

Agenda Book

EPSB Mission Statement:

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

EPSB Meeting Agenda

EPSB Offices

100 Airport Road, 3rd Floor, Conference Room A, Frankfort, KY 40601

December 12, 2016

Monday, December 12, 2016

10:00 AM EST Call to Order

Swearing In of New Board Member

Roll Call

Open Speak

Approval of Consent Items

A. Approval of October 10, 2016, EPSB Special Meeting Minutes
(**Pages 1-32**)

B. Approval of Educational Development Associates' Training
Course (Ms. Cassie Trueblood) (**Pages 33-34**)

Report of the Executive Director

A. Report from the Kentucky Department of Education

B. Report from the Council on Postsecondary Education

C. Strategic Plan Update (written only)

D. 2015-2016 SB1 (2009) Training Compliance Update
(written only)

E. Request for Pre-Service Teacher Participants, KEDC

F. Other Updates

Report of the Chair

A. Report from the Nominating Committee

B. Report from the Evaluation of the Executive Director Committee

C. Recognition of Out-Going EPSB Members

Information/Discussion Items

A. Awarded Contracts (Mr. Jimmy Adams) (**Pages 35-36**)

B. 16 KAR 6:020. Writing Examination Prerequisites for
Occupation-Based Career and Technical Education Teachers,
Amendment, Notice of Intent (Ms. Donna Brockman)
(**Pages 37-42**)

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Action Items

- A. 16 KAR 6:010. Statement of Consideration and Amended after Comments (Ms. Brockman) **(Pages 43-70)**
- B. 16 KAR 7:010. Statement of Consideration and Amended after Comments (Ms. Brockman) **(Pages 71-112)**
- C. 16 KAR 1:030. Statement of Consideration and Amended after Comments (Ms. Trueblood) **(Pages 113-140)**
- D. 16 KAR 4:040, 16 KAR 4:080, 16 KAR 4:090. Certification Fees, Reissuance, and Recency, Amendment, Final Action (Mr. Fields) **(Pages 141-180)**
- E. Approval of Charter for Ad Hoc Committee to Review Expanding Certificate Options for Rank II (Mr. Adams) **(Pages 181-184)**
- F. 16 KAR 1:010. Standards for Certified School Personnel, Amendment, Final Action (Dr. Ben Boggs) **(Pages 185-200)**
- G. Teacher Leader Masters Recommendations (Dr. Boggs) **(Pages 201-204)**

Waivers

- A. 16 KAR 9:080. Request to Waive Language Pertaining to Observation of Teacher Candidates, University of Kentucky (Dr. Boggs) **(Pages 205-208)**
- B. 16 KAR 5:040. Request to Waive Language Pertaining to Student Teaching Experience, Dean Mary John O’Hair on Behalf of Tara Bray (Dr. Boggs) **(Pages 209-212)**
- C. 16 KAR 5:040. Request to Waive Language Pertaining to Student Teaching Experience, Dean Mary John O’Hair on Behalf of Hunter Lloyd (Dr. Boggs) **(Pages 213-216)**
- D. 16 KAR 3:020. Request to Waive Language Pertaining to the Supervisor of Instruction Certification, Beth Morgan-Cook (Dr. Boggs) **(Pages 217-220)**
- E. 16 KAR 5:060. Literacy Program Requirements for Middle School, High School, Grades 5-12, and Grades P-12 Certification Programs (Dr. Boggs) **(Pages 221-224)**
- F. 16 KAR 2:120. Request to Waive Language Pertaining to Grade Level Requirements, Bell County (Mr. Fields) **(Pages 225-228)**
- G. 16 KAR 4:030. Request to Waive Language Pertaining to the Out-of-State Online Requirements, Ms. Kristin Ballard (Mr. Fields) **(Pages 229-231)**

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Board Comments

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

Certification Review and Revocation: Pending Litigation Review

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

Adjournment

Next Regular Meeting: February 13, 2016

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

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

Consent Item A

October Meeting Minutes

Call to Order

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

Swearing-In of New EPSB Members

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

Roll Call

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

Open Speak

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

Approval of Consent Items

2016-047

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

Approval of August 15, 2016, EPSB Special Meeting Minutes

Approval of August 14, 2016, EPSB Work Session Minutes

Emergency Non-Certified Personnel

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

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

Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

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

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

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

Report from the Council on Postsecondary Education

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

Strategic Plan Update

A written report was provided to the Board.

New Teacher Survey Results

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

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

University of Kentucky Remote Observation Presentation

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

Other Updates

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

Report of the Chair

Appointment to the Accreditation Audit Committee

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

Appointment to the Evaluation of the Executive Director Committee

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

Appointment of the Nomination Committee

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

Appointment to the Waiver Committee

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

Information/Discussion Items

Teacher Leader Masters Recommendations

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

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

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

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

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

1. Continue the Teacher Leader Master's Program with detailed modifications as a choice option for KY educators seeking rank change.
2. Adopt the following modification requirements for the Teacher Leader Master's (TLM) Program:
 - A. TLM programs shall be aligned with CAEP Standards for Advanced Programs including the cross cutting themes of technology and diversity.
 - B. TLM programs shall provide opportunities to enhance P-12 student achievement by directly focusing on the Program of Studies, Kentucky Academic Standards, and College and Career Readiness Standards.
 - C. TLM programs shall follow the Teacher Leader Program Review Guidelines (August 31, 2016).
 - D. TLM programs shall reflect the Teacher Leader Model Standards which align with InTASC Standards.
3. Direct the Education Professional Standards Board staff to develop regulations that will set forth the standards for the TLM programs reflecting the modified requirements above, and an Implementation Plan, with the ability to hold EPPs accountable for compliance.

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

16 KAR 1:010. Standards for Certified School Personnel

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

Action Items

Meeting Policy Amendment, Notice of Intent

2016-048

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

Vote: *Unanimous*

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2017 Legislative Agenda

2016-049

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

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

Vote: *Unanimous*

KTIP Appeal

2016-050

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

Vote: *Unanimous*

Approval of Offsite Campus Location, Campbellsville University

2016-051

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

Vote: *Unanimous*

Waivers

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

2016-052

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

Vote: *Unanimous*

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

2016-053

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

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Vote: *Unanimous*

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

2016-054

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

Vote: *Unanimous*

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

2016-055

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

Vote: *Unanimous*

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

2016-056

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

Vote: *Unanimous*

Board Comments

There were no board comments.

**DISCIPLINARY MATTERS:
MINUTES OF CASE REVIEW**

October 10, 2016

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

Vote: *Unanimous*

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

Vote: *Unanimous*

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

Vote: *Unanimous*

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

Vote: *Unanimous*

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

Sarah Burnett, Rachel Colyer, Tolya Ellis, Casey Gesenhues, David Graham, Robin Hebert, Daniel Morgan, William Owens, Sherry Powers, Thomas Salyer, and David Whaley.

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

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
1606409	Hear
1606383	Admonish (Ms. Ellis recused)
1608575	Dismissed
1605343	Admonish
1606377	Hear
1606391	Hear
1606385	Hear
1607447	Hear
1606387	Hear
1606401	Hear
1607457	Admonish
1606397	Hear
1606389	Hear
1607445	Hear
1604261	Hear
1607439	Hear
1511777	Hear
1607449	Hear
1607451	Hear
1607461	Admonish
1605315	Admonish
1607459	Defer for training
1606411	Hear
1606399	Hear
1607463	Defer for training
1606407	Hear
1608569	Dismissed
1608533	Defer for training
1608535	Defer for training
1608563	Dismissed
1607455	Defer for training

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

Character/Fitness Review

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

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

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16372	Approve
16972	Approve
16999	Deny

Agreed Orders

Case Number

Decision

1511827 Leon Lussier

Accept Agreed Order permanently revoking Certificate Number 201157436. Lussier shall neither apply for, nor be issued, a teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Lussier shall immediately surrender the original and all copies of his certificate by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: Unanimous

1308612 Patricia Crider

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

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

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administratively suspended until such condition is satisfied.

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

Vote: *Unanimous*

1604251 Chris Stapleton

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

Stapleton has provided written proof to the Board that he has successfully completed the Kentucky Department of Education's training entitled Positive Behavior in Schools III: Bullying Prevention. Stapleton is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1605311 Shari Cook

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

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

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

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

Vote: *Unanimous*

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

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

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

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

Vote: *Unanimous*

1602101 Mitchell Watts

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

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

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

1. By December 15, 2016, Watts shall provide written proof to the Board from a Kentucky licensed or certified chemical dependency counselor, as approved by the Board, that he has complied with a comprehensive alcohol abuse assessment, and is compliant with all treatment recommendations. If the evaluating chemical dependency counselor recommends ongoing treatment, Watts shall provide to the Board quarterly written progress reports to begin three (3) months after submission of the initial evaluation to the Board, until the evaluating chemical dependency counselor releases him from treatment. Watts shall pay any expense incurred. If Watts fails to satisfy this condition, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended until Watts completes the required assessment and provides the appropriate written proof to the Board.
2. Watts shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel by February 1, 2017. Any expense for said training shall be paid by Watts. If Watts fails to satisfy this condition, Certificate Number 201130531, and any future endorsements or new areas of certification, shall be automatically suspended until Watts completes the required training and provides the appropriate written proof to the Board.
3. Watts shall not be convicted of any offense involving the use and/or possession of any controlled substance or alcohol during the probationary period. Watts

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

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

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

Vote: *Unanimous*

1108613 Shirley Smith

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

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

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Vote: *Unanimous*

1310716 Janet Granada

Accept Agreed Order admonishing Granada for falsifying student attendance records and submitting official personnel forms with false information regarding the assignment of stipend dollars. Furthermore, Certificate Number 000048137 shall be retroactively suspended for a period of four (4) weeks from October 2, 2013 through October 30, 2013. The Board reminds Granada that as a certified educator and administrator in the Commonwealth of Kentucky, she has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any other incidents of misconduct by Granada.

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

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

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

Vote: *Unanimous*

1309683 Ben Jones Accept Agreed Order admonishing Jones for creating a hostile work environment and exhibiting a pattern of behavior which is both unprofessional and unbecoming an administrator. The Board reminds Jones that as a certified educator and administrator in the Commonwealth of Kentucky, he has a duty to uphold the Professional Code of Ethics in the future. The Board will not tolerate any further incidents of misconduct by Jones.

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

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

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

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

Vote: *Unanimous*

150219 Matthew Freire

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

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

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

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

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

Vote: *Unanimous*

1302123 Dustin Martin

Accept Agreed Order retroactively suspending Certificate Number 201152598 for a period of one (1) year from October 25, 2012 through October 25, 2013. Martin shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

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

1. Martin shall provide the Board with written evidence from a Kentucky licensed and/or certified physician, as approved by the Board, that he is fit to return to the classroom. Any expense for the assessment and/or written reports shall be paid by Martin.
2. Martin shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Martin.

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

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

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

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

Vote: *Unanimous*

1511771 Glenn Rueger

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

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

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

Vote: *Unanimous*

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1506379 Frances Vinson Accept Agreed Order stating that Vinson shall provide written proof to the Board that she has completed three (3) hours of professional development/training in classroom management by January 1, 2017. Any expense required for said training shall be paid by Vinson.

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

Vote: *Unanimous*

1407401 Ronald Barnard Accept Agreed Order stating that Barnard voluntarily, knowingly, and intelligently surrenders his Certificate Number 48484, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Barnard shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

1307547 Linda Murphy Accept Agreed Order admonishing Murphy for failing to timely change a student with special needs' soiled clothes while the Respondent was also escorting seventeen (17) other students to their busses during this time. The Board reminds Respondent that as a certified educator in the Commonwealth of Kentucky she has a duty to uphold the professional Code of Ethics in the future. Respondent failed in this duty when she allowed the student with special needs to remain in soiled clothing for an extended period of time. The Board will tolerate no further acts of misconduct by Respondent.

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

Vote: *Unanimous*

1307543 Deron Saylor Accept Agreed Order stating that Saylor voluntarily, knowingly, and intelligently surrenders his teaching

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certificate, number 000083133, and agrees to not apply for, nor be issued, a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future. Upon the acceptance of this agreement by the Board, Saylor shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

1205267 Ruth King

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

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

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

Vote: *Unanimous*

1407435 Matt Mercer

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

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

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

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

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

Vote: *Unanimous*

1603193 Jeff Hamilton

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

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

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

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defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process including any appeal therefrom. If Hamilton fails to comply with the requirements of this paragraph, Certificate Number 24658, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

Vote: *Unanimous*

160291 Darrin Swisshelm

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

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

Vote: *Unanimous*

1605287 Alice Forcht

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

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

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

Vote: *Unanimous*

1512839 Elizabeth Reed

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

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

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

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

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

Vote: *Unanimous*

1511787 Mark Raleigh

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

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

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

Vote: *Unanimous*

1511785 Melissa Ruhe

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

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

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

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

Vote: *Unanimous*

1207415 Tracey Dunn

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

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

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

Vote: *Unanimous*

Recommended Order

Case Name

1412857 Brook Bayko

Decision

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

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

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

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

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

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

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

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

- B. Submit to random drug testing, to be administered by a provider approved by the Board, and shall receive no drug test that is positive for alcohol or any illegal substance or that is in excess of therapeutic levels generally accepted in the medical community. Bayko shall pay any expense incurred. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be automatically permanently revoked.
- C. Not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Bayko is convicted of, or enters a guilty or no contest plea, to any criminal charge other than minor traffic violations, she shall submit this information to the Board, in writing, within thirty (30) days. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be administratively suspended pending Board review and disposition.
- D. Bayko shall have no disciplinary action involving use of alcohol or any illegal substance by any school district in which she is employed. If Bayko fails to satisfy this condition, Certificate Number 200407200 shall be automatically permanently revoked “Disciplinary action” is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a

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tribunal and/or arbitration process including any appeal therefrom. If the tribunal amends the disciplinary action if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition.

Vote: *Unanimous*

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

Vote: *Unanimous*

Meeting adjourned at 2:30 p.m.

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

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Consent Item B

Approval of Legal Training for Educators with Cases Before the EPSB

Action Item:

Board approval for Educational Development Associates' course as training for educators with cases before the EPSB

Applicable Statutes and Regulation:

KRS 161.028, KRS 161.120

Applicable Goal(s):

Goal 3: 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 Educational Development Associates' course as training for individuals with cases before the EPSB?

Background:

Pursuant to its authority under KRS 161.120(1), the EPSB "may impose probationary or supervisory conditions upon...any certificates" issued by the agency. The EPSB has used this authority to require educators, through an Agreed or Final Order, to attend specific training to address the alleged misconduct and prevent any further incidents. The EPSB External Procedure 7: Determining Probable Cause to Take Disciplinary Action, includes a "deferral for training" option which allows an educator the opportunity to complete a recommended training and provide written proof to the Board for a dismissal of his/her case.

Educational Development Associates' is requesting approval for the course *Issues of Ethics and Professionalism for Educators*. Enclosed under separate cover is the curriculum for the training and the vitae of the trainers.

Potential Actions:

1. Approve Educational Development Associates' proposed course as training for educators with cases before the EPSB.
2. Do not approve Educational Development Associates' proposed course as training for educators with cases before the EPSB.

Staff Recommendation:

Potential Action 1

Rationale:

Educational Development Associates has provided trainings to educators with cases before the EPSB for many years. Staff has reviewed the curriculum for the proposed training and has found

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that the course will address the needs of educators referred to that training. Having additional pre-approved courses will provide educators with options and assist them in completing training in a timely manner.

Contact Person:

Ms. Cassie Trueblood, Staff Attorney II
Division of Legal Services
502-564-4606
E-mail: Cassie.Trueblood@ky.gov

Date:

December 12, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

**Information/Discussion Item A
Awarded Contracts**

Information Item:

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

Applicable Statutes and Regulation:

KRS 161.028 (1) (v) (d)
KRS 161.017 (3)

Applicable Goal:

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

Background:

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

Vendor Name	Services	Service Period	Contract Amount
Oldham County Schools	SEED Grant Services	11/1/16 – 6/30/17	\$70,000.00
Floyd County Schools	SEED Grant Services	9/7/16 – 6/30/17	\$70,000.00

Contact Person:

Mr. Jimmy Adams
Executive Director
502-564-4606
E-mail: Jimmy.Adams@ky.gov

Date:

December 12, 2016

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Information/Discussion Item B

Writing Examination Prerequisites for Occupation-Based Career and Technical Education Teachers

Action Item:

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

Applicable Statutes and Regulation:

KRS 161.010, 161.028(1), 161.030(3), (4)
16 KAR 6:010

Applicable Goal(s):

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

Issue:

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

Background:

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

The proposed amendments provide clarity regarding the assessment requirements for occupation-based teacher certification within career and technical education. This regulation also identifies the scores that the teacher applicants or teachers need to achieve on each of the tests.

Individuals seeking occupation-based career and technical education teacher licensure, comprehensive high schools, locally-operated career and technical centers, and state-operated area technology centers in Kentucky will be impacted by this regulation.

The revised regulation will also impact potential teacher candidates by articulating the assessment requirements for certification. The regulation also provides school and district leaders with the information necessary to assist potential candidates as they begin the certification process.

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

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Contact Person:

Ms. Donna Brockman, Division Director
Division of Professional Learning and Assessment
502-564-4606
E-mail: Donna.Brockman@ky.gov

Date:

December 12, 2016

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16 KAR 6:020. ~~Written examination prerequisites~~ Assessment Requirements for occupation-based career and technical education teachers.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

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

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

(2) Each applicant without an educator preparation degree shall successfully complete the following either the Pre-Professional Skills Test (PPST) or the COMPASS Test assessments for communication skills and general knowledge:

(1) ACT:

- (a) Reading – score of 20 or higher
- (b) Mathematics – score of 19 or higher
- (c) English (Writing) – score of 18 or higher; or

(2) SAT:

- (a) Reading – score of 470 or higher on Evidence-Based Reading and Writing
- (b) Mathematics – score of 460 or higher
- (c) English (Writing) – score of 430 or higher on Evidence-Based Reading and Writing; or

(3) KYOTE:

- (a) Reading – score of 20 or higher
- (b) Mathematics – score of 22 or higher on College Readiness Mathematics or score of 14 or higher on College Algebra
- (c) English (Writing) – score of 6 or higher; or

(4) GED College Readiness:

- (a) Reading – score of 165 or higher on Reasoning Through the Language Arts
- (b) Mathematics – score of 165 or higher on Mathematical Reasoning
- (c) English (Writing) - score of 165 or higher on Reasoning Through the Language Arts.

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

(4) The certificates, examinations, or prerequisites shall be divided into the following three (3) categories:

(a) Industrial education and information technology:

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

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

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

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

(b) Health science and human services.

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

2. Minimum postsecondary education attainment in a related area of study; or

(c) Public-service. The appropriate state or national industry licensure, or certification.

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Section 2. The Education Professional Standards Board shall require the specialty ~~tests~~ assessments and passing scores or other examination prerequisites identified in this section for each new teacher applicant and each teacher seeking an additional certificate.

(1) The specialty assessment passing scores identified in this section for each new teacher applicant and each teacher seeking an additional certificate shall be determined by the Kentucky Board of Education.

(2) The Kentucky Board of Education shall specify the specialty assessments and passing scores or other examination prerequisites for each new teacher applicant and each teacher seeking an additional certificate via Order of the Kentucky Board of Education. The order shall be posted on the website for the Kentucky Department of Education.

~~— (1) Preprofessional Skills Test:~~

~~— (a) Reading – 167;~~

~~— (b) Mathematics – 166; and~~

~~— (c) Writing – 167;~~

~~— (2) In lieu of the Preprofessional Skills Tests identified in subsection (1) of this section, a new teacher applicant may meet the testing requirement by obtaining the following COMPASS Test scores:~~

~~— (a) Reading – 78;~~

~~— (b) 1. Prealgebra – 48; or~~

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

~~— (d) Writing – 68.~~

(5) (3) Specialty area assessments or other examination prerequisites for industrial education certification:

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

1. NOCTI Collision Repair/Refinishing Technology Test –64; or

2. Automotive Service Excellence (ASE) certification;

(b) Automotive technology:

1. NOCTI Automotive Technology Test –63; or

2. Automotive Service Excellence (ASE) certification;

(c) Aviation flight technician. Federal Aviation Administration certified commercial license with instructor endorsement;

(d) Aviation ground instructor. Federal Aviation Administration basic ground instructor rating;

(e) Aviation maintenance technician. Federal Aviation Administration certified airframe and power plant;

(f) Building and apartment maintenance. NOCTI Building Trades Maintenance –52;

(g) Construction Carpentry. NOCTI Carpentry –58;

(h) Computer Aided Drafting and Drafting technology. NOCTI Technical Drafting –62;

(i) Commercial Art:

1. Adobe Certified Associate (Illustrator or Photoshop); or

2. Adobe Certified Expert (Illustrator or Photoshop); or

3. NOCTI Graphic Production Technology;

(j) Computer Graphics:

1. Adobe Certified Associate (Flash); or

2. Adobe Certified Expert (Flash); or

3. Autodesk Certified User (eds Max); or

4. Autodesk Certified User (Maya); or

5. Autodesk Certified Professional (Maya); or

6. Unity Certified Developer;

(k) (h) Diesel technology:

1. NOCTI Diesel Mechanics –62; or

2. Automotive Service Excellence (ASE) certification;

(l) (i) Digital media: No test identified;

1. Adobe Certified Associate (Illustrator or InDesign); or

2. Adobe Certified Expert (Illustrator or InDesign);

(m) (j) Electrical technology. NOCTI Electrical Technology Construction –45;;

(n) (k) Engineering technology. Bachelor's degree in engineering or engineering technology;

(h) Environmental technology. No test identified;

(o) (m) HVAC and Air conditioning technology. No test identified; NOCTI HVAC;

(p) (n) Heavy equipment. Commonwealth of Kentucky license for equipment taught;

(q) (o) Industrial chemical technology. Bachelor's degree in chemistry or related sciences;

(r) (p) Industrial electronics technology. No test identified; NOCTI Electronics Technology;

(s) (q) Industrial maintenance technology. NOCTI Industrial Maintenance Mechanic;

(t) Interior finishing and design. No test identified;

(u) (s) Machine tool technology. NOCTI Precision Machining –50;

(v) Major appliance technology. No test identified;

(w) (t) Manufacturing. NOCTI Industrial Maintenance Mechanic –44;

(v) (t) Marine technology. No test identified; Automotive Service Excellence (ASE) certification Diesel and Electrical/Electronic Systems Technology;

(w) (w) Masonry. No test identified; NOCTI Masonry;

(x) (v) Metal fabrication. No test identified;

(y) (x) Multimedia technology:

1. Macromedia Certified Professional; Adobe Certified Associate (Illustrator or InDesign); or

2. Adobe Certified Expert (Illustrator or InDesign);

(z) Plastics technology. No test identified;

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- ~~(z)~~ ~~(aa)~~ Plumbing technology. NOCTI Plumbing –55;
- ~~(aa)~~ Printing technology. ~~No test identified;~~ NOCTI Graphic Production Technology;
- ~~(bb)~~ Radio and TV Productions:
1. Apple Final Cut Pro; or
 2. Adobe Premier; or
 3. NOCTI Audio-Visual Communications;
- ~~(cc)~~ ~~(ee)~~ Small engine and motorcycle repair technology:
1. NOCTI Small engine technology; –74; or
 2. Equipment and Engine Training Council (EETC) Outdoor Power Equipment Certification;
- ~~(dd)~~ ~~(dd)~~ Visual communication art:
1. NOCTI Advertising and Design –69; or
 2. Adobe-certified Associate in Photoshop or Illustrator or InDesign; or
 3. Adobe certified Expert (Photoshop or Illustrator or InDesign);
- ~~(ee)~~ ~~(ee)~~ Welding:
1. NOCTI Welding –53; or
 2. American Welding Society (AWS) Certified Welder;
- ~~(ff)~~ Wood manufacturing technology. No test identified;
- ~~(6)~~ ~~(4)~~ Specialty area tests or other examination prerequisites for health science and human service:
- ~~(a)~~ Allied health sciences. Active licensure, certification, or registration by a state or nationally-recognized accrediting agency as a professional health care practitioner following completion of a minimum of an associate degree or technical diploma preparation program;
- ~~(b)~~ Health science:
1. An active Registered Nurse License in Kentucky and meet applicable accrediting body state and federal requirements; or
 2. Practical nursing. An active Registered Nurse License in Kentucky and baccalaureate or higher degree in nursing; or
 3. Medicaid Nurse Aid (MNA) instruction requires additional certification per 907 KAR 1:450.
- ~~(c)~~ ~~(b)~~ Barbering. A license for teacher of barbering issued by the Kentucky Board of Barbering;
- ~~(d)~~ ~~(e)~~ Biomedical sciences. Baccalaureate or higher degree in biomedical or health science area;
- ~~(e)~~ ~~(d)~~ Culinary arts. In the field of culinary arts, an individual shall provide proof of one (1) of the following prerequisites:
1. NOCTI Commercial Foods –55; or
 2. American Culinary Federation Professional Certification;
- ~~(f)~~ ~~(e)~~ Cosmetology. ~~A license for instructor of cosmetology issued by the~~ Kentucky Board of Hairdressers and Cosmetologists License:
- ~~(g)~~ Early Childhood.
1. Interdisciplinary Early Childhood Education Bachelor's of Education Degree AND
 2. The applicant must also have earned two of the five credentials:
 - (i.) Early Childhood Director's Credential
 - (ii.) Child Development Associate
 - (iii.) Pediatric Abuse and Head Trauma Credential
 - (iv.) Commonwealth Child Care Credential
 - (v.) Early Care and Education Orientation Credential
- ~~(h)~~ Food Science and Dietetics
1. Bachelor of Science in Dietetics AND
 2. Demonstrated ACEND accredited supervised practice AND
 3. Passed an ACEND national examination AND
 4. Registered through the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics
- ~~(i)~~ ~~Health science. An active Registered Nurse License in Kentucky and meet applicable accrediting body state and federal requirements; or~~
- ~~(g)~~ ~~Practical nursing. An active Registered Nurse License in Kentucky and baccalaureate or higher degree in nursing;~~
- ~~(7)~~ ~~(5)~~ Specialty area tests or other examination prerequisites for public service:
- ~~(a)~~ EMS training. First Responder Instructor Certification and EMT Instructor Certification by the Kentucky Board of Emergency Medical Services;
- ~~(b)~~ Fire and rescue training. State Fire Commission Instructor Certification;
- ~~(c)~~ Law Enforcement. Certification as a police officer or police instructor from the Kentucky Law Enforcement Council; or
- ~~(d)~~ Pre-law. An active license to practice law.
- ~~(8)~~ Specialty area tests for information technology:
- ~~(a)~~ Computing Technology Industry Association (CompTIA):
1. A+ Certification; or
 2. Security+ Certification; or
 3. Network+ Certification;
- ~~(b)~~ Cisco Certified Network Associate (CCNA); or
- ~~(c)~~ Microsoft Certified Professional (MCP); or
- ~~(d)~~ Novell Certified Administrator (CAN); or
- ~~(e)~~ NOCTI Computer Technology Test –63.

