification of
4 selection for an eligible position, a candidate shall apply for a Temporary Provisional Certificate
5 by submitting a completed TC-TP Application for Temporary Provisional Certificate to the
6 Education Professional Standards Board.
- 7 (4) Upon verification that a candidate has met all eligibility requirements for certificate issuance,
8 the Education Professional Standards Board shall issue a temporary provisional certificate. The
9 temporary provisional certificate shall be issued for a period of one year, limited to the
10 employing school district, contingent upon a candidate's continued enrollment in the alternative
11 preparation program and continued employment in an eligible position that corresponds to a
12 candidate's certification program.
- 13 (5) A candidate shall be eligible for no more than two renewals of the temporary provisional
14 certificate. Application for renewal shall be made by submitting a completed TC-TP form. The
15 Education Professional Standards Board shall renew the temporary provisional certificate, upon
16 verification of all eligibility requirements, including continued enrollment in the alternative
17 preparation program and employment in an eligible position.
- 18 (6) When the institution determines that a candidate has successfully passed the required
19 assessments, as outlined in 16 KAR 6:010, and completed sufficient course work, the institution
20 shall provide written notice to the employing school district that a candidate is eligible to
21 participate in the Kentucky Teacher Internship Program in the subject area(s) covered by the
22 temporary provisional certificate and in accordance with 16 KAR 7:010.
- 23 (7) Upon receipt of the written notification regarding readiness for internship, the employing
24 school district shall submit to the Education Professional Standards Board, a Confirmation of
25 Employment in electronic form, or hard copy if the electronic system is unavailable.

1 (8) If a candidate fails to successfully complete the assessments, the internship, or the required
2 coursework during the initial issuance and two renewals of the temporary provisional certificate,
3 the institution may transition a candidate into the institution's traditional preparation program and
4 recommend the candidate for the Statement of Eligibility upon the candidate's completion of the
5 preparation program and the required assessments.

6 (9) If a candidate fails to complete all alternative program requirements during the initial
7 issuance and two renewals of the temporary provisional certificate, the employing school district
8 may submit an application for emergency or conditional certification on behalf of the former
9 employee to allow the individual to continue employment, subject to the provisions of 16 KAR
10 2:010, 16 KAR 2:120, and 16 KAR 2:180.

11 Section 4. Participation in the alternative administrator program. (1) Participation in the
12 university alternative administrator program shall be available only to individuals who meet the
13 institution's alternative program admission requirements.

14 (2) The employment position shall be consistent with the area of certification being sought
15 through the preparation program.

16 (3) After notice of acceptance into the alternative administrator program, and subsequent
17 notification of selection for an eligible position, a candidate shall apply for a temporary
18 provisional certificate by submitting a completed TC-TP Application for Temporary Provisional
19 Certificate to the Education Professional Standards Board.

20 (4) Upon verification that a candidate has met all eligibility requirements for certificate issuance,
21 the Education Professional Standards Board shall issue a temporary provisional certificate. The
22 temporary provisional certificate shall be issued for a period of one year, limited to the
23 employing school district, contingent upon a candidate's continued enrollment in the alternative
24 preparation program and continued employment in an eligible position that corresponds to a
25 candidate's certification program.

1 (5) A candidate shall be eligible for no more than one renewal of the temporary provisional
2 certificate. Application for renewal shall be made by submitting a completed TC-TP form. The
3 Education Professional Standards Board shall renew the temporary provisional certificate, upon
4 verification of all eligibility requirements, including continued enrollment in the alternative
5 preparation program and employment in an eligible position.

6 (6) (a) When an institution determines that an alternative administrator candidate for principal
7 certification has successfully passed the required assessments, as outlined in 16 KAR 6:030, and
8 completed sufficient course work, the institution shall provide written notice to the district that
9 the candidate is eligible to participate in the Kentucky Principal Internship Program in
10 accordance with 16 KAR 7:020.

11 (b) Upon receipt of the written notification regarding readiness for internship, the employing
12 school district shall submit a Confirmation of Employment in electronic form, or hard copy if the
13 electronic system is unavailable, to the Education Professional Standards Board and shall assign
14 individuals to the internship committee in accordance with the provisions of KRS 161.027 and 16
15 KAR 7:020.

16 (7) If an alternative administrator candidate fails to complete the assessments, the internship, or
17 the required coursework during initial issuance and one renewal of the temporary provisional
18 certificate, the institution may transition a candidate into the institution's traditional preparation
19 program. If such a candidate is enrolled in the alternative program for principal, the institution
20 may recommend the candidate for a Statement of Eligibility upon the candidate's completion of
21 the traditional preparation program and the required assessments.

22 (8) During the period of enrollment in the alternative administrator program, a candidate seeking
23 superintendent certification and serving in a local school district as a superintendent or assistant
24 superintendent shall successfully complete both the coursework in the institution's alternative
25 administrator program as well as the Superintendent Training Program and assessments required
26 in KRS 156.111. The college or university faculty shall maintain contact with the employing

1 school district and the Kentucky Department of Education regarding the completion of
2 coursework to ensure that a superintendent candidate has completed sufficient coursework to
3 prepare for the assessments and participation in the Superintendent's Training Program.
4 Section 5. Upon completion of the alternative program, the assessments, and the internship or
5 Superintendent's Training program as applicable, the university shall provide a recommendation
6 for the professional certificate on the candidate's TC-1 form. Upon verification that a candidate
7 has met all eligibility requirements for certificate issuance, the Education Professional Standards
8 Board shall issue a professional certificate.

9 Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- 10 (a) Form TC-TP;
11 (b) Confirmation of Employment as a Teacher, rev. November 2004;
12 (c) Confirmation of Employment as a Principal, rev. May 2005;
13 (d) Teacher Internship Statement of Eligibility, rev. November 2004;
14 (e) Principal Internship Statement of Eligibility, rev. May 2005.

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17 Date

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Tom Stull, Chairperson
Education Professional Standards Board

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 31, 2007 at 9:00 a.m. at the offices of the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Conference Room A, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by May 23, 2007 five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public 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 June 1, 2007. 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: Alicia A. Sneed, Director of Legal Services

Education Professional Standards Board

100 Airport Road, Third Floor

Frankfort, KY 40601

(502) 564-4606

FAX: (502) 564-7080

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Alicia A. Sneed, Director of Legal Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for teacher and administrator university-based alternative certification programs.

(b) The necessity of this administrative regulation: This administrative regulation delineates the standards and procedures for gaining teacher or administrator certification in accordance with KRS 161.048(7) by establishing standards and requirements for obtaining and maintaining teaching and principal certificates under this option and setting the standards for approving university programs for the preparation of teachers and other professional school personnel under this option.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.027 governs the preparation program for school principals, KRS 161.028 and KRS 161.030 govern the certification of professional school personnel and grant the Education Professional Standards Board certification authority and the responsibility for establishing the requirements for obtaining and maintaining a certificate. KRS 161.048(d) requires the Education Professional Standards Board to establish standards and procedures for alternative certification programs.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the requirements for completing course work and assessments related to the temporary provisional certificate so that candidates, districts, and universities will have clear understanding of each party's role in the certification of educators under alternative certification programs.

(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 is a new regulation, not an amendment.

(b) The necessity of this amendment to this regulation: This is a new regulation, not an amendment.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation, not an amendment.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation, not an amendment.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 174 Kentucky school districts, 28 educator preparation programs, and educators seeking temporary provisional certification.

(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: The university and district which utilize alternative route educators must comply with the responsibilities as outlined in the regulation, including, but not limited to, use of appropriate application forms, providing adequate staff and resources to support these educators, and ensuring that all certification requirements are met by the educator. The educator certified via an alternative route must ensure that he/she meets applicable requirements including, but not limited to, employment, assessment, and internship.

(b) In complying with this administrative regulation or amendment, how much will it cost

each of the entities identified in question (3): There should be no cost to the entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All parties will be positively affected by the clearly defined standards, procedures, and new application materials outlined in the regulation. To this point, the governance of these programs as relied only on the original statutes, which has not provided the necessary detail as the number of educators working via these programs has greatly proliferated in recent years.

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

(a) Initially: No additional agency funds allocated or necessary for implementation of regulation. There is no additional cost to certified educators, preparation programs, or school districts.

(b) On a continuing basis: No additional agency funds allocated or necessary for continuing implementation of regulation. There is no additional cost to certified educators, educator preparation programs, or school districts.

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

(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: No additional increases in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) NO, tiering does not apply since all candidates for alternative route certificates will be held to the same standard.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 16 KAR 9:080

Contact Person: Alicia A. Sneed

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. 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 regulation will impact school districts and public universities.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.027 governs the preparation program for school principals, KRS 161.028 and KRS 161.030 govern the certification of professional school personnel and grant the Education Professional Standards Board certification authority and the responsibility for establishing the requirements for obtaining and maintaining a certificate. KRS 161.048(d) requires the Education Professional Standards Board to establish standards and procedures for alternative certification programs.

4. 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.

(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? None

(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? None

(c) How much will it cost to administer this program for the first year? Nothing

(d) How much will it cost to administer this program for subsequent years? Nothing

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:

EDUCATION PROFESSIONAL STANDARDS BOARD

STAFF NOTE

Action Item D

Action Item:

Plan Pertaining to the December 20 and May 1 Deadlines for Resource Teacher Timesheets in 16 KAR 7:010.

Applicable Statute or Regulation:

KRS 161.030 (6)(f)
16 KAR 7:010 Section 7(3)(b)

Applicable Goals:

Goal 4: Every credentialed educator participates in a high quality induction into the profession and approved educational advancement programs that support effectiveness in helping all students achieve.

Goal 6: 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 waive the December 20 and May 1 deadlines for Resource Teacher Timesheets in 16 KAR 7:010?

Background:

At the January 2007 EPSB meeting staff presented an information item that proposed a plan pertaining to the December 20 and May 1 deadlines for resource teacher timesheets (RTTs) that are stipulated in 16 KAR 7:010.

In presenting the proposed plan staff explained that 16 KAR 7:010 states RTTs are to be submitted to EPSB by December 20 for mid-year interns and May 1 for full-year interns, and that for various reasons several timesheets are submitted after these deadlines.

Since these timelines are established through regulation, EPSB staff does not have the authority to pay public school districts to compensate their resource teachers or directly pay resource teachers in private schools when their timesheets are submitted after the deadlines. In order to make these payments, waiver requests must be brought to EPSB for approval.

In the past, the May 1st deadline was important because if EPSB did not use all the funding allotted for KTIP by the end of the fiscal year, the monies would be turned over to the General Fund. However, legislation changed this process to allow both KTIP and KPIP funds to be carried over to the next year. This removes the barrier of using current year funds to pay prior year expenses.

Since this process change, EPSB staff would like to offer a little more flexibility to schools and districts by implementing the following procedure:

EPSB staff will:

1. Maintain communication of the December 20 and May 1 deadlines in the *KTIP Implementation Guide*, at regional meetings held across the state, and in the monthly electronic newsletters.
2. Continue to pay all districts and private school resource teachers whose resource teacher timesheets are submitted by the deadlines in a timely manner.
3. Review each case related to a resource teacher timesheet that is submitted after a deadline and work with the school and/or district to increase the probability that future timesheets will arrive on time.
4. Pay all late submission districts and private school resource teachers as soon as possible.
5. Waive the December 20 and May 1 deadlines until the regulation can be brought to the Board with the dates deleted. The regulation is scheduled to be opened and brought to the Board prior to Fall 2008 when the TPA will be fully implemented.

Alternative Actions:

1. Waive the December 20 and May 1 deadlines for RTTs in 16 KAR 7:010 until the regulation is brought to the Board with the dates deleted.
2. Do not waive the December 20 and May 1 deadlines for RTTs in 16 KAR 7:010 until the regulation is brought to the Board with the dates deleted.

Staff Recommendation:

Alternative 1

Rationale:

In most cases, resource teachers serve as mentors to new teachers in addition to fulfilling all the responsibilities associated with a full-time teaching position. In many instances, the resource teacher has completed the required electronic documentation on time and has been dependent upon others to electronically sign by the deadline before they can be compensated for work they completed in good faith thinking they would be paid. In the past, the Board has approved waivers requested by districts that have submitted timesheets after deadlines. This plan allows resource teachers to be paid and not penalized for struggling with many end-of-semester duties or others' inability to meet deadlines.

Contact Person:

Ms. Cindy Owen, Director
Division of Professional Learning and Assessment
(502) 564-4606
E-mail: cindy.owen@ky.gov

Executive Director

Date:

March 19, 2007

16 KAR 7:010. Kentucky Teacher Internship Program.

RELATES TO: KRS 156.101, 161.028, 161.030, 161.048, 161.095

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030, 161.1222

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(5) requires that all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. This administrative regulation establishes the requirements for the Kentucky Teacher Internship Program.