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Section 3. A teacher applicant in any occupation-based career and technical education program for which no appropriate specialty ~~test-assessment~~ is yet available shall not be required to take a specialty ~~test-assessment~~, except for research and

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validation purposes. After a new program has been piloted and fully implemented, a ~~test~~ an assessment shall be developed or identified and a new teacher applicant shall be required to pass a designated specialty ~~test~~ assessment.

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

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

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

(4) Applicants shall authorize ~~test~~ assessment results to be forwarded to the Education Professional Standards Board.

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

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

Section 7. Assessment Recency. (1) An applicant for initial or additional Kentucky teacher certification shall comply with the assessment recency requirements established in this section.

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

~~(3) A passing score on a test established in the administrative regulation and completed on or after January 1, 2002 shall be valid for five (5) years from the test administrative date.~~

(3)(a) A teacher candidate shall complete application for certification to the Education Professional Standards Board within the five (5) year validity period of the ~~test~~ assessment and the passing score.

(b) A teacher who fails to complete application for certification to the Education Professional Standard Board within the five (5) year validity period of the ~~test~~ assessment and the passing score shall retake the appropriate ~~test or tests~~ assessment or assessments and achieve the appropriate passing score or scores required for certification at the time of application.

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

Section 8. The Education Professional Standards Board in conjunction with the Kentucky Department of ~~Workforce Investment Education and the Kentucky Center for Education and Workforce Statistics~~ shall collect data and conduct analyses ~~of the impact of these tests as to permit a review of their administrative regulation~~ relating to these assessments on a regular basis. (23 Ky.R. 2356; eff. 1-9-97; Am. 24 Ky.R. 1950; 2374; eff. 5-18-98; 26 Ky.R. 1037; 1416; eff. 1-18-2000; 28 Ky.R. 2070; 2343; eff. 5-16-2002; recodified from 704 KAR 20:475, 7-2-2002; 33 Ky.R. 830; 1270; eff. 12-1-06; Am. 37 Ky.R. 1318; 1622; eff. 2-4-2011.)

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item A

Examination Prerequisites for Teacher Certification. Statement of Consideration and Amended After Comments Regulation

Action Item:

Notice of Intent to Amend 16 KAR 6:010. Examination prerequisites for teacher certification

Applicable Statutes and Regulation:

KRS 161.020, 161.028(1), 161.030(3), (4)
16 KAR 6:010

Applicable Goal(s):

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

Issue:

Should the Education Professional Standards Board approve the amendments to 16 KAR 6:010 Written Examination Prerequisites for Teacher Certification to become effective September 1, 2017?

Background:

16 KAR 6:010 identifies the test(s) that teacher applicants and teachers seeking additional certification need to take in order to become certified. This regulation also identifies the scores that the teacher applicants or teachers need to achieve on each test.

In December 2015, Kentucky participated in a multi-state standard setting study conducted by the Education Testing Services (ETS) for the PRAXIS® English to Speakers of Other Languages (5362) which will be replacing PRAXIS® English to Speakers of Other Languages (5361). The proposed test score is 155.

The revisions to 16 KAR 6:010 reflect changes that have been made to various tests by the Education Testing Service as well as the test score associated with each test.

Written comments were received during the public comment period for the regulation, therefore the Board must file a Statement of Consideration and has the option of also filing an Amended After Comments Regulation.

Additional revisions have been made based on the written comments received during the public comment period.

Groups/Persons Consulted:

Notice was provided to the public in accordance with the requirements of KRS Chapter 13A.

Potential Actions:

1. Approve the Statement of Consideration and/or Amended After Comments Regulation.
2. Approve the Statement of Consideration and/or Amended After Comments Regulation with modifications.
3. Do not approve the Statement of Consideration and/or Amended Comment Regulation.

Staff Recommendation:

Potential Action 1

Rationale:

These revisions will better align this regulation with KRS 161.028, KRS 161.030, and the CTE Assessment Regulation, 16 KAR 6:020. It will also allow for data sharing with KCEWS.

Contact Person:

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502-564-4606
E-mail: Donna.Brockman@ky.gov

Date:

December 12, 2016

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amended After Comments)

4 16 KAR 6:010. Assessment [~~Examination~~] prerequisites for teacher certification.

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

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

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

13 Section 1. A teacher applicant for certification shall successfully complete the applicable
14 assessments [~~tests~~] identified in this administrative regulation prior to Kentucky teacher
15 certification.

16 Section 2. The Education Professional Standards Board shall require the assessment or
17 assessments [~~test or tests~~] and passing scores identified in this section for each new teacher
18 applicant and each teacher seeking an additional certificate. (1) An applicant for Interdisciplinary
19 Early Childhood Education certification (birth to primary) shall take [~~one (1) of the following~~
20 ~~tests and achieve the corresponding passing score or higher:~~

21 (a) "~~Interdisciplinary Early Childhood Education (0023)~~"—166; or

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1 ~~(b)~~ "Interdisciplinary Early Childhood Education (5023)" - 166.

2 (2) An applicant for Elementary certification (grades P-5) shall take "Elementary
3 Education: Multi-Subjects Test ~~(5001)~~~~(5031)]~~" with the following passing scores on the
4 corresponding assessment ~~[test]~~ sections:

5 ~~(a)~~~~[Until August 31, 2015:~~

6 ~~1. "Reading and Language Arts (5032)" - 165;~~

7 ~~2. "Mathematics (5033)" - 164;~~

8 ~~3. "Social Studies (5034)" - 155; and~~

9 ~~4. "Science (5035)" - 159; and~~

10 ~~(b)~~ ~~Beginning September 1, 2015:~~

11 ~~1.]~~ "Elementary Education: Reading and Language Arts (5002)" - 157;

12 ~~(b)~~~~[2.]~~ "Elementary Education: Mathematics (5003)" - 157;

13 ~~(c)~~~~[3.]~~ "Elementary Education: Social Studies (5004)" - 155; and

14 ~~(d)~~~~[4.]~~ "Elementary Education: Science (5005)" - 159.

15 (3) An applicant for certification at the middle school level (grades 5 through 9) shall
16 take the content assessment or assessments ~~[test or tests]~~ based on the applicant's content area
17 or areas with the corresponding passing scores as identified in this subsection:

18 (a) Middle School English and Communications: "Middle School English Language Arts
19 (5047)" - 164;

20 (b) Middle School Mathematics: "Middle School Mathematics (5169)" - 165;

21 (c) Middle School Science:

22 ~~[1. Until August 31, 2015, "Middle School Science (0439)" - 144; or~~

23 ~~2. Beginning September 1, 2015,]~~ "Middle School Science (5440)" - 150; or

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1 (d) Middle School Social Studies:

2 [~~1. "Middle School Social Studies (0089)" - 149; or~~

3 ~~2.] "Middle School Social Studies (5089)": - 149.~~

4 (4) An applicant for certification at the secondary level (grades 8 through 12) shall take
5 the content assessment or assessments [~~test or tests~~] corresponding to the applicant's content
6 area or areas with the passing scores identified in this subsection:

7 (a) Biology:

8 [~~1. "Biology: Content Knowledge (0235)" - 146; or~~

9 ~~2.] "Biology: Content Knowledge (5235)" - 146;~~

10 (b) Chemistry:

11 [~~1. "Chemistry: Content Knowledge (0245)" - 147; or~~

12 ~~2.] "Chemistry: Content Knowledge (5245)" - 147;~~

13 (c) Earth Science:

14 [~~1. "Earth and Space Sciences: Content Knowledge (0571)" - 147; or~~

15 ~~2.] "Earth and Space Sciences: Content Knowledge (5571)" - 147;~~

16 (d) English: "English Language Arts: Content and Analysis (5039)" - 168;

17 (e) Mathematics: "Mathematics: Content Knowledge (5161)" - 160;

18 (f) [~~1.] Physics: [~~"Physics: Content Knowledge (0265)" - 133; or~~~~

19 ~~2.] "Physics: Content Knowledge (5265)" - 133; or~~

20 (g) Social Studies:

21 [~~1. "Social Studies: Content and Interpretation (0086)" - 153; or~~

22 ~~2.] "Social Studies: Content and Interpretation (5086)" - 153.~~

23 (5) An applicant for certification in all grades shall take the content assessment or

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1 assessments ~~[test or tests]~~ corresponding to the applicant's area or areas of specialization
2 identified in this subsection, and, if a passing score is established in this subsection, the applicant
3 shall achieve the passing score or higher:

4 (a) Art:

5 ~~1. "Art: Content and Analysis (0135)" - 161; or~~

6 ~~2.] "Art: Content and Analysis (5135)" - 161;~~

7 (b) Chinese: "Chinese (Mandarin): World Language (5665)" - 164;

8 (c) French: "French: World Language (5174)" - 162;

9 (d) German: "German: World Language (5183)" - 163;

10 (e) Health: "Health Education (5551)" - 155;

11 (f) Health and Physical Education:

12 ~~1. [a. Until August 31, 2015:~~

13 ~~(i) "Health and Physical Education: Content Knowledge (0856)" - 156; or~~

14 ~~(ii) "Health and Physical Education: Content Knowledge (5856)" - 156; or~~

15 ~~b. Beginning September 1, 2015,] "Health and Physical Education: Content Knowledge~~
16 ~~(5857)" - 160; and~~

17 ~~2. [a.] "Physical Education: [Content and Design (0095)" - 169; or~~

18 ~~b.] "Physical Education: Content and Design (5095)" - 169;~~

19 (g) Integrated Music:

20 ~~1. "Music: Content and Analysis (0114)" - 162; or~~

21 ~~2.] "Music: Content and Instruction (5114)" - 162;~~

22 (h) Instrumental Music:

23 ~~1. "Music: Content and Analysis (0114)" - 162; or~~

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1 ~~2.] "Music: Content and Analysis (5114)" – 162;~~

2 (i) Vocal Music:

3 ~~[1. "Music: Content and Analysis (0114)" – 162; or~~

4 ~~2.] "Music: Content and Analysis (5114)" – 162;~~

5 (j) Latin:

6 ~~[1. "Latin (0601)" – 166; or~~

7 ~~2.] "Latin (5601)" – 166;~~

8 (k) Physical Education:

9 ~~[1. "Physical Education: Content and Design (0095)" – 169; or~~

10 ~~2.] "Physical Education: Content and Design (5095)" - 169;~~

11 (l) School Media Librarian:

12 ~~[1. "Library Media Specialist (0311)" – 156; or~~

13 ~~2.] "Library Media Specialist (5311)" - 156;~~

14 (m) School Psychologist:

15 ~~[1. Until August 31, 2015, "School Psychologist (0401)" – 161; or~~

16 ~~2. Beginning September 1, 2015,] "School Psychologist (5402)" – 147; or~~

17 (n) Spanish: "Spanish: World Language (5195)" - 168.

18 (6) Except as provided in subsection (7) of this section, an applicant for certification for
19 teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders,
20 Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and
21 Severe Disabilities shall take the content assessment or assessments ~~[test or tests]~~ based on the
22 applicant's area or areas of specialization with the corresponding passing scores as identified in
23 this subsection:

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1 (a) Communication Disorders:

2 1.~~[a. "Special Education: Core Content Knowledge and Applications (0354)" - 151; or~~

3 ~~b.] "Special Education: Core Content Knowledge and Applications (5354)" - 151; and~~

4 2.~~[a. "Speech Language Pathology (0330)" - 600; or~~

5 ~~b.(i) Until August 31, 2015, "Speech Language Pathology (5330)" - 600; or~~

6 ~~(ii) Beginning September 1, 2015,]~~ "Speech-Language Pathology (5331)" - 162;

7 (b) Hearing Impaired:

8 1.~~[a. "Special Education: Core Knowledge and Applications (0354)" - 151; or~~

9 ~~b.] "Special Education: Core Knowledge and Applications (5354)" - 151; and~~

10 2.~~[a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160;~~

11 ~~or~~

12 ~~b.] "Special Education: Education of Deaf and Hard of Hearing Students (5272)" - 160;~~

13 (c) Hearing Impaired With Sign Proficiency:

14 1.~~[a. "Special Education: Core Knowledge and Applications (0354)" - 151; or~~

15 ~~b.] "Special Education: Core Knowledge and Applications (5354)" - 151;~~

16 2.~~[a. "Special Education: Education of Deaf and Hard of Hearing Students (0272)" - 160;~~

17 ~~or~~

18 ~~b.] "Special Education: Education of Deaf and Hard of Hearing Students (5272)" -160;~~

19 and

20 3. "American Sign Language Proficiency Interview (ASLPI)" - 3+; ~~[One (1) of the~~

21 ~~following tests with a passing score of Intermediate Level:~~

22 ~~a. "Sign Communication Proficiency Interview (SCPI)"; or~~

23 ~~b. "Educational Sign Skills Evaluation (ESSE)";]~~

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1 (d) Learning and Behavior Disorders:

2 [~~1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)" -~~

3 ~~158; or~~

4 ~~2.] "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" -~~

5 158;

6 (e) Moderate and Severe Disabilities:

7 [~~1. "Special Education: Core Knowledge and Severe to Profound Applications (0545)" -~~

8 ~~158; or~~

9 ~~2.] "Special Education: Core Knowledge and Severe to Profound Applications (5545)" -~~

10 158; or

11 (f) Visually Impaired:

12 1. [~~a. "Special Education: Core Knowledge and Applications (0354)" - 151; or~~

13 ~~b.] "Special Education: Core Knowledge and Applications (5354)" - 151; and~~

14 2. [~~a. "Special Education: Teaching Students with Visual Impairments (0282)" - 163; or~~

15 ~~b.] "Special Education: Teaching Students with Visual Impairments (5282)" - 163.~~

16 (7) A holder of an exceptional child certificate in Learning and Behavior Disorders or

17 Moderate and Severe Disabilities who is seeking additional certification for any exceptional

18 children teaching certificate listed in subsection (6) of this section shall not be required to take[:

19 ~~(a) "Special Education: Core Knowledge and Applications (0354);" or~~

20 ~~(b)] "Special Education: Core Knowledge and Applications (5354)".~~

21 (8)(a) Except as provided in paragraph (b) of this subsection, an applicant for Career and

22 Technical Education certification to teach in grades 5 - 12 shall take the content **assessment or**

23 **assessments** [~~test or tests~~] corresponding to the applicant's area or areas of specialization

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1 identified in this paragraph, and, if a passing score is established in this paragraph, the applicant
2 shall achieve the passing score or higher:

3 1. Agriculture:

4 [~~a. Until August 31, 2015, "Agriculture (0700)" – 520; or~~

5 ~~b. Beginning September 1, 2015,] "Agriculture (5701)" – 147;~~

6 2. Business and Marketing Education:

7 [~~a. "Business Education (0101)" – 154; or~~

8 ~~b.] "Business Education (5101)" - 154;~~

9 3. Family and Consumer Science:

10 [~~a. Until August 31, 2015:~~

11 ~~(i) "Family and Consumer Sciences (0121)" – 162; or~~

12 ~~(ii) "Family and Consumer Sciences (5121)" – 162; or~~

13 ~~b. Beginning September 1, 2015,] "Family and Consumer Sciences (5122)" – 153; or~~

14 4. Engineering and Technology Education:

15 [~~a. "Technology Education (0051)" – 159; or~~

16 ~~b.] "Technology Education (5051)" -159.~~

17 (b) An applicant for Industrial Education shall take the content assessment or
18 assessments [~~test or tests~~] corresponding to the applicant's area or areas of specialization with
19 the passing scores identified in 16 KAR 6:020.

20 (9) An applicant for a restricted base certificate in the following area or areas shall take
21 the content assessment or assessments [~~test or tests~~] based on the applicant's area or areas of
22 specialization with the corresponding passing scores as identified in this subsection:

23 (a) English as a Second Language:

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1 1. Until August 31, 2017: [~~"English to Speakers of Other Languages (0361)"~~—157; or
2 ~~2.] "English to Speakers of Other Languages (5361)"~~ - 157; or

3 2. Beginning September 1, 2017: "English to Speakers of Other Languages (5362)" –
4 155;

5 (b) Speech/Media Communications:

6 [~~1. "Speech Communication (0221)"~~—146; or

7 ~~2.] "Speech Communication (5221)"~~ – 146; or

8 (c) Theater:

9 [~~1. "Theatre (0641)"~~—162; or

10 ~~2.] "Theatre (5641)"~~ - 162.

11 (10) An applicant for an endorsement in the following content area or areas shall take the
12 content assessment or assessments [~~test or tests~~] based on the applicant's area or areas of
13 specialization with the passing scores identified in this subsection:

14 (a) American Sign Language: "American Sign Language Proficiency Interview (ASLPI)"
15 [~~administered by the Gallaudet University~~] - 3+;

16 (b) English as a Second Language:

17 1. Until August 31, 2017: [~~"English to Speakers of Other Languages (0361)"~~—157; or

18 ~~2.] "English to Speakers of Other Languages (5361)"~~ – 157; or

19 2. Beginning September 1, 2017: "English to Speakers of Other Languages (5362)" –
20 155;

21 (c) Learning and Behavior Disorders, grades 8 - 12:

22 [~~1. "Special Education: Core Knowledge and Mild to Moderate Applications (0543)"~~—
23 ~~158; or~~

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1 ~~2.] "Special Education: Core Knowledge and Mild to Moderate Applications (5543)" -~~
2 158;

3 (d) Literacy Specialist:

4 ~~[1. "Reading Specialist (0301)" - 164; or~~

5 ~~2.] "Reading Specialist (5301)" - 164;~~

6 (e) Gifted Education, grades primary - 12:

7 ~~[1. Until August 31, 2015, "Gifted Education (0357)" - 152; or~~

8 ~~2. Beginning September 1, 2015,] "Gifted Education (5358)" - 157; or~~

9 (f) Reading Primary through Grade 12:

10 ~~[1. "Teaching Reading (0204)" - 153; or~~

11 ~~2.] "Teaching Reading (5204)" - 153.~~

12 Section 3. In addition to the content area ~~assessment or assessments~~ **[test or tests]**
13 established in Section 2 of this administrative regulation, each new teacher shall take the
14 pedagogy **assessment** **[test]** and meet the passing score identified in this section that corresponds
15 to the grade level of certification sought. If a certified teacher is seeking additional certification
16 in any area, the applicant shall not be required to take an additional pedagogy **assessment** **[test]**.

17 (1) An applicant for Elementary certification (grades primary – 5) shall take ~~[one (1) of~~
18 ~~the following tests and achieve the corresponding passing score or higher:~~

19 ~~(a) "Principles of Learning and Teaching: Grades kindergarten – 6 (0622)" - 160; or~~

20 ~~(b) "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160.~~

21 (2) An applicant for certification at the middle school level (grades 5 through 9) shall
22 take ~~[one (1) of the following tests and achieve the corresponding passing score or higher:~~

23 ~~(a) "Principles of Learning and Teaching: Grades 5 – 9 (0623)" - 160; or~~

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1 ~~(b)~~] "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160.

2 (3) An applicant for certification at the secondary level (grades 8 through 12) shall take

3 [~~one (1) of the following tests and achieve the corresponding passing score or higher:~~

4 ~~(a) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or~~

5 ~~(b)~~] "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

6 (4) An applicant for certification in all grades with a content area identified in Section

7 2(5) of this administrative regulation shall take one (1) of the following assessments ~~[tests]~~ and

8 achieve the corresponding passing score or higher:

9 ~~(a) ["Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;~~

10 ~~(b)~~] "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

11 ~~(c)~~ ~~(e)~~ "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;

12 ~~(d)~~] "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160; or

13 ~~(c)~~ ~~(e)~~ "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or

14 ~~(f)~~] "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.

15 (5) An applicant applying only for certification for teacher of exceptional children shall

16 not be required to take a separate pedagogy assessment ~~[test]~~ established in this section. The

17 content area assessment or assessments ~~[test or tests]~~ established in Section 2 of this

18 administrative regulation shall fulfill the pedagogy assessment ~~[test]~~ requirement for a teacher

19 of exceptional children.

20 (6) An applicant for Career and Technical Education certification in grades 5 through 12

21 shall take one (1) of the following assessments ~~[tests]~~ and receive the identified passing score:

22 ~~(a) ["Principles of Learning and Teaching: Grades kindergarten - 6 (0622)" - 160;~~

23 ~~(b)~~] "Principles of Learning and Teaching: Grades kindergarten - 6 (5622)" - 160;

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- 1 ~~(b)(c) "Principles of Learning and Teaching: Grades 5 - 9 (0623)" - 160;~~
2 ~~(d) "Principles of Learning and Teaching: Grades 5 - 9 (5623)" - 160; or~~
3 ~~(c)(e) "Principles of Learning and Teaching: Grades 7 - 12 (0624)" - 160; or~~
4 ~~(f) "Principles of Learning and Teaching: Grades 7 - 12 (5624)" - 160.~~

5 Section 4. Assessment Recency. (1) A passing score on an assessment ~~[a test]~~
6 established at the time of administration shall be valid for the purpose of applying for
7 certification for five (5) years from the assessment ~~[test]~~ administration date.

8 (2) A teacher who fails to complete application for certification to the Education
9 Professional Standards Board within the applicable recency period of the assessment ~~[test]~~ and
10 with the passing score established at the time of administration shall retake the applicable
11 assessment or assessments ~~[test or tests]~~ and achieve the passing score or scores required for
12 certification at the time of application.

13 (3) The assessment ~~[test]~~ administration date shall be established by the Educational
14 Testing Service or other authorized test administrator.

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

- 17 (a) The Educational Testing Service; or
18 (b) The agency established by the Education Professional Standards Board as the
19 authorized test administrator.

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

1 (3)(a) Public announcement of testing dates and locations shall be issued sufficiently in
2 advance of assessment [~~testing~~] dates to permit advance registration.

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

8 Section 6. An applicant shall pay the assessment [~~examination~~] fee established by the
9 Educational Testing Service or other authorized test administrator for each relevant assessment
10 [~~test~~] required to be taken.

11 Section 7. An applicant who fails to achieve at least the minimum passing score on any of
12 the applicable assessments [~~examinations~~] may retake the assessment[~~test~~][~~or tests during one~~
13 ~~(1) of the scheduled test administrations.~~]

14 Section 8. The Education Professional Standards Board in conjunction with Kentucky
15 Center for Education and Workforce Statistics shall collect data and conduct analyses of the
16 scores and institutional reports provided by the Educational Testing Service or other authorized
17 test administrator to determine the impact of these assessments [~~tests~~].

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Date

_____, Board Chair
Education Professional Standards Board

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 6:010

Contact Person: Lisa K. Lang, Phone 502-782-2147, Email LisaK.Lang@ky.gov

(1) Provide a brief summary of

(a) What this administrative regulation does:

This administrative regulation establishes the assessment prerequisites for Kentucky teacher certification.

(b) The necessity of this administrative regulation:

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

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

KRS 161.028(1)(a) authorizes the EPSB to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030(3) and (4) require the EPSB to select and determine the appropriate level of achievement for assessments required prior to teacher certification.

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

This administrative regulation establishes assessment requirements, corresponding passing scores, and effective dates for assessment prerequisites of Kentucky teacher certification.

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

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

This amendment removes several discontinued assessment and replaces some with their regenerated counterparts. This amendment removes beginning and end effective dates of assessments and passing score changes for assessments which are discontinued, and replaces two assessments with two new assessments with the same name, but changes numbers associated with those assessments as well as the required passing scores.

This amendment also contains changes similar to changes also being made to 16 KAR 6:020.

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

This amendment establishes the assessments required for teacher certification and sets the corresponding minimal acceptable passing scores for those assessments. This amendment also makes changes similar to changes also being made to 16 KAR 6:020.

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

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

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

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

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

This administrative regulation will affect candidates for Kentucky certification; higher education educator preparation program faculty of the twenty-five (25) colleges/universities who submit Kentucky certification recommendations on behalf of candidates, and the 173 Kentucky public school districts.

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

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

Candidates for teacher certification must ensure that they have taken and successfully passed the appropriate assessment for certification. Higher education educator preparation program faculty at the twenty-five (25) colleges/universities must notify candidates for certification and review their curriculum to implement changes, if necessary. The 173 public school districts will not have to take any action.

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

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

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

Teaching quality is the most important school-based factor in determining student success and we must ensure that all Kentucky teachers enter their classroom prepared to excel. These

amendments reflect Kentucky's commitment to ensure that only academically qualified individuals are issued a teaching certificate, thus enabling them to provide instruction to Kentucky's children. All teacher candidates must successfully demonstrate essential knowledge via comprehensive assessments which help measure skills and content knowledge.

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

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

(a) Initially:

N/A

(b) On a continuing basis:

N/A

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

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

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

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

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

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

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

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 6:010

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

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

This administrative regulation will impact the Education Professional Standards Board as well as educator preparation program faculty of colleges/universities who submit Kentucky certification recommendations on behalf of candidates, and the Kentucky public school districts.

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

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

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

There should be no effect.

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

No revenue will be generated.

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

No revenue will be generated.

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

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

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

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

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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**STATEMENT OF CONSIDERATION
RELATING TO 16 KAR 6:010
Examination prerequisites for teacher certification**

Kentucky Education Professional Standards Board

Amended After Comments

I. A public hearing was scheduled on the above regulation on October 21, 2016 at 9:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, but was cancelled when no one registered to attend.

II. The following individual submitted written comments:

Name and Title

Agency/Organization/Entity/Other

Anthony Orr, Superintendent

Nelson County School District

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

Name and Title

Lisa K. Lang, General Counsel, Education Professional Standards Board

James W. Adams, Executive Director, Education Professional Standards Board

Donna Brockman, Division Director, Education Professional Standards Board, Division of Professional Learning & Assessment

IV. Summary of Comments and Responses

(1) Subject Matter: Alignment with 16 KAR 6:020

(a) Comment: The commenter suggested that the EPSB review this regulation along with 16 KAR 6:020 to ensure that both regulations were aligned when possible.

Submitting a written comment related to Alignment with 16 KAR 6:020 was: Anthony Orr, Nelson County Superintendent.