Section 1. Definitions. (1) "Half-time basis" means teaching fifteen (15) hours per week in the intern's area of certification.

(2) "Instructional day" means a day that:

(a) The teacher intern is performing regular teaching responsibilities in an instructional setting, or is completing professional development for compensation from the district or employing school; and

(b) Does not include annual leave, sick leave, or other authorized or unauthorized leave time.

(3) "Resource Teacher Time Sheet" means a copy of the document of the same name that is contained on the Education Professional Standards Board (EPSB) Web site, www.kyepsb.net and in the publication, "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants."

(4) "Teacher intern" means any new teacher or out-of-state teacher with less than two (2) years of successful teaching experience, preschool through grade twelve (12), who has obtained a provisional certificate and is seeking initial certification in Kentucky.

Section 2. Basis for Professional Judgment by the Beginning Teacher Committee. (1) A teacher intern and the beginning teacher committee shall follow the requirements established in this administrative regulation and in "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants".

(2) In arriving at its professional judgment, the beginning teacher committee shall take into consideration the progress of the teacher intern throughout the school year and, particularly, the level of performance that has been achieved near the end of the internship. The beginning teacher committee shall determine the progress and improvement of the teacher intern, pursuant to KRS 161.030, by:

(a) A systematic observation of classroom performance;

(b) An ongoing review of documented evidence developed by the intern of progress toward demonstration of the applicable standards; and

(c) A review of the teacher intern's response to the suggestions and recommendations made by the beginning teacher committee during its meetings with the teacher intern throughout the internship.

(3) Throughout the internship, the teacher intern and the beginning teacher committee shall utilize the New Teacher Standards for Preparation and Certification established by the Education Professional Standards Board in 16 KAR 1:010. Interns and their committees utilizing the new Teacher Performance Assessment shall use the benchmarks for each standard as outlined in the Teacher Performance Assessment Handbook.

(4) For interns and committees utilizing the new Teacher Performance Assessment, the intern shall demonstrate a Leadership Standard. Scoring for the Leadership Standard shall not apply to a determination of the intern's success or failure of the internship.

Section 3. Beginning Teacher Committee Membership Appointment. (1)(a) School districts shall maintain a pool of resource teachers and principals who have successfully completed the Kentucky Teacher Internship Program Committee training in order to assure eligibility for appointment to beginning teacher committees.

(b) The Kentucky Teacher Internship Program Committee training may be approved for up to twelve (12) hours of professional development credit toward the continuing education requirements for resource teachers pursuant to KRS 161.095 and Effective Instructional Leadership Act (EILA) credit for administrators pursuant to KRS 156.101.

(2) The employing school district shall recommend principals and resource teachers for appointments by the Education Professional Standards Board to beginning teacher committees.

(3) If the teacher intern is teaching at a nationally or regionally accredited nonpublic school without a principal, the accrediting organization's guidelines for designating the school head or school leader shall be used by the employing school in making the recommendation for appointment of the principal member. If no guidelines exist, the school shall provide a written rationale for the appointment to the Education Professional Standards Board for approval.

(4) Representatives of the teacher training institutions shall consult the Education Professional Standards Board with respect to the school districts and the geographical area to be served by teacher educator members on beginning teacher committees. All teacher educators shall have completed the Kentucky Teacher Internship Program Committee training in order to assure eligibility for appointment to beginning teacher committees.

(5) The teacher training institution shall appoint a teacher educator no later than October 1 for the fall semester and February 15 for the spring semester. If the teacher intern is employed after the date required for appointment of the teacher educator, the teacher training institution shall appoint a teacher educator no later than ten (10) days after being notified by the district of the need for a teacher educator.

(6) If the superintendent or designated nonpublic school head or leader determines that a teacher educator is unsuitable for appointment, the superintendent or designated nonpublic school head or leader shall submit a written request for removal to the Education Professional Standards Board. The request shall contain the following:

(a) The facts and circumstances that form the basis for removal for cause; and

(b) The name of a qualified replacement submitted after consultation with the district or employing school Kentucky Teacher Internship Program Coordinator.

(7) The Education Professional Standards Board shall send written notification to the teacher intern, the beginning teacher committee, the superintendent or designated nonpublic school head or leader, and the teacher training institution of its decision regarding the request for removal.

Section 4. Requirements for Time in the Internship and Classroom Assignment. (1) The one (1) year internship shall be completed during one (1) of the following:

(a) No less than 140 instructional days of employment in a certified position in the intern's area of certification for which the teacher intern receives compensation during one (1) school year; or

(b) Two (2) semesters totaling at least 140 instructional days of employment in a certified position in the intern's area of certification for which the teacher intern receives compensation in two (2) consecutive school years.

(2) The internship shall be established for each teacher intern whose initial employment begins at any time during the school term except if the date of employment does not allow for completion of at least seventy (70) instructional days of employment during the school year. If the period of employment is less than seventy (70) instructional days in a school year, the local school district shall declare an emergency as provided in KRS 161.100, authorizing the superintendent to request an emergency teaching certificate. The employing school district shall be responsible for providing assistance and supervision to the new teacher during the period of employment under an emergency certificate.

(3)(a) The school district or nonpublic school shall complete and submit to the Education Professional Standards Board the Confirmation of Employment in electronic form or in hard copy if the electronic submission system is unavailable:

1. On or before October 15 for a teacher intern participating in the internship for the fall semester; or

2. On or before February 15 for a teacher intern participating in the internship for the spring semester.

(b) If the teacher intern begins employment after the dates established for submission of the Confirmation of Employment in paragraph (a) of this subsection, the school district or employing school shall submit the Confirmation of Employment in electronic form or in hard copy if the electronic submission system is unavailable within ten (10) days of the date of hire. A one (1) year internship certificate shall be issued in accordance with the provisions of 16 KAR 2:010 and 16 KAR 4:050.

(c) If the district fails to report verification of enrollment in the internship by the applicable date established in paragraph (a) or (b) of this subsection, and there is insufficient time remaining for the teacher intern to complete the number of days required under subsection (1) of this section, the district shall declare an emergency as provided in KRS 161.100, and the teacher intern shall enroll in the internship in the next semester of employment when at least seventy (70) instructional days are available.

(d) Failure to submit the completed Confirmation of Employment or declare an emergency in accordance with paragraph (a), (b), or (c) of this subsection shall:

1. Be a violation of KRS 161.020; and

2. Result in the number of days the teacher intern taught without a valid certificate being included in the out of field report submitted to the Commissioner of the Department of Education in accordance with KRS 161.1221.

(4) A teacher intern may participate in the internship if the intern is teaching on at least a half-time basis. A school district or nonpublic school offering employment to a new teacher for part-time services which do not conform to the definition of half-time basis shall request a waiver from the Education Professional Standards Board staff for the new teacher to participate in the Kentucky Teacher Internship Program. The waiver request shall detail how the part-time employment offered by the district or nonpublic school is commensurate with the half-time basis requirement of this administrative regulation.

(5)(a) Termination or resignation of the internship shall be prohibited unless a written resignation detailing the facts surrounding the resignation is received and approved by:

1. The superintendent or designated nonpublic school head or leader; and

2. The Education Professional Standards Board staff.

(b) A teacher intern who terminates or resigns the internship without the approval of the Education Professional Standards Board staff shall be recorded as unsuccessfully completing the internship for that school year.

(6) The internship shall be established in a classroom which corresponds to the certificate of the teacher intern. An internship shall not be established in a classroom designated as an alternative school, classroom or program unless the district superintendent or designated nonpublic school head or leader submits a written request for a waiver to the staff of the Education Professional Standards Board. The request shall include the following:

(a) The type of students that attend the alternative school, classroom or program;

(b) The student selection and placement process;

(c) The level of support for students and faculty provided by the district or nonpublic school;

(d) The degree of administrative support within the program, classroom or school;

(e) The location and facility that houses the program, classroom or school;

(f) The instructional resources available to the faculty;

(g) The curriculum used by the program, classroom or school;

(h) The manner in which the program, classroom or school collaborates with other schools within the district;

(i) The current faculty and staff positions assigned to the program, classroom or school;

(j) A brief description of how a teacher intern placed in the alternative program, classroom or school could demonstrate that the teacher intern has met all of the applicable standards;

(k) Contact information for an individual who could provide additional information about the request; and

(l) A signed affidavit by the superintendent, the superintendent's designee, or the designated nonpublic school head or leader confirming the information.

(7) The Education Professional Standards Board staff shall grant the waiver if there is a determination that the request and accompanying documentation sufficiently demonstrate that the level of support and services provided to the teacher intern assigned to an alternative school, classroom, or program is equivalent to that provided to a teacher intern placed in a nonalternative setting.

(8) If the waiver is granted, it shall remain in effect for the duration of the internship.

Section 5. Designation and Duties of Chair; Responsibilities of Resource Teacher, Teacher Intern, and Teacher Educator; Requirements for Timing and Content of Beginning Teacher Committee Meetings. (1) The principal member of the three (3) person beginning teacher committee shall serve as chair and shall be responsible for convening the committee and coordinating its efforts by scheduling observations and committee meetings. The chair shall be responsible for the timely submission of all documents and reports of the beginning teacher committee as required by this administrative regulation. All documents and reports shall be submitted through the electronic reporting system, or by hard copy if the electronic reporting system is unavailable. In addition, the chair shall:

(a)1. Make three (3) official observation visits to the teacher intern's classroom with each observation lasting one (1) hour in duration or one (1) class period; or

2. Make two (2) one (1) hour or one (1) class period observation visits followed by an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom lessons;

- (b) Conduct a lesson plan review prior to each of the three (3) observations and a postobservation conference after each observation;
 - (c) Report progress observed and concerns to the committee at the scheduled committee meetings;
 - (d) Monitor the time that the resource teacher spends with the teacher intern both in and out of class and sign the electronic version of the resource teacher time sheets or the hard copy of the resource teacher time sheets if the electronic reporting system is unavailable; and
 - (e) Ensure that all program policies and procedures are followed.
- (2) The resource teacher shall be a mentor to the teacher intern and assess the teacher intern's progress in the internship.
- (a) The resource teacher, upon completion of Kentucky Teacher Internship Program Committee Training and upon appointment, shall begin to assist the teacher intern.
 - (b) The resource teacher shall spend a minimum of twenty (20) hours working with the teacher intern in the classroom setting.
 - 1. As a portion of the twenty (20) hours, the resource teacher shall conduct:
 - a. Three (3) official observations with each observation lasting one (1) hour in duration or one (1) class period; or
 - b. Two (2) observations lasting one (1) hour in duration or one (1) class period followed by an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom lessons.
 - 2. The observations shall be preceded by a preobservation conference and lesson plan review and shall be concluded with a postobservation conference.
- (c) Pursuant to the resource teacher requirements established in KRS 161.030(7), a resource teacher shall complete at least fifty (50) hours of out-of-class time identified in KRS 161.030 in consultation with the teacher intern to:
- 1. Assist the teacher intern in the development of the professional growth plan;
 - 2. Assist the teacher intern in areas identified in the professional growth plan;
 - 3. Assist the teacher intern with instructional activities such as planning, management techniques, assessment, and parent conferences;
 - 4. Arrange activities for the teacher intern such as attendance at seminars, conferences, or lectures offering educational assistance commensurate with the teacher intern's professional growth plan;
 - 5. Continually assess the teacher intern's progress in the internship in relation to each of the new teacher standards; and
 - 6. Enter and submit data into the online Resource Teacher Time Sheet or the hard copy of that document if the electronic reporting system is unavailable. This document is located within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants," incorporated by reference.
- (d) The resource teacher shall divide the consultation time required in paragraph (c) of this subsection into appropriate increments that provide support for the teacher intern throughout the semester. The resource teacher shall not spend this required consultation time with the teacher intern at required in school or district-wide meetings, or any other activity for which the resource teacher receives compensation from the district or employing school, to include a professional development activity.
- (3) The teacher intern shall:
- (a) Complete all requirements of the Kentucky Teacher Internship Program as established in KRS 161.030 and this administrative regulation, including compliance with the new teacher standards;
 - (b) Attend the orientation, preobservation and postobservation conferences with individual committee members, and all beginning teacher committee meetings;
 - (c) Participate with the resource teacher in the fifty (50) hours of consultation time to be spent outside of an instructional setting;
 - (d) Cooperate with the resource teacher in completing the twenty (20) hours of instructional observation;
 - (e) Complete a professional growth plan (PGP);
 - (f) Prepare for three (3) official one (1) hour observations by each committee member during the year, including submitting a written lesson plan to the observer in a timely fashion prior to each visit. Each observation shall be one (1) hour in duration or one (1) class period;
 - (g) Develop documentary evidence of progress toward demonstration of the applicable standards for presentation and review at committee meetings; and
 - (h) Review all electronic documents completed by the beginning teacher committee and affix an electronic signature if required. If the electronic version of the documents are unavailable through the electronic reporting system, the teacher intern shall review and sign hard copy versions of these documents.
- (4) The teacher educator shall:
- (a)1. Make three (3) official observations of the teacher intern with each observation lasting one (1) hour in duration or one (1) class period; or
 - 2. Make two (2) observations of one (1) hour in duration or one (1) class period, followed by an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom lessons;
 - (b) Conduct a lesson plan review prior to each of the three (3) observations and a post-observation conference after each observation; and
 - (c) Report progress observed and concerns to the committee at the scheduled committee meetings.
- (5) Observations and committee meetings shall be scheduled in accordance with the following:
- (a) The orientation meeting shall be held prior to the conduct of any formal classroom observations of the teacher intern;
 - (b) The second meeting shall be held between one (1) and sixty (60) instructional days following the orientation meeting and shall have been preceded by classroom observations by all committee members;
 - (c) The third meeting shall be held between sixty-one (61) and 110 instructional days following the orientation meeting and shall have been preceded by a second set of classroom observations by all committee members; and
 - (d) The fourth meeting shall be held between 111 and 140 instructional days following the orientation meeting and shall have been preceded by a third set of classroom observations by all committee members.
- (6) Committees formed during the spring semester shall establish a meeting schedule that observes the time sequences established in subsection (5) of this section for the full-year teacher interns but which shall span the spring and fall semesters of two (2) school years.
- (7)(a) Classroom observations conducted by committee members shall be:
- 1. Of at least one (1) hour or one (1) class period in duration; and
 - 2. In the classroom or at the work station of the teacher intern.