(b) Response: The EPSB reviewed these two regulations together and determined that the data collection provision of 16 KAR 6:010, Section 8 should be revised in line with the data collection provision revisions to 16 KAR 6:020, Section 8. The EPSB also determined that the word “test” should be replaced with the word “assessment” in both regulations to align with KRS 161.028 and 161.030.

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(2) Subject Matter: Assessment Number for Elementary Education: Multi-Subjects Test

(a) Comment: Board staff discovered that 16 KAR 6:010, Section 2(2) states that, “An applicant for Elementary certification (grades P – 5) shall take “Elementary Education: Multi-Subjects Test (5031)”. The administrative regulation should state “An applicant for Elementary certification (grades P – 5) shall take “Elementary Education: Multi-Subjects Test (5001)” according to the ETS Web site.

Submitting a written comment related to Assessment Number for Elementary Education: Multi-Subjects Test was: Sarah Amburgey, Staff Attorney, Legislative Review Commission

(b) Response: The EPSB agrees that this is a necessary change.

V. Summary of Action Taken by Promulgating Agency

The EPSB has revised this regulation amendment to align with the changes now being proposed for 16 KAR 6:020. Specifically, the EPSB is aligning the data collection provision in both regulations as well as replacing the word “test” with the word “assessment”.

The EPSB is also correcting an assessment number for the Elementary Education: Multi-Subjects Test.

The EPSB reviewed the comments and, as a result, is amending the administrative regulation as follows:

Page 1

Title

Line 4

After “6:010.”, insert “Assessment”.
Delete “Examination”.

Page 1

Section 1

Line 12

After “applicable”, insert “assessments”.
Delete “tests”.

Page 1

Section 2

After “shall require the”, insert “assessment or assessments”.
Delete “test or tests”.

Page 2

Section 2(2)

Line 1

After “Multi-Subjects Test”, insert “(5001)”.

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Delete “(5031)”.

Line 1

After “on the corresponding”, insert “assessment”.
Delete “test”.

Page 2

Section 2(3)

Line 13

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 3

Section 2(4)

Line 2

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 3

Section 2(5)

Line 20

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 5

Section 2(6)

Line 17

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 7

Section 2(8)(a)

Line 12

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 8

Section 2(8)(b)

Line 7

After “content”, insert “assessment or assessments”.
Delete “test or tests”.

Page 8

Section 2(9)

Line 10

After “content”, insert “assessment or assessments”.

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Delete “test or tests”.

Page 8

Section 2(10)

Line 22

After “content”, insert “assessment or assessments”.

Delete “test or tests”.

Page 9

Section 3

Line 20

After “area”, insert “assessment or assessments”.

Delete “test or tests”.

Line 21

After “pedagogy”, insert “assessment”.

Delete “test”.

Page 10

Section 3

Line 1

After “pedagogy”, insert “assessment”.

Delete “test”.

Page 10

Section 3(4)

Line 15

After “following”, insert “assessments”.

Delete “tests”.

Page 11

Section 3(5)

Line 1

After “pedagogy”, insert “assessment”.

Delete “test”.

Line 1

After “area”, insert “assessment or assessments”.

Delete “test or tests”.

Line 2

After “pedagogy”, insert “assessment”.

Delete “test”.

Page 11

Section 3(6)

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Line 5

After “following”, insert “assessments”.
Delete “tests”.

Page 11

Section 4(1)

Line 12

After “score on”, insert “an assessment”.
Delete “a test”.

Lines 13 and 14

After “years from the”, insert “assessment”.
Delete “test”.

Page 11

Section 4(2)

Line 16

After “period of the”, insert “assessment”.
Delete “test”.

Line 17

After “retake the applicable”, insert “assessment or assessments”.
Delete “test or tests”.

Line 19

After “The”, insert “assessment”.
Delete “test”.

Page 12

Section 5(2)

Line 3

After “authorize”, insert “assessment”.
Delete “test”.

Page 12

Section 5(3)(a)

Line 7

After “Public announcement of”, insert “assessment”.
Delete “testing”.

Line 7 and 8

After “in advance of”, insert “assessment”.
Delete “testing”.

Page 12

Section 5(3)(b)

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Line 9

After “location of the”, insert “assessments”.
Delete “tests”.

Line 10

After “for the appropriate”, insert “assessment”.
Delete “examination”.

Line 11

After “employment to permit”, insert “assessment”.
Delete “test”.

Page 12

Section 6

Line 14

After “relevant”, insert “assessment”.
Delete “test”.

Line 20

After “shall pay the”, insert “assessment”.
Delete “examination”.

Page 12

Section 7

Line 16

After “applicable”, insert “assessments”.
Delete “examination”

After “may retake the”, insert “assessments”.
Delete “test”.

Page 12

Section 8

Line 18

After “Board”, insert the following:

in conjunction with Kentucky Center for Education and Workforce Statistics

Line 20

After “impact of these”, insert “assessments”.
Delete “tests”.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item B

16 KAR 7:010. Kentucky Teacher Internship Program. Statement of Consideration and Amended After Comments Regulation

Action Item:

Notice of Intent to Amend 16 KAR 7:010, Kentucky Teacher Internship Program

Applicable Statutes and Regulation:

KRS 156.101, 161.028, 161.030, 161.048, 161.095
16 KAR 7:010

Applicable Goal(s):

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

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.

Issue:

Should the Education Professional Standards Board (EPSB) approve the recommended changes made during the public comment period?

Background:

16 KAR 7:010 addresses the requirements for the Kentucky Teacher Internship Program (KTIP). The Kentucky Advisory Council for Internships (KACI), at the direction of the Board, has redesigned KTIP to align with the Kentucky Framework for Teaching and to meet the requirements of PGES (Professional Growth and Effectiveness System). The new program was piloted in 21 districts during the 2014-15 school year, and feedback was collected to clarify the process and sources of evidence. All districts used the revised KTIP during the 2015-16 school year through a waiver of 16 KAR 7:010 granted by the Board. Again, feedback was collected and further refinement of KTIP took place. The proposed changes to 16 KAR 7:010 reflect the KTIP recommended by KACI. Technical clarifications have been made to the regulation since it was presented to the Board as an information item, as the confirmation of employment (COE) timeline stated was not feasible.

Written comments were received during the public comment period for the regulation; therefore, the Board must file a Statement of Consideration and has the option of also filing an Amended After Comments Regulation.

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The Education Professional Standards Board (EPSB) received four comments from Stephanie Winkler, President of the Kentucky Association of Teachers. All four comments related to the KTIP appeals process and the documentation related to that process. Those comments related specifically to: 1) the use of the Resource Teacher Time Sheet; 2) the KTIP documentation used in KTIP appeals; 3) the procedures used by the EPSB when notifying an intern that the beginning teacher committee has deemed their internship unsuccessful; and 4) the role of the KTIP appeal committee and the EPSB in the KTIP appeals process.

Based on these comments, the EPSB staff recommends filing an Amended After Comments Regulation that includes five changes in the Amended After Comments Regulation. Specifically, the EPSB staff recommends including language that reflects the following current EPSB practices: 1) interns have the opportunity to review documentation submitted to the EPSB by the beginning teacher committee that forms the basis of a beginning teacher committee decision; 2) interns have the opportunity to submit documentation for the KTIP appeals committee to consider when reviewing a beginning teacher committee decision; 3) the KTIP appeals committee will consider documentation submitted by the KTIP intern as well as the documentation submitted by the beginning teacher committee.

The EPSB staff recommends changes to the regulation that will make clear that a beginning teacher committee will not only submit to the EPSB the KTIP documentation the beginning teacher committee deems “relevant”. The beginning teacher committee will also forward to the EPSB all KTIP documentation.

Finally, the EPSB staff recommends making changes to the regulation in order to make clear that the KTIP appeals committee and the EPSB review all the KTIP documentation to determine if the evidence supports the findings of the beginning teacher committee.

Groups/Persons Consulted:

Notice was provided to the public in accordance with the requirements of Chapter 13A.

Potential Actions:

1. Approve the State of Consideration and/or Amended After Comments Regulation.
2. Approve the Statement of Consideration and/or Amended After Comments Regulation with modifications.
3. Do not approve the Statement of Consideration and/or Amended After Comments Regulations.

Staff Recommendation:

Potential Action 1

Rationale:

The revisions made based on written comments received during the public comment period will increase transparency and clarify the KTIP process for the interns that are completing their

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internships, the members of the beginning teacher committee, the KTIP appeal members, the Board, and the public.

Contact Person:

Ms. Donna Brockman, Division Director
Division of Professional Learning and Assessment
502-564-4606
E-mail: Donna.Brockman@ky.gov

Date:

December 12, 2016

Agenda Book

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amended After Comments)

4 16 KAR 7:010. Kentucky Teacher Internship Program.

5 RELATES TO: KRS 156.101, 161.028, 161.030, 161.048[, 161.095]

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

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

12 Section 1. Definitions. (1) [~~Confirmation of Employment~~] means the electronic document or
13 a hardcopy of the same name that is submitted to the Education Professional Standards Board by
14 the employing school district or nonpublic school to document employment of a teacher intern.

15 (2) "Half-time basis" means teaching fifteen (15) hours per week in the teacher intern's area
16 of certification.

17 (2)[(3)] "Instructional day" means a day that:

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

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

5 (3) "Resource teacher" means the classroom teacher that serves on a beginning teacher
6 committee.

7 (4) [~~"Resource Teacher Time Sheet" means the electronic document or a hardcopy of the~~
8 ~~same name that is submitted to the Education Professional Standards Board and is used by~~
9 ~~resource teachers to record in-class hours and, for compensation, resource teacher out of class~~
10 ~~hours.~~

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

14 (5) "Teaching standards" means the standards set forth in 16 KAR 1:010.

15 Section 2. Basis for Professional Judgment by the Beginning Teacher Committee. (1) A
16 teacher intern and the beginning teacher committee shall follow the requirements established in
17 this administrative regulation.

18 [(a)1. ~~The teacher intern shall successfully complete a KTIP Teacher Performance~~
19 ~~Assessment.~~

20 2. ~~The assessment shall be organized according to three cycles of the internship year and~~
21 ~~shall be a set of twelve (12) teaching tasks designed to provide interns the opportunity to~~
22 ~~demonstrate performance of the Kentucky Teacher Standards established by the Education~~
23 ~~Professional Standards Board in 16 KAR 1:010.~~

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~~(b) The twelve (12) teaching tasks shall be grouped into three (3) components as follows:~~

~~1. Component I: Classroom Teaching, which shall include:~~

~~a. Task A 1: Teaching and Learning Context;~~

~~b. Task A 2: Lesson Plan;~~

~~c. Task B: Classroom Observation; and~~

~~d. Task C: Lesson Analysis and Reflection;~~

~~2. Component II: Professional Responsibilities, which shall include:~~

~~a. Task D: Collaborate to Address Special Learning Needs;~~

~~b. Task E: Assess and Manage Professional Growth; and~~

~~c. Task F: Leadership; and~~

~~3. Component III: Instructional Unit, which shall include:~~

~~a. Task G: Designing the Instructional Unit;~~

~~b. Task H: The Assessment Plan;~~

~~c. Task I: Designing Instructional Strategies and Activities;~~

~~d. Task J 1: Organizing and Analyzing the Results Reflecting on the Impact of Instruction;~~

~~and~~

~~e. Task J 2: Communication and Follow-Up.]~~

~~(2) [In arriving at its professional judgment, the beginning teacher committee shall utilize the scoring rubrics contained within the KTIP Intern Performance Record, and 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:~~

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- 1 (a) A systematic observation of classroom performance;
- 2 (b) An ongoing review of documented evidence developed by the teacher intern of progress
- 3 toward demonstration of the applicable teaching standards; and
- 4 (c) A review of the teacher intern's response to the suggestions and recommendations made
- 5 by the beginning teacher committee during its meetings with the teacher intern throughout the
- 6 internship.

7 (3) Throughout the internship, the teacher intern and the beginning teacher committee shall

8 utilize the teaching [~~Kentucky Teacher~~] standards established by the Education Professional

9 Standards Board in 16 KAR 1:010.

10 (4) The assessment shall be organized according to three (3) cycles of the internship designed

11 to provide teacher interns the opportunity to demonstrate performance of the teaching standards

12 established in 16 KAR 1:010~~[Teacher Interns and their committees shall use the indicators for~~

13 ~~each standard as outlined in the KTIP Intern Performance Record].~~

14 Section 3. Beginning Teacher Committee Membership Appointment. (1)(a) Each beginning

15 teacher committee shall be composed of three (3) persons who have been appointed pursuant to

16 KRS 161.030(6).

17 (b) School districts shall maintain a pool of resource teachers and principals who have

18 successfully completed the beginning teacher [~~Kentucky Teacher Internship Program~~] committee

19 training in order to assure eligibility for appointment to beginning teacher committees.

20 (c)~~(b)~~ The beginning teacher [~~Kentucky Teacher Internship Program~~] committee training

21 may be approved for up to six (6) [~~twelve (12)~~] hours of professional development credit [~~toward~~

22 ~~the continuing education requirements~~] for resource teachers [~~pursuant to KRS 161.095~~] and

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1 Effective Instructional Leadership Act (EILA) credit for administrators pursuant to KRS
2 156.101.

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

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

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

15 (5) The teacher training institution shall appoint a teacher educator no later than thirty (30)
16 calendar days after being notified by the district or nonpublic school of the need for a teacher
17 educator. [~~If the teacher intern is employed after the date required to submit the Confirmation of
18 Employment in accordance with Section 4(3)(a) of this administrative regulation, the teacher
19 training institution shall appoint a teacher educator no later than ten (10) days after being notified
20 by the district or nonpublic school of the need for a teacher educator.~~]

21 (6) If the superintendent or designated nonpublic school head or leader determines that a
22 teacher educator is unsuitable for appointment, the superintendent or designated nonpublic

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1 school head or leader shall submit a written request for removal to the Education Professional
2 Standards Board. The request shall contain the following:

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

4 (b) The name of a qualified replacement submitted after consultation with the principal of the
5 employing school and the Kentucky Teacher Internship Program university and district
6 coordinators for that school district.

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

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

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

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

18 (2) The internship shall be established for each teacher intern whose initial employment
19 begins at any time during the school term except if the date of employment does not allow for
20 completion of at least seventy (70) instructional days of employment during the school year.

21 (a) If the period of employment is less than seventy (70) instructional days in a school year,
22 the local school district shall declare an emergency as provided in KRS 161.100, authorizing the
23 superintendent to request an emergency teaching certificate.

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1 (b) The employing school district shall be responsible for providing assistance and
2 supervision to the new teacher during the period of employment under an emergency certificate.

3 (3)(a) The school district or nonpublic school shall ~~[complete and]~~ submit to the Education
4 Professional Standards Board a ~~[the]~~ confirmation of employment ~~[in electronic form or in hard
5 copy if the electronic submission system is unavailable:~~

6 ~~4.]~~ within thirty (30) calendar days from the teacher intern's first instructional day~~[the date of
7 hire or on or before October 15, whichever occurs first, for a teacher intern participating in the
8 internship for the fall semester or full year; or~~

9 ~~2. Within thirty (30) days from the date of hire or On or before February 15, whichever
10 comes first, for a teacher intern participating in the internship for the spring semester].~~

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

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

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1 (d) Failure to confirm employment [~~submit the completed Confirmation of Employment~~] or
2 declare an emergency in accordance with paragraph (a), (b), or (c) of this subsection shall:

3 1. Be a violation of KRS 161.020; and

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

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

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

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

17 2. The Education Professional Standards Board staff.

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

21 (6) The internship shall be established in a classroom which corresponds to the certificate of
22 the teacher intern. An internship shall not be established in a classroom designated as an
23 alternative school, classroom or program unless the district superintendent or designated

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1 nonpublic school head or leader submits a written request for a waiver to the staff of the
2 Education Professional Standards Board. The request shall include the following:

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

4 (b) The student selection and placement process;

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

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

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

8 (f) The instructional resources available to the faculty;

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

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

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

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

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

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

19 (7) The Education Professional Standards Board staff shall grant the waiver if there is a
20 determination that the request and accompanying documentation sufficiently demonstrate that:

21 (a) The level of support and services provided to the teacher intern assigned to an alternative
22 school, classroom, or program is equivalent to that provided to a teacher intern placed in a
23 nonalternative setting; and

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1 (b) The teacher intern assigned to the alternative school, classroom, or program shall be
2 provided the opportunity to successfully demonstrate all teaching~~[Kentucky Teacher]~~ standards.

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

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

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

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

19 (b) Conduct a lesson plan review prior to each of the three (3) observations and a post-
20 observation [~~postobservation~~] conference after each observation;

21 (c) Report progress observed and concerns to the committee at the scheduled committee
22 meetings;

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1 (d) Track and verify ~~[Monitor]~~ the time that the resource teacher spends with the teacher
2 intern both in and out of class~~[and sign the electronic version of the resource teacher time sheets~~
3 ~~or the hard copy of the resource teacher time sheets if the electronic reporting system is~~
4 ~~unavailable]~~; and

5 (e) Ensure that all program policies and procedures are followed.

6 (2) The resource teacher shall be a mentor to the teacher intern and assess the teacher intern's
7 progress in the internship.

8 (a) The resource teacher, ~~[upon completion of Kentucky Teacher Internship Program~~
9 ~~Committee Training and,]~~ upon appointment, shall begin to assist the teacher intern.

10 (b) The resource teacher shall spend the required amount of hours working with the teacher
11 intern in the classroom setting as specified in KRS 161.030(7).

12 1. As a portion of the hours, the resource teacher shall conduct:

13 a. Three (3) official observations with each observation lasting one (1) hour in duration or
14 one (1) class period; or

15 b. Two (2) observations lasting one (1) hour in duration or one (1) class period followed by
16 an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom
17 lesson.

18 2. The observations shall be preceded by ~~[a preobservation conference and]~~ lesson plan
19 review and shall be concluded with a post-observation ~~[post-observation]~~ conference.

20 (c) Pursuant to the resource teacher requirements established in KRS 161.030(7), a resource
21 teacher shall complete out-of-class time identified in KRS 161.030 in consultation with the
22 teacher intern to:

23 1. Assist the teacher intern in the development of the professional growth plan;

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- 1 2. Assist the teacher intern in areas identified in the professional growth plan;
- 2 3. Assist the teacher intern with instructional activities such as planning, management
- 3 techniques, assessment, and parent conferences;
- 4 4. Assist the teacher intern in arranging to attend seminars, conferences, or lectures offering
- 5 educational assistance commensurate with the teacher intern’s professional growth plan;
- 6 5. Continually assess the teacher intern’s progress in the internship in relation to each of the
- 7 applicable teaching[~~Kentucky Teacher~~] standards;
- 8 6. Provide the opportunity for the teacher intern to receive mentoring in a collaborative
- 9 setting if the collaboration meets the needs of the teacher intern as defined in the professional
- 10 growth plan. Mentoring in a collaborative setting shall be documented[~~on the Resource Teacher~~
- 11 ~~Time Sheet; and~~
- 12 7. ~~Enter and submit data into the online Resource Teacher Time Sheet or the hard copy of~~
- 13 ~~that document if the electronic reporting system is unavailable].~~
- 14 (d) The resource teacher shall divide the consultation time required in paragraphs (b) and (c)
- 15 of this subsection into appropriate increments that provide support for the teacher intern
- 16 throughout the internship. The resource teacher shall not spend this required consultation time
- 17 with the teacher intern at required in-school or district-wide meetings, or any other activity for
- 18 which the resource teacher receives compensation from the district of employing school, to
- 19 include a professional development activity.
- 20 (3) The teacher intern shall:
- 21 (a) Complete all requirements of the Kentucky Teacher Internship Program as established in
- 22 KRS 161.030 and this administrative regulation, including compliance with the applicable
- 23 teaching[~~Kentucky Teacher~~] standards;

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1 (b) Attend the orientation ~~[, pre-observation,]~~ and post-observation conferences with
2 individual committee members, and all beginning teacher committee meetings;

3 (c) Participate with the resource teacher in consultation time to be spent outside of an
4 instructional setting in the amount of time specified in KRS 161.030;

5 (d) Cooperate with the resource teacher in completing the instructional observations;

6 (e) Complete a professional growth plan [~~(PGP)~~];

7 (f) Prepare for three (3) official one (1) hour observations by each committee member during
8 the internship, including submitting a written lesson plan to the observer in a timely fashion prior
9 to each visit. Each observation shall be one (1) hour in duration or one (1) class period;

10 (g) Develop documentary evidence of progress toward demonstration of the applicable
11 standards for presentation and review at committee meetings; and

12 (h) Review all [~~electronic~~] documents completed by the beginning teacher committee and
13 affix a [~~an electronic~~] signature if required. [~~If the electronic version of a document is~~
14 ~~unavailable through the electronic reporting system, the teacher intern shall review and sign a~~
15 ~~hard copy version of the document.~~]

16 (4) The teacher educator shall:

17 (a)1. Make three (3) official observations of the teacher intern with each observation lasting
18 one (1) hour in duration or one (1) class period; or

19 2. Make two (2) observations of one (1) hour in duration or one (1) class period, followed by
20 an observation of the teacher intern's one (1) hour or one (1) class period videotaped classroom
21 lesson;

22 (b) Conduct a lesson plan review prior to each of the three (3) observations and a post-
23 observation [~~postobservation~~] conference after each observation; and

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1 (c) Report progress observed and concerns to the committee at the scheduled committee
2 meetings.

3 (5) Observations and committee meetings shall be scheduled in accordance with the
4 following:

5 (a) The orientation meeting shall be held prior to the conduct of any formal classroom
6 observations of the teacher intern;

7 (b) The classroom observations by all committee members shall occur prior to the
8 corresponding committee meeting;

9 (c) The Cycle 1 classroom observations and [~~second~~] committee meeting shall be held
10 between one (1) and sixty (60) instructional days following the orientation meeting;

11 (d) The Cycle 2 classroom observations and [~~third~~] committee meeting shall be held between
12 sixty-one (61) and 110 instructional days following the orientation meeting; and

13 (e) The Cycle 3 taping and reviews of the video or classroom observations and [~~fourth~~]
14 committee meeting shall be held between 111 instructional days after the orientation meeting and
15 by the closing day of the school year[~~140 instructional days following the orientation meeting~~].

16 (6) Committees formed during the spring semester shall establish a meeting schedule that
17 observes the time sequences established in subsection (5) of this section for the full-year teacher
18 interns but which shall span the spring and fall semesters of two (2) consecutive school years.

19 (7)(a) Classroom observations conducted by committee members shall be:

20 1. Of at least one (1) hour or one (1) class period in duration; and

21 2. In the classroom or at the work station of the teacher intern.

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

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

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

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

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

7 (b) Procedures and materials for classroom observations;

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

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

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

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

14 (10)(a) The primary purpose of the Cycle 1 and Cycle 2 [~~second and third~~] committee
15 meetings shall be to provide the teacher intern with information based on classroom
16 observations, review of the teacher intern's documented evidence of progress toward
17 demonstration of the applicable teaching standards, and reports of the resource teacher that shall
18 support the growth of the teacher intern.

19 (b) The committee shall provide the teacher intern at the cycle committee [~~second, third, and~~
20 ~~fourth~~] meetings with [~~a consensus assessment of~~] the teacher intern's progress in the internship
21 in relation to the applicable teaching [~~each of the Kentucky Teacher~~] standards.

22 (11) The professional growth plan [~~(PGP)~~] shall be initiated at the Cycle 1 [~~second~~]
23 committee meeting.

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1 (12) The Cycle 2 committee [~~third~~] meeting shall include a review of expectations for the
2 performance of the teacher intern, taking into account the reflections of the teacher intern and the
3 committee members, and incorporating these expectations and reflections into the professional
4 growth plan[PGP].

5 (13) The Cycle 3 committee [~~fourth~~] meeting shall include a professional judgment by the
6 committee members on the satisfactory completion of the one (1) year internship. This judgment
7 shall be based upon the teacher intern's ability to meet the requirements of Kentucky Teacher
8 Internship Program [~~all Kentucky Teacher Standards~~].

9 (14) If all committee members believe that more time would allow for improved
10 demonstration of the teaching standards, a fourth cycle may be conducted.

11 (15) Cycle 4 may include additional observations or a review of the teaching standards.

12 (16) Cycle 4 shall fall within the timelines of Cycle 3 and shall include a committee meeting.
13 Upon completion of Cycle 4, the Cycle 4 results shall replace the Cycle 3 results.

14 Section 6. Decision by the Beginning Teacher Committee, Reporting, and Certification
15 Actions. (1)(a) The decision of the beginning teacher committee as to satisfactory completion of
16 the internship for all [~~full-year~~] teacher interns shall be reported by the chair to the local school
17 superintendent or other employer and to the Education Professional Standards Board [~~by May 1~~
18 ~~or~~] no later than two (2) weeks following the final committee meeting[~~, whichever occurs first~~].

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

21 (e) If a teacher intern's performance is judged by the majority of the committee to be
22 unsuccessful, the school district or employing school shall submit all relevant [the following]

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1 documentation to the Education Professional Standards Board by the deadline~~[deadlines]~~
2 established in paragraph (a) ~~[paragraphs (a) and (b)]~~ of this subsection[;:

3 ~~1. Record of Teacher Internship Year;~~

4 ~~2. Resource Teacher Time Sheets;~~

5 ~~3. All Teacher Performance Assessment documents created in compliance with Section 2 of~~
6 ~~this administrative regulation;~~

7 ~~4. School Calendar;~~

8 ~~5. Video if available;~~

9 ~~6. Any electronic communications that relate to any aspect of the internship sent to the~~
10 ~~teacher intern along with read receipts and responses back from the teacher intern if available;~~

11 ~~and~~

12 ~~7. The KTIP Intern Performance Record or the KTIP IECE Intern Performance Record].~~

13 ~~(c)~~~~(d)~~ All materials submitted shall become the property of the Education Professional
14 Standards Board and shall not be returned to the teacher intern.

15 (2) Failure to meet the deadlines established in subsection (1) of this section may warrant
16 action against the District Superintendent's or employing school head or leader's certification.

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

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

6 (b) Under extraordinary circumstances and with the approval of the Education Professional
7 Standards Board [~~EPSB~~], the teacher intern may continue the internship during a subsequent
8 school year if employed in a public or nonpublic accredited school. Extraordinary circumstances
9 shall include:

- 10 1. Medical condition[~~Serious medical conditions~~];
- 11 2. Temporary disability; or
- 12 3. Military deployment.

13 (c) The provisions of Section 4(1)(a) or (b) of this administrative regulation shall not apply if
14 the Education Professional Standards Board [~~EPSB~~] approves the request for an exception based
15 on extraordinary circumstances in this situation.

16 Section 7. Payments to Committee Members. (1) The Education Professional Standards
17 Board shall contract with the local school district, or make other appropriate arrangements, for
18 the direct service of a resource teacher to each teacher intern.

19 (2) A resource teacher shall:

- 20 (a) Not serve as a resource teacher for more than two (2) teacher interns concurrently; and
- 21 (b) Be paid a stipend in accordance with subsection (3) of this section.

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1 (3)(a) Contingent upon funding, the Education Professional Standards Board shall provide a
2 stipend [~~in an amount not to exceed \$1,400 per teacher intern~~] to each resource teacher as
3 compensation for out-of-class time spent with the teacher intern.

4 (b) The stipend shall be prorated if the required number of hours are not performed and
5 documented pursuant to the requirements of Section 5(2) of this administrative regulation.

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

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

11 ~~2. If the resource teacher is serving in a nonpublic school, the frequency of the disbursement
12 shall be determined by the submission of the resource teacher time sheets.]~~

13 Section 8. Appeals. (1)(a) If a Beginning Teacher Committee finds that a teacher intern was
14 unsuccessful, the Education Professional Standards Board shall notify the teacher intern by
15 certified mail to the last known address of the teacher intern on file with the Education
16 Professional Standards Board. Service of the notice shall be deemed complete on the day the
17 teacher intern receives the notice or on the day the Education Professional Standards Board
18 receives the returned notice. **The teacher intern may have the right to inspect the**
19 **documentation submitted by the beginning teacher committee to the Education**
20 **Professional Standards Board.**

21 (b) To appeal the decision, the teacher intern shall file a written notice of appeal **along with**
22 **any additional documentation the teacher intern would like the appeals committee to**
23 **consider** within thirty (30) calendar days of the date service was deemed complete [~~the written~~

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1 ~~notice of finding of unsuccessful completion of the internship is received by the teacher intern. If~~
2 ~~the teacher intern fails to maintain a current address with the Education Professional Standards~~
3 ~~Board or refuses to claim the certified mail, the teacher intern shall file a written notice of appeal~~
4 ~~within thirty five (35) days of the date the notice is mailed to the teacher intern's last known~~
5 ~~address].~~

6 (c) If a written notice of appeal is not received within the timeline established in paragraph
7 (b) of this subsection, the Beginning Teacher Committee's decision shall be final.

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

- 10 1. One (1) teacher;
- 11 2. One (1) principal;
- 12 3. One (1) teacher educator; and
- 13 4. The Executive Director of the Education [~~Educational~~] Professional Standards Board, or
14 his or her designee.

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

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

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

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1 (b) The appeals committee shall review all of the documentation listed in paragraph (a) of
2 this subsection to determine if the evidence supports the findings of the beginning teacher
3 committee and [provide deference to] base its recommendation upon the following
4 requirements:

5 1. Evidence of the teacher intern's ability to meet the requirements of the applicable
6 teaching[Kentucky Teacher] standards;

7 2. Appropriate documentation of the instructional setting and outside normal working hours
8 spent by the resource teacher in assisting the teacher intern as specified in KRS 161.030(7);

9 3. Assignment of beginning teacher committee members in accordance with legal
10 requirements;

11 4. Compliance with the requirements for the timing, content, reporting, and signing of
12 teacher intern performance records, meeting and observation forms, and resource teacher time
13 sheets; and

14 5. Agreement between teacher intern performance records, professional growth plans,
15 beginning teacher committee meeting reports, the [teacher performance] assessment, and the
16 final decision of the committee.

17 (4) The appeals committee shall make a recommendation to the Education Professional
18 Standards Board on the appeal within sixty (60) calendar days following the receipt of the
19 appeal, unless good cause exists for additional time.

20 (5) The Education Professional Standards Board shall issue a final decision in each appeal
21 reviewed by the appeals committee. When making its final decision, the Education Professional
22 Standards Board shall [~~may~~] consider only the appeals committee recommendation and the
23 records reviewed by the appeals committee[~~in issuing its decision~~].

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1 ~~(6) [(5) If the decision of the beginning teacher committee is not upheld, the Education~~
2 ~~Professional Standards Board shall issue the appropriate certificate to the teacher intern.~~

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

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

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

8 ~~(7) If the Education Professional Standards Board determines that there is sufficient~~
9 ~~credible evidence [during the appeal process, it becomes evident] that the beginning teacher~~
10 ~~committee has committed some procedural violation during the internship that [which] makes it~~
11 ~~impossible to determine if the teacher intern has in fact been unsuccessful, the Education~~
12 ~~Professional Standards Board may nullify the internship and allow the teacher intern to repeat the~~
13 ~~internship without penalty.~~

14 ~~(7) In its final decision, the Education Professional Standards Board shall make a~~
15 ~~determination as to whether or not a certification shall be issued.~~

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

21 ~~(9) In notifying the teacher intern of the board's decision,] The Education Professional~~
22 ~~Standards Board shall send its decision [the decision of the board] by certified mail to the~~
23 ~~address of the teacher intern on file with the EPSB [last known address of the teacher intern].~~

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1 Service shall be effective when the teacher intern receives the notice or when the Education
2 Professional Standards Board receives the notice of return~~[If the teacher intern fails to maintain a~~
3 ~~current address with the Education Professional Standards Board, or refuses to claim the certified~~
4 ~~mail, the request for a hearing shall be filed in writing with the Executive Director of the~~
5 ~~Education Professional Standards Board within (20) calendar days of the date the board's~~
6 ~~decision is mailed to the teacher intern by certified mail].~~

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

12 Section 9. A teacher intern who has not successfully completed the internship and has exhausted
13 the two (2) year provision for participation in the Kentucky Teacher Internship Program shall not
14 be eligible for a Kentucky teaching certificate under this administrative regulation.

15 ~~[Section 10. A teacher intern serving the internship in Interdisciplinary Early Childhood~~
16 ~~Education (IECE) shall successfully demonstrate the Kentucky Teacher Standards as adapted to~~
17 ~~the IECE standards and shall utilize the KTIP IECE Intern Performance Record.~~

18 ~~Section 11. Incorporation by Reference. (1) The following material is incorporated by~~
19 ~~reference:~~

- 20 (a) ~~"Confirmation of Employment", November 2004;~~
21 (b) ~~"KTIP Intern Performance Record", March 2008;~~
22 (c) ~~"KTIP IECE Intern Performance Record", March 2008;~~
23 (d) ~~"Record of Teacher Internship Year", March 2008; and~~

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1 ~~(e) "Resource Teacher Time Sheet", March 2008.~~

2 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law,~~

3 ~~at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort,~~

4 ~~Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

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Date

_____, Chair
Education Professional Standards Board

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 7:010

Contact Person: Lisa K. Lang, Phone 502-782-2147, Email LisaK.Lang@ky.gov

(1) Provide a brief summary of 16 KAR 6:010

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for the Kentucky Teacher Internship Program.

(b) The necessity of this administrative regulation:

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 is necessary as it establishes the requirements for the Kentucky Teacher Internship Program.

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

KRS 161.028 requires the Education Professional Standards Board to establish the standards and requirements for maintaining a teaching certificate. 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.

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

This administrative regulation establishes the requirements for the Kentucky Teacher Internship Program.

(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 administrative regulation addresses the requirements for the Kentucky Teacher Internship Program (KTIP). During 2014 and 2015, the Kentucky Advisory Council for Internships (KACI), at the direction of the Board, redesigned KTIP to align with the Kentucky Framework for Teaching using the district certified plan. The new program was piloted in 21 districts over the 2014-15 school year. Feedback was collected and used to further revise and refine KTIP process and sources of evidence. During 2016, all school district began using the revised KTIP

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with their new teachers after a waiver of this administrative regulation was approved by the Board. This proposed amendment reflects the redesigned KTIP and includes provisions that make specifically states that 1) an intern may review documentation used to form the basis of the determination made a beginning appeals committee; 2) an intern may submit additional documentation to an appeals committee reviewing the determination of a beginning appeals committee; and 3) that the appeals committee will review both the documentation submitted by the beginning teacher committee as well as the intern. The proposed amendment also makes clear that the beginning teacher committee must submit all KTIP documentation to the EPSB and it makes clear that the appeals committee and the EPSB will review all of the documentation listed to determine if the evidence supports the findings of the beginning teacher committee.

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

This amendment is necessary to align KTIP with the Kentucky Framework for Teaching using the district certified plan and to meet the requirements of the Teacher Professional Growth and Effectiveness System (TPGES).

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

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 required by KRS 161.030(5).

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

This amendment further clarifies KTIP and aligns it with the Kentucky Framework for Teaching using the district certified plan.

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

Several hundred applicants seeking initial certification in Kentucky will be affected by this regulation. Approximately 173 school districts and dozens of private schools that participate in KTIP will be affected by this regulation. Additionally, individuals who serve on the internship committees as mentors will be affected.

(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:

No additional action will be required of the applicants seeking initial certification in Kentucky, the school districts and private schools employing these applicants, or the individuals serving on

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the internship committees. In fact, this amendment to the regulation reduces the burden of the administrative paperwork that was previously associated with KTIP.

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

There is no additional cost associated with this amendment.

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

This amendment seeks to simplify the KTIP process and reduce the administrative paperwork for all regulated entities involved with the KTIP while still providing applicants seeking initial certification a successful first year classroom experience by providing critical mentoring and feedback. Helping new teachers move through professional growth which is designed to enhance their ability to reflect on and analyze their teaching and to make the curricular and instructional adjustments necessary to ensure maximum student learning is critical to student success in the Commonwealth.

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

(a) Initially:

EPSB has capped spending at \$3,342,100.00 to administer the KTIP. If KTIP were fully funded, EPSB would spend approximately \$5,617,470.00.

(b) On a continuing basis:

EPSB has capped spending at \$3,342,100.00 to administer the KTIP. If KTIP were fully funded, EPSB would spend approximately \$5,617,470.00.

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

EPSB implements KTIP using funds from the EPSB's General Fund. Pursuant to the most recently passed biennial budget, EPSB may also use some restricted funds to help reduce the number of KTIP participants deferred due to insufficient funding each year.

(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:

The amendment of this administrative regulation will not result in an increase in funding.

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

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The amendment of this administrative regulation does not establish fees nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation. All candidates for initial certification in Kentucky are required to do a one (1) year internship.

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 7:010

Contact Person: Lisa K. Lang, Phone: (502) 782-2147, Email: LisaK.Lang@ky.gov

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

School districts and approved educator preparation programs at Kentucky public colleges/universities and the EPSB are impacted by this administrative regulation.

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

KRS 161.028 requires the EPSB to establish the standards and requirements for maintaining a teaching certificate. 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.

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

There should be no effect.

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

No revenue will be generated.

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

No revenue will be generated.

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

Currently, the EPSB spends approximately \$3,342,100.00 per year to manage KTIP.

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

To fully fund KTIP for all teachers seeking initial certification in Kentucky, EPSB would need to spend approximately \$5,617,470.00. Due to current funding constraints, the EPSB has capped spending at \$3,342,100.00.

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

Revenues (+/-): No revenue will be generated.

Expenditures (+/-): No additional expenditures will be generated.

Other Explanation:

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**STATEMENT OF CONSIDERATION
RELATING TO 16 KAR 7:010
Kentucky Teacher Internship Program**

Kentucky Education Professional Standards Board

Amended After Comments

VI. A public hearing was scheduled on the above regulation on October 21, 2016 at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, but was cancelled when no one registered to attend.

VII. The following individual submitted written comments:

Name and Title Agency/Organization/Entity/Other

Stephanie Winkler, President Kentucky Education Association (KEA)

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

Name and Title

Lisa K. Lang, General Counsel, Education Professional Standards Board

James W. Adams, Executive Director, Education Professional Standards Board

Donna Brockman, Division Director, Education Professional Standards Board, Division of Professional Learning & Assessment

IX. Summary of Comments and Responses

(1) Subject Matter: Resource Teacher Time Sheet

(a) Comment: The commenter stated that it appeared that Sections 1(4) and 5 of the proposed amendment to the regulation eliminated the use of a “Resource Teacher Time Sheet.” The commenter expressed concern that the proposed amendment to the regulation requires that resource teachers document in some unspecified fashion the amount of time that the resource teachers devote to “their mentoring in a collaborative setting.” The commenter expressed concern that the regulation does not specifically say when or how this documentation would be created and stored, or how it would be made available for the review and use by the intern. The commenter also expressed concern that the proposed amendment to the regulation makes it appear as if the time sheet is not important to the process of supporting the intern both inside and outside of the classroom. The commenter also stated that the Resource Teacher Time Sheet is often a useful record in KTIP appeals and therefore should not be eliminated or restricted by the proposed amendment to the regulation.

Submitting a written comment related to Resource Teacher Time Sheet was:
(Kentucky Education Association).

(b) Response: The EPSB has carefully considered the commenter's comments and has concluded that the deletion of the definition of "Resource Teacher Time Sheet" is appropriate. The agency states that the proposed amendment to the regulation does not eliminate the requirement that all resource teachers document the time that they spend mentoring teacher interns. The proposed amendment to the regulation merely removes the requirement that the specific form ("Resource Teacher Time Sheet") be used.

The proposed amendment to the regulation still specifically provides: 1) that resource teachers must document the time they spend with their teacher interns (16 KAR 7:010, Section (2)(c)(6)); 2) that principals track and verify the time claimed by the resource teacher (16 KAR 7:010, Section 5(1)(d)); and 3) that the stipend received by a resource teacher for the time spent with teacher interns outside of class must be prorated if the number of hours are not performed and documented (16 KAR 7:010, Section 7(3)(b)).

With this proposed amendment, teacher interns will still be able to use the Resource Teacher Time Sheet or its equivalent as evidence in KTIP appeals. Teacher interns have access to these documents via an on-line system. Teacher interns also have the right to request a copy of these records from the EPSB through an Open Records Request.

(2) Subject Matter: Internship Documentation

(a) Comment: The commenter stated that Section 6(1) of the proposed amended regulation requires that "all relevant documentation" relating to the internship be submitted and retained by the Education Professional Standards Board, but that the regulation does not define "all relevant documentation." The commenter is concerned that, because the proposed regulation removes examples of what must be sent, the regulation leaves the phrase "all relevant documentation" open to interpretation. The commenter states that the intern should have the right and opportunity to submit documentary evidence supporting the successful completion of the internship. The commenter further stated that the proposed amendment to the regulation does not appear to allow an intern to know precisely what documentation a beginning teacher committee considers when reviewing the progress of the teacher intern or what documentation the EPSB considers when reviewing the work of a beginning teacher committee. The commenter stated that these omissions send the message that the intern's records and documentation may not be considered when the beginning teacher committee, the appeals committee, and the EPSB making a determination about a teacher intern's success.

Submitting a written comment related to Internship Documentation was Stephanie Winkler
(KEA).

(b) Response: The EPSB has carefully considered the commenter's comments and is willing to replace the phrase "all relevant documentation" with "all documentation." The purpose of the proposed amendment to the regulation is not to limit the types of documentation that can be

considered when reviewing a determination about a teacher intern's success. The purpose of the proposed amendment to the regulation is only to expand what can be considered. The EPSB will amend the proposed regulation accordingly.

The EPSB further states that it is currently its practice: 1) to allow teacher interns the opportunity to review the documentary evidence submitted by the beginning teacher committee to the EPSB; 2) to allow teacher interns the opportunity to submit documentary evidence for the consideration of the KTIP appeal panel; 3) to provide the appeals panel with the documentary evidence submitted by the teacher intern when the appeals panel considers the determination of the beginning teacher committee. The EPSB is willing to add language to the proposed amendment to the regulation to reflect these current practices.

(3) Subject Matter: Notice to Intern

(a) Comment: The commenter expressed concern that the notice procedure set forth in Section 8(1)(a) of the proposed amendment to the regulation "could potentially mean that the intern may never see the notice" because the regulation provides that "service of the notice shall be deemed complete on the day the teacher intern receives the notice or on the day the Education Professional Standards Board received the return notice." The commenter requests that the EPSB require actual notice to the intern so as to allow the intern a fair opportunity to contest the beginning teacher committee's decision. The commenter further stated that "sending an additional notice to the intern at his or her place of employment might help ensure that interns receive actual notice of decisions pertaining to their internship."

Submitting a written comment relating to Notice to Intern was Stephanie Winkler (KEA)

(b) Response: The EPSB has carefully considered the commenter's comments, but feels that it is necessary to move forward with the proposed amendment to the regulation as currently written in order to provide the EPSB with a means for moving forward in situations where the EPSB has tried, but has been unsuccessful in its efforts to officially provide actual notice to a teacher intern regarding the beginning teacher committee determination. A teacher intern receives feedback from the beginning teacher committee regarding the teacher intern's progress throughout the school year. By the time the EPSB has received notice from the beginning teacher committee that an internship has been deemed unsuccessful, the teacher intern has often left the employment of the school district and many school district employees have begun their summer break. Because the teacher intern has often already left the employment of the school district by the time the beginning teacher committee notifies the EPSB, it is unlikely that any effort by the EPSB to provide the teacher intern with actual notice at the school district would prove successful. The EPSB would further point out that the additional language regarding service closely resembles the language of KRS 13B.050(2) regarding notice of an administrative hearing.

(4) Subject Matter: KTIP Appeals Committee and the EPSB

(a) Comment: The commenter expressed concern related to Section 8(3)(b) of the proposed amendment to the regulation that provides that the appeals committee must defer to the beginning teacher committee. The commenter states that "[n]o deference is necessary or

beneficial to any review of the internship process.” The commenter further states that the term “deference” suggests that the appeals committee will almost always be required to support the beginning teacher committee’s decision”; “mandating deference to the beginning teacher committee destroys the intern’s faith in that the administrative review process is fair and impartial.” The commenter further states that the appeals committee “should impartially review all of the internship records before making an independent determination regarding the extent to which the recorded evidence supports or contradicts the findings of the beginning teacher committee.” The commenter also states that the “EPSB should retain full discretion in considering, accepting, or rejecting a recommendation from its appeals committee.” The commenter states that deference to “subordinates colors this independent judgment and inhibits meaningful administrative review by the appeals committee and the EPSB.”

Providing written comments on the Role of the KTIP Appeals Committee and the EPSB was: Stephanie Winkler (KEA).

(b) Response: The EPSB agrees that the KTIP appeals committee “should impartially review all of the internship records before making an independent determination regarding the extent to which the recorded evidence supports or contradicts the findings of the beginning teacher committee.” While the EPSB does not believe that the use of the word “deference” implies that the appeals committee is not engaging in an impartial review of the record, the EPSB is willing to revise the language in the Amendment After Comments Regulation to clarify the EPSB’s intent.

X. Summary of Action Taken by Promulgating Agency

The Education Professional Standards Board (EPSB) received four comments from Stephanie Winkler, President, the Kentucky Association of Teachers. All four comments related to KTIP appeal process and the documentation related to that process. Those comments related specifically 1) the use of the Resource Teacher Time Sheet; 2) the KTIP documentation used in KTIP appeals; 3) the procedures used by the EPSB when notifying an intern that the beginning teacher committee has deemed their internship unsuccessful; and 4) the role of the KTIP appeal committee and the EPSB in the KTIP appeals process.

Based on these comments, the EPSB will include five changes in the Amended After Comments Regulation. Specifically, the EPSB will include language that reflects the following current EPSB practices: 1) interns have the opportunity to review documentation submitted to the EPSB by the beginning teacher committee that forms the basis of a beginning teacher committee decision; 2) interns have the opportunity to submit documentation for the KTIP appeals committee to consider when reviewing a beginning teacher committee decision; 3) the KTIP appeals committee will consider that documentation submitted by the KTIP intern as well as the documentation submitted by the beginning teacher committee.

The EPSB will make changes to the regulation to make clear that a beginning teacher committee will submit not only submit to the EPSB the KTIP documentation the beginning teacher committee deems “relevant”. The beginning teacher committee will forward to the EPSB all KTIP documentation.

The EPSB will make changes to the regulation to make clear that the KTIP appeals committee and the EPSB review all of the KTIP documentation to determine if the evidence supports the findings of the beginning teacher committee.

The EPSB reviewed the comments and, as a result, is amending the administrative regulation as follows:

Page 16

Section 6(1)(b)

Line 22

After “all”, delete “relevant”.

Page 19

Section 8(1)(a)

Line 18

After “notice.”, insert the following:

The teacher intern may have the right to inspect the documentation submitted by the beginning teacher committee to the Education Professional Standards Board.

Page 19

Section 8(1)(b)

Line 19

After “appeal”, insert the following:

along with any additional documentation the teacher intern would like the appeals committee to consider

Page 20

Section 8(3)(a)

Line 16

After “intern,” insert the following:

any documentation submitted by the teacher intern,

Page 20

Section 8(3)(b)

Line 19

After “shall”, insert the following:

review all of the documentation listed in paragraph (a) of this subsection to determine if the evidence supports the findings of

Delete “provide deference to”.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item C

16 KAR 1:030. Procedures for Certificate Revocation, Suspension, Reinstatement and Reissuance, and Application Denial, Statement of Consideration and Amended After Comments Regulation

Action Item:

Notice of Intent to Amend 16 KAR 1:030. Procedures for Certificate Revocation, Suspension, Reinstatement and Reissuance, and Application Denial

Applicable Statutes and Regulation:

KRS 161.028(1), 161.120, 218A.010 (6), 13B
16 KAR 1:030

Applicable Goal(s):

Goal 3: 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 (EPSB) approve the recommended changes made during the public comment period?

Background:

16 KAR 1:030 is the regulation that governs procedures for certificate revocation, suspension, reinstatement and reissuance, and application denial. The EPSB asked that the regulation be rewritten for clarity and efficiency. At the August 15, 2016, meeting, the EPSB approved amendments to 16 KAR 1:030.

Written comments were received during the public comment period for the regulation; therefore, the Board must file a Statement of Consideration and has the option of also filing an Amended After Comments Regulation.

The EPSB received seven comments from Mary Ruble, Executive Director of the Kentucky Education Association (KEA). Those comments related specifically to: 1) the deadline for filing a rebuttal; 2) what is considered a sanction; 3) the execution of an Agreed Order; 4) a private in-person hearing; 5) the delivery method for Board decisions; 6) notation on the website of suspension, surrender or revocation; and 7) reports to the National Association of State Directors of Teacher Education and Certification (NASDTEC).

Based on these comments, the EPSB staff recommends filing an Amended After Comments Regulation that includes four changes. Specifically, the EPSB staff recommends including language that reflects the following current EPSB practices: 1) allowing for the parties to extend the rebuttal deadline for educators upon agreement; 2) allowing an unrepresented party to execute an Agreed Order without the signature of an attorney; and 3) requiring the EPSB to mail

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final orders issued in accordance with KRS 13B.120 to educators by certified mail. Additionally, the EPSB staff recommends replacing “in person hearing” with “private in-person hearing.”

Groups/Persons Consulted:

Notice was provided to the public in accordance with the requirements of Chapter 13A.

Potential Actions:

1. Approve the Statement of Consideration and/or Amended After Comments Regulation.
2. Approve the Statement of Consideration and/or Amended After Comments Regulation with modifications.
3. Do not approve the Statement of Consideration and/or Amended After Comments Regulation.

Staff Recommendation:

Staff Recommendation 1

Rationale:

The revisions made based on written comments received during the public comment period will increase transparency and clarify the process for educators that have a case before the EPSB.

Contact Person:

Ms. Cassie Trueblood, Staff Attorney II
Division of Legal Services
502-564-4606
E-mail: Cassie.Trueblood@ky.gov

Date:

December 12, 2016

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1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amended after comments)

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

6 RELATES TO: KRS 161.028(1), 161.120, 218A.010(5)

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

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

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21 Section 1. Purpose. (1) In order to support the mission of the Education Professional
22 Standards Board (EPSB), the EPSB may take action against an educator's certificate in an effort:

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

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

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

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

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

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

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

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

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

22 (3) EPSB staff shall do an initial review of all complaints and reports to determine whether
23 there is sufficient credible evidence that a violation of KRS 161.120(1) may have occurred. If

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

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

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

8 (c) Upon receipt of the educator's rebuttal or return of the notice as undeliverable, EPSB staff
9 shall add the case to the EPSB's docket and prepare the file for board review by redacting all
10 educator's identifiers.

11 (d) The board shall determine whether the nature and quality of the alleged violation warrants
12 dismissal, training, admonishment, further investigation, or initiation of a hearing.

13 (e) In making its determination, the board shall consider if the allegation, if proven, would
14 warrant sanction by the board.

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

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

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

3 (b) If the board refers the matter to hearing, the board shall, by majority vote, approve
4 the issuance of a Notice of Hearing and the Statement of Charges. The Statement of Charges
5 shall include specific reasons for the board's proposed action, including the:

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

9 (c) The parties may agree to resolve the matter informally at any time. Any agreement to
10 resolve the matter informally shall be memorialized in an Agreed Order and approved by the
11 board. The Agreed Order shall be signed by the educator, the educator's attorney, **if any,** and the
12 board chair.

13 (d) The EPSB staff shall initiate the hearing process within thirty (30) days after the board
14 refers the matter to hearing.

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

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

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

19 (a) The educator shall waive the right to **a private [an]** in-person hearing if the educator fails
20 to specifically make the request for **a private in-person[an in-person]** hearing in writing.

21 (b) Even if the educator elects to proceed with a private hearing, the hearing transcript
22 for that private hearing shall be subject to disclosure after the board issues its final decision
23 unless exempt from disclosure by law.

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

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

6 (5) A party may file any exceptions to the recommended order within fifteen (15) calendar
7 days after receiving the recommended order.

8 (a) This time limit shall not be extended and responses to exceptions shall not be considered
9 by the board.

10 (b) Any disagreement with a factual finding or conclusion of law in the recommended order
11 not contained in the exceptions shall be waived.

12 Section 4. Final Decision. (1) In making its final decision, the board shall consider the
13 record including the recommended order and any exceptions filed.

14 (2) After the board chair certifies that a quorum is present, a majority of the voting members
15 present shall be required to make a final decision on the recommended order, Agreed Order, or
16 request for the issuance of an Order of Default Judgment.

17 (3) The board may delegate to the board chair the authority to sign a decision made or order
18 issued under this section on behalf of a majority of the board members.

19 Section 5. Procedure for Suspension, Surrender, or Revocation of a Certificate. (1) When
20 the board issues a final decision **in accordance with KRS 13B.120**, the EPSB staff shall mail a
21 copy of the final decision to the educator **by certified mail** using the address the educator
22 provided to the Education Professional Standards Board.