(b) Additional classroom observations may be conducted at the option of the committee.

(c) All classroom observations shall be scheduled in advance in order to provide adequate time for preparation by the teacher intern.

(8) All members of the committee shall attend all four (4) meetings of the committee.

(9) At the orientation meeting of the beginning teacher committee, the following items shall be addressed:

(a) Expectations on the part of the teacher intern and each committee member;

(b) Procedures and materials for classroom observations;

(c) Use of classroom observation data in designing the teacher intern's professional growth plan;

(d) Requirements for the teacher intern for compiling documentary evidence of progress toward demonstration of the applicable standards;

(e) General schedule for the events to take place during the internship program; and

(f) Work of the resource teacher with the teacher intern.

(10)(a) The primary purpose of the second and third committee meetings shall be to provide the teacher intern with information based on classroom observations, review of the teacher intern's documented evidence of progress toward demonstration of the applicable standards, and reports of the resource teacher that shall support the growth of the teacher intern.

(b) The committee shall provide the teacher intern at the second, third, and fourth meetings with a consensus assessment of the teacher intern's progress in the internship in relation to each of the new teacher standards.

(11) The Professional Growth Plan (PGP) shall be initiated at the second committee meeting.

(12) The third meeting shall include a review of expectations for the performance of the teacher intern, taking into account the reflections of the teacher intern and the committee members, and incorporating these expectations and reflections into the PGP.

(13) The fourth meeting shall include a professional judgment by the committee members on the satisfactory completion of the one (1) year internship. This judgment shall be based upon the teacher intern's ability to meet the requirements of all new teacher standards.

Section 6. Decision by the Beginning Teacher Committee, Reporting, and Certification Actions.

(1)(a) The decision of the beginning teacher committee as to satisfactory completion of the internship for all full-year teacher interns shall be reported by the chair to the local school superintendent or other employer and to the Education Professional Standards Board by May 1 or no later than two (2) weeks following the final committee meeting, whichever occurs first.

(b) For midyear teacher interns completing the internship in December, the final report shall be submitted by December 15.

(c) The final report shall be accompanied by the resource teacher time sheets.

(2) If a teacher intern's performance is judged by the committee to be unsatisfactory, the teacher intern shall have the opportunity to repeat the internship during one (1) additional year contingent upon employment within the period of validity of the statement of eligibility for internship. If the teacher intern does not successfully complete the internship during the period of validity of the statement of eligibility, the teacher intern shall requalify for admission to the remaining one (1) year of internship by meeting the requirements in effect at the time of reapplication for certification.

(3)(a) If the teacher intern is unable to complete the internship within one (1) school year in accordance with the requirements of Section 5 of this administrative regulation, an interim report shall be submitted to the EPSB through the electronic system, or by hard copy if the electronic system is unavailable within ten (10) days of the date the internship ceases.

(b) Under extraordinary circumstances and with the approval of the EPSB, the teacher intern may continue the internship during a subsequent school year if employed in a public or nonpublic accredited school. Extraordinary circumstances shall include:

1. Serious medical conditions;

2. Temporary disability; or

3. Military deployment.

(c) The provisions of Section 4 of this administrative regulation shall not apply in this situation.

Section 7. Payments to Committee Members. (1) In accordance with the budgetary act, the Education Professional Standards Board shall contract with the local school district, or make other appropriate arrangements, for:

(a) The direct service of a resource teacher to each teacher intern;

(b) Participation in classroom observations and committee meetings; and

(c) The employment of substitute teachers to provide at least twenty (20) clock hours of released time for the resource teacher to observe and assist the teacher intern during normal working hours.

(2) A resource teacher shall:

(a) Not serve as a resource teacher for more than one (1) teacher intern concurrently; and

(b) Be paid a stipend in accordance with subsection (3) of this section.

(3)(a) Except as provided by paragraphs (b) and (c) of this subsection, the stipend shall be:

1. \$1,400 for a year of service; and

2. Disbursed in accordance with KRS 161.030(6)(f) on a biannual basis corresponding to the semester in which the mentoring occurred or on an annual basis for full-year interns with payment being disbursed at the end of the one (1) year internship.

a. The frequency of the disbursement shall be at the option of the district if the resource teacher is serving in a public school district.

b. If the resource teacher is serving in a nonpublic school, the frequency of the disbursement shall be determined by the submission of the resource teacher time sheets.

(b) If the school or school district where the internship takes place fails to submit the time sheets by the date stipulated in Section 6(1) of this administrative regulation, the Education Professional Standards Board staff shall refuse payment of the stipend.

(c) The stipend shall be prorated if the required number of hours are not performed and documented in legitimate and appropriate pursuit of successful completion of the internship pursuant to the requirements of Section 5(2) of this administrative regulation.

Section 8. Use of the New Teacher Performance Assessment by Internship Participants. (1) Beginning with the 2006-07 school year, and for full-year interns beginning the Fall of 2007, a school or district may require all interns employed to use the new Teacher Performance Assessment in lieu of the traditional internship assessments contained within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants."

(2) Beginning January 1, 2008, all school districts and all nonpublic schools participating in the Kentucky Teacher Internship Program shall use the new Teacher Performance Assessment with all interns beginning their internship in lieu of the traditional internship assessments contained within "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants"

(3) Prior to serving as a member of the beginning teacher committee for a teacher intern using the new Teacher Performance Assessment, the principal, resource teacher, and teacher educator each shall have completed the new Teacher Performance Assessment internship committee training.

(4) During the year of the internship using the new Teacher Performance Assessment, the teacher intern and the beginning teacher committee shall utilize the Kentucky Internship Program scoring rubrics and forms contained within the Kentucky Teacher Internship Program Teacher Performance Assessment Handbook, incorporated by reference.

(5) To the extent that they do not conflict with this section, all other provisions of this administrative regulation shall apply to the intern using the new Teacher Performance Assessment.

(6) Participation in the Kentucky Teacher Internship Program using the new Teacher Performance Assessment shall not alter any rights ordinarily afforded to teacher interns or employing schools or school districts under the Kentucky Teacher Internship Program. Use of the new Teacher Performance Assessment shall not form a basis for appeal of a teacher intern's failure of the Kentucky Teacher Internship Program.

Section 9. Appeals. (1)(a) Appeals by teacher interns shall be reviewed by a committee of four (4) persons. The appeals committee shall include:

1. One (1) teacher;
2. One (1) principal;
3. One (1) teacher educator; and
4. The Executive Director of the Education Professional Standards Board, or his or her designee.

(b) The committee members shall be chosen from a pool of committee candidates appointed annually by the Education Professional Standards Board.

(c) An appeals committee member shall not take part in a decision in which the member has an interest or is biased.

(2)(a) The teacher intern shall file the appeal within thirty (30) calendar days of the date the written notice of failure of the internship is received by the teacher intern by certified mail return receipt requested. If the teacher intern fails to maintain a current address with the Education Professional Standards Board or refuses to claim the certified mail, the appeal shall be filed within thirty-five (35) days of the date the notice is mailed to the teacher intern's last known address.

(b) Upon receipt of the appeal, the Education Professional Standards Board shall send a copy to the members of the beginning teacher committee. Each member may file a written response within fifteen (15) days of receipt.

(3)(a) The appeals committee shall review the written appeal by the teacher intern, all beginning teacher committee reports, any additional documentation that accompanied the final report, and any written responses from the members of the beginning teacher committee.

(b) The appeals committee shall base its recommendation upon the following requirements:

1. Evidence of the teacher intern's ability to meet the requirements of the new teacher standards;
2. Appropriate documentation of at least twenty (20) hours in the instructional setting and fifty (50) hours outside normal working hours spent by the resource teacher in assisting the teacher intern;
3. Assignment of beginning teacher committee members in accordance with legal requirements;
4. Compliance with the requirements for the timing, content, reporting, and signing of teacher intern performance records, meeting and observation forms, and resource teacher time sheets; and
5. Agreement between teacher intern performance records, professional growth plans, beginning teacher committee meeting reports, and the final decision of the committee.

(4) The appeals committee shall make a recommendation to the Education Professional Standards Board on the appeal within sixty (60) days following the receipt of the appeal, unless good cause exists for additional time. The Education Professional Standards Board shall issue a final decision in each appeal reviewed by the appeals committee. The Education Professional Standards Board may consider the appeals committee recommendation and the records reviewed by the appeals committee in issuing its decision.

(5) If the decision of the beginning teacher committee is not upheld, the Education Professional Standards Board shall issue the appropriate certificate to the teacher intern.

(6) If the decision of the beginning teacher committee is upheld, the Education Professional Standards Board shall issue another Statement of Eligibility for Internship, unless:

(a) The teacher intern has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program; or

(b) The period of validity of the statement of eligibility has expired.

(7) If, during the appeal process, it becomes evident that the beginning teacher committee has committed some procedural violation during the internship which makes it impossible to determine if the teacher intern has in fact been unsuccessful, the Education Professional Standards Board may nullify the internship and allow the teacher intern to repeat the internship without penalty.

(8) If the teacher intern is not satisfied with the decision of the board based on the recommendation of the appeals committee, the teacher intern may request a formal hearing under the provisions of KRS Chapter 13B. The request shall be filed in writing with the Executive Director of the Education Professional Standards Board within fifteen (15) calendar days of the date the board's decision is received by the teacher intern.

(9) In notifying the teacher intern of the board's decision, the Education Professional Standards Board shall send the decision of the board by certified mail to the last known address of the teacher intern. If the teacher intern fails to notify the Education Professional Standards Board of an updated or correct address, or refuses to claim the certified mail when presented, the request for a hearing shall be filed in writing with the Executive Director of the Education Professional Standards Board within (20) calendar days of the date the board's decision is mailed to the teacher intern by certified mail.

Section 10. A teacher intern who has not successfully completed the internship and has exhausted the two (2) year provision for participation in the Kentucky Teacher Internship Program shall not be eligible for a Kentucky teaching certificate under this administrative regulation.

Section 11. An intern serving the internship in Interdisciplinary Early Childhood Education (IECE) shall successfully demonstrate the new teacher standards as adapted to the IECE standards and shall utilize the IECE Observation Instrument incorporated by reference.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Guiding and Assessing Teacher Effectiveness: A Resource Guide for Kentucky Teacher Internship Program Participants," March 2005 edition;

(b) "Statement of Eligibility/Confirmation of Employment form," revised November 2004;

(c) "Kentucky Teacher Internship Program Teacher Performance Assessment Handbook", June 2006 edition;

(d) KTIP TPA Intern Performance Record, June 2006 edition; and

(e) "IECE Observation Instrument", January 2005 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (22 Ky.R. 1422; Am. 1602; eff. 3-7-96; 25 Ky.R. 129; eff. 9-3-98; 26 Ky.R. 1043; 1557; eff. 2-14-2000; 27 Ky.R. 3158; 28 Ky.R. 380; eff. 8-15-01; Recodified from 704 KAR 20:690, 7-2-02; 30 Ky.R. 372; 902; 1198; eff. 12-1-03; 31 Ky.R. 1868; 32 Ky.R. 40; eff. 8-29-05; 33 Ky.R. 843; 1277; eff. 12-1-06.)

**KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item E

Action Item:

Brescia University: Accreditation with Conditions Report

Applicable Statute or Regulation:

KRS 161.028
16 KAR 5:010

Applicable Goal:

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

Issue:

Should the EPSB accept the report submitted by Brescia University addressing NCATE Standard 6: Unit Governance and Resources?

Background:

At the May 15, 2006 meeting of the Education Professional Standards Board (EPSB), the EPSB voted to grant Continuing Accreditation with Conditions to Brescia University. The Board required Brescia to submit a written report addressing the unmet standard (Standard 6) for review by the Accreditation Audit Committee (AAC) by November 2006. In addition to the Continuing Accreditation with Conditions decision, the EPSB included an additional stipulation that Brescia University provide a report addressing all areas for improvement, both continuing and new areas for improvement, for the May 2007 board meeting.

The Accreditation Audit Committee (AAC) members met January 25, 2007 (see attached minutes) and reviewed the Accreditation with Conditions Report from Brescia University. The AAC reviewed each area for improvement cited in Standard 6 and read the report submitted by Brescia University. The unit head from Brescia University was in attendance at the AAC meeting. The AAC makes the following recommendations regarding each area for improvement:

Continue the area for improvement in Standard 6:

- 1) The division chair/unit head consistently carries a work overload.
- 2) The budget for the Curriculum Resources Center is insufficient.

Remove the area for improvement in Standard 6:

- 1) There is insufficient support staff to provide assistance for the programs offered by the unit.
- 2) There are insufficient funds for professional development.

Pursuant to 16 KAR 5:010, Section 18, the AAC accepts the Accreditation with Conditions Report and the areas for improvement listed above and recommends: (1) STANDARD 6 IS MET and (2) CONTINUING ACCREDITATION for Brescia University.

(NOTE: Documentation as it relates to the cited areas for improvement will be sent under separate cover. All accreditation materials will be available at the meeting or will be mailed upon request for those board members wishing to review them.)

Groups/Persons Consulted:

Accreditation Audit Committee

Alternative Actions:

Issue One: Removing and Continuing Areas for Improvement

1. Accept the recommendation of the AAC to remove the two identified areas for improvement and continue the other two areas for improvement.
2. Modify the AAC recommendation and remove all the areas for improvement cited in Standard 6.
3. Modify the AAC recommendation and continue all the areas for improvement cited in Standard 6.
4. Do not accept the AAC recommendation.

Issue Two: Accreditation Decision

1. Accept the recommendation of the AAC and grant *CONTINUING ACCREDITATION* for Brescia University.
2. Modify the AAC recommendation and grant *CONTINUING ACCREDITATION* for Brescia University.
3. Do not accept the AAC recommendation and require a *FOCUSED VISIT* within two years.
4. Do not accept the AAC recommendation and *REVOKE ACCREDITATION* for Brescia University.

AAC Recommendation:

Issue One: Alternative 1

Issue Two: Alternative 1

Rationale:

Brescia University submitted its report according to EPSB requirements and the AAC followed national and state guidelines for accreditation of educator preparation programs.

Contact Person:

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Division of Educator Preparation
(502) 564-4606
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Executive Director

Date:

March 19, 2007

16 KAR 5:010 Standards for accreditation of educator preparation units and approval of programs.

Section 19. Official State Accreditation Action by the Education Professional Standards Board. (1) A recommendation from the Accreditation Audit Committee shall be presented to the full EPSB.

(2) The EPSB shall consider the findings and recommendations of the Accreditation Audit Committee and make a final determination regarding the state accreditation of the educator preparation unit.

(3) Decision options following a first accreditation visit shall include:

(a) Accreditation.

1. This accreditation decision indicates that the unit meets each of the six (6) NCATE standards for unit accreditation. Areas for improvement may be cited, indicating problems warranting the institution's attention. In its subsequent annual reports, the professional education unit shall be expected to describe progress made in addressing the areas for improvement cited in the EPSB's action report.

2. The next on-site visit shall be scheduled five (5) years following the semester of the visit;

(b) Provisional accreditation.

1. This accreditation decision indicates that the unit has not met one (1) or more of the NCATE standards. The unit has accredited status but shall satisfy provisions by meeting each previously-unmet standard. EPSB shall require submission of documentation that addresses the unmet standard or standards within six (6) months of the accreditation decision, or shall schedule a visit focused on the unmet standard or standards within two (2) years of the semester that the provisional accreditation decision was granted. If the EPSB decides to require submission of documentation, the institution may choose to waive that option in favor of the focused visit within two (2) years. Following the focused visit, the EPSB shall decide to:

a. Accredit; or

b. Revoke accreditation.

2. If the unit is accredited, the next on-site visit shall be scheduled for five (5) years following the semester of the first accreditation visit;

(c) Denial of accreditation. This accreditation decision indicates that the unit does not meet one (1) or more of the NCATE standards, and has pervasive problems that limit its capacity to offer quality programs that adequately prepare candidates; or

(d) Revocation of accreditation. This accreditation decision indicates that the unit has not sufficiently addressed the unmet standard or standards following a focused visit.

(4) Decision options following a continuing accreditation visit shall include:

(a) Accreditation.

1. This accreditation decision indicates that the unit meets each of the six (6) NCATE standards for unit accreditation. Areas for improvement may be cited, indicating problems warranting the institution's attention. In its subsequent annual reports, the professional education unit shall be expected to describe progress made in addressing the areas for improvement cited in EPSB's action report.

3. The next on-site visit shall be scheduled for seven (7) years following the semester of the visit;

(b) Accreditation with conditions.

1. This accreditation decision indicates that the unit has not met one (1) or more of the NCATE standards. If the EPSB renders this decision, the unit shall maintain its accredited status, but shall satisfy conditions by meeting previously unmet standards. EPSB shall require submission of documentation that addresses the unmet standard or standards within six (6) months of the decision to accredit with conditions, or shall schedule a visit focused on the unmet standard or standards within two (2) years of the semester that the accreditation with conditions decision was granted. If the EPSB decides to require submission of documentation, the institution may choose to waive that option in favor of the focused visit within two (2) years. Following the focused visit, the EPSB shall decide to:

a. Continue accreditation; or

b. Revoke accreditation.

2. If the EPSB renders the decision to continue accreditation, the next on-site visit shall be scheduled for seven (7) years following the semester in which the continuing accreditation visit occurred;

(c) Accreditation with probation.

1. This accreditation decision indicates that the unit has not met one (1) or more of the NCATE standards and has pervasive problems that limit its capacity to offer quality programs that adequately prepare candidates. As a result of the continuing accreditation review, the EPSB has determined that areas for improvement with respect to standards may place an institution's accreditation in jeopardy if left uncorrected. The institution shall schedule an on-site visit within two (2) years of the semester in which the probationary decision was rendered. This visit shall mirror the process for first accreditation. The unit as part of this visit shall address all NCATE standards in effect at the time of the probationary review at the two (2) year point. Following the on-site review, the EPSB shall decide to:

- a. Continue accreditation; or
- b. Revoke accreditation.

2. If accreditation is continued, the next on-site visit shall be scheduled for five (5) years after the semester of the probationary visit; or

(d) Revocation of accreditation. Following a comprehensive site visit that occurs as a result of an EPSB decision to accredit with probation or to accredit with conditions, this accreditation decision indicates that the unit does not meet one (1) or more of the NCATE standards, and has pervasive problems that limit its capacity to offer quality programs that adequately prepare candidates. Accreditation shall be revoked if the unit:

1. No longer meets preconditions to accreditation, such as loss of state approval or regional accreditation;

2. Misrepresents its accreditation status to the public;

3. Falsely reports data or plagiarized information submitted for accreditation purposes; or

4. Fails to submit annual reports or other documents required for accreditation.

(5) Notification of EPSB action to revoke continuing accreditation or deny first accreditation, including failure to remove conditions, shall include notice that:

(a) The institution shall inform students currently admitted to a certification or rank program of the following:

1. A student recommended for certification or advancement in rank within the twelve (12) months immediately following the denial or revocation of state accreditation and who applies to the EPSB within the fifteen (15) months immediately following the denial or revocation of state accreditation shall receive the certificate or advancement in rank; and

2. A student who does not meet the criteria established in subparagraph 1 of this paragraph shall transfer to a state accredited education preparation unit in order to receive the certificate or advancement in rank; and

(b) An institution for which the EPSB has denied or revoked accreditation shall seek state accreditation through completion of the first accreditation process. The on-site accreditation visit shall be scheduled by the EPSB no earlier than two (2) years following the EPSB action to revoke or deny state accreditation.

**KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item F.1

Action Item:

Thomas More College:

- Master of Arts in Teaching Grades 5-9: English and Communications, Mathematics, Science, and Social Studies
- Master of Arts in Teaching Grades 8-12: Biology, Chemistry, English, Mathematics, Physics, and Social Studies
- Master of Arts in Teaching Grades 5-12: Business and Marketing
Master of Arts in Teaching Grades P-12: Art

Applicable Statutes and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:010

Applicable Goal:

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

Issue:

Should the EPSB approve the following educator preparation program additions?

THOMAS MORE COLLEGE

- 3.0 MIDDLE SCHOOL FOR GRADES 5-9**
Master of Arts in Teaching (Graduate Level):
English and Communications
Mathematics
Science
Social Studies
- 4.0 SECONDARY SCHOOL FOR GRADES 8-12**
Master of Arts in Teaching (Graduate Level):
Biology Mathematics
Chemistry Physics
English Social Studies
- 5.0 CERTIFICATES FOR GRADES 5-12**
Master of Arts in Teaching (Graduate Level):
Business and Marketing

Background:

KRS 161.028 and KRS 161.030 provides for the EPSB to establish curricula for educator preparation programs in Kentucky and approve such programs at institutions of higher education. The Division of Educator Preparation evaluated the program review documents submitted for approval against performance-based program certification guidelines established by the EPSB. This program proposal meets all the requirements set out by the EPSB. An Executive Summary of the program is attached.

Groups/Persons Consulted:

Content Area Program Review Committee
Continuous Assessment Review Committee
Reading Committee

Alternative Actions:

1. Approve the proposed educator preparation program addition
2. Do not approve the proposed educator preparation program addition

Staff Recommendation:

Alternative 1

Rationale:

The proposed educator preparation program addition meets the performance-based program requirements as established by the EPSB.

Contact Person:

Dr. Marilyn K. Troupe, Director
Division of Educator Preparation
(502) 564-4606
E-mail: marilyn.troupe@ky.gov

Executive Director

Date:

March 19, 2007

EXECUTIVE SUMMARY

Theme: Thomas More College proposes the addition of a Master of Arts in Teaching degree program (MAT) in a **Traditional (Track II)** as well as **Option 6, Alternative, (Track I)** design. Both designs offer a route to certification as specified by Kentucky Statute 161.048. The MAT Program will follow the theme of *The Teacher as Leader in a Learning Community* for consistency with the undergraduate program for teacher preparation.

Description of Implementation: The Master of Arts in Teaching curriculum is aligned with the Kentucky New Teacher Standards and includes four candidate checkpoints: 1) Admission Requirements, 2) Candidate Performance Assessment, 3) Degree Candidacy Assessment, and 4) Exit Requirements. The coursework integrates the Kentucky Curriculum and Assessment as well as the Themes required by the Education Professional Standards Board. This means that graduates demonstrate their ability to prepare their students to meet the Kentucky Learner Goals based on Academic Expectations and to successfully teach the Program of Studies and the Core Content for Assessment.

Unique Features of the Program: The Master of Arts in Teaching degree will provide preparation, at the graduate level, in pedagogy for individuals who hold at least a bachelor's degree and demonstrated proficiency in a certifiable field. Face to face classes will be held on campus in the evenings to accommodate the students' typical daytime work schedule. The MAT curriculum will emphasize research to a greater degree than the undergraduate program and will demand high standards of academic rigor. Upon completion of the program, graduates will be considered entry level middle or secondary school teachers who meet the Kentucky New Teacher Standards. Proposed certifiable majors are:

- **Middle Grades Education (Grades 5-9)** – Math, Science, English Communications, and Social Studies
- **Secondary Education (Grades 8-12)** – Biology, Chemistry, Physics, Mathematics, English, and Social Studies
- **Grades P-12** – Art
- **Grades 5-12** – Business Marketing

An underlying premise of the total program is to develop informed, responsible learners in a positive learning environment.