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

3 (3) Immediately following the issuance of the board’s final decision, the EPSB staff shall
4 notify the reporting parties of the action taken.

5 (4) EPSB staff shall also ensure that the suspension, surrender, or revocation is noted on
6 EPSB’s Web site.

7 (5) EPSB staff shall also ensure that the information is provided to the National
8 Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion
9 in the NASDTEC Clearinghouse. The clearinghouse is a searchable database administered by
10 NASDTEC relating to educator certification and discipline.

11 Section 6. Procedure for Reinstatement of a Suspended Certificate. (1) Reinstatement of a
12 suspended certificate for reasons other than misconduct involving the illegal use of controlled
13 substance as defined in KRS 218A.010(5).

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

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

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

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

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

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

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

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

11 (2) Reinstatement of a suspended certificate for misconduct involving the illegal use of
12 controlled substance as defined in KRS 218A.010(5).

13 (a) In addition to conditions for reinstatement of a suspended certificate established in
14 subsection (1) of this section, the certificate holder shall provide written evidence that the
15 certificate holder has submitted to a drug test at the certificate holder's own expense administered
16 by a drug testing facility approved by the board within thirty (30) days of reinstatement or
17 submission of an application for reissuance of the certificate.

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

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

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

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- 1 a. The drug testing facility's name and location;
- 2 b. The name and telephone number for the director of the facility;
- 3 c. The method of test specimen collection;
- 4 d. The drug testing facility's method of assuring identity of the test subject;
- 5 e. Procedures for testing specimens, including forensic testing methods; and
- 6 f. Chain of custody protocols.
- 7 2. The drug testing facility shall test at a minimum for the following named controlled
- 8 substances:
 - 9 a. Marijuana;
 - 10 b. Cocaine;
 - 11 c. Opiates;
 - 12 d. Amphetamines;
 - 13 e. Phencyclidene;
 - 14 f. Morphine;
 - 15 g. MDMA (Ecstasy);
 - 16 h. Methadone;
 - 17 i. Benzodiazepines;
 - 18 j. Barbiturates; and
 - 19 k. Oxycodone.
- 20 (d) If the results of the drug test indicate illegal drug use by the certificate holder, the
- 21 certificate shall not be reinstated or reissued.

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1 Section 7. Procedure for Reissuance of a Certificate after Revocation. (1) When revocation
2 was for reasons other than misconduct involving the illegal use of controlled substance as
3 defined in KRS 218A.010(5), the conditions established in this subsection shall apply.

4 (a) The former certificate holder shall complete the same application that all educators in
5 Kentucky shall complete to obtain certification.

6 (b) The former certificate holder shall bear the burden of proving that the certificate holder is
7 fit for practice.

8 (c) The former certificate holder shall satisfy all current educational requirements for the
9 certificate sought.

10 (d) The Education Professional Standards Board may include terms and conditions that the
11 board reasonably deems appropriate as a condition of reissuance in accordance with KRS
12 161.120(11)(b) if reissuing the certificate.

13 (2) If revocation was for misconduct involving the illegal use of controlled substance as
14 defined in KRS 218A.010(5), the former certificate holder shall:

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

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

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

21 ~~Section 8. [Initiating Disciplinary Action Against a Certificate. The Education Professional~~
22 ~~Standards Board may initiate disciplinary action against a Kentucky teaching or administrative~~
23 ~~certificate upon receipt from any source of a report or complaint which contains allegations that~~

1 ~~an individual who holds a Kentucky teaching or administrative certificate has engaged in~~
2 ~~conduct listed in KRS 161.120(1).~~

3 ~~Section 2. Reinstatement and Reissuance of Certificate. (1)(a) A certificate that has been~~
4 ~~suspended by the Education Professional Standards Board shall not be reinstated until the~~
5 ~~certificate holder has met all conditions and requirements ordered by the Education Professional~~
6 ~~Standards Board.~~

7 ~~(b) If a certificate lapses during a period of suspension, at the end of the suspension period~~
8 ~~and upon completion of all conditions and requirements ordered by the Education Professional~~
9 ~~Standards Board, the certificate holder shall apply for renewal of the certificate and shall meet all~~
10 ~~educational requirements for renewal of the certificate.~~

11 ~~(2) An individual whose certificate has been revoked shall complete the "Application for~~
12 ~~Kentucky Certification or Change in Salary Rank", Form TC-1, incorporated by reference in 16~~
13 ~~KAR 2:010, prior to the reissuance of the certificate.~~

14 ~~(3) The burden of proving suitability for reissuance of a revoked certificate shall rest on the~~
15 ~~applicant seeking reinstatement.~~

16 ~~(4) If reissuing a certificate, the Education Professional Standards Board may include terms~~
17 ~~and conditions that the board reasonably deems appropriate as a condition of reissuance in~~
18 ~~accordance with KRS 161.120(11)(b).~~

19 ~~(5) An applicant for reissuance of a revoked certificate shall satisfy all current educational~~
20 ~~requirements for the certificate.~~

21 ~~(6)(a) If a certificate is suspended or revoked because the certificate holder engaged in~~
22 ~~misconduct involving the illegal use of a controlled substance as defined in KRS 218A.010(5), in~~
23 ~~addition to conditions for reinstatement or reissuance, the certificate holder shall at the certificate~~

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1 ~~holder's own expense provide written evidence that the certificate holder has submitted to a drug~~
2 ~~test administered by a drug testing facility approved by the Education Professional Standards~~
3 ~~Board within thirty (30) days of reinstatement or submission of an application for reissuance of~~
4 ~~the certificate.~~

5 ~~(b) If the results of the drug test indicate drug use by the certificate holder, the certificate~~
6 ~~shall not be reinstated or reissued.~~

7 ~~(c) The certificate holder shall arrange for the drug testing facility to send the results of the~~
8 ~~drug test directly to the Education Professional Standards Board.~~

9 ~~(d) A drug test conducted under this subsection shall at a minimum test for the following~~
10 ~~controlled substances:~~

11 ~~1. Marijuana;~~

12 ~~2. Cocaine;~~

13 ~~3. Opiates;~~

14 ~~4. Amphetamines;~~

15 ~~5. Phencyclidine;~~

16 ~~6. Morphine;~~

17 ~~7. MDMA (Ecstasy);~~

18 ~~8. Methadone;~~

19 ~~9. Benzodiazepines;~~

20 ~~10. Barbiturates; and~~

21 ~~11. Oxycodone.~~

22 ~~(e)1. A certificate holder subject to the terms of this subsection may petition the Education~~
23 ~~Professional Standards Board to approve a drug testing facility of the certificate holder's choice.~~

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1 ~~2. The petition shall contain the following information:~~

2 ~~a. The drug testing facility's name and location;~~

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

4 ~~c. The method of test specimen collection;~~

5 ~~d. The drug testing facility's method of assuring identity of the test subject;~~

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

7 ~~f. Chain of custody protocols.~~

8 ~~Section 3.] Denial of Application for a Certificate. If the Education Professional Standards Board~~
9 ~~denies an individual's application for a Kentucky [teaching or administrative] certificate pursuant~~
10 ~~to this administrative regulation, the applicant [individual] may file an appeal in accordance with~~
11 ~~KRS 161.120(5)(a)2.~~

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Date

_____, Chair
Education Professional Standards Board

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 21, 2016, at 1:00 p.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2016 at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, LisaK.Lang@ky.gov, telephone number (502) 782-2147, and facsimile (502) 564-7080.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 1:030

Contact Person: Lisa K. Lang, Phone 502-782-2147, Email LisaK.Lang@ky.gov

(1) Provide a brief summary of

(a) What this administrative regulation does:

This administrative regulation identifies the conditions for initiating a disciplinary action against a certificate and establishes procedures for certificate suspension, surrender, revocation, reinstatement, reissuance, and application denial.

(b) The necessity of this administrative regulation:

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

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

KRS 161.028(1) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.175(2) authorizes the Education Professional Standards Board to promulgate administrative regulations requiring an educator whose certificate has been suspended or revoked by the Education Professional Standards Board because the educator 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 sets forth the process for initiating a disciplinary action against a teaching certificate and establishes procedures for certificate suspension, surrender, revocation, reinstatement, reissuance, and application denial.

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

summary of:

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

This amendment further clarifies the EPSB's procedures for certificate suspension, surrender, revocation, reinstatement, reissuance, and application denial and will ensure the efficient processing of complaints and reports filed against certificate holders.

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

This amendment reflects changes the EPSB is making to its procedures for certificate suspension, surrender, revocation, reinstatement, reissuance, and application denial and will ensure the efficient processing of complaints and reports filed against certificate holders to ensure that certificate holders have an understanding of an educator's professional duties and responsibilities and to protect students, parents of students, school personnel, or school officials.

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

KRS 161.028(1) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. As the EPSB is authorized to revoke, suspend, or refuse to issue or renew: impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued to Kentucky certified educators for reasons delineated in KRS 161.120(1) this amendment helps make clear the disciplinary process and will aid the efficient processing of complaints filed against certified educators. KRS 161.175(2) authorizes the Education Professional Standards Board to promulgate administrative regulations requiring an educator whose certificate has been suspended or revoked by the Education Professional Standards Board because the educator 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 further clarifies the EPSB's procedures for certificate suspension, surrender, revocation, reinstatement, reissuance, and application denial and will ensure the efficient processing of complaints and reports filed against certificate holders.

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

This administrative regulation will affect applicants seeking Kentucky educator certification, educators currently holding certificate, and superintendents for the 173 Kentucky public school districts that employ educators holding certifications.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by

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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:

This administrative regulation sets forth the actions an applicant that has been denied a teaching certificate must take in order to challenge a denial of a certificate.

This administrative regulation sets forth the actions an educator may take if the EPSB initiates action against that educator's certificate.

This administrative regulation sets forth the actions a superintendent must take when that superintendent becomes aware of violations of KRS 161.120. This amended regulation also makes clear that superintendents have a duty to report criminal convictions discovered by the district pursuant to KRS 160.380 even if the conviction occurred prior to the date the certificate holder's certification was issued.

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

There is no cost associated with this amendment.

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

This amendment will ensure that applicants for Kentucky educator certification and educators currently holding teaching certifications receive due process. This amendment will also support the superintendents in the 173 school districts in Kentucky in their efforts to protect the students in their charge.

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

(a) Initially:

N/A

(b) On a continuing basis:

N/A

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

Funding used for the implementation and enforcement of this administrative regulation comes from restricted funds generated by educator certification application fees.

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(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:

There is nothing in this amendment that will result in an increase in fees.

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

This administrative regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation. This regulation applies to all applicants for certification and current certificate holders equally.

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 1:030

Contact Person: Lisa K. Lang, Phone: (502) 782-2147, Email: LisaK.Lang@ky.gov

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

This administrative regulation will impact the Education Professional Standards Board as well as all school districts in Kentucky.

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

KRS 161.028(1) and KRS 161.175(2).

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

There should be no effect.

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

No revenue will be generated.

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

No revenue will be generated.

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

Currently, the EPSB spends approximately \$518,000.00 per year to process complaints and reports against educators holding a certification.

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

The EPSB hopes to reduce the administrative costs associated with the processing of complaints and reports against educators holding a certification as a result of the EPSB's efforts to streamline the complaint and report process.

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

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Revenues (+/-):
Expenditures (+/-):
Other Explanation:

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 21, 2016, at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on October 31, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lisa K. Lang, General Counsel, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, LisaK.Lang@ky.gov, telephone number (502) 782-2147, and facsimile (502) 564-7080.

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**STATEMENT OF CONSIDERATION
RELATING TO 16 KAR 1:030
Procedures for certificate revocation, suspension,
reinstatement and reissuance, and application denial
Kentucky Education Professional Standards Board**

Amended After Comments

XI. A public hearing was scheduled on the above regulation for October 21, 2016 at 1:00 p.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, but was cancelled when no one registered to attend.

XII. The following individual submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Mary W. Ruble, Executive Director	Kentucky Education Association (KEA)

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

<u>Name and Title</u>
Lisa K. Lang, General Counsel, Education Professional Standards Board
James W. Adams, Executive Director, Education Professional Standards Board
Cassie Trueblood, Staff Attorney, Education Professional Standards Board, Division of Legal Services

XIV. **Summary of Comments and Responses**

(1) Subject Matter: Deadline for Filing a Rebuttal

(a) Comment: Section 2(3)(b) of the proposed amended regulation provides that an educator has thirty calendar (30) days after receipt of a complaint or report to file a rebuttal with the EPSB. The commenter requests that the EPSB consider adding language to the proposed amended regulation that states that the parties may extend that timeline by agreement, a practice currently used by the EPSB.

Submitting a written comment related to Deadline for Filing a Rebuttal was Mary W. Ruble, (KEA).

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(b) Response: The EPSB sees no problem with including this additional language for the purpose of clarification in the Amended After Comments Regulation.

(2) Subject Matter: Sanctions

(a) Comment: Section 2(4)(a) states that the Board shall refer a case to hearing if the Board believes “that sanctions are warranted.” The commenter suggests that language be added to the regulation that specifically states that referrals for training are not considered sanctions.

Submitting a written comment related to Sanctions was Mary W. Ruble (KEA).

(b) Response: The EPSB has carefully considered the commenter’s suggestion, but is not inclined to add the proposed language to the amended regulation because the EPSB is concerned that the proposed language will result in unnecessary confusion. If the proposed language were to be included in the regulation, the EPSB feels that it could potentially be interpreted as limiting the Board’s authority to refer an educator for training as a condition for reinstatement after the educator has already been suspended.

(3) Subject Matter: Execution of Agreed Order

(a) Comment: Section 2(4)(c) provides that an agreed order must be signed by “the educator, the educator’s attorney, and the board chair.” Because not all educators are represented by an attorney, the commenter suggests that the regulation be revised to state that an agreed order must be signed by “the educator, the educator’s attorney, **if any**, and the board chair.”

Submitting a written comment relating to Execution of the Agreed Order (KEA)

(b) Response: The EPSB agrees that the addition of this language provides necessary clarification. The EPSB will make the suggested change in the Amended After Comments Regulation.

(4) Subject Matter: Private in-person hearing

(a) Comment: Section 3(1) provides that a disciplinary hearing shall be held in accordance with KRS Chapter 13B. Section 3(3) states that the educator has the right to request a “private in-person” hearing. Section (3)(a) repeats the phrase, but states that the educator waives the right to an “in person” hearing if the educator specifically fails to make a request for an “in person” hearing. The commenter states that the phrase “in person” does not appear anywhere in KRS 161.120 or KRS Chapter 13B and further states that it should go without saying that any educator whose case has been referred to hearing must be allowed to be present “in person” at the hearing and should not have to request to do so.

Submitting a written comment relating to Private In-Person Hearing Requests was Mary W. Ruble (KEA).

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(b) Response: The EPSB states that the phrase throughout the regulation should be “private in-person hearing.” To the extent “in-person hearing” exists in the regulation, it is an error that will be corrected in the Amended After Comments Regulation.

(5) Subject Matter: Method of Delivery for Board Decisions

(a) Comment: Section 5(4) provides that the EPSB will mail a copy of a final decision to an educator using the address the educator provided to the Education Professional Standards Board. Commenter has recommended that the regulation specifically state that the final decision will be mailed to the educator by certified mail.

Submitting a written comment relating to Method of Delivery was Mary W. Ruble (KEA).

(b) Response: The EPSB currently sends all decisions entered pursuant to KRS 13B.120 by certified mail to educators. The EPSB will make this change in the Amended After Comments Regulation for the purpose of clarification.

(6) Subject Matter: Notation on Website of Suspension, Surrender, or Revocation.

(a) Comment: Section 5(4) states that the “EPSB staff shall also ensure that the suspension, surrender, or revocation is noted on the EPSB’s Web site.” Section 6(c)(1) states that when a suspension does not include conditions, “the EPSB staff shall remove all references of the suspension from the web site at the conclusion of the suspension period.” Section 6(c)(2)(b) states that when a suspension does include conditions, it shall be removed from the web site once the conditions have been met. The commenter suggests that Section 5(4) be revised as follows: “EPSB staff shall also ensure that periods of active suspension, surrender, or revocation, are noted on EPSB’s website. Conditions of a suspension, surrender, or revocation shall not be noted on the website.”

Submitting a written comment relating to Notation on Website of Suspension, Surrender, or Revocation was Mary W. Ruble (KEA).

(b) Response: EPSB has carefully considered this thoughtful comment, but is not inclined to make any changes to the language in Section 5(4) at this time. EPSB is concerned that the proposed revisions to Section 5(4) will result in unnecessary confusion as the EPSB reserves the right to note a suspension on the web site after the active period of suspension has concluded IF the educator has failed to complete the required conditions for reinstatement.

(7) Subject Matter: NASDTEC Reporting.

(a) Comment: Section 5(5) states that the EPSB staff provides information to the National Association of State Directors of Teacher Education and Certification (NASDTEC) for inclusion in the NASDTEC clearinghouse. The commenter suggests that the EPSB specifically identify what information is provided to NASDTEC in the proposed regulation.

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Submitting a written comment relating to NASDTEC Reporting was Mary W. Ruble (KEA).

(b) Response: EPSB has carefully considered this comment, but is not inclined to include a specific list of what information the EPSB provides to NASDTEC because the information the EPSB provides to NASDTEC is subject to change over time.

XV. Summary of Action Taken by Promulgating Agency

The Education Professional Standards Board (EPSB) received seven comments from Mary W. Ruble, Executive Director, the Kentucky Association of Teachers. Of those seven comments, three of the comments including suggestions that the regulation be amended to include language that reflects current EPSB practices. Those comments related to the addition of language 1) allowing for the parties to extend the rebuttal deadline for educators upon agreement; 2) allowing an unrepresented party to execute an Agreed Order without the signature of an attorney; and 3) requiring the EPSB to mail final orders issued in accordance with KRS 13B.120 to educators by certified mail. The EPSB will make these requested changes in the Amended After Comments Regulation.

A fourth comment was made regarding the use of the phrase “in person hearing”. The EPSB acknowledges that the inclusion of the phrase was an error and that phrase should be replaced by the phrase “private in-person hearing”. The EPSB will make this change in the Amended After Comments Regulation.

A fifth comment was made regarding the notation of certificate suspensions, surrenders, and revocations that are made available on the EPSB web site. The commenter suggested that additional language be included in the regulation to further specify what exactly is included on the web site and the time period it is to appear on the web site. The EPSB declined to make this change stating that it could possible lead to confusion rather than clarification.

A sixth comment was made suggesting that the term “sanctions” be specifically defined as it relates to “deferrals for training.” The EPSB declined to make this change stating that it could possible lead to confusion rather than clarification.

Finally, the commenter made a suggestion relating to the EPSB’s reports to NASDTEC regarding educator misconduct. The commenter suggested that the regulation specifically set forth the type of information provided to NASDTEC by the EPSB. The EPSB declined to make this change as the type of information requested by NASDTEC and provided by the EPSB may change over time.

The EPSB reviewed the comments and, as a result, is amending the administrative regulation as follows:

Page 3

Section 2(3)(b)

Line 8

After “EPSB”, insert “unless the parties agree to extend that deadline”

Page 4

Section 2(3)(c)

Line 13

After “attorney”, add “, if any”.

Page 4

Section 3(3)(a)

Line 21

After “right to”, insert “a private”.

Delete “an”.

Line 22

After “request for”, insert “a private in-person”.

Delete “an in person”

Page 5

Section 5(1)

Line 23

After “decision”, add “in accordance with KRS 13B.120”.

Page 6

Section 5(1)

Line 1

After “educator”, add “by certified mail”.

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item D

Amendment to 16 KAR 4:040. Recency and Certification Fees

Action Item:

Recency and Certification Fees, Amendment, Final Action

Applicable Statutes and Regulation:

161.028(1)(q), 16 KAR 4:040

Applicable Goal(s):

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

Issue:

Should the Education Professional Standards Board approve an increase in certification fees?

Background:

161.028(1)(q) states that “The Education Professional Standards Board has the authority and responsibility to: Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120.”

Certification fees were first established by the Board in January 1997. Fees have not changed since that time. With the passing of the most recent biennium budget, the EPSB was reduced by approximately 9.5%. Additionally, language was included in the budget that stated the EPSB “may use the funds generated from professional school personnel certification fees to support the operations of the Kentucky Teacher Internship Program.”

After receiving feedback from all stakeholders, concerns were raised around the proposed fees for the issuance of the five-year substitute and the emergency substitute certifications. Currently, the fee for the five-year substitute certification is fifteen (15) dollars and there is no charge for the emergency substitute certification. At the August 2016 Board meeting it was proposed to start charging (15) dollars for the emergency substitute certification and increase the fee from fifteen (15) dollars to thirty-five (35) dollars for the five-year substitute certification. It is believed by some stakeholders that the additional fees would cause a hardship to both the candidate and the local school districts. Therefore, the originally proposed increase for these two certificates has been removed.

Following a careful review of the certification fees and the necessary expenditures to continue serving the students and education community of the Commonwealth of Kentucky, the following changes to 16 KAR 4:040 with changes in certification fees are presented to the Board for

consideration:

- Increase the “Issuance, reissuance, or renewal of a regular certificate” from fifty (50) dollars to eighty-five (85) dollars;
- Increase the “Reissuance of limited four (4) year certification” from thirty-five (35) dollars to fifty (50) dollars; and
- Add a synchronization option for aligning multiple certifications which would include an eighty-five (85) dollars renewal fee + fifteen (15) dollars synchronization fee for a total of one hundred (100) dollars.

In addition to the fee structure, a synchronization option would increase certification processing efficiency and result in potential savings for candidates with multiple certificates. Those that choose this option upon renewal or adding a new certificate may align the date of renewal for all certificates to the same year, as long as they meet the renewal requirements for each area of certification. For example, if a person has three certificates that are due in 2017, 2019, and 2020 respectively, then she/he would have to pay \$85 (new fee) to renew each certificate; a resulting cost of \$255. However, if the person elects to “synchronize” her/his certificates when renewing the certificate due in 2017, she/he will pay the \$85 renewal fee along with a \$15 synchronization fee (total of \$100) and each certificate would be aligned for renewal in 2022, saving the educator \$155.

Additionally, the following change relating to method of payment is presented to the Board for consideration:

- Require that certification fees be paid through an electronic payment rather than certified check or money order.

Finally, please note that this regulation will move forward as two regulations rather than one in order to bring the regulation in compliance with KRS 13A.221(1) which provides that a “separate regulation shall be promulgated for each topic.” Staff recommends that the issue of recency should be addressed separately from certification fees.

Potential Actions:

1. Approve the proposed amendments to 16 KAR 4:040.
2. Do not approve the proposed amendments to 16 KAR 4:040.
3. Modify the proposed amendments to 16 KAR 4:040.

Staff Recommendation:

Potential Action 1

Rationale:

The agency’s biennium budget was reduced by approximately 9.5%. This decrease in budget funding will have an impact on maintaining the current level of services provided by the agency.

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The agency currently operates with minimal staffing levels and some positions have been lost and not filled. Given the broad responsibilities of the small agency, increasing the revenue stream through certification fee expansion would assure a continuance of the same level of services to teachers, administrators and institutions of higher education.

Contact Person:

Mr. John Fields, Division Director
Division of Certification
502-564-4606
E-mail: John.Fields@ky.gov

Date:

December 12, 2016

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 4:040. [~~Recency and~~] Certification Fees.

5 RELATES TO: KRS 161.020, 161.028, 161.027, 161.030, 161.046, 161.048, 161.053

6 STATUTORY AUTHORITY: KRS 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030

8 require that educators [~~a teacher and other professional school personnel~~] hold a certificate of legal
9 qualification for his or her respective position to be issued upon completion of a program of
10 educator preparation prescribed by the Education Professional Standards Board (EPSB);
11 furthermore, an educator preparation provider [~~a teacher education institution~~] is required to be
12 approved for offering a preparation program corresponding to a particular certificate on the basis of
13 standards and procedures established by the EPSB [~~Education Professional Standards Board~~]. KRS
14 161.030 establishes additional testing and internship requirements for certification. [~~This~~
15 ~~administrative regulation establishes requirements for the issuance of the limited initial certificate;~~
16 ~~the beginning teacher internship program; certificate renewal; and filing a certificate application.~~]
17 This administrative regulation establishes fees to be charged for the issuance, reissuance, and
18 renewal of a certificate.

19 Section 1. (1) Application for teacher certification shall be made to the Division of Certification.

20 (2) [~~The~~] Application shall be accompanied by an official transcript showing all college
21 credits necessary for the requested certification.