Rationale: During the past six years more than 1,400 persons have participated in one of Kentucky's seven options to alternative certification for teaching. The university-based route allows for aspiring teachers with a Baccalaureate Degree and no education courses to maintain their day job and attend classes at night, on weekends, and during the summer (**Traditional Route**). It also allows aspiring teachers to teach during the day with a Temporary Provisional Certificate and participate in the same course offerings at night, on weekends, and during the summer (**Alternative Route**).

Providing a Master of Arts in Teaching degree program will allow Thomas More College to address regional teaching shortages by attracting persons from business and industry with expertise, especially in the areas of math, business, and science, who are seeking a career change and have always desired to teach. Offering this degree program at Thomas More College supports the College's strategic plan to grow adult education through offering additional degrees at the Master's Level.

**KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item F.2

Action Item:

Morehead State University:

- Instructional Computer Technology Endorsement Grades P-12 (Graduate Level)
- Master of Arts in Education with Instructional Computer Technology Endorsement Grades P-12 (Graduate Level)
- Rank I with Instructional Computer Technology Endorsement Grades P-12 (Graduate Level)

Applicable Statutes and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:010

Applicable Goal:

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

Issue:

Should the EPSB approve the following educator preparation program additions?

MOREHEAD STATE UNIVERSITY

8.0 ENDORSEMENTS

Instructional Computer Technology

9.0 CONTINUING EDUCATION

Master of Arts in Education with ICT Endorsement Planned Program for Rank I with ICT Endorsement

Background:

KRS 161.028 and KRS 161.030 provides for the EPSB to establish curricula for educator preparation programs in Kentucky and approve such programs at institutions of higher education. The Division of Educator Preparation evaluated the program review documents submitted for approval against performance-based program certification guidelines established by the EPSB. These program proposals meet all the requirements set out by the EPSB. Executive Summaries of the programs are attached.

Groups/Persons Consulted:

Content Area Review Committee
Reading Committee

Alternative Actions:

1. Approve the proposed educator preparation program additions
2. Do not approve the proposed educator preparation program additions

Staff Recommendation:

Alternative 1

Rationale:

The proposed educator preparation program additions meet the performance-based program requirements as established by the EPSB.

Contact Person:

Dr. Marilyn K. Troupe, Director
Division of Educator Preparation
(502) 564-4606
E-mail: marilyn.troupe@ky.gov

Executive Director

Date:

March 19, 2007

Master of Arts in Education – Educational Technology with Instructional Computer Technology Endorsement (P-12) Morehead State University

Theme of the Unit:

The central metaphor of the conceptual framework for MoSU's teacher education unit is Educator as Architect: Designing Environments Where Students Construct Knowledge and Develop Skills. This theme is consistent in the proposed 36-hour Master of Arts in Education – Educational Technology with Instructional Computer Technology Endorsement. This program is designed to enhance teacher's abilities to design constructivist environments through the use of instructional technology and design principles. Additionally the Master of Arts in Education – Educational Technology with Instructional Computer Technology Endorsement proposal addresses the relationship of the program to the mission, philosophy, commitments, and dispositions of the MoSU College of Education.

Continuous Assessment:

Continuous assessment is conducted in this program through the entrance and exit requirements and analysis of candidates' performance. Candidates wishing entrance to the program will be required to meet the university requirements for graduate study as well as score a composite GRE score of 750 and 2.5 on the GRE analytic writing subtest. Candidates will be required to pass the program exit exam and submit a professional portfolio demonstrating mastery of the content covered within the program core courses. The results of the exit requirements will be analyzed to determine strengths and weaknesses in the program and make adjustments accordingly.

KERA Initiatives:

This program is designed to infuse the KERA goals and expectations, Program of Studies, and Core Content into the course requirements and learning experiences. The candidates will utilize a variety of technologies and resources throughout their coursework to integrate technology into the learning environment to support teaching and learning. Candidates will design, develop, utilize, manage, and evaluate instruction and instructional materials that can address the KERA initiatives throughout all subject areas and grade levels.

EPSB Themes:

The EPSB themes of diversity, Code of Ethics, technology, literacy, and leadership are significant to the MoSU College of Education and are addressed within the courses of this program. Candidates will gain knowledge and an understanding of these themes throughout the program.

Unique Program Features:

This M.A. program and instructional computer technology endorsement was designed to align with Kentucky Experienced Teacher Standards, International Society for Technology in Education (ISTE) *Educational Computing and Technology Standards for Technology Facilitation*, and the Association for Educational Communications and Technology (AECT) *Standards for Accreditation of Educational Technology Specialists programs*. The course of study in this program is focused on a combination of instructional technology and instructional design to build upon the prior knowledge candidates would have coming into the program. Unique features of the program include collaboration multiple departments throughout MoSU. Also, all courses within this program will be offered as online courses.

Rationale for the Program:

The M.A. program and instructional computer technology endorsement will prepare teachers to become instructional leaders in the area of technology integration into the curriculum and instructional design. Teachers completing this M.A. program and instructional computer technology endorsement will receive training in the areas of instructional technology and design based on best practices in instructional computer technology as well as state and national standards. This program will support the efforts of teachers who are interested in integrating technology into their instruction and are interested in providing instructional technology and instructional design leadership within their schools and districts. This program responds directly to the needs of MoSU alumni and other constituencies who have asked for opportunities to enhance the educational technology training of teachers to better prepare students in P-12 schools and address the needs of students of the digital generation.

Rank I in Educational Technology with Instructional Computer Technology Endorsement (P-12) Morehead State University

Theme of the Unit:

The central metaphor of the conceptual framework for MoSU's teacher education unit is Educator as Architect: Designing Environments Where Students Construct Knowledge and Develop Skills. This theme is consistent in the proposed Rank I program with instructional computer technology endorsement. The Rank I program requires a minimum of 60 approved graduate credits including a Master's degree or 30 approved graduate credits in addition to a Rank II. This program is designed to enhance teacher's abilities to design constructivist environments through the use of instructional technology and design principles. Additionally the Rank I in Educational Technology with Instructional Computer Technology Endorsement proposal addresses the relationship of the program to the mission, philosophy, commitments, and dispositions of the MoSU College of Education.

Continuous Assessment:

Continuous assessment is conducted in this program through the entrance and exit requirements and analysis of candidates' performance. Candidates wishing entrance to the program will be required to hold a Master's degree or completed a 5th year program as well as score a composite GRE score of 750 and maintain a 3.0 on all graduate work. Candidates will be required to pass the program exit exam and submit a professional portfolio demonstrating mastery of the content covered within the program core courses. The results of the exit requirements will be analyzed to determine strengths and weaknesses in the program and make adjustments accordingly.

KERA Initiatives:

This program is designed to infuse the KERA goals and expectations, Program of Studies, and Core Content into the course requirements and learning experiences. The candidates will utilize a variety of technologies and resources throughout their coursework to integrate technology into the learning environment to support teaching and learning. Candidates will design, develop, utilize, manage, and evaluate instruction and instructional materials that can address the KERA initiatives throughout all subject areas and grade levels.

EPSB Themes:

The EPSB themes of diversity, Code of Ethics, technology, literacy, and leadership are significant to the MoSU College of Education and are addressed within the courses of this program. Candidates will gain knowledge and an understanding of these themes throughout the program.

Unique Program Features:

This Rank I program and instructional computer technology endorsement was designed to align with Kentucky Experienced Teacher Standards, International Society for Technology in Education (ISTE) *Educational Computing and Technology Standards for Technology Facilitation*, and the Association for Educational Communications and Technology (AECT) *Standards for Accreditation of Educational Technology Specialists programs*. The course of study in this program is focused on a combination of instructional technology and instructional design to build upon the prior knowledge candidates would have coming into the program. Unique features of the program include collaboration multiple departments throughout MoSU. Also, all courses within this program will be offered as online courses.

Rationale for the Program:

The Rank I program and instructional computer technology endorsement will prepare teachers to become instructional leaders in the area of technology integration into the curriculum and instructional design. Teachers completing this Rank I program and instructional computer technology endorsement will receive training in the areas of instructional technology and design based on best practices in instructional computer technology as well as state and national standards. This program will support the efforts of teachers who are interested in integrating technology into their instruction and are interested in providing instructional technology and instructional design leadership within their schools and districts. This program responds directly to the needs of MoSU alumni and other constituencies who have asked for opportunities to enhance the educational technology training of teachers to better prepare students in P-12 schools and address the needs of students of the digital generation.

Instructional Computer Technology Endorsement (P-12)

Morehead State University

Theme of the Unit

The central metaphor of the conceptual framework for MoSU's teacher education unit is Educator as Architect: Designing Environments Where Students Construct Knowledge and Develop Skills. This theme is consistent in the proposed 15-hour instructional computer technology endorsement. This program is designed to enhance teacher's abilities to design constructivist environments through the use of instructional technology and design principles. Additionally the Instructional Computer Technology Endorsement proposal addresses the relationship of the program to the mission, philosophy, commitments, and dispositions of the MoSU College of Education.

Continuous Assessment:

Continuous assessment is conducted in this program through the entrance and exit requirements and analysis of candidates' performance. Candidates wishing entrance to the program will be required to meet the university requirements for graduate study as well as score a composite GRE score of 750 and 2.5 on the GRE analytic writing subtest. Candidates will be required to pass the program exit exam and submit a professional portfolio demonstrating mastery of the content covered within the program core courses. The results of the exit requirements will be analyzed to determine strengths and weaknesses in the program and make adjustments accordingly.

KERA Initiatives:

This program is designed to infuse the KERA goals and expectations, Program of Studies, and Core Content into the course requirements and learning experiences. The candidates will utilize a variety of technologies and resources throughout their coursework to integrate technology into the learning environment to support teaching and learning. Candidates will design, develop, utilize, manage, and evaluate instruction and instructional materials that can address the KERA initiatives throughout all subject areas and grade levels.

EPSB Themes:

The EPSB themes of diversity, Code of Ethics, assessment, literacy, and closing the achievement gap are significant to the MoSU College of Education and are addressed within the courses of this program. Candidates will gain knowledge and an understanding of these themes throughout the program.

Unique Program Features:

This endorsement program was designed to align with Kentucky Experienced Teacher Standards, International Society for Technology in Education (ISTE) *Educational Computing and Technology Standards for Technology Facilitation*, and the Association for Educational Communications and Technology (AECT) *Standards for Accreditation of Educational Technology Specialists programs*. The course of study in this program is focused on a combination of instructional technology and instructional design to build upon the prior knowledge candidates would have coming into the program. Unique features of the program include collaboration multiple departments throughout MoSU. Also, all courses within this program will be offered as online courses.

Rationale for the Program:

This endorsement program will prepare teachers to become instructional leaders in the area of technology integration into the curriculum. Teachers completing this endorsement program will receive training in the areas of instructional technology and design based on best practices in instructional computer technology as well as state and national standards. This program will support the efforts of teachers who are interested in integrating technology into their instruction and are interested in providing instructional technology leadership within their schools and districts. This program responds directly to the needs of MoSU alumni and other constituencies who have asked for opportunities to enhance the educational technology training of teachers to better prepare students in P-12 schools and address the needs of students of the digital generation.

16 KAR 5:010 Standards for accreditation of educator preparation units and approval of programs

Section 20. Program Approval Action Outside the First or Regular Continuing Accreditation Cycle. (1) Approval of a program shall be through the program process established in Section 11 of this administrative regulation except that a new program not submitted during the regular accreditation cycle or a program substantially revised since submission during the accreditation process shall be submitted for approval by the EPSB prior to admission of a student to the program.

(2) For a new or substantially revised program, the EPSB shall consider a recommendation by staff, including review by the Continuous Assessment Review Committee, Content Program Review Committee and the Reading Committee.

(3) A recommendation made pursuant to subsection (2) of this section shall be presented to the full EPSB.

(4) Program approval decision options shall be:

(a) Approval, with the next review scheduled during the regular accreditation cycle unless a substantial revision is made;

(b) Approval with conditions, with a maximum of one (1) year probationary extension for correction of a specified problem to be documented through written materials or through an on-site visit. At the end of the extension, the EPSB shall decide that the documentation supports:

1. Approval; or

2. Denial of approval; or

(c) Denial of approval, indicating that a serious problem exists which jeopardizes the quality of preparation of school personnel.

(5) The EPSB shall order review of a program if it has cause to believe that the quality of preparation is seriously jeopardized. The review shall be conducted under the criteria and procedures established in the EPSB "Emergency Review of Certification Programs Procedure" policy incorporated by reference. The on-site review shall be conducted by EPSB staff and a Board of Examiners team. The review shall result in a report to which the institution may respond. The review report and institutional response shall be used by the Executive Director of the EPSB as the basis for a recommendation to the full EPSB for:

(a) Approval;

(b) Approval with conditions; or

(c) Denial of approval for the program.

(6) If the EPSB denies approval of a program, the institution shall notify each student currently admitted to that program of the EPSB action. The notice shall include the following information:

(a) A student recommended for certification or advancement in rank within the twelve (12) months immediately following the denial of state approval and who applies to the EPSB within the fifteen (15) months immediately following the denial of state approval shall receive the certification or advancement in rank; and

(b) A student who does not meet the criteria established in paragraph (a) of this subsection shall transfer to a state approved program in order to receive the certificate or advancement in rank.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver A

Action Item:

16 KAR 5:040. Waiver of the Cooperating Teacher Eligibility Requirements

Applicable Statutes and Regulation:

16 KAR 5:040, Section 2 (d)

Applicable Goal:

Goal 1: Every approved educator preparation program meets or exceeds all accreditation standards and prepares knowledgeable, capable teachers and administrators who demonstrate effectiveness in helping all students reach educational achievement.

Issue:

Should the Education Professional Standards Board grant a waiver of the cooperating teacher eligibility requirements?

Background:

Dr. Kathryn Akural, Chair, Education Studies Department at Berea College, is requesting a waiver of 16 KAR 5:040, Section 2 (d), which requires a cooperating teacher to have taught in their present school system of employment for at least one year immediately prior to being assigned a student teacher on behalf of Ms. Teresa Griffin. The request is for spring 2007.

This request is made in order to arrange placement for a student teacher in the elementary education program at the Berea College. Ms. Griffin has taught for 21 years and has attained a Rank II. Because she transferred to the Lincoln County School District from Fayette County this fall, she does not meet the one year employment requirement. Ms. Griffin, a primary teacher comes highly recommended by her current principal at Crab Orchard Elementary School. She fully meets all other requirements of the regulation

A copy of Dr. Akural's letter, other supporting documentation, and the pertinent part of the regulation are attached.

Alternative Actions:

1. Approve the waiver request
2. Deny the waiver request

Contact Person:

Dr. Marilyn Troupe, Director
Division of Educator Preparation
(502) 564-4606
E-mail: marilyn.troupe@ky.gov

Executive Director

Date:

March 19, 2007

March 19, 2007

16 KAR 5:040. Admission, placement, and supervision in student teaching.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that educator preparation institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 requires that a certificate shall be issued to a person who has completed a program approved by the Education Professional Standards Board. KRS 161.042 requires the Education Professional Standards Board to promulgate an administrative regulation relating to student teachers, including the qualifications for supervising teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 1. Definition. "Cooperating teacher" or "supervising teacher" means a teacher employed in a school in Kentucky who is contracting with an educator preparation institution to supervise a student teacher for the purpose of fulfilling the student teaching requirement of the approved educator preparation program.

Section 2. Cooperating Teacher Eligibility Requirements. (1) Except as provided in subsection (2) of this section, the cooperating teacher, whether serving in a public or nonpublic school, shall have:

- (a) A valid Kentucky teaching certificate for each grade and subject taught;
- (b) Attained Rank II certification;
- (c) At least three (3) years of teaching experience on a Professional Certificate; and
- (d) Taught in the present school system at least one (1) year immediately prior to being assigned a student teacher.

(2) If a cooperating teacher has not attained Rank II certification, the teacher shall have attained a minimum of fifteen (15) hours of approved credit toward a Rank II within a minimum period of five (5) years.

(3) Teachers assigned to a teaching position on the basis of a probationary or emergency certificate issued by the Education Professional Standards Board shall not be eligible for serving as a cooperating teacher.

(4) In selecting a cooperating teacher, the district shall give consideration to the following criteria:

- (a) A demonstrated ability to engage in effective classroom management techniques that promote an environment conducive to learning;
- (b) An ability to model best practices for the delivery of instruction;
- (c) A mastery of the content knowledge or subject matter being taught;
- (d) The demonstration of an aptitude and ability to contribute to the mentoring and development of a preservice educator;
- (e) An ability to use multiple forms of assessment to inform instruction; and
- (f) An ability to create a learning community that values and builds upon student's diverse cultures.

Section 3. Admission to Student Teaching. In addition to the appropriate sections of the National Council for Accreditation of Teacher Education (NCATE) standards which are incorporated under 16 KAR 5:010, each educator preparation institution shall determine minimum standards for admission to student teaching which shall include the procedures established in this section. Admission to student teaching shall include a formal application procedure for each teacher candidate.

(1) A record or report from a valid and current medical examination, which shall have included a tuberculosis test, shall be placed on file with the admissions committee.

(2) Prior to and during the student teaching experience, the teacher candidate shall adhere to the Professional Code of Ethics for Kentucky School Personnel established in 16 KAR 1:020.

Section 4. Teacher-student Ratio. The ratio of student teachers to cooperating teachers shall be one (1) to one (1).

Section 5. College Supervisor. (1) The college supervisor shall make periodic observations of the student teacher in the classroom and shall prepare a written report on each observation and share it with the student teacher.

(2) The observation reports shall be filed as a part of the student teacher record and also used as a validation of the supervisory function.

(3) A student teacher shall receive periodic and regular on-site observations and critiques of the actual teaching situation a minimum of four (4) times excluding seminars and workshops.

(4) The college supervisors shall be available to work with the student teacher and personnel in the cooperating school regarding any problems that may arise relating to the student teaching situation.

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference under 16 KAR 5:010, the educator preparation institution shall provide an opportunity for the student teacher to assume major responsibility for the full range of teaching duties in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. In placing the student teachers in classroom settings, the educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide experiences, situations, and challenges similar to those encountered by first year teachers.

(2) Each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of twelve (12) weeks, full day, or equivalent, in school settings that correspond to the grade levels each and content area of the student teacher's certification program.

Section 7. Compensation of Cooperating Teachers. (1) The Education Professional Standards Board shall contract with the local school district, or make other appropriate arrangements, for the direct service of a cooperating teacher to each student teacher.

(2)(a) The educator preparation institution shall electronically submit a report of all cooperating teachers and their corresponding student teachers to the Education Professional Standards Board:

1. On or before October 15 for a cooperating teacher supervising a student teacher during the fall semester; or

2. On or before February 15 for a cooperating teacher supervising a student teacher during the spring semester.

(b) Each report shall include:

1. The number of contract weeks that the cooperating teacher is working with each student teacher for that semester;

2. The cooperating teacher's full name and certificate number;

3. The student teacher's full name, Social Security number, demographic data, and contact information;

4. The student teacher's preparation and certification area by assigned certification code;

5. The names and assigned codes of the school and school district where the cooperating teacher is employed and the student teaching requirement is being fulfilled. If the certified cooperating teacher is employed in a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association, the institution shall submit the name, assigned code, and address of the school.

(c) If an educator preparation institution fails to provide the report by the date established in paragraph (a) of this subsection, the Education Professional Standards Board shall not be liable for payment under this administrative regulation.

(3)(a) Upon receipt of the report, the Education Professional Standards Board shall submit a "Cooperating Teacher Payment Voucher" to each cooperating teacher.

(b) The voucher, or its electronic equivalent if available, shall be signed by the cooperating teacher, building principal, and the college supervisor as verification of the cooperating teacher's service to the student teacher.

(c) To be eligible for compensation under this administrative regulation, the cooperating teacher shall submit the completed voucher to the Education Professional Standards Board:

1. On or before December 15 for a cooperating teacher supervising a student teacher during the fall semester; or

2. On or before May 1 for a cooperating teacher supervising a student teacher during the spring semester.

(d) If a cooperating teacher fails to provide the completed voucher, or its electronic equivalent, by the date established in paragraph (c) of this subsection, the cooperating teacher shall not be eligible to receive any compensation available under this administrative regulation.

(4)(a) The payment to a cooperating teacher shall be determined based upon available funding allocated under the biennial budget bill and the total number of weeks served by all cooperating teachers reported for the fiscal year.

(b) The payment shall be allocated to a cooperating teacher based upon the number of weeks the teacher supervised a student teacher as reported in subsections (2) and (3) of this section.

(5) Payments to cooperating teachers shall be disbursed to the school districts or to cooperating teachers in nonpublic schools by the Education Professional Standards Board:

(a) On an annual basis; and

(b) On or before June 15.

(6) Compensation to cooperating teachers shall be provided under this administrative regulation if state funds are appropriated for this purpose. Payment of state funds under this administrative regulation shall:

(a) Be a supplement to the compensation provided by an educator preparation institution to a cooperating teacher who is supervising an institution's student teacher; and

(b) Not supplant the educator preparation institutions' compensation responsibility.

Section 8. Incorporation by Reference. (1) "Cooperating Teacher Payment Voucher", revised 7/2000, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 4281; eff. 8-4-97; Am. 27 Ky.R. 1082; 1475; eff. 12-21-2000; 28 Ky.R. 2077; 2347; eff. 5-16-2002; recodified from 704 KAR 20:706, 7-2-2002; 33 Ky.R. 838; 1274; eff. 12-1-06.)

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver B

Action Item:

16 KAR 6:010. Request to Waive Written Examination Prerequisites for Teacher Certification.

Applicable Statute or Regulation:

KRS 161:030 Section 3(a)
16 KAR 6:010 Section 2

Applicable Goal:

Goal III: A properly credentialed person shall staff every professional position in Kentucky's public schools.

Issue:

Should the Education Professional Standards Board waive 16 KAR 6:010 Written examination prerequisites for teacher certification for three individuals seeking Kentucky certification?

Background:

Issue 1: Request to waive test requirement for an individual seeking elementary certification

EPSB staff received a waiver request from Aaron Halbert who is pursuing elementary certification from Morehead State University. On April 20, 2002, Mr. Halbert completed one of the two required tests, *Principles of Learning and Teaching: Grades K-6 (0522)*. At that time there was no cut score established for 0522, so his test completion was considered successful. From April 20, 2002 to June 10, 2006, Mr. Halbert made eight attempts to pass the second of the two required tests, *Elementary Education: Curriculum, Instruction, and Assessment (0011)*. On his eighth try, he passed the test with a score of 171 (the cut score was 163).

Prior to his success on this test, Mr. Halbert sought medical assistance and was diagnosed as having severe test anxiety and Adult Attention Deficit Hyperactivity Disorder. He shared his diagnosis with the Educational Testing Service (ETS) and was given a testing accommodation that allowed him time and a half on all Praxis tests.

Unfortunately, on his last two attempts, Mr. Halbert should have been taking *Elementary Education: Content Knowledge (0014)*. Until August 31, 2005 individuals pursuing elementary certification were allowed to successfully complete either *Elementary Education: Curriculum, Instruction, and Assessment (0011)* or *Elementary Education: Content Knowledge (0014)*. However, beginning September 1, 2005, individuals pursuing elementary

certification are required to successfully complete *Elementary Education: Content Knowledge (0014)*.

Mr. Halbert states he did not know the testing requirement had changed. Mr. Halbert did take 0014 in January 2007 and is awaiting his score, but since he successfully completed 0011 he is asking the Board to waive the requirement that he successfully complete 0014.

Issue #2: Request to waive test requirements for an individual seeking certification to teach students with learning and behavior disorders

EPSB staff received a waiver request from Deborah R. Lewis who is pursuing LBD certification. In June 2006, Ms. Lewis was unsuccessful in her attempts to pass *Special Education: Application of Core Principles Across Categories of Disabilities (0352)* and *Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371)*. However, she successfully completed both of these tests in November 2006 not realizing the regulation had changed and that she should have been taking *Education of Exceptional Students: Core Content Knowledge (0353)* and *Education of Exceptional Students: Mild to Moderate Disabilities (0542)*.

Until August 31, 2006, the tests Ms. Lewis had taken would have been acceptable. However, beginning September 1, 2006, 0353 replaced 0352, and 0542 replaced 0371.

Ms. Lewis is asking that since she successfully completed 0352 and 0371 the Board waive the requirement that she successfully complete 0353 and 0542.

Issue #3: Request to waive test requirement and allow New York test substitutions

Hannah Brooks is seeking elementary certification and is requesting that the tests she successfully completed in New York be allowed to substitute for the ones required in Kentucky.

The following tables lists the tests Ms. Brooks successfully completed in New York and the tests required in Kentucky.