1 Section 2. [~~Recency. Teacher certification issued initially under the provisions of 16 KAR~~
2 ~~2:010 or 16 KAR 2:020 shall comply with the provisions of KRS 161.030 and the following~~
3 ~~requirements and procedures:~~

4 ~~(1) There shall be a recency of preparation prerequisite for the issuance of a certificate covered~~
5 ~~by this section, as follows:~~

6 ~~(a) Except as provided in paragraphs (b) and (c) of this subsection, an out of state applicant for~~
7 ~~initial Kentucky certification shall have prepared as a teacher or completed six (6) semester hours~~
8 ~~of graduate credit within the five (5) years preceding the application.~~

9 ~~(b) An out of state applicant for initial Kentucky certification who has completed a Planned~~
10 ~~Fifth year Program shall be exempt from taking the six (6) additional hours, if the applicant has~~
11 ~~completed two (2) years of successful teaching experience within the last ten (10) years.~~

12 ~~(c)1. A certificate shall be issued for a one (1) year period ending June 30 of the next calendar~~
13 ~~year if the applicant:~~

14 ~~a. Does not meet the recency of preparation requisite;~~

15 ~~b. Has not previously held a Kentucky teaching certificate;~~

16 ~~c. Otherwise qualifies for certification; and~~

17 ~~d. Agrees that six (6) semester hours of credit applicable toward the usual renewal requirement~~
18 ~~shall be completed by September 1 of the year of expiration.~~

19 ~~2. To renew a certificate issued under subparagraph 1. of this paragraph, the applicant shall~~
20 ~~comply with the requirements for renewal established in subsection (2) of this section.~~

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1 ~~(2)(a) A teaching certificate described in this section shall be issued for a duration period of~~
2 ~~five (5) years and with provisions for a subsequent five (5) year renewal, as established in 16 KAR~~
3 ~~7:010.~~

4 ~~(b) Semester hour credit for certificate renewal shall be earned after the issuance of the~~
5 ~~certificate. Credit earned in excess of the minimum requirement for a renewal period shall~~
6 ~~accumulate and be carried forward to apply toward a subsequent renewal.~~

7 ~~Section 3. (1) Reissuance.~~

8 ~~(a) If a certificate has lapsed as a result of the applicant's failure to meet the renewal~~
9 ~~requirements, the certificate shall be reissued at a later date for a one (1) year period if the~~
10 ~~applicant completes at least six (6) semester hours of graduate credit applicable toward the Planned~~
11 ~~Fifth year Program.~~

12 ~~(b) The applicant shall complete an additional nine (9) semester hours of credit applicable~~
13 ~~toward the planned fifth year program by September 1 of the year of expiration to qualify for~~
14 ~~extending the certificate for the remaining four (4) years of the first five (5) year renewal period.~~

15 ~~(c) At the end of the renewal period established in paragraph (b) of this subsection, the~~
16 ~~applicant shall have completed the Planned Fifth year Program to qualify for the next five (5) year~~
17 ~~renewal. After the renewal period established in this paragraph, the regular renewal schedule of~~
18 ~~three (3) years of successful teaching experience with evidence of continuing growth documented~~
19 ~~in a portfolio as required by 16 KAR 4:060 or six (6) semester hours of additional graduate credit~~
20 ~~each five (5) year period shall apply.~~

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1 ~~(2) An applicant who has already completed the Planned Fifth year Program and whose~~
2 ~~certificate lapses shall have the certificate reissued after completing another six (6) semester hours~~
3 ~~of graduate credit. The certificate shall be issued for a five (5) year period and subject to the~~
4 ~~renewal schedule of three (3) years of successful teaching experience or completion by September~~
5 ~~1 of the year of expiration of at least six (6) semester hours of additional credit for each five (5)~~
6 ~~year period.~~

7 ~~(3) Pursuant to KRS 161.030 (3) and (4), successful experience shall be in a position directly~~
8 ~~corresponding to the type of teaching certificate for which the application shall be defined as~~
9 ~~follows:~~

10 ~~(a) Employment shall be at least on a half-time basis;~~

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

13 ~~(c) A half year of experience shall include at least seventy (70) days of employment performed~~
14 ~~within an academic semester.~~

15 ~~Section 4.] Fees. (1) The Education Professional Standards Board shall assess a fee of eighty~~
16 ~~five (85) dollars for the issuance, reissuance, or renewal of a certificate except under the following~~
17 ~~circumstances[following fees for teaching certificates shall apply]:~~

18 ~~(a) Issuance of an initial statement of eligibility for internship - no charge;~~

19 ~~(b) Issuance or reissuance of a [Limited] one (1) year certificate - no charge;~~

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1 (c) Renewal of a statement of eligibility– fifty (50) dollars [~~Issuance, reissuance, or renewal of~~
2 ~~a regular certificate– fifty (50) dollars, which shall include all previously approved certifications~~
3 ~~and endorsements~~];

4 (d) Issuance of a five (5) year substitute certificate – fifteen (15) dollars;

5 (e) Issuance [~~Reissuance~~] of a [~~limited~~] four (4) year certificate [~~certification~~] – fifty (50) [~~thirty-~~
6 ~~five (35)~~] dollars; and

7 (f) A duplicate copy of the certificate - twenty-five (25) dollars.

8 (2) If a certificate holder is renewing or adding a new certification, he or she may align all
9 certification renewal dates to the same date for each of the certificate holder’s certificates for a fee
10 of fifteen (15) dollars in addition to the fee established in subsection (1) of this section.

11 (3) All fees paid to the EPSB shall be nonrefundable if application for certification is denied.

12 (4) [~~A refund of the certification fee shall be provided to an unsuccessful certification~~
13 ~~applicant, less a ten (10) dollar processing fee.~~

14 (3) The appropriate fee shall:

15 (a) Accompany [~~the~~] application; and

16 (b) Be paid through electronic payment on the EPSB’s Web site [~~received in the form of a~~
17 ~~certified check or money order made payable to the Kentucky State Treasurer~~].

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Date

_____, Board Chair
Education Professional Standards Board

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 23, 2017, at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 January 31, 2017 at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 4:040

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

(1) Provide a brief summary of 16 KAR 4:040

(a) What this administrative regulation does:

This administrative regulation establishes fees to be charged for the issuance, reissuance, and renewal of a certificate.

(b) The necessity of this administrative regulation:

KRS 161.028(1)(q) requires that the Education Professional Standards Board (EPSB) establish reasonable fees for the issuance, reissuance, and renewal of certificates. The proceeds are to be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120. Additionally, the biennium budget enacted in 2016, notwithstanding KRS 161.028 (1)(q), allows use of these funds to support the Kentucky Teacher Internship Program (KTIP).

KRS 13A.221 requires that a separate regulation be promulgated for each topic.

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that an educator hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; this administrative regulation establishes fees to be charged for the issuance, reissuance, and renewal of an educator's certificate issued under KRS 161.010-161.100.

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

This administrative regulation establishes fees to be charged for the issuance, reissuance, and renewal of a certificate. This regulation is applicable to all certificates issued under KRS 161.010-161.100.

(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 administrative regulation will increase certain fees to be charged for the issuance, reissuance, and renewal of an educator's certificate. The amendment adds a certificate renewal synchronization option for educators wishing to align multiple certification renewal dates. This administrative regulation proposes to also change the means by which fees will be accepted by the EPSB.

This administrative regulation also removes language regarding recency and reissuance requirements. The topics of recency and reissuance will be included in new regulations that the agency is in the process of initiating.

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

This administrative regulation has not been updated since 1997. The fees that are presently included in the administrative regulation are no longer reasonable or adequate given the significant budgetary cuts implemented since 2008. After careful review of the certification fees and the necessary expenditures needed to continue efficient operations related to the issuance, reissuance, and renewal of certificates; action(s) against a certificate holder under KRS 161.120; and support use of these funds to additionally support the Kentucky Teacher Internship Program (KTIP) as allowed under passage of the current biennium budget this administrative regulation must be amended to increase certain certification fees so that the fees are more closely in range to meet the current fiscal needs identified above.

This administrative regulation is also being amended to bring the regulation in compliance with KRS 13A.221(1) which provides that agencies shall promulgate separate regulations for each topic.

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

KRS 161.020, 161.028, and 161.030 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the EPSB. Further, KRS 161.028(1)(q) requires that the EPSB establish reasonable fees for the issuance, reissuance, and renewal of certificates. These changes are applicable to all certificates issued under KRS 161.010-161.100. The amendment to this administrative regulation will increase certain fees to be charged for the issuance, reissuance, and renewal of a certificate and will change the means by which fees will be accepted.

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

The amendment to this administrative regulation will increase certain fees already charged for the issuance, reissuance, and renewal of educator certificates.

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

This amendment will impact the EPSB; educators applying for the issuance, reissuance, or renewal of an educator certificate (approximately 40,000 educators apply for the issuance, reissuance, or renewal of their certificates each year while the number of individual credentials issued each year is over 100,000); and higher education educator preparation programs of the twenty-five (25) colleges/universities who submit Kentucky certification recommendations on behalf of educator certification candidates. Indirectly, Kentucky public school districts may see benefit from these changes.

(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:

Some educators may see an increase in the amount of money paid for the issuance, reissuance, and renewal of certain certificates. However, the certificate renewal alignment option provides a convenience and can offer great cost savings to those educators who meet renewal requirements and choose to synchronize staggered renewal dates for multiple certificates to the same renewal date. Educators have asked for the ability to synchronize multiple certificate renewal dates. So, instead of paying the full renewal fee for each certificate every time a certificate expires, educators can choose the option to align them all to the same 5 year renewal cycle. Approved educator preparation programs at Kentucky public colleges/universities will not be negatively impacted by this amendment. Additional monies collected by the agency will be utilized to streamline the certification process related to costs for the issuance, reissuance, and renewal of certificates; action(s) against certificate holders under KRS 161.120; and to additionally support the KTIP as allowed under passage of the current biennium budget to ensure that all first year teachers can participate in KTIP during year one. Additionally, the certificate renewal alignment option should help create greater agency operational efficiencies by not having to repeatedly handle separate certificates and credentials over staggered years for a single educator.

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

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

The amendment to this administrative regulation will help ensure that there are sufficient funds necessary to support the associated costs for the issuance, reissuance, and renewal of certificates; action(s) against a certificate holder under KRS 161.120; and to support the KTIP as allowed under passage of the current biennium budget. This amendment not only supports new teachers, but it also supports school districts and the students of the Commonwealth. By increasing certain certification fees so that the fees are more closely in range to meet the current fiscal needs identified above, the agency can continue streamlining its process for issuing, reissuing, and renewing certificates while also supporting school districts that need properly credentialed educators hired in a timely fashion before the school year begins. Educators who meet renewal requirements and who choose to synchronize renewal dates for multiple certificates to the same renewal date are not only are provided a convenience, but they may accrue great cost savings over the life of their certificates. Educators have asked for the ability to synchronize multiple certificate renewal dates.

Approved educator preparation programs (EPPs) at Kentucky public colleges/universities may also experience benefit by the streamlining of the certification and licensure processes as EPPs offer preparation programs that correspond to specific certificates issued by the EPSB. Additionally, the certificate renewal alignment should create greater agency operational efficiencies over time by better utilizing resources.

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

(a) Initially:

There is no initial cost for the agency associated with the amendment to this administrative regulation. Upon enactment of the regulation, there may be an increased cost to those educators applying for issuance or renewal of certain certifications. The amount for issuance, reissuance, or renewal of a regular certificate will rise from fifty (50) dollars to eighty-five (85) dollars; and the amount for issuance of a four (4) year certification will rise from thirty-five (35) dollars to fifty (50) dollars. The amendment also provides a certificate renewal synchronization option for educators wishing to align multiple certification renewal dates for the eighty-five (85) dollar renewal fee plus the fifteen (15) dollar synchronization fee for a total of one hundred (100) dollars. The synchronization

option will result in a savings to an educator over the lifetime of an educator's certificate(s).

(b) On a continuing basis:

There is no anticipated continuing cost for the agency associated with the implementation of the amendment to this administrative regulation.

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

The funding used for the implementation and enforcement of this administrative regulation is the certification fees collected pursuant to this regulation.

(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:

The amendment to this administrative regulation may increase fees already charged for the issuance, reissuance, and renewal of certain certificates. Additionally, the amendment establishes a fee for the optional certificate renewal date synchronization.

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

This administrative regulation may increase fees for issuing, reissuing, and renewing certain certifications. It also establishes a fee for a certificate renewal synchronization option for educators wishing to align multiple certification renewal dates.

(9) TIERING: Is tiering applied?

Tiering is not applied because it applies to educators in an equal manner.

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 4:040

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

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

This amendment will impact the Education Professional Standards Board (EPSB) because it will further support EPSB operations. Indirectly, Kentucky public school districts may see a benefit from this amendment because the EPSB will have the ability to ensure that all first year teachers can be included in the Kentucky Teacher Internship Program (KTIP).

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; This administrative regulation establishes fees to be charged for the issuance, reissuance, and renewal of an educator's certificate issued under KRS 161.010-161.100. KRS 161.028(1)(q) requires that the EPSB establish reasonable fees for the issuance, reissuance, and renewal of certificates. The proceeds are to be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120. Additionally, the biennium budget enacted in 2016, notwithstanding KRS 161.028 (1)(q), allows use of these funds to support the KTIP.

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

The EPSB will have a direct increase in restricted fund revenues with the proposed fee increases. Expenditures for implementation should be absorbed in the regular day to day operations as certification activities are already occurring. It is also anticipated that the certificate renewal alignment option will lead to operational efficiencies if utilized by eligible educators. Other state or local government agencies should not be impacted by these changes.

(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?

The EPSB estimates that the changes to this administrative regulation will increase its restricted fund revenues by \$460,300 based upon the numbers of educators who applied for the related types of certificate issuance, reissuance, or renewal. (The amount for issuance, reissuance, or renewal of a regular certificate will rise from fifty (50) dollars to eighty-five (85) dollars and the amount for issuance of a four (4) year certification will rise from thirty-five (35) dollars to fifty (50) dollars.) It is not possible at this time to estimate how many educators may wish to utilize the option for certificate renewal date synchronization or if it will be fully utilized by eligible educators.

(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?

The EPSB estimates that the changes to this administrative regulation will increase its restricted fund revenues by \$475,000 based upon the numbers of educators who applied for the related types of certificate issuance, reissuance, or renewal. (The amount for issuance, reissuance, or renewal of a regular certificate will rise from fifty (50) dollars to eighty-five (85) dollars and the amount for issuance of a four (4) year certification will rise from thirty-five (35) dollars to fifty (50) dollars.) It is not possible at this time to estimate how many educators may wish to utilize the option for certificate renewal date synchronization or if it will be fully utilized by eligible educators.

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

KRS 161.028(1)(q) requires that the EPSB establish reasonable fees for the issuance, reissuance, and renewal of certificates and that the proceeds be used to cover the costs of certificate issuance, reissuance, and renewal as well as the EPSB's costs relating educator disciplinary action pursuant to KRS 161.120.

It is not possible at this time to subdivide the elements of these statutorily mandated activities. Educator certification spans the agency and the work is multifaceted. The amount of expenditures related to disciplinary actions may vary dependent upon the number of cases brought before the Board.

Additionally, the biennium budget enacted in 2016, notwithstanding KRS 161.028 (1)(q), allows use of these funds to support the KTIP. The number of first year teachers who have been deferred entrance into KTIP due to lack of funds varies. The number of new teacher deferrals ranges between 200 and 300. Due to the increase in funding from the certification fee increase, the EPSB will not have to defer KTIP for some first year teachers. EPSB will be able to ensure that all first year teachers will be able to enter KTIP

during their first year.

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

KRS 161.028(1)(q) requires that the EPSB establish reasonable fees for the issuance, reissuance, and renewal of certificates and that the EPSB use the proceeds to cover the costs of the issuance, reissuance, and renewal of certificates as well as the costs associated with disciplinary action against a certificate holder under KRS 161.120.

Additionally, the biennium budget enacted in 2016, notwithstanding KRS 161.028 (1)(q), allows use of these funds to support the KTIP. The number of first year teachers who have been deferred entrance into KTIP due to lack of funds varies. The number of new teacher deferrals ranges between 200 and 300. Due to the increase in funding from the certification fee increase, the EPSB will not have to defer KTIP for some first year teachers. EPSB will be able to ensure that all first year teachers will be able to enter KTIP during their first year.

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

Revenues (+/-): Approximately \$475,000 to restricted funds.

Expenditures (+/-): No anticipated additional expenditures.

Other Explanation: See responses above

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1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Education Professional Standards Board

3 (New Administrative Regulation)

4 16 KAR 4:080. Out-of-State Recency.

5 RELATES TO: KRS 161.020, 161.027, 161.028, 161.030, 161.046, 161.048, 161.053

6 STATUTORY AUTHORITY: KRS 161.028, 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030

8 require that educators hold a certificate of legal qualification for his or her respective position to be
9 issued upon completion of a program of educator preparation prescribed by Kentucky's Education
10 Professional Standards Board; furthermore, an educator preparation provider is required to be
11 approved for offering a preparation program corresponding to a particular certificate on the basis of
12 standards and procedures established by the Education Professional Standards Board. KRS
13 161.030 establishes additional testing and internship requirements for Kentucky certification. This
14 administrative regulation establishes the recency requirements for the issuance of an initial
15 Kentucky certificate to an out-of-state applicant.

16 Section 1. Teacher certification issued initially under the provisions of 16 KAR 2:010 or 16
17 KAR 2:020 shall comply with the provisions of KRS 161.030 and the requirements and procedures
18 established in this section.

19 (1) There shall be a recency of preparation prerequisite for the issuance of a certificate.

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1 (a) Except as provided in paragraphs (b) and (c) of this subsection, an out-of-state applicant for
2 initial Kentucky certification shall have prepared as a teacher or completed six (6) semester hours
3 of graduate credit within the five (5) years preceding application.

4 (b) An out-of-state applicant for initial Kentucky certification who has completed a planned
5 fifth-year program shall be exempt from taking the six (6) additional hours, if the applicant has
6 completed two (2) years of successful teaching experience within the last ten (10) years.

7 (c)1. A certificate shall be issued for a one (1) year period ending June 30 of the next calendar
8 year if the applicant:

9 a. Does not meet the recency of preparation requisite;

10 b. Has not previously held a Kentucky teaching certificate;

11 c. Otherwise qualifies for certification; and

12 d. Agrees that six (6) semester hours of credit applicable toward the usual renewal requirement
13 shall be completed by September 1 of the year of expiration.

14 2. To renew a certificate issued under subparagraph 1. of this paragraph, the applicant shall
15 comply with the requirements for renewal established in subsection (2) of this section.

16 (2)(a) A teaching certificate described in this section shall be issued for a duration period of
17 five (5) years and with provisions for a subsequent five (5) year renewal, as established in 16 KAR
18 4:060.

19 (b) Semester hour credit for certificate renewal shall be earned after the issuance of the
20 certificate. Credit earned in excess of the minimum requirement for a renewal period shall
21 accumulate and be carried forward to apply toward a subsequent renewal.

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Date

_____, Board Chair
Education Professional Standards Board

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 23, 2017, at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 31, 2017 at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 4:080

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

(2) Provide a brief summary of 16 KAR 4:080

(e) What this administrative regulation does:

This administrative regulation establishes the recency requirements for the issuance of an initial Kentucky certificate to an out-of-state applicant.

(f) The necessity of this administrative regulation:

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the Education Professional Standards Board (EPSB); KRS 161.028(1)(f) requires that the EPSB issue certification to educators.

This administrative regulation establishes requirements for the issuance of a certificate for initial Kentucky certification to an out-of-state applicant in addition to the requirements set forth in 16 KAR 2:010 or 16 KAR 2:020 and KRS 161.030.

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; KRS 161.028(1)(f) requires that the EPSB issue certification to educators. This administrative regulation establishes recency requirement for out-of-state applicants for certification.

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

This administrative regulation establishes the recency requirements for the issuance of a certificate to an out-of-state applicant. This regulation is applicable to all certificates issued under KRS 161.010-161.100.

(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:

N/A

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

N/A

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

N/A

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

N/A

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

N/A

(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:

While this is a new regulation, the language contained therein is transferred from an existing regulation so there will be no new impact on the entities identified in question (3).

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

While this is a new regulation, the language contained therein is transferred from an existing regulation so there will be no new cost on the entities identified in question (3).

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

While this is a new regulation, the language contained in this new regulation is transferred from an existing regulation so there are no new benefits accrued to the entities identified in question (3).

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

(a) Initially:

While this is a new regulation, the language contained therein is transferred from an existing regulation so there will be no new cost to implement this regulation.

(b) On a continuing basis:

While this is a new regulation, the language contained therein is transferred from an existing regulation so there is no new continuing cost to implement this regulation.

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

While this is a new regulation, the language contained therein is transferred from an existing regulation so there is no new funding needed to implement and enforcement this regulation.

(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:

There is no fee or funding implication so no response is required.

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

This administrative regulation does not establish any fees or directly or indirectly increases any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because it applies to educators in an equal manner.

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 4:080

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

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

This regulation will impact the Education Professional Standards Board (EPSB) only to the extent that the EPSB will be referencing a new regulation when processing applications for Kentucky certification which have been submitted by out-of-state applicants.

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; KRS 161.028 requires that the EPSB issue Kentucky certification. This administrative regulation establishes recency requirements EPSB requires for the issuance of Kentucky certificates for out-of-state applicants.

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

The EPSB does not believe that this administrative regulation will have any impact on 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?

The EPSB does not believe this administrative regulation will generate revenue 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?

The EPSB does not believe this administrative regulation will generate revenue 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?

The EPSB does not believe this administrative regulation will cost anything to administer this program for the first year.

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

The EPSB does not believe this administrative regulation will cost anything to administer this program in 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:

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EDUCATION AND WORKFORCE DEVELOPMENT CABINET

1 Education Professional Standards Board

2 (New Administrative Regulation)

3 16 KAR 4:090. Reissuance.

4 RELATES TO: KRS 161.020, 161.027, 161.028, 161.030, 161.046, 161.048, 161.053

5 STATUTORY AUTHORITY: KRS 161.028, 161.030

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030

7 require that educators hold a certificate of legal qualification for his or her respective position to be
8 issued upon completion of a program of educator preparation prescribed by Kentucky's Education
9 Professional Standards Board (board); furthermore, an educator preparation provider is required to
10 be approved for offering a preparation program corresponding to a particular certificate on the
11 basis of standards and procedures established by the board. KRS 161.030 establishes additional
12 testing and internship requirements for Kentucky certification. This administrative regulation
13 establishes the reissuance requirements for a Kentucky certification that has lapsed.

14 Section 1. (1)(a) If a certificate has lapsed as a result of the applicant's failure to meet the
15 renewal requirements, the certificate shall be reissued at a later date for a one (1) year period if the
16 applicant completes at least six (6) semester hours of graduate credit applicable toward the planned
17 fifth-year program.

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1 (b) The applicant shall complete an additional nine (9) semester hours of credit applicable
2 toward the planned fifth-year program by September 1 of the year of expiration to qualify for
3 extending the certificate for the remaining four (4) years of the first five (5) year renewal period.

4 (c) At the end of the renewal period established in paragraph (b) of this subsection, the
5 applicant shall have completed a planned fifth-year program that meets the requirements of 16
6 KAR 8:020 to qualify for the next five (5) year renewal. After the renewal period established in
7 this paragraph, the regular renewal schedule of three (3) years of successful teaching experience
8 with evidence of continuing growth documented in a portfolio as required by 16 KAR 4:060 or six
9 (6) semester hours of additional graduate credit each five (5) year period shall apply.

10 (2) An applicant who has already completed the planned fifth-year program and whose
11 certificate lapses shall have the certificate reissued after completing another six (6) semester hours
12 of graduate credit. The certificate shall be issued for a five (5) year period and subject to the
13 renewal schedule of three (3) years of successful teaching experience or completion by September
14 1 of the year of expiration of at least six (6) semester hours of additional credit for each five (5)
15 year period.

16 (3) Successful teaching experience shall be in a position directly corresponding to the type of
17 certificate for which the application is being made and employment shall be at least on a half-time
18 basis.

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

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

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Date

_____, Board Chair
Education Professional Standards Board

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 23, 2017, at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 January 31, 2017 at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 4:090

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

(3) Provide a brief summary of 16 KAR 4:090

(i) What this administrative regulation does:

This administrative regulation establishes requirements for the reissuance of a Kentucky certificate that has lapsed.

(j) The necessity of this administrative regulation:

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the Education Professional Standards Board (EPSB); KRS 161.028(1)(f) requires that the EPSB issue and reissue certification to educators.

This administrative regulation establishes requirements for the reissuance of a Kentucky certificate that has lapsed.

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; KRS 161.028(1)(f) requires that the EPSB issue and reissue certification to educators. This administrative regulation establishes reissuance requirements for a certificate that has lapsed.

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

This administrative regulation establishes the requirements for the reissuance of a certificate that has lapsed. This regulation is applicable to all certificates issued under KRS 161.010-161.100.

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

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

N/A

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

N/A

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

N/A

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

N/A

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

This amendment will impact those certificate holders who have allowed their certification to lapse.

(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:

There should be no new impact on the regulated entities identified in question (3) because the language in this new regulation has been taken out of 16 KAR 4:040 and inserted in this new regulation.

(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 new cost on the regulated entities identified in question (3) because the language in this new regulation has been taken out of 16 KAR 4:040 and inserted in this new regulation.

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

There should be no new benefit that will accrue to the benefit of the regulated entities identified in question (3) because the language in this new regulation has been taken out of 16 KAR 4:040 and inserted in this new regulation.

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

(a) Initially:

There should be no new initial cost to implement this regulation because the language in this new regulation has been taken out of 16 KAR 4:040 and inserted in this new regulation.

(b) On a continuing basis:

There should be no new cost to implement this regulation on a continuing basis because the language in this new regulation has been taken out of 16 KAR 4:040 and inserted in this new regulation.

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

There is no new funding needed so no response is required.

(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 to implement this administrative regulation.

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

This administrative regulation does not establish any fees or directly or indirectly increases any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because it applies to educators in an equal manner.

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FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 4:090

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

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

This administrative regulation will impact the Education Professional Standards Board (EPSB) only to the extent that the EPSB will be referencing a new regulation when reissuing applications that have lapsed.

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

KRS 161.020, 161.027, 161.028, 161.030 and 161.048 require that educators hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation, internship and appropriate assessments prescribed by the EPSB; KRS 161.028 requires that the EPSB reissue Kentucky certification. This administrative regulation establishes requirements for reissuance when a certification has lapsed.

6. 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.

The EPSB does not believe this administrative regulation will have any impact on 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.

- (e) 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?

The EPSB does not believe this administrative regulation will generate new revenues for the state or local government (including cities, counties, fire departments, or school districts) for the first year.

- (f) 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?

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The EPSB does not believe this administrative regulation will generate new revenues for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years.

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

The EPSB does not believe this administrative regulation will cost anything to administer this program for the first year.

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

The EPSB does not believe this administrative regulation will cost anything to administer this program in 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:

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**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item E

Creation of Ad Hoc Committee to Review Expanding Options for Rank II

Action Item:

Creation of ad hoc committee to review and make recommendations on expanding the options for educators to achieve a Rank II

Applicable Statutes and Regulation:

KRS 161.1211 Classification of teachers

KRS 161.095 Continuing education for teachers

16 KAR 8:020 Planned Fifth-Year Program

16 KAR 8:030 Continuing education option for certificate renewal and rank change

Applicable Goal(s):

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) form an ad hoc committee to review and make recommendations on expanding the options for educators to achieve a Rank II?

Background:

At the October 10, 2016, meeting of the Board, Ron Livingood, Superintendent of Grant County Schools, requested that the EPSB consider creating additional options by which an educator can achieve the required Rank II.

Groups/Persons Consulted:

N/A

Potential Actions:

1. Approve the recommendation to create an ad hoc committee as presented.
2. Do not approve the recommendation to create an ad hoc committee.
3. Modify the recommendation to create an ad hoc committee.

Staff Recommendation:

Potential Action 1

Rationale:

This work is timely, based on the new CAEP standards concerning the need for Educator Preparation Providers (EPP) to create partnerships with districts and the increasing cost of tuition.

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Contact Person:

Mr. Jimmy Adams, Executive Director
Division of Executive Office
502-564-4606
E-mail: Jimmy.Adams@ky.gov

Date:

December 12, 2016

CHARTER
Creation of Ad Hoc Committee to Review Expanding Options for Rank II

Background

At the October 10, 2016, meeting of the Board, Ron Livingood, Superintendent of Grant County Schools, requested that the EPSB consider creating additional options by which an educator can achieve the required Rank II.