New York Tests	Test Date
<i>001 Liberal Arts and Science</i>	12-9-06
<i>002 Multi-Subject</i>	12-9-06
<i>090 Assessment of Teaching Skills (ATS-W)-Written- Elementary</i>	9-30-06

Kentucky-Required Tests
<i>Elementary Education: Content Knowledge (0014)</i>
<i>Principles of Learning and Teaching (0522)</i>

Staff Review:

1. The **New York 001 Liberal Arts and Science test** contains both multiple-choice and constructed-response items and includes the same content as *002 Multi-Subject*, as well as communication and research. Language arts concepts not included in 002 are

included in 001 and appear more in depth than in Kentucky's *Elementary Education: Content Knowledge (0014)*.

2. The **New York 002 Multi-Subject test** has both multiple-choice and constructed-response items and includes birth through grade 9 content in areas of English, mathematics, science and technology, social studies, arts, health and fitness, family and consumer science, and career development. *Elementary Education: Content Knowledge (0014)* is a multiple-choice test that includes primary through upper elementary content in language arts, mathematics, social studies, and science. All concepts of 0014 are included in 002 with the exception of some in language arts.
3. Based on the test framework, the **New York 090 Assessment of Teaching Skills (ATS-W)-Written- Elementary** lacks assessment of IDEA, ADA, and other exceptional education issues. EPSB denied substitution of the NY Assessment of Teaching Skills - Secondary test in August 2006.

Alternative Actions:

Issue #1: Request to waive test requirement for an individual seeking elementary certification

1. Approve the waiver request.
2. Do not approve the waiver request.

Issue #2: Request to waive test requirements for an individual seeking certification to teach students with learning and behavior disorders

1. Approve the waiver request.
2. Do not approve the waiver request.

Issue #3: Request to waive test requirement and allow New York test substitutions

1. Accept New York tests *001 Liberal Arts and Science* and *002 Multi-Subject* in place of *Elementary Education: Content Knowledge (0014)*, but do not accept New York's *090 Assessment of Teaching Skills (ATS-W)-Written- Elementary* in place of Kentucky's *Principles of Learning and Teaching (0522)*.
2. Accept New York tests *001 Liberal Arts and Science* and *002 Multi-Subject* in place of *Elementary Education: Content Knowledge (0014)* and accept New York's *090 Assessment of Teaching Skills (ATS-W)-Written- Elementary* in place of Kentucky's *Principles of Learning and Teaching (0522)*.

Staff Recommendations:

Issue #1: Request to waive test requirement for an individual seeking elementary certification

Alternative Action 2

Issue #2: Request to waive test requirements for an individual seeking certification to teach students with learning and behavior disorders

Alternative Action 2

Issue #3: Request to waive test requirement and allow New York test substitutions

Alternative Action 1

Rationale:

Issue #1: Request to waive test requirement for an individual seeking elementary certification

The rationale for the Board's adoption of *Elementary Education: Content Knowledge (0014)* as recorded in the March 2004 meeting minutes is that this test focuses on content rather than pedagogy, which is assessed through the administration of *Principles of Learning and Teaching: Grades K-6 (0522)*. The Board scheduled the testing requirement change so that between September 1, 2004 and August 31, 2005, both *0011* or *0014* were accepted, allowing a one year transition to ensure time for communication that beginning September 1, 2005, only *0014* would be allowed.

The need for teachers to demonstrate subject matter competency for certification purposes and to be considered highly qualified by federal guidelines requires potential teachers to successfully complete high quality, rigorous content area assessments.

For this reason, staff is recommending this waiver be denied and that Mr. Halbert be directed toward the "Test At A Glance" provided on the ETS website to assist him in test preparation.

Issue #2: Request to waive test requirements for an individual seeking certification to teach students with learning and behavior disorders

As reflected in the March 2004 Board meeting minutes, the rationale for the Board's adoption of *Exceptional Students: Core Content Knowledge (0353)* was that the required test would be administered to all teachers of exceptional students and a more cross-categorical assessment was needed. The test that was being required, *Special Education: Application of Core Principles Across Categories of Disabilities (0352)* addressed only selected disabilities.

Likewise, when ETS developed *Education of Exceptional Students: Mild to Moderate Disabilities (0542)* in response to the need for addressing degree of severity (e.g., mild to moderate) rather than specific category of disability (e.g., learning and behavior disorders), the Board replaced *Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371)* with *0542*.

The assessment needs identified by the Board in March 2004 continue to be met by the administration of *0353* and *0542*. These tests allow potential teachers to demonstrate competencies needed and partners with other indicators in determining whether additional training is needed before professional certification is granted.

For this reason, staff is recommending this waiver be denied and that Ms. Lewis be directed toward the “Tests at a Glance” provided on the ETS website to assist her in test preparation.

Issue #3: Request to waive test requirement and allow New York test substitutions

Based on the New York State Teacher Certification Examinations Test Framework, *090 Assessment of Teaching Skills (ATS-W)-Written- Elementary* lacks assessment of IDEA, ADA, and other exceptional education issues. EPSB denied substitution of the New York State Assessment of Teaching Skills – Written (ATS-W)-Secondary test in August 2006.

For this reason, staff is recommending that two of the New York tests be accepted but that one not be accepted. Staff recommends that Ms. Brooks be directed to take Kentucky’s *Principles of Learning and Teaching (0522)*.

Contact Person:

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Executive Director

Date:

March 19, 2007

16 KAR 6:010. Written examination prerequisites for teacher certification.

RELATES TO: KRS 161.020, 161.028(1), 161.030(3), (4)

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) requires the Education Professional Standards Board to select the appropriate assessments required prior to teacher certification. This administrative regulation establishes the written examination prerequisites for teacher certification.

Section 1. A teacher applicant for certification shall successfully complete the appropriate written tests identified in this administrative regulation prior to Kentucky teacher certification.

Section 2. The Education Professional Standards Board shall require the specialty tests and passing scores identified in this section for each new teacher applicant, and each teacher seeking an additional certificate, who completes application for certification on or after September 1, 2003.

(1) An applicant for interdisciplinary early childhood education, birth to primary, certification shall take an Education Professional Standards Board Interdisciplinary Early Childhood Specialty Test, with a passing score of 150.

(2) Until August 31, 2005, an applicant for elementary certification shall take Elementary Education: Curriculum, Instruction, and Assessment (0011) with a passing score of 163 or Elementary Education: Content Knowledge (0014) with a passing score of 148. Beginning September 1, 2005, the applicant shall take Elementary Education: Content Knowledge (0014) with a passing score of 148.

(3) An applicant for middle school certification shall take one (1) or two (2) middle school specialty tests based on the applicant's area or areas of specialty with passing scores as identified in this subsection:

- (a) Middle School Mathematics (0069) - 148;
- (b) Middle School Science (0439) - 139;
- (c) Middle School English Language Arts (0049) - 160; or
- (d) Middle School Social Studies (0089) - 152.

(4) An applicant for certification for teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take each specialty test based on the applicant's specialty with the corresponding passing score as identified in this subsection:

(a) Communication disorders:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Speech Language Pathology (0330) - 600;

(b) Learning and behavior disorders:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students:

Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Until August 31, 2006, Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157 or Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172. Beginning September 1, 2006, Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172;

(c) Moderate and severe disabilities:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Special Education: Teaching Students with Mental Retardation (0321) - 146;

(d) Hearing impaired:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Education of Deaf and Hard of Hearing Students (0271) - 167;

(e) Hearing impaired with sign proficiency:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157;

2. Education of Deaf and Hard of Hearing Students (0271) - 167; and

3. One (1) of the following tests with a passing score of "Intermediate Level":

a. Sign Communication Proficiency Interview (SCPI); or

b. Educational Sign Skills Evaluation (ESSE).

(f) Visually impaired:

1. Until August 31, 2006, Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146 or Education of Exceptional Students: Core Content Knowledge (0353) - 157. Beginning September 1, 2006, Education of Exceptional Students: Core Content Knowledge (0353) - 157; and

2. Teaching Students with Visual Impairments (0280) - 700.

(5) An applicant for certification at the secondary level shall take the specialty tests corresponding to the applicant's specialty with the passing scores identified in this subsection:

(a) Biology:

1. From January 24, 2005 through August 31, 2005:

a. (i) Biology: Content Knowledge Part 1 (0231) - 156; and

(ii) Biology: Content Essays (0233) - 141; or

b. Biology: Content Knowledge (0235)-146; or

2. Beginning September 1, 2005, Biology: Content Knowledge (0235) - 146;

(b) Chemistry:

1. From January 24, 2005 through August 31, 2005:

a. (i) General Science: Content Knowledge Part 2 (0432) - 146; and

(ii) Chemistry: Content Knowledge (0241) - 138; or

b. Chemistry: Content Knowledge (0245) - 147; or

2. Beginning September 1, 2005, Chemistry: Content Knowledge (0245) - 147;

(c) English:

1. English Language and Literature: Content Knowledge (0041) - 160; and
2. English Language, Literature and Composition Essays (0042) - 155;
- (d) Social Studies:
 1. Social Studies: Content Knowledge (0081) - 151; and
 2. Social Studies: Interpretation of Materials (0083) - 160;
- (e) Mathematics:
 1. Mathematics: Content Knowledge (0061) - 125; and
 2. Mathematics: Proofs, Models, and Problems (0063) - 141;
- (f) Physics:
 1. From January 24, 2005, through August 31, 2005:
 - a. (i) General Science: Content Knowledge, Part 2 (0432) - 146; and
 - (ii) Physics: Content Knowledge (0261) - 114; or
 - b. Physics: Content Knowledge (0265) - 133; or
 2. Beginning September 1, 2005, Physics: Content Knowledge (0265) - 133
- (g) Earth science:
 1. From January 24, 2005, through August 31, 2005:
 - a. General Science: Content Knowledge, Part 2 (0432) - 146; and
 - b. Earth Science: Content Knowledge (0571) - 145; or
 2. Beginning September 1, 2005, Earth Science: Content Knowledge (0571) - 145.

(6) An applicant for certification in all grades in the following specialty areas shall take the specialty test or tests with the passing scores as identified in this subsection.

- (a) Art:
 1. Art Content Knowledge (0133) - 161; and
 2. Art Making (0131) - 154;
- (b) French:
 - French: Content Knowledge (0173) - 159;
- (c) German: German: Content Knowledge (0181) - 157;
- (d) Health: Health Education (0550) - 630;
- (e) Latin: Latin (0600) - 700;
- (f) Integrated music:
 1. Music: Content Knowledge (0113) - 154; and
 2. Music: Concepts and Processes (0111) - 145;
- (g) Vocal music:
 1. Music: Content Knowledge (0113) - 154; and
 2. Music: Concepts and Processes (0111) - 145;
- (h) Instrumental music:
 1. Music: Content Knowledge (0113) - 154; and
 2. Music: Concepts and Processes (0111) - 145;
- (i) Physical education:
 1. Physical Education: Content Knowledge (0091) - 147; and
 2. Physical Education: Movement Forms-Analysis and Design (0092) - 151;
- (j) Spanish:
 - Spanish Content Knowledge (0191) - 160;
- (k) School Media Librarian: Library Media Specialist (0310) - 640; or
- (l) School Psychologist: NTE Specialty Area Examination - 630.

(7) An applicant for career and technical education certification to teach in grades 5-12 with one (1) or more of the following specializations shall take the specialty tests with the passing scores as identified in this subsection:

(a) Agriculture: Agriculture (0700) - 520;

(b) Business and Marketing Education - Business Education (0100) - 600;

(c) Family and Consumer Sciences - Home Economics Education (0120) - 600;

(d) Technology Education - Technology Education (0050) - 600; or

(e) Industrial education. An applicant for industrial education with one (1) or more trade and industry specializations shall complete the assessments established in 16 KAR 6:020.

(8) An applicant for a restricted base certificate in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: English to Speakers of Other Languages (0360) - 620;

(b) Speech/Media Communications: Speech Communication (0220) - 580; or

(c) Theater: Theatre (0640) - 630.

(9) An applicant for an endorsement in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: English to Speakers of Other Languages (0360) - 620; or

(b) Learning and Behavior Disorders, grades 8-12: Until August 31, 2006, Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157. Beginning September 1, 2006, Education of Exceptional Students: Mild to Moderate Disabilities (0542) - 172.

Section 3. In addition to the specialty area tests established in Section 2 of this administrative regulation, the Education Professional Standards Board shall require the pedagogy tests and passing scores identified in this section for each new teacher applicant beginning September 1, 2003. If an individual is seeking additional certification in any area, the applicant need only take one (1) of the pedagogy tests identified in this administrative regulation.

(1) An applicant for elementary certification (grades P-5) shall take Principles of Learning and Teaching: Grades K-6 (0522) - 161.

(2) An applicant for middle school certification grades five (5) through nine (9) shall take Principles of Learning and Teaching: Grades 5-9 (0523) - 161.

(3) An applicant applying only for certification for teacher of exceptional children shall not be required to take a separate pedagogy test established in this section. The specialty area tests established in Section 2 of this administrative regulation shall fulfill the pedagogy test requirement for a teacher of exceptional children.

(4) An applicant for certification at the secondary level grades eight (8) through twelve (12) shall take Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(5) An applicant for certification in all grades with a specialty area (e.g., art, music, etc.) shall take either:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(6) An applicant for career and technical education certification in grades five (5) through twelve (12) shall take either:

- (a) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or
- (b) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(7) An applicant for a restricted base certificate shall take one (1) of the following pedagogy tests corresponding to the grade range of the specific restricted base certificate:

- (a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;
- (b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or
- (c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

Section 4. Assessment Recency. (1) A passing score on a test established in this administrative regulation and completed on or after January 1, 2002 shall be valid for the purpose of applying for certification for five (5) years from the test administration date.

(2) A teacher who fails to complete application for certification to the Education Professional Standards Board within the applicable recency period of the test and with the passing score established in this administrative regulation shall retake the appropriate test or tests and achieve the appropriate passing score or scores required for certification at the time of application.

(3) The test administration date shall be established by the Educational Testing Service or other authorized test administrator.

Section 5. (1) An applicant for initial certification shall take the assessments on a date established by:

- (a) The Educational Testing Service;
- (b) The Education Professional Standards Board for special administration; or
- (c) The agency established by the Education Professional Standards Board as the authorized test administrator.

(2) An applicant shall authorize test results to be forwarded by the Educational Testing Service, or other authorized test administrator, to the Kentucky Education Professional Standards Board and to the appropriate teacher preparation institution where the applicant received the relevant training.

(3)(a) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration.

(b) An applicant shall seek information regarding the dates and location of the tests and make application for the appropriate examination prior to the deadline established and sufficiently in advance of anticipated employment to permit test results to be received by the Education Professional Standards Board and processed in the normal certification cycle.

Section 6. An applicant shall pay the appropriate examination fee established by the Educational Testing Service for each relevant test required to be taken.

Section 7. An applicant who fails to achieve at least the minimum score on any of the appropriate examinations may retake the test or tests during one (1) of the scheduled test administrations.

Section 8. The Education Professional Standards Board shall collect data and conduct analyses of the scores and institutional reports provided by the Educational Testing Service to determine the impact of these tests and permit a review of this administrative regulation on an annual or biennial basis. (11 Ky.R. 672; eff. 12-11-84; Am. 12 Ky.R. 1883; eff. 7-2-86; 14 Ky.R. 1967; eff. 5-9-88; 21 Ky.R. 3076; 22 Ky.R. 283; eff. 8-3-95; 23 Ky.R. 2856; 3351; eff. 3-6-97; 24 Ky.R. 1141; 1508; eff. 1-12-98; 25 Ky.R. 429; 841; eff. 10-1-98; 26 Ky.R. 439; 746; 1001; eff. 10-11-99; 28 Ky.R. 933; eff. 12-5-2001; recodified from 704 KAR 20:305, 7-2-2002; 29 Ky.R. 1862, 2272; eff. 3-19-03; 30 Ky.R. 2321; 31 Ky.R. 24; eff. 8-6-04; 1863; 32 Ky.R. 37; eff. 8-5-05.)

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver C

Action Item:

Exceptional Children Teacher Assignment Waiver

Applicable Statute and/or Regulation:

16 KAR 4:020

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 (EPSB) approve the teaching assignment waiver(s) as recommended by the Division of Exceptional Children Services (DECS) and EPSB staff?

Background:

In May 2000, the EPSB approved the Waiver of Assignment Requirements for Teachers of Exceptional Children (16 KAR 4:020, Section 4) Policy and Procedure (copy attached). Staff and DECS recommend that the following assignment waivers be approved:

Cloverport Independent	Current Certification	Assignment
Cindy Garvin	LBD	FMD
Rachel Perry	LBD	FMD

Alternative Actions:

1. Approve staff recommendations
2. Modify and approve staff's recommendations
3. Do not approve staff's recommendations

Staff's Recommendations:

Alternative 1

Rationale:

Approval is in keeping with the enabling legislation and all DECS recommendations have been reviewed by staff.

Contact Person:

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Executive Director

Date:

March 19, 2007

16 KAR 4:020. Certification requirements for teachers of exceptional children.

RELATES TO: KRS 157.200, 157.250, 161.020, 161.028(1), 161.030, 161.100, 20 U.S.C. 1221(e), 1400-1419

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a)

NECESSITY, FUNCTION, CONFORMITY: KRS 161.020 and 161.028 require the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate for all public school positions, including those for teaching exceptional children. This administrative regulation establishes the certification requirements for teachers of exceptional children.

Section 1. Certification Requirements for Assignment of Special Education Personnel. (1) Mild mental disability (MMD). A teacher holding the following certification shall be assigned to serve pupils with mild mental disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(2) Orthopedic impairment (OI).

(a) A teacher holding the following certification shall be assigned to serve pupils with orthopedic impairments at any grade level:

1. Certification for orthopedically handicapped or physically handicapped, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

2. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)2 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(3) Other health impairment (OHI).

(a) A teacher shall be assigned to serve pupils identified as other health impaired at any grade level based upon the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as other health impaired shall possess a certificate for teaching exceptional children.

(4) Specific learning disability (LD). A teacher holding the following certification shall be assigned to serve pupils with learning disabilities at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(5) Developmental delay (DD). A teacher holding the following certification shall be assigned to serve pupils with developmental delay at any grade level:

(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or

(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).

(6) Emotional-behavioral disability (EBD).

(a) A teacher holding the following certification shall be assigned to serve pupils identified as emotional-behavioral disabled at any grade level:

1. Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12);

2. Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

3. Certification for teaching exceptional children.

(b) A teacher possessing one (1) of the certificates identified in paragraph (a)6 of this subsection shall be assigned based on the learning characteristics and services needs of the child.

(7) Functional mental disability (FMD). A teacher holding the following certification shall be assigned to serve pupils with functional mental disabilities at any grade level:

(a) Certification for trainable mentally handicapped, grades K-12;

(b) Certification for teaching the trainable mentally retarded, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12);

(c) Certification for teaching the severely and profoundly handicapped at any grade level; or

(d) Certification for teaching the moderately and severely disabled, grades P-12.

(8) Multiple disabilities (MD).

(a) A teacher shall be assigned to pupils at any grade level who have multiple disabilities consistent with the nature of each of the student's different disabilities and based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils with multiple disabilities shall possess a certificate for teaching exceptional children.

(9) Deaf-blindness.

(a) A teacher shall be assigned to serve pupils identified with deaf-blindness at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with deaf-blindness shall possess a certificate for teaching exceptional children.

(10) Autism.

(a) A teacher shall be assigned to serve pupils identified with autism at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified with autism shall possess a certificate for teaching exceptional children.

(11) Traumatic brain injury (TBI).

(a) A teacher shall be assigned to serve pupils identified as having a traumatic brain injury at any grade level based on the learning characteristics and services needs of the child; and

(b) A teacher assigned to pupils identified as having a traumatic brain injury shall possess a certificate for teaching exceptional children.

(12) Hearing impaired (HI). A teacher holding the following certification shall be assigned to serve pupils with hearing impairments at any grade level:

(a) Certification for teaching the hard of hearing, deaf, or hearing impaired, grades K-12, one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

(b) Certification for teaching the hearing impaired, grades P-12.

(13) Visually impaired (VI). A teacher holding the following certification shall be assigned to serve pupils with visual impairments at any grade level:

(a) Certification for teaching the partially seeing, blind, or visually impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or

(b) Certification for teaching the visually impaired, grades P-12.

(14) Communication disorders. A teacher holding the following certification shall be assigned to serve pupils who have been identified as needing instruction for speech or language disorders at any grade level:

(a) Certification for speech and hearing, grades one (1) through twelve (12);

(b) Certification for speech and communication disorders, grades K-12; or

(c) Certification for communication disorders, grades P-12.

Section 2. Certification Requirements for Assignment of Interdisciplinary Early Childhood Education Teachers for the Provision of Special Education Services. (1) A teacher holding the following qualifications shall be assigned to serve birth to primary pupils who have been identified as needing special education services:

(a) Certification for interdisciplinary early childhood education offered under 16 KAR 2:140 and 16 KAR 2:040;

(b) Exemption identified in 16 KAR 2:040; or

(c) Qualifications set forth in 704 KAR 3:410, Section 7(1)(a).

(2) A special education teacher identified in Section 1 of this administrative regulation shall not be precluded from providing services in the teacher's certification area to birth to primary pupils with disabilities if that certification is valid for the primary ages.

Section 3. Probationary and Emergency Provisions. (1) If no regularly certified teacher as delineated in Sections 1 and 2 of this administrative regulation is available to provide the special education services, the local district may employ a teacher certified on a probationary status under 16 KAR 2:160.

(2) If no probationary certified special education teacher is available, the district may employ a teacher certified on an emergency status under the requirements of KRS 161.100 and 16 KAR 2:120.

Section 4. Waiver Requests for Teacher Assignment. (1) Local school districts which need to assign teachers to teach classes or pupils, with the exception of pupils receiving services for communication disorders, not consistent with the above criteria shall request a waiver for the teacher assignment through the Kentucky Department of Education, Office of Special Instructional Services, Division of Exceptional Children and be approved by the Education Professional Standards Board.

(2) The Education Professional Standards Board and Department of Education shall give consideration for this approval based on information provided by the local school district in its request. The request shall:

(a) Be made prior to September 15 or within fifteen (15) school days of the need for assignment if it occurs after September 15 of the school year for which a waiver is requested; and

(b) Include:

1. The teacher's name, school assignment, certificate number, class plan assignment, and current certification;

2. A listing of pupils currently served by category of exceptionality;

3. A listing of pupils the district is requesting to be served by exceptionality; and

4. Any other relevant information which the district wishes to have considered in the decision-making process.

(3) Following consideration by the Department of Education and approval by the Education Professional Standards Board, the local district shall be promptly notified of the decision on the waiver request.

(4) The assignment shall not exceed the length of the school year for which it was initiated. (26 Ky.R. 2124; Am. 27 Ky.R. 405; eff. 8-14-2000; recodified from 704 KAR 20:740, 7-2-200)

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, 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:

Ms. Jorja Kremer, Middle School Science, Grades 5-9

The application is under separate cover.

Alternative Actions:

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

Contact Person:

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Executive Director

Date:

March 19, 2007

16 KAR 9:010. Professional certificate for exceptional work experience, limited to secondary education.

RELATES TO: KRS 161.028, 161.030, 161.048

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048 establishes the eligibility requirements for a candidate seeking to participate in an alternative teacher preparation program. This administrative regulation establishes the requirements for issuance and renewal of a professional certificate for secondary education based on exceptional work experience.

Section 1. Definitions. (1) "Exceptional work experience" means a person with recognized superiority as compared with others in rank, status, and attainment or superior knowledge and skill in comparison with the generally accepted standards in the area in which certification is sought.

(2) "Secondary education" means the area in which certification is sought in a subject taught in grades 9 - 12 in a Kentucky school.

Section 2. Verification of exceptional qualifications of an applicant for certification, in a field of endeavor taught or service practiced in a public school of Kentucky, shall include:

(1) Sufficient documentation that demonstrates to the local school district and the Education Professional Standards Board that an applicant is one who has exceptional work experience as defined in Section 1 of this administrative regulation and has talents and abilities commensurate with the new teacher standards, established in 16 KAR 1:010;

(2) Documentation of achievement that may include advanced degrees earned, distinguished employment, evidence of related study or experience, publications, professional achievement, or recognition attained for contributions to an applicant's field of endeavor; and

(3) Recommendations from professional associations, former employers, professional colleagues, or any other individual or group whose evaluations shall support exceptional work in the field.

Section 3. Certification Requirements. An eligible candidate who meets the requirements of KRS 161.048(1) and character and fitness review established in KRS 161.040 shall be issued the provisional certificate, limited to secondary education and valid for one (1) year. Upon successful completion of the Kentucky Teacher Internship Program as established in KRS 161.030(5) to (8), the professional certificate, limited to secondary education, shall be issued and shall be valid for an additional four (4) years.

Section 4. Renewal Requirements. Each five (5) year renewal of the professional certificate identified in Section 3 of this administrative regulation shall meet the renewal requirements established in 16 KAR 4:060. (25 Ky.R. 1283; Am. 1602; eff. 1-19-99; recodified from 704 KAR 20:720, 7-2-2002.)