Purpose

Develop an ad hoc committee to review and make recommendations on expanding the options for educators to achieve a Rank II.

Membership of the Committee

The following groups are suggested as potential members with one representative from each:

- Kentucky Department of Education
- Kentucky Education Association
- Kentucky School Board Association
- Kentucky Association of School Superintendents
- Kentucky Association of School Administrators
- Kentucky Association of Colleges of Teacher Educators and/or a dean of a state college of education

Scope of Operation

The ad hoc committee is charged with reviewing and making recommendations on expanding the options for educators to achieve a Rank II for consideration by the Board.

The ad hoc committee shall remain within statutory boundaries, but it may recommend regulatory, statutory, and policy changes to the EPSB.

All ad hoc committee members are expected to make a time commitment to the work. EPSB staff will provide support to the ad hoc committee and provide the necessary resources for the ad hoc committee to complete its work.

Objectives

The ad hoc committee's objective is to develop and recommend to the EPSB recommendations on expanding the options for educators to achieve a Rank II.

Time Frame

This ad hoc committee will be expected to submit recommendations to the EPSB for the June 2017 meeting of the Board.

EDUCATION PROFESSIONAL STANDARDS BOARD

STAFF NOTE

Action Item F

Proposed Amendments to 16 KAR 1:010. Standards for Certified School Personnel

Action Item:

Revision of 16 KAR 1:010 Standards for Certified School Personnel

Applicable Statutes and Regulation:

KRS 161.020, 161.028(1)(a), 161.030, 16 KAR 1:010

Applicable Goal(s):

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

Issue:

Should the Education Professional Standards Board revise the Kentucky Teacher Standards to be aligned with the Interstate Teacher Assessment and Support Consortium standards as supported by the national Council for the Accreditation of Educator Preparation?

Background:

KRS 161.020(1) states that “No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Education Professional Standards Board.” Furthermore, KRS 161.028(1)(a) states that EPSB is to “Establish standards and requirements for obtaining and maintaining a teaching certificate;”.

16 KAR 1:010 establishes the standards required for certified teachers to obtain or maintain certification. This regulation will modernize the standards and align them to the national accreditation requirements for the state educator preparation providers.

While the current Kentucky Teacher Standards have served a distinctive and beneficial role for educator preparation in the Commonwealth, they have not been developed to include progression levels as have the standards proposed in this regulation amendment. The proposed standards are aligned with the Council for the Accreditation of Education Preparation (CAEP) requirements.

Groups/Persons Consulted:

Numerous groups were consulted including regional superintendents’ co-ops, KACTE, EPP directors and their faculties.

Potential Actions:

1. Approve the proposed amendments to 16 KAR 1:010.
2. Do not approve the proposed amendments to 16 KAR 1:010.

3. Modify the proposed amendments to 16 KAR 1:010.

Staff Recommendation:

Potential Action 1

Rationale:

This action is necessary to ensure that the teaching standards in Kentucky reflect the present learning environment; this action is also necessary to ensure that institutions of higher education develop educator preparation programs that are based on teaching standards that will result, not only in educator preparation programs that can meet national accreditation, but will ensure that institutions of higher education produce educators who are capable of helping Kentucky students become college and career ready.

Contact Person:

Dr. Ben Boggs, Division Director
Division of Educator Preparation
502-564-4606
E-mail: Ben.Boggs@ky.gov

Date:

December 12, 2016

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET
2 Education Professional Standards Board

3 (Amendment)

4 16 KAR 1:010. Standards for certified teachers [~~school personnel~~].

5 RELATES TO: KRS 161.020, 161.028[~~(1)(a)~~], 161.030, 161.048(1)(d), 161.095, 161.120

6 STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a), 161.030

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 [~~(1)(a)~~] requires the
8 Education Professional Standards Board to establish standards for obtaining and maintaining
9 certification [~~a teaching certificate~~]. This administrative regulation establishes the standards
10 required for certified teachers [~~school personnel~~] to obtain or maintain certification.

11 Section 1. [~~Kentucky~~] Teacher Standards for Educator Preparation and Certification until
12 June 30, 2018. The standards established in this section shall be used in the evaluation and
13 assessment of a teacher for initial or advanced certification and for the accreditation of educator
14 [~~teacher~~] preparation programs until June 30, 2018.

15 (1) Standard 1. The teacher demonstrates applied content knowledge. The teacher
16 demonstrates a current and sufficient academic knowledge of certified content areas to develop
17 student knowledge and performance in those areas.

18 (2) Standard 2. The teacher designs and plans instruction. The teacher designs and plans
19 instruction that develops student abilities to use communication skills, apply core concepts,
20 become self-sufficient individuals, become responsible team members, think and solve problems,
21 and integrate knowledge.

1 (3) Standard 3. The teacher creates and maintains learning climate. The teacher creates a
2 learning climate that supports the development of student abilities to use communication skills,
3 apply core concepts, become self-sufficient individuals, become responsible team members,
4 think and solve problems, and integrate knowledge.

5 (4) Standard 4. The teacher implements and manages instruction. The teacher introduces,
6 implements, and manages instruction that develops student abilities to use communication skills,
7 apply core concepts, become self-sufficient individuals, become responsible team members,
8 think and solve problems, and integrate knowledge.

9 (5) Standard 5. The teacher assesses and communicates learning results. The teacher assesses
10 learning and communicates results to students and others with respect to student abilities to use
11 communication skills, apply core concepts, become self-sufficient individuals, become
12 responsible team members, think and solve problems, and integrate knowledge.

13 (6) Standard 6. The teacher demonstrates the implementation of technology. The teacher uses
14 technology to support instruction; access and manipulate data; enhance professional growth and
15 productivity; communicate and collaborate with colleagues, parents, and the community; and
16 conduct research.

17 (7) Standard 7. The teacher reflects on and evaluates teaching and learning. The teacher
18 reflects on and evaluates specific teaching or learning situations or programs.

19 (8) Standard 8. The teacher collaborates with colleagues, parents, and others. The teacher
20 collaborates with colleagues, parents, and other agencies to design, implement, and support
21 learning programs that develop student abilities to use communication skills, apply core

1 concepts, become self-sufficient individuals, become responsible team members, think and solve
2 problems, and integrate knowledge.

3 (9) Standard 9. The teacher evaluates teaching and implements professional development.
4 The teacher evaluates his or her overall performance with respect to modeling and teaching
5 Kentucky's learning goals, refines the skills and processes necessary, and implements a
6 professional development plan.

7 (10) Standard 10. The teacher provides leadership within the school, community, and
8 profession. The teacher provides professional leadership within the school, community, and
9 education profession to improve student learning and well-being.

10 Section 2. Teacher Standards for Educator Preparation and Certification beginning July 1,
11 2018. The standards established in this section shall be used in the evaluation and assessment of
12 a teacher for initial or advanced certification and for the accreditation of educator preparation
13 programs after July 1, 2018.

14 (1) Standard 1. Learner development. The teacher understands how learners grow and
15 develop, recognizing that patterns of learning and development vary individually within and
16 across the cognitive, linguistic, social, emotional, and physical areas, and designs and
17 implements developmentally appropriate and challenging learning experiences.

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1 (2) Standard 2. Learning differences. The teacher uses the understanding of individual
2 differences and diverse cultures and communities to ensure inclusive learning environments that
3 enable each learner to meet high standards.

4 (3) Standard 3. Learning environments. The teacher works with others to create environments
5 that support individual and collaborative learning, and that encourage positive social interaction,
6 active engagement in learning, and self-motivation.

7 (4) Standard 4. Content knowledge. The teacher understands the central concepts, tools of
8 inquiry, and structures of the discipline he or she teaches, and creates learning experiences that
9 make these aspects of the discipline accessible and meaningful for learners to assure mastery of
10 the content.

11 (5) Standard 5. Application of content. The teacher understands how to connect concepts and
12 use differing perspectives to engage learners in critical thinking, creativity, and collaborative
13 problem solving related to authentic local and global issues.

14 (6) Standard 6. Assessment. The teacher understands and uses multiple methods of
15 assessment to engage learners in their own growth, to monitor learner progress, and to guide the
16 educator's and learner's decision making.

17 (7) Standard 7. Planning for instruction. The teacher plans instruction that supports every
18 student in meeting rigorous learning goals by drawing upon knowledge of content areas,
19 curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the
20 community context.

21 (8) Standard 8. Instructional strategies. The teacher understands and uses a variety of
22 instructional strategies to encourage learners to develop deep understanding of content areas and
23 their connections, and to build skills to apply knowledge in meaningful ways.

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1 (9) Standard 9. Professional learning and ethical practice. The teacher engages in ongoing
2 professional learning and uses evidence to continually evaluate his or her practice, particularly
3 the effects of his or her choices and actions on others (learners, families, other professionals, and
4 the community), and adapts practice to meet the needs of each learner.

5 (10) Standard 10. Leadership and collaboration. The teacher seeks appropriate leadership
6 roles and opportunities to take responsibility for student learning, to collaborate with learners,
7 families, colleagues, other school professionals, and community members to ensure learner
8 growth, and to advance the profession.

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Date

_____, Board Chair
Education Professional Standards Board

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 23, 2017, at 10:00 a.m. at 100 Airport Road, Third Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 11:59 p.m. on January 31, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 16 KAR 1:010

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

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the teaching standards required for certified teachers to obtain or maintain certification.

(b) The necessity of this administrative regulation:

The Education Professional Standards Board (EPSB) is statutorily required to establish teaching standards pursuant to KRS 161.028(1)(a). Teaching standards are the first step to help create a supportive state policy infrastructure that leads to improved student outcomes. Teaching standards ensure a coherent set of expectations for teachers from beginning through accomplished practice and the conditions necessary to support professional growth along the career continuum and provide an anchor for state policy by outlining the professional responsibilities, behaviors, and expectations of teachers.

The teaching standards identify what teachers across all content and grade levels should know and be able to do in today's learning environment to ensure that every student attending Kentucky's public schools has opportunities to learn at a high level and succeed as he or she makes the transition from high school to postsecondary education or the workplace. These standards ensure that today's learners meet both the academic and global skills and knowledge necessary to navigate the world. Additionally, these teaching standards stress that teachers build literacy and thinking skills across the curriculum, as well as help learners address multiple perspectives in exploring ideas and solving problems. As a result, students can gain a deeper understanding of subject matter, learn to think critically, and apply their learning to real-world problems.

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

KRS 161.020 mandates that no person shall be eligible to hold the position of teacher unless he or she holds a certificate of legal qualifications for the position, issued by the EPSB. KRS 161.030 mandates that the certification of all teachers and other school personnel in public schools is vested in the EPSB.

The General Assembly vests the statutory authority and responsibility in the EPSB in KRS 161.028(1)(a) to establish the teaching standards necessary to ensure that institutions of higher education develop educator preparation programs that produce educators prepared to teach Kentucky students so that Kentucky's students graduate and succeed as they make the transition from high school to postsecondary education or the workplace.

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Further, in keeping with the directives in Senate Bill 1 (2009) these revised standards will lead to highly effective teachers who will be able to help today's students gain the academic and global skills, and knowledge necessary to navigate the world as required under KRS 158.6451.

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

The General Assembly outlines learning goals in KRS 158.6451 that will result in high levels of achievement for all students.

The General Assembly vests the statutory authority and responsibility in the EPSB in KRS 161.028(1)(a) to establish the teaching standards necessary to ensure that institutions of higher education develop educator preparation programs that produce teachers prepared to teach Kentucky students so that Kentucky's students graduate ready to transition from high school to post-secondary education or the workplace.

(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 proposed amendment sets forth teaching standards that reflect a vision of teaching where teachers engage students in developing 21st century knowledge and skills including deeper critical/creative thinking and collaborative problem solving, personalize learning to new levels, make teaching more transparent and encourages teachers to work collaboratively with colleagues to improve practice, and problem solve in a data-informed culture to improve student learning.

These teaching standards consist of ten individual standards organized into four priority areas: the learner and learning (standards 1–3); content (standards 4–5); instructional practice (standards 6–8); and professional responsibility (standards 9–10). While each standard emphasizes a discrete aspect of teaching, we recognize that teaching and learning are dynamic, integrated, and reciprocal processes. Thus, of necessity, the standards overlap and must be taken as a whole in order to convey a complete picture of teaching and learning.

Integrated across the standards is the teacher's responsibility for the learning of *all* students, the expectation that they will advocate for each student's needs, and the obligation to actively investigate and consider new ideas that would improve teaching and learning and promote the profession.

This proposed amendment will also align the teaching standards with the national accreditation requirements for the state educator preparation programs.

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

This amendment is necessary to ensure that the teaching standards in Kentucky reflect the present learning environment; this amendment is also necessary to ensure that institutions of

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higher education develop educator preparation programs that are based on teaching standards that will result, not only in educator preparation programs that can meet national accreditation standards (Council for the Accreditation of Educator Preparation or “CAEP”), but will ensure that institutions of higher education produce educators who are capable of helping Kentucky students become college and career ready.

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

KRS 161.020 mandates that no person shall be eligible to hold the position of teacher unless he or she holds a certificate of legal qualifications for the position, issued by the EPSB. KRS 161.030 mandates that the certification of all educators in public schools is vested in the EPSB.

The General Assembly vests the statutory authority and responsibility in the EPSB in KRS 161.028(1)(a) to establish the teaching standards necessary to ensure that institutions of higher education develop educator preparation programs that produce teachers prepared to teach Kentucky students so that Kentucky’s students graduate and succeed as they make the transition from high school to postsecondary or the workplace.

Further, in keeping with the directives in Senate Bill 1 (2009) these revised standards will lead to highly effective teachers who will be able to help today’s students gain the academic and global skills, and knowledge necessary to navigate the world as required under KRS 158.6451.

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

The first step in designing a coherent system of education is setting the expectations for student outcomes and for the behaviors of teachers and leaders within the system. These revised teaching standards articulate a vision of teaching very different from the vision most teacher education programs are organized around. This new vision engages learners in developing 21st century knowledge and skills including deeper critical/creative thinking and collaborative problem solving, personalize learning to new levels, make teaching more transparent and work collaboratively with colleagues to improve practice, develop deep skills around assessment and participate as a team member in a problem solving data-informed culture to improve student learning. By amending this regulation, the EPSB will modernize the teaching standards to reflect the changes in today’s learning environment while also directly tying those standards to the national accreditation requirements for the state educator preparation programs.

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

Prospective teachers, current teachers, leaders of Kentucky’s 173 public school districts, Kentucky’s institutions of higher education in Kentucky that offer educator preparation programs, institutions of higher education outside of Kentucky interested in offering an educator preparation program that can lead to Kentucky certification, and the Kentucky Department of Education will all be affected in some way by this regulation.

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(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:

As a result of this amendment, prospective teachers will not have to do anything more once the regulation goes into effect.

Current teachers will not be required to do anything more than what they currently do once the regulation goes into effect.

Kentucky school districts will need to implement professional development opportunities to ensure that the teachers and administrators they employ understand the revised teaching standards and they will need to make sure that their teachers and administrators are utilizing these revised standards to transform their practices, if necessary, to improve student outcomes.

Kentucky Department of Education will need to development guidance on how school districts and the employees in those districts can use the new teaching standards to update current practices to improve student outcomes and ensure every child reaches his\her learning potential and graduates from high school ready to successfully transition to postsecondary education or the workplace.

The revised standards will require institutions of higher education offering educator preparation programs to evaluate current state approved educator preparation programs to make sure that those programs reflect the revised teacher standards.

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

No cost is anticipated as a result of the amendment to this administrative regulation. The work associated with the implementation of this regulation falls within the normal scope of the regulated entity's normal day to day responsibilities.

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

The benefit of this amendment, in general, is that it will help the regulated entities meet their statutory duties to ensure that Kentucky students successfully transition to postsecondary education or the workplace.

The additional benefit for the institutions of higher education with education preparation programs is that this amendment will result in the alignment of state and national accreditation. The alignment of both standards will make the accreditation process easier for institutions of higher education. It should also help institutions of higher education in Kentucky to attract more

students interested in the teaching profession to come to Kentucky.

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

(a) Initially: No initial cost is associated with the implementation of this amendment.

(b) On a continuing basis: No continuing cost is associated with the implementation of this amendment.

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

EPSB general funds will be used for EPSB work. To the extent there are costs associated with this work for the regulated entities, the regulated entity is responsible for their respective related costs.

(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:

The EPSB does not anticipate the need to increase certification fees as a result of the implementation of this amendment.

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

This amendment does not establish any certification fees nor does it directly or indirectly increase any certification fees.

(9) TIERING: Is tiering applied? No. Tiering is not applied because the teacher standards will apply to all teachers regardless of their experience level.

DRAFT

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 16 KAR 1:010

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

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
Prospective teachers, current teachers, leaders of Kentucky's 173 public school districts, Kentucky's institutions of higher education in Kentucky that offer educator preparation programs, institutions of higher education outside of Kentucky interested in offering an educator preparation program that can lead to Kentucky certification, and the Kentucky Department of Education would be impacted by this administrative regulation.

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

KRS 158.6451, 161.020, 161.028(1)(a), 161.030, 161.048(1)(d), 161.095, 161.120

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

No impact on expenditures and revenues of a state or local government agency is anticipated.

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

No impact on revenues of a state or local government agency is anticipated.

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

No impact on revenues of a state or local government agency is anticipated.

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

No cost with the administration of this regulation is anticipated.

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

No cost with the administration of this regulation is anticipated.

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

Revenues (+/-): No anticipated additional revenues

Expenditures (+/-): No anticipated additional expenditures.

Other Explanation:

DRAFT

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item G

Teacher Leaders Masters Recommendations

Action Item:

Approval of the Teacher Leader Master's Review Committee (TLMRC) Recommendations

Applicable Statutes and Regulation:

KRS 161.028 (1)(a), KRS 161.028 (1)(b)

KAR 5:010

Applicable Goal(s):

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.

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.

Issue:

Should the Education Professional Standards Board adopt the Teacher Leader Master's Review Committee's recommendations as presented at the October 2016 Board meeting?

Background:

KRS 161.028 (1)(b) states that the Education Professional Standards Board has the authority and responsibility to "Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel."

No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position, issued by the Education Professional Standards Board."

Furthermore, KRS 161.028(1)(a) states that EPSB is to "Establish standards and requirements for obtaining and maintaining a teaching certificate;"

KAR 5:010 Section 12 sets standards and procedures for approval for Teacher Leader Master's and Planned Fifth-Year Programs.

At its October 10, 2016, meeting, the Board received a final report and recommendations by Dr. Sam Evans, Dean of the College of Education and Behavior Science at Western Kentucky University and Chair of the TLMRC. These recommendations are enclosed.

Groups/Persons Consulted:

TLMRC membership represented higher education faculty, teachers who completed a teacher leader program, and administrators of P-12 schools.

Potential Actions:

1. Approve the recommendations as presented.
2. Do not approve the recommendations as presented.
3. Modify the recommendations as presented.

Staff Recommendation:

Potential Action 1

Rationale:

Teacher leader programs are designed to enhance initial certification, add new certifications, or advance skills to the administrative level. Furthermore, they are designed to assist candidates in identifying and deepening their skills and competencies to assist students as they navigate the enormous changes in traditional academic areas as well as those of the future (e.g. CTE, STEM, College and Career Readiness), and to empower their students to thrive in an innovation-focused world. The multiple pathways of these programs should connect to the personal, professional growth needs of the candidate, as well as those of the classroom, school, and district. The candidate will develop skills for impacting educational change---without leaving the classroom. The hallmarks of the profession go beyond the standards, the rigor of training, and the competitiveness of the profession as it leads to the recognition of teacher leaders as the leaders in their chosen area of expertise.

The Teacher Leader Master's Review Committee has developed recommendations to update and enhance the Teacher Leader Master's Program so that it is better aligned with the Council for the Accreditation of Educator Preparation (CAEP) standards for advanced programs.

Contact Person:

Dr. Ben Boggs, Division Director
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Date:

December 12, 2016

Teacher Leader Master's Review Committee Recommendations

1. Continue the Teacher Leader Master's Program with detailed modifications as a choice option for KY educators seeking Rank change.
2. Adopt the following modification requirements for the Teacher Leader Master's (TLM) Program:
 - A. TLM programs shall be aligned with CAEP Standards for Advanced Programs including the cross cutting themes of technology and diversity.
 - B. TLM programs shall provide opportunities to enhance P-12 student achievement by directly focusing on the Program of Studies, Kentucky Academic Standards, and College and Career Readiness Standards.
 - C. TLM programs shall follow the Teacher Leader Program Review Guidelines (August 31, 2016).
 - D. TLM programs shall reflect the Teacher Leader Model Standards which align with InTASC Standards.
3. Direct the Education Professional Standards Board staff to develop regulations that will set forth the standards for the TLM programs reflecting the modified requirements above, and an Implementation Plan, with the ability to hold EPPs accountable for compliance.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver A

Action Item:

Request to waive language in 16 KAR 9:080 pertaining to observation of teacher candidates in a university-based alternative certification program

Applicable Statutes and Regulations:

KRS 161.028
16 KAR 9:080

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 continue to waive language in 16 KAR 9:080 pertaining to observation of teacher candidates in a university-based alternative certification program for the University of Kentucky's Option 6 Teacher of Exceptional Children--Moderate and Severe Disabilities, P-12 program?

Background:

The University of Kentucky operates an approved university-based alternative certification (Option 6) program leading to certification as a Teacher of Exceptional Children--Moderate and Severe Disabilities, P-12. In accordance with 16 KAR 9:080, University-Based Alternative Certification Program, this program places the candidate in a classroom as the teacher of record under the supervision of the employing district in partnership with the University of Kentucky. As amended by the Education Professional Standards Board, effective December 6, 2013, 16 KAR 9:080, Section 3(d)(1) requires 15 hours of observation annually:

1. Prior to the candidate's enrollment in the Kentucky Teacher Internship Program pursuant to KRS 161.030 and 16 KAR 7:010, a minimum of fifteen (15) hours of annual observation utilizing university faculty and a district-based mentor of the candidate practicing instruction in the classroom, as follows:
 - a. A minimum of five (5) hours of observation by university faculty;
 - b. A minimum of five (5) hours of observation by a district-based mentor; and
 - c. A minimum of five (5) hours of observation by either the university faculty or the district-based mentor.

The regulation is interpreted to require that the observer, whether the university faculty member or the district-based mentor, is physically present in the classroom to conduct the observation of

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the candidate practicing instruction. Some of UK's Option 6 MSD candidates teach in remote areas of the state, distant from the university campus in Lexington.

In April 2014 UK requested and was granted a waiver of this provision of 16 KAR 9:080 to conduct a pilot allowing the university faculty member to observe the candidate through the use of a video camera placed in the classroom and remotely controlled by the faculty member; the cameras pan and zoom via remote control. In October 2016 UK representatives presented a report to the EPSB regarding the pilot study and the successful use of the remote observation technologies as determined by an external reviewer.

UK is requesting a continuation of the waiver through the 2017-2018 academic year.

Potential Actions:

1. Approve the proposed waiver of 16 KAR 9:080 until July 2018.
2. Do not approve the proposed waiver of 16 KAR 9:080 until July 2018.

Contact Person:

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Date:

December 12, 2016

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

RELATES TO: KRS 156.111, 160.345(2)(h), 160.380(5)(c), 161.027, 161.028(1)(k), (s), (t), 161.030(10), 161.048

STATUTORY AUTHORITY: KRS 161.027(1), 161.048(1)(d), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048(1)(d) and (7) require 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 certification administrator program" means a college or university post baccalaureate or post masters administrator preparation program for an individual 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.

(2) "Alternative certification teacher program" means a college or university post baccalaureate teacher preparation program for an individual enrolled concurrently with employment as a teacher.

Section 2. Admission Requirements. (1) An applicant for an alternative certification teacher program shall meet the admission standards for an initial certification program established in 16 KAR 5:020.

(2) An applicant for an alternative certification administrator program shall meet the admission standards for the corresponding administrator certification program established in 16 KAR Chapter 3.

(3) An applicant for any alternative certification teacher or administrator program shall meet all certification requirements for the corresponding certificate established in 16 KAR Chapter 2 or 3 except completion of the corresponding educator preparation program and the required assessments.

Section 3. University Requirements for Alternative Certification Teacher Program. (1) An accredited college or university seeking to offer an alternative certification teacher program shall apply to the Education Professional Standards Board for program approval in accordance with 16 KAR 5:010.

(2) In addition to the standards for program approval established in 16 KAR 5:010, the educator preparation institution seeking alternative certification teacher program approval shall design the alternative certification teacher program to provide a candidate with the coursework and mentoring necessary to permit a candidate to maintain employment in an eligible position and to successfully complete any applicable assessments, including internship programs, within a period of three (3) years for those enrolled in an alternative certification teacher program.

(3) Upon approval, the alternative certification teacher program unit shall:

(a) Assess a candidate's educational background and develop a plan of coursework that shall adequately prepare the candidate for successful completion of the requirements for program completion and certification for the areas and grade ranges that correspond with the candidate's school placement;

(b) Provide a candidate written and dated documentation of eligibility for the university alternative certification teacher program so that the candidate may be considered for employment pursuant to KRS 160.345(2)(h);

(c) Ensure that a candidate begins coursework no later than ninety (90) days from the date the eligibility notice is issued;

(d) Develop a written agreement to provide, in collaboration with the administration of the candidate's employing school, mentoring to the candidate in the employment setting which shall include:

1. Prior to the candidate's enrollment in the Kentucky Teacher Internship Program pursuant to KRS 161.030 and 16 KAR 7:010, a minimum of fifteen (15) hours of annual observation utilizing university faculty and a district-based mentor of the candidate practicing instruction in the classroom, as follows:

a. A minimum of five (5) hours of observation by university faculty;

b. A minimum of five (5) hours of observation by a district-based mentor; and

c. A minimum of five (5) hours of observation by either the university faculty or the district-based mentor;

2. A description of how support shall be offered to the candidate during in-class and out-of-class time to assist the candidate in meeting the teacher's instructional responsibilities;

3. The name, contact person, and role for the collaborating educator preparation institution mentor; and

4. The name and role of all school district mentor teachers;

(e) Establish a process to maintain regular communication with the employing school so that the institution and employing school may assist the candidate as needed and address identified areas of improvement; and

(f) Notify the Education Professional Standards Board in writing if a candidate's employment in a covered position or enrollment in the alternative certification teacher program permanently ceases.

(4) Student teaching shall not be required for program completion.

(5) Upon verification that a candidate has met all eligibility requirements for certificate issuance, the Education Professional Standards Board shall issue a professional certificate.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Temporary Provisional Certification", Form TC-TP, May 2007;

(b) "Application for Temporary Provisional Certification", Form CA-TP, June 2014;

(c) "Teacher Internship Statement of Eligibility-Confirmation of Employment as a Teacher", November 2004; and

(d) "Principal Internship Statement of Eligibility-Confirmation of Employment as a Principal/Assistant Principal in an Accredited Kentucky School", May 2005...

**Education Professional Standards Board
Staff Note**

Action Item, Waiver B

Action Item:

Waiver of the Student Teacher Placement

Applicable Statues and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:040, Section 6 (4) (a)

Application 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.

Issues:

Should the EPSB grant a waiver of the student teacher placement requirement that candidates pursuing a primary through grade 12 certificate must have placements balanced between an elementary and middle or high school placement?

Background:

Dr. Mary John O’Hair, Professor and Dean, University of Kentucky College of Education, is requesting a waiver of Regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the Spring 2017 semester. The student is Tara Bray, a prospective student teacher in the Master of Arts in Teaching World Languages (MATWL) Program at the University of Kentucky. There are no Latin foreign language programs for elementary schools in Kentucky; therefore, the waiver request is to allow Ms. Bray to have her student teaching placement at the middle/high school level.

The University of Kentucky has provided Ms. Bray with numerous experiences teaching Latin at the elementary level during the Fall 2016 semester through Ashland Elementary School, which offers a one-hour Latin class on Fridays as part of a collaborative initiative begun by Dr. Stayc DuBravac.

Letters of support from Dr. O’Hair as well as Dr. DuBravac, Program Chair of the MATWL Program, have been submitted.

Potential Actions:

1. Approve the waiver request of 16 KAR 5:040, Section 6 (4) (a).
2. Deny the waiver request of 16 KAR 5:040, Section 6 (4) (a).

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Contact Person:

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Date:

December 12, 2016

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

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference in 16 KAR 5:010, the educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall not be placed in a setting that is not consistent with his or her planned certification content and grade range.

(3) Beginning September 1, 2013, the student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Beginning September 1, 2013, each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program.

(a) Candidates pursuing a primary through grade 12 certificate shall have their student teaching balanced between an elementary school placement and middle school or high school placement.

(b) Candidates pursuing an elementary certificate shall have their student teaching balanced between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

(c) Candidates seeking dual certification in either middle school or secondary content areas shall have equal placements in both content areas.

(5) Beginning September 1, 2013, the educator preparation program shall support the student teacher's placement and classroom experiences by:

(a) Cooperating with the district in determining the specific placement of the student teacher;

(b) Collaborating with the district to provide necessary program resources and expertise;

(c) Using multiple performance assessments to document the student teacher's ability to support learning for all P-12 students;

(d) Requiring the use of technology by the student teacher to:

1. Enrich the learning of P-12 students; and

2. Support the student teacher's professional growth and communication; and

(e) Providing opportunities for the student teacher to:

1. Engage in extended co-teaching experiences with an experienced teacher;

2. Engage in reflective self-assessment that informs practice;

3. Maintain regular professional conversations with experienced teachers other than the cooperating teacher;

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

6. Engage in collegial interaction and peer review with other student teachers.

(6) The educator preparation program shall use the Kentucky Teacher Internship Program Teacher Performance Assessment tasks established in 16 KAR 7:010, Section 2, or a variation of these tasks to meet the requirement specified in subsection (5) of this section.

(7) A student teacher shall not have responsibility for the supervision or instruction of P-12 students without the direct supervision of a certified educator.

(8) A student teacher shall not be employed within the school in which he or she is assigned concurrent with student teaching.

(9) The educator preparation program shall maintain electronic records that confirm that all students admitted after September 1, 2013, meet the requirements of this section.

**Education Professional Standards Board
Staff Note**

Action Item, Waiver C

Action Item:

Waiver of the Student Teacher Placement

Applicable Statues and Regulation:

KRS 161.028; KRS 161.030
16 KAR 5:040, Section 6 (4) (a)

Application 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.

Issues:

Should the EPSB grant a waiver of the student teacher placement requirement that candidates pursuing a primary through grade 12 certificate must have placements balanced between an elementary and middle or high school placement?

Background:

Dr. Mary John O’Hair, Professor and Dean, University of Kentucky College of Education, is requesting a waiver of Regulation 16 KAR 5:040, Section 6 (4)(a) which requires “candidates pursuing a primary through grade 12 certificate to have their student teaching balanced between an elementary school placement and middle school or high school placement.” This request is for a placement to take place during the Spring 2017 semester. The student is Hunter Lloyd, a prospective student teacher in the Master of Arts in Teaching World Languages (MATWL) German Program at the University of Kentucky. There are no German foreign language programs for elementary schools in Kentucky; therefore, the waiver request is to allow Mr. Lloyd to have his student teaching placement at the middle/high school level.

The University of Kentucky has provided Mr. Lloyd with numerous experiences teaching German at the elementary level during the Fall 2016 semester through the Central Kentucky German School, which offers a four hour German class on Saturdays.

Letters of support from Dr. O’Hair as well as Dr. DuBravac, Program Chair of the MATWL Program, have been submitted.

Potential Actions:

1. Approve the waiver request of 16 KAR 5:040, Section 6 (4) (a).
2. Deny the waiver request of 16 KAR 5:040, Section 6 (4) (a).

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Contact Person:

Mr. Jimmy Adams, Executive Director
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Date:

December 12, 2016

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

Section 6. Professional Experience. (1) In addition to the appropriate NCATE standards incorporated by reference in 16 KAR 5:010, the educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation program and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall not be placed in a setting that is not consistent with his or her planned certification content and grade range.

(3) Beginning September 1, 2013, the student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Beginning September 1, 2013, each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program.

(a) Candidates pursuing a primary through grade 12 certificate shall have their student teaching balanced between an elementary school placement and middle school or high school placement.

(b) Candidates pursuing an elementary certificate shall have their student teaching balanced between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

(c) Candidates seeking dual certification in either middle school or secondary content areas shall have equal placements in both content areas.

(5) Beginning September 1, 2013, the educator preparation program shall support the student teacher's placement and classroom experiences by:

(a) Cooperating with the district in determining the specific placement of the student teacher;

(b) Collaborating with the district to provide necessary program resources and expertise;

(c) Using multiple performance assessments to document the student teacher's ability to support learning for all P-12 students;

(d) Requiring the use of technology by the student teacher to:

1. Enrich the learning of P-12 students; and

2. Support the student teacher's professional growth and communication; and

(e) Providing opportunities for the student teacher to:

1. Engage in extended co-teaching experiences with an experienced teacher;

2. Engage in reflective self-assessment that informs practice;

3. Maintain regular professional conversations with experienced teachers other than the cooperating teacher;

4. Participate in regular and extracurricular school activities;

5. Participate in professional decision making; and

6. Engage in collegial interaction and peer review with other student teachers.

(6) The educator preparation program shall use the Kentucky Teacher Internship Program Teacher Performance Assessment tasks established in 16 KAR 7:010, Section 2, or a variation of these tasks to meet the requirement specified in subsection (5) of this section.

(7) A student teacher shall not have responsibility for the supervision or instruction of P-12 students without the direct supervision of a certified educator.

(8) A student teacher shall not be employed within the school in which he or she is assigned concurrent with student teaching.

(9) The educator preparation program shall maintain electronic records that confirm that all students admitted after September 1, 2013, meet the requirements of this section.

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver D

Request to Waive Requirements in 16 KAR 3:020

Action Item:

Request to waive teaching experience requirement for Supervisor of Instruction Alternative Certification

Applicable Statutes and Regulation:

16 KAR 3:020 Section 2 (2)(b)

Applicable Goal(s):

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

Issue:

Should the Education Professional Standards Board waive the prerequisite requirement that an applicant shall have three years teaching experience for admission to a supervisor of instruction program?

Background:

Ms. Beth Morgan-Cook is requesting a waiver of the three years of classroom teaching experience required as a prerequisite to be admitted to the Instructional Leadership—Supervisor of Instruction certification program. She holds a Standard Certificate for School Psychologist and Director of Special Education.

According to our admission/exit records Ms. Beth-Morgan Cook was admitted to the University of the Cumberland's Supervisor of Instruction certification program on 05/20/2016. As of the writing of this staff note, she has not been exited from the program. According to her experience Ms. Morgan-Cook does not meet the admission requirements.

Ms. Morgan-Cook stated she made a call to EPSB prior to enrolling and beginning classes and someone told her she did not need anything in addition to her current training and experience for the certification. The WebE03 electronic system does not show any record of her calling the office.

The university has not made a recommendation to the EPSB for certification. Without the candidate meeting the three year teaching requirement and being properly admitted and exited from a program the Division of Certification can't issue the requested certification.

Potential Actions:

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

Contact Person:

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Date:

December 12, 2016

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16 KAR 3:020. Certification for supervisor of instruction.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the preparation and certification program for supervisor of instruction at all grade levels.

Section 1. Definitions. (1) "Level I" means the standards-based program of studies designed for minimal preparation to serve in the position of supervisor of instruction.

(2) "Level II" means the standards-based program of studies to attain the first five (5) year renewal of the certificate for the position of supervisor of instruction.

Section 2. (1) The professional certificate for instructional leadership - supervisor of instruction, shall be issued in accordance with the pertinent Kentucky statutes and administrative regulations of the Education Professional Standards Board to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010.

(2) As prerequisites for the Level I program of preparation for the initial professional certificate for instructional leadership - supervisor of instruction, the candidate shall:

(a) Have been admitted to a preparation program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010;

(b) Have completed three (3) years of full-time teaching experience;

(c) Have completed the master's degree; and

(d) Qualify for a Kentucky teaching certificate.

(3) Application for the professional certificate for instructional leadership - supervisor of instruction shall be made on Form TC-1.

(4) The initial professional certificate for instructional leadership - supervisor of instruction shall be:

(a) Issued for a duration period of five (5) years upon the successful completion of a Level I program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010; and

(b) Renewed subsequently for five (5) year periods.

1. The first renewal shall require the completion of a Level II program approved by the Education Professional Standards Board pursuant to 16 KAR 5:010.

2. Each five (5) year renewal thereafter shall require the completion of:

a. Two (2) years of experience as a supervisor of instruction;

b. Three (3) semester hours of additional graduate credit or the equivalent related to the position of supervisor of instruction; or

c. Forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Instructional Leadership Training Program.

(5) If a lapse in certification occurs for lack of completion of the Level II preparation, the certification may be reissued for a five (5) year period upon successful completion of the Level II preparation, but for lack of the renewal requirements, the certificate may be reissued after the completion of an additional six (6) semester hours of graduate study or the equivalent appropriate to the program.

Section 3. Graduate level credit earned in the Level I and Level II preparation programs identified in Section 1 of this administrative regulation shall be eligible for consideration of Rank I classification pursuant to 16 KAR 8:010, "Plan I" or "Plan II".

Section 4. A preparation program for the professional certificate for instructional leadership - supervisor of instruction shall be consistent with the six (6) standards included in "Interstate School Leaders Licensure Consortium Standards for School Leaders" and the six (6) standards included in "Technology Standards for School Administrators" found in 16 KAR 3:050, Section 3, and incorporated by reference.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Interstate School Leaders Licensure Consortium Standards for School Leaders", November 2, 1996;

(b) "Form TC-1, rev. 10/02; and

(c) "Technology Standards for School Administrators", 2001, Collaborative for Technology Standards for School Administrators.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 1825; eff. 5-14-87; Am. 20 Ky.R. 2907; eff. 6-2-94; 27 Ky.R. 857; 1471; eff. 12-21-2000; Recodified from 704 KAR 20:410, 7-2-02; 30 Ky.R. 1322; 1757; eff. 1-23-04.)

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver E

Action Item:

Request to waive language in 16 KAR 5:060 pertaining to literacy requirements for middle school, high school, grades 5-12, and grades P-12 certification programs

Applicable Statutes and Regulations:

KRS 161.028, 161.030

16 KAR 5:060,

16 KAR 2:020

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 waive language in 16 KAR 5:060 pertaining to literacy requirements for certification programs for occupation-based Career and Technical Education teacher certification outlined in 16 KAR 2:020?

Background:

The Kentucky Department of Education (KDE) is in the process of restructuring the New Teacher Institute (NTI) outlined within 16 KAR 2:020 that is required of all occupation-based Career and Technical Education (CTE) certified teachers. Currently, this model encompasses eight days of centralized in-person support during the first year of teaching for these new teachers. The KDE is proposing to expand the model to a two-year timeline that encompasses both face-to-face and virtual training, which will provide more adequate preparation and support in educational pedagogy and contextualized opportunities for literacy and other core areas to be embedded within the induction curriculum. Because of the efforts being made to integrate this literacy requirement into a new teacher induction model, it is recommended that the requirements of 16 KAR 5:060 be waived for these teacher preparation programs.

Alternative Actions:

1. Approve the proposed waiver of 16 KAR 5:060.
2. Do not approve the proposed waiver of 16 KAR 5:060.

Contact Person:

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Date:

December 12, 2016

Agenda Book

16 KAR 5:060: Literacy program requirements for middle school, high school, grades 5-12, and grades P-12 certification programs.

RELATES TO: KRS 161.028, 161.030, 164.945, 164.946, 164.947, 20 U.S.C. 1021-1022h

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1) authorizes the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate and for programs of preparation for teachers and other professional school personnel. KRS 161.030(1) requires all certificates issued under KRS 161.010 to 161.126 to be issued in accordance with the administrative regulations of the board. This administrative regulation establishes the literacy preparation requirements for middle school, high school, Grades 5-12, and Grades P-12 certification educator preparation programs.

Section 1. (1) Each middle school, high school, Grades 5-12, and Grades P-12 certification educator preparation program shall require candidates admitted to the program on or after August 1, 2016, to demonstrate the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher as published in the Standards for Reading Professionals – Revised 2010.

(2) A middle school, high school, Grades 5-12, or Grades P-12 certification educator preparation program shall require a candidate admitted to the program on or after August 1, 2016, to complete one (1) of the following:

(a) A three (3) hour content literacy course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher and taught by faculty qualified to deliver literacy instruction; or

(b) Two (2) or more courses aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher and taught by faculty qualified to deliver literacy instruction.

(3) In addition to the program approval requirements established in 16 KAR 5:010, an educator preparation unit seeking program approval for a middle school, high school, Grades 5-12, or Grades P-12 certification program shall submit the following information:

(a) The course or courses the program has developed to ensure that each candidate demonstrates the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

(b) The syllabus for each course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

(c) The assessments, including any scoring instruments, developed for each course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher to demonstrate the candidate's competency to provide classroom instruction aligned to each standard;

(d) The faculty assigned to teach each course aligned to demonstrate the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher; and

(e) Evidence of qualifications of each faculty member assigned to teach a course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher.

Section 2. (1) Each approved middle school, high school, Grades 5-12, and Grades P-12 certification educator preparation program shall submit the following information to the Education Professional Standards Board by June 1, 2016:

(a) The course or courses the program has developed to ensure that each candidate demonstrates the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

(b) The syllabus for each course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

(c) The assessments, including any scoring instruments, developed for each course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher to demonstrate the candidate's competency to provide classroom instruction aligned to each standard;

(d) The faculty assigned to teach each course aligned to demonstrate the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher; and

(e) Evidence of qualifications of each faculty member assigned to teach a course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher.

(2) An approved middle school, high school, Grades 5-12, or Grades P-12 certification educator preparation program that does not submit the information to the Education Professional Standards Board by June 1, 2016, as required by subsection (1) of this section, shall no longer admit candidates.

Section 3. Incorporation by Reference. (1) "The Standards for Reading Professionals - Revised 2010", 2010, 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, 8:00 a.m. to 4:30 p.m. (41 Ky.R. 1251; Am.1510; eff. 2-6-2015.)

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver F

Request to Waive Language in 16 KAR 2:010

Action Item:

Request waiver(s) of grade range requirements for Bell County middle grades certified teachers

Applicable Statute and/or Regulation:

KRS 161.020; KRS 161.028

16 KAR 2:120

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 (EPSB) approve the grade level waiver(s) as requested by the Bell County Board of Education?

Background:

Bell County has four small K-8 schools in their district. While each of the school's configurations is K-8, they are structured as Primary (K-3) and Middle School (4 – 8). All middle schools in the district schedule using a seven period day. Three of these schools have only one class for each grade level.

During the 2013-2014 school year, individuals with 5-9 certificates were granted emergency certification to allow them to teach 4th grade students in their content areas. Per 16 KAR 2:120 Section 3 (b), an emergency certificate shall not be issued to the same person in any subsequent year.

The superintendent contends that if middle school teachers with 5-9 certification are limited to only those grade levels, they will only be able to utilize four periods of their instructional day. By allowing them to teach a 4th grade class in their field of certification the schools can utilize these individuals for five of the seven periods. The remainder of the teachers' schedules would consist of a planning period and an RTI period so they can assist students who are struggling with content. The content specific certified teachers will be able to bring demonstrated content competency to the 4th grade level. It also provides a unique situation where the school staff can assess the delivery of content across grades 4 – 8, allowing them to align curriculum across grade levels and track student progress for a period of five years.

The superintendent is requesting a waiver only for the individuals identified under separate cover. If granted, the waiver would stay in place as long as the teachers remain in their current positions. Additional waiver requests may be necessary for staffing changes.

Agenda Book

Potential Actions:

1. Approve the waiver request for the identified teachers.
2. Do not approve the waiver request for the identified teachers.

Contact Person:

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Date:

December 12, 2016

Agenda Book

16 KAR 2:120. Emergency certification and out-of-field teaching.

RELATES TO: KRS 157.390, 161.020, 161.028, 161.030, 161.100, 161.1211, 161.1221, 334A.030, 334A.033, 334A.035, 334A.050, 334A.060

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(1), 161.100, 161.1221(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.100 authorizes the Education Professional Standards Board to establish qualifications for granting emergency certificates if qualified teachers are not available for specific positions. KRS 161.1221(1) requires the Education Professional Standards Board to establish a definition for out-of-field teaching. This administrative regulation establishes the qualifications and procedures for emergency certifications and establishes the definition for out-of-field teaching.

Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate certification for the position unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2. (1)(a) Until December 31, 2014, a superintendent of a local school district shall apply to the Education Professional Standards Board for an emergency teaching certificate on behalf of an applicant by completing the Form TC-4F.

(b) Beginning January 1, 2015, a superintendent of a local school district shall apply to the Education Professional Standards Board for an emergency teaching certificate on behalf of an applicant by completing the Form CA-4F.

(2) In accordance with KRS 161.100, prior to applying on behalf of an applicant for an emergency teaching certificate, the superintendent and board of education of a local school district shall document the following:

(a) Qualified teachers have not applied for the vacant position and qualified teachers are not available for the position;

(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means;

(c) The local school district has been unsuccessful in recruiting qualified teachers for the vacant position from the listings of teachers supplied by the placement services of the teacher education institutions;

(d) The position shall be filled by the most suitable applicant available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession; and

(e) The local school district has conducted a criminal records check as required by KRS 160.380 for each applicant prior to applying for the emergency certificate.

(3)(a) The Education Professional Standards Board, depending upon the assessment of need for the position and the availability or anticipated availability of qualified teachers, shall approve or disapprove a request for the employment of emergency teachers.

1. The term of validity of an emergency certificate may be limited to a period less than the full school year.

2. The beginning date shall be no earlier than the date the request form is received by the Education Professional Standards Board.

3. In accordance with the licensure requirements of KRS 334A.030, 334A.033, 334A.035, 334A.050, and 334A.060, the Education Professional Standards Board shall not issue an emergency certificate for teaching exceptional children with communication disorders.

(b) An emergency certificate shall not be issued to the same person in any subsequent year unless the original emergency certificate was issued under the following conditions:

1. The emergency certificate was issued after February 15 of a school year; or

2. The emergency certificate was issued for less than fifty (50) percent of the person's class schedule.

(c) If an emergency certificate is issued to a person pursuant to paragraph (b) of this subsection, there shall be no more than one (1) subsequent issuance of an emergency certificate to the same person.

(4)(a) Emergency certification for an assignment as teacher of exceptional children shall be issued with the condition that the applicant shall receive intensive training on special education topics, including IEP, assessment, evaluation, individualized instruction, methods, and management. This training shall be accomplished as follows:

1. The applicant shall complete twelve (12) clock hours of training as required by the Office of Special Instructional Services of the Kentucky Department of Education;

2.a. The applicant shall complete an additional six (6) clock hours of training during the fall conference conducted by the Division of Exceptional Children Services of the Kentucky Department of Education. Teachers employed after the fall conference shall complete these six (6) clock hours of training during the spring conference of the Council for Exceptional Children; or

b. If the applicant is unable to attend either the fall conference or the spring conference, the applicant shall complete an additional six (6) clock hours of training offered through one (1) of the state's eleven (11) special education cooperatives. The training shall be similar to the topics covered at the conferences; and

3. The applicant shall participate in at least one (1) day of flexible in-service training, relevant specifically to special education. The training shall be limited to visitation in a classroom of an exemplary special education teacher, special education training relevant to the identified needs of the teacher, or other training provided by the Office of Special Instructional Services.

(b) The Kentucky Department of Education shall report to the Education Professional Standards Board those emergency certified teachers of exceptional children who have not completed the training requirements established in this subsection by June 30 of each year for the preceding school year.

(5) The superintendent of the local school district and the board of education may establish the need for emergency substitute teachers on the basis of anticipated shortages of regularly certified teachers and in accordance with district policies and procedures established for the selection and employment of substitute teachers.

(6) The Education Professional Standards Board shall periodically review the numbers of emergency certificates issued for full-time, part-time, and substitute teaching by school district, by position, and by academic preparation.

(7)(a)1. An emergency certificate for full-time or part-time employment shall be issued only to individuals who:

a. Have completed a minimum of a bachelor's degree from a regionally accredited college; and

b.(i) Have a cumulative minimum grade point average of 2.5 on a 4.0 scale; or...

**EDUCATION PROFESSIONAL STANDARDS BOARD
STAFF NOTE**

Action Item, Waiver G

Request to Waive Language in 16 KAR 4:030

Action Item:

Request to waive the out-of-state educator preparation requirements

Applicable Statutes and Regulation:

16 KAR 4:030, Section 2

Applicable Goal(s):

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

Issue:

Should the Educational Professional Standards Board (EPSB) waive the out-of-state solely online requirements?

Background:

Kristin Schultz Ballard is requesting a waiver of 16 KAR 4:030. She is asking for a rank change from Rank III to Rank II. She graduated from the University of Iowa in 2011, majoring in both elementary education and art with a minor in dance. Her current teaching credential is for teaching Art all grades and P-5 Elementary. The certificate was issued on July 1, 2014, and expires June 30, 2019. The renewal requires that she complete 15 semester hours of new credit selected from an approved master's degree or planned fifth-year program by September 1, 2019. According to Ms. Ballard, she began her master's program in Education Administration at Grand Canyon University while teaching in Arizona. Ms. Ballard began teaching in Kentucky in the fall of 2014. 16 KAR 4:030 requires programs that are completed solely online to be accredited by the Council for Accreditation of Education Preparation (CAEP). Grand Canyon University is not accredited by CAEP nor was it accredited by the former accrediting body NCATE.

Potential Actions:

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

Contact Person:

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Date:

December 12, 2016

Agenda Book

16 KAR 4:030. Out-of-state educator preparation.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.124, 161.126

STATUTORY AUTHORITY: KRS 161.020, 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualifications for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. KRS 161.028 requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. This administrative regulation establishes the certification provisions for applicants with out-of-state educator preparation.

Section 1. Definition. "Out-of-state educator preparation provider" means an educator preparation provider located outside of the Commonwealth of Kentucky or an online educator preparation provider not subject to the licensing requirements of 13 KAR 1:020 that is not accredited by the Education Professional Standards Board.

Section 2.(1) An applicant for Kentucky teacher or administrative certification whose professional preparation was completed at an out-of-state educator preparation provider, excluding providers that are solely online, shall have completed a program of preparation and the curriculum requirements approved by the responsible state education agency for teacher or administrative certification.

(2) An applicant for Kentucky teacher or administrative certification who completes an out-of-state educator preparation program through a solely online out-of-state educator preparation provider shall have:

(a) Completed a program of preparation that is:

1. Accredited or approved, as applicable, by the provider's state of origin;
2. Regionally accredited; and
3. Accredited by the Council for Accreditation of Educator Preparation (CAEP); and

(b) The curriculum requirements approved by the responsible state education agency for teacher or administrative certification.

Section 3. Teacher Certification. (1) An applicant for Kentucky teacher certification whose professional preparation was completed at an out-of-state educator preparation provider shall:

(a) Possess a teacher license or certificate equivalent to the Kentucky statement of eligibility from the state, territory, or province where the applicant completed his or her preparation program;

(b) Satisfy the degree, academic preparation, and grade point requirements established in 16 KAR 2:010;

(c) Provide evidence that the out-of-state license or certificate was obtained by completion of an approved educator preparation program and not based on the completion of a written or verbal assessment; and

(d) Follow the procedures for certificate application established in 16 KAR 2:010.

(2) An applicant for Kentucky teacher certification whose professional preparation was completed at an out-of-state educator preparation provider and who meets the requirements of Section 2 of this administrative regulation and subsection (1) of this section shall be issued a Kentucky teaching certificate or statement of eligibility established in 16 KAR 2:010 at the grade range and content area corresponding to the out-of-state preparation.

(3)(a) Beginning July 1, 2016, in addition to any other certification renewal requirements, an applicant for Kentucky teacher middle school, high school, Grades 5-12, and Grades P-12 teacher certification whose professional preparation was completed at an out-of-state educator preparation provider shall, within five (5) years of receiving certification, complete the following:

1. A three (3) hour content literacy course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher and taught by faculty qualified to deliver literacy instruction; or

2. Two (2) or more courses aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher and taught by faculty qualified to deliver literacy instruction.

(b) The course or courses submitted by an applicant for Kentucky teacher middle school, high school, Grades 5-12, and Grades P-12 teacher certification whose professional preparation was completed at an out-of state educator preparation provider shall meet the following requirements:

1. The course or courses, identified in paragraph (a) of this subsection, shall be developed to ensure that each candidate demonstrates the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

2. The syllabus for each course shall be aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher;

3. The assessments, including any scoring instruments, developed for each course shall be aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher to demonstrate the candidate's competency to provide classroom instruction aligned to each standard; and

4. The faculty assigned to teach each course aligned to demonstrate the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher shall be qualified to teach a course aligned to the six (6) International Reading Association Standards 2010: Middle and High School Content Classroom Teacher.