

EPSB PROCESS

Jcps
employee
allegedly
violates
professional conduct.

Superintendent files a
report with full facts and
circumstances and all
relevant documents
within 30 days of the
event and sends to EPSB.

Yes

No

EPSB staff opens a case file and
assigns a number. If multiple
reports or complaints are
received all will be consolidated
into a single case file. Educator
is sent 30 day notice to write a
rebuttal.

No other action is
taken at that time.

Yes

Referral for attorney
review and
investigation. Educator
sent notice.

By agreed
order or
hearing:
Defer
Training
Suspension
Revocation
Combination
of any

Final
Order

(Stays on
your
professional
record until
one year
after your
death)

EPSB Executive
Director
(Commissioner of
Education) and
EPSB Staff decide if
there is sufficient,
credible
information .

When making a
determination as to how
to proceed, the Board
shall consider the
following factors:
seriousness,
premeditated or
intentional; attempted
concealment, prior
misconduct;
whether training is
appropriate; whether
the sanction is
necessary; any other
relevant circumstances
or facts.

Johnson and EPSB PROCESS

Kimberly Johnson allegedly violates professional conduct.

EPSB Executive Director (Commissioner of Education) and EPSB Staff decide if there is sufficient, credible information. At the time this March 2, 2020 report was sent, The Interim Commissioner of Education was Kevin Brown, JCPS General Counsel.

Superintendent files a report filled with lies and biased/unsubstantiated allegations. The six allegations along with an additional statement concerning Johnson being SCM trained (never presented at the meetings within JCPS) and Johnson's first rebuttal are sent to EPSB on March 2, 2020. These are events that allegedly happened 94, 91, 86, 85, and 85 days prior to March 2, 2020. Johnson sent a second rebuttal on February 29, 2020, however, it is never sent to EPSB.

EPSB Executive Director (Commissioner of Education) and EPSB Staff decide if there is sufficient, credible information. At the time this March 2, 2020 report was sent, The Interim Commissioner of Education was Kevin Brown, JCPS General Counsel.

Yes

EPSB staff opens a case file and assigns a number without consolidating reports prior to the December 2019 allegations. Johnson is sent a 30 day notice on or around April 8, 2020 and given 30 days to write a rebuttal. Johnson submits a rebuttal on around May 7, 2020.

No

No other action is taken at that time.

Yes

Johnson's allegations are referred to attorney review and investigation at the June 15, 2020 meeting. Educator sent notice.

EPSB threatens Johnson with severe sanctions if she does not agreed to the charges and surrender her counselor and principal licenses. Costing her attorney fees to no avail. After rejecting several agreed orders. Johnson requests a hearing and is ignored. Finally, Johnson receives notice that a hearing has been scheduled. Only to determine after attending a pre-hearing that it was fake.

Kim Chevalier, JCPS Chief of Special Education is on the EPSB Board at this time (June 15, 2020). She participates (by voting) that Johnson's false allegations go for attorney review and investigation.

SUPERINTENDENT'S REPORT
MARCH 2, 2020



Online Educator Complaint

Educator Name:

Kimberly Johnson

EPSB ID:

200301086

Address:

4211 Marseille Drive

SSN:

XXX-XX-3095

Louisville KY 40272

District:

Jefferson County

Worksite:

Jefferson County

Job Title:

Guidance Counselor

Date Submitted:

3/2/2020 1:51:22 PM

FilesUploaded

Johnson discipline.pdf

Allegation :Violation of Professional Code of Ethics

Local Discipline :NONE

PRE-OBSERVATION CONFERENCE
 POST-OBSERVATION CONFERENCE
 X OTHER EVALUATION CONFERENCE



JEFFERSON COUNTY PUBLIC SCHOOLS

PERFORMANCE EVALUATION OBSERVATION/CONFERENCE SUMMARY

NAME: Kimberly Johnson SCHOOL/LOCATION: Maupin
ID#: [REDACTED] JOB ASSIGNMENT: Counselor
DATE OF OBSERVATION(S): DATE OF CONFERENCE: January 6th, 2020

A conference was held to discuss job performance expectations and/or observation(s) of job performance. The expectations and/or the observation(s) and the conference are summarized below:

On January 6th, 2020, Charita Kimbrough, Maupin Principal, addressed the following concerns with Kimberly Johnson, School Counselor. Marilyn Shrewsbury, counsel for Dr. Johnson, and Amanda Herzog, district counsel, were also present.

- 1) A student with a history of making self-harm comments brought a razor to school on December 9th, 2019. Dr. Johnson was asked if she returned it to the student after he made another comment indicating he wanted to harm himself.

Dr. Johnson replied, "Yes. It was a shaving razor." She also shared that she contacted the parent and the parent agreed with her actions. She stated that she told the student to put it in his locker. She said she was aware that "someone else went and took the razor away from him".

In the future, Dr. Johnson is expected to confiscate any unsafe items from students, call the parent to report it, and notify the AP or Principal so that disciplinary action can be taken. The item will either be picked up by the parent or by board security depending on the item. In this situation the item was not only unsafe for students of this age, but self-harm was also indicated, so the student should not have been allowed to keep it and should have had a plan of action for the rest of that day with a follow-up crisis plan if needed after counseling and possible referral to the Mental Health Counselor.

- 2) On December 12th, 2019, there was a code red called to room 110 during dismissal. Ms. Kimbrough came from the office and saw Dr. Johnson standing in the hallway. Ms. Kimbrough said in a loud voice that there was a code red, and began running to room 110. Dr. Johnson remained where she was. Dr. Johnson was asked why she failed to respond.

Dr. Johnson replied, "I didn't hear a code red. Will have to see what was going on at the time."

In the future, Dr. Johnson is expected to be listening to her radio, observant of activity around her, and responsive - being especially observant when she is in the hallway, during supervision, and during dismissal and opening of school. She is expected to have her radio on unless she has informed the other administrators of

the need to be off-radio. In this situation, she had two opportunities to hear the code red, once by radio and the 2nd time by the principal announcing it to her. She also had an opportunity to see the principal running and should have been responsive to the help that was needed.

- 3) After school on December 12th, 2019, Ms. Peden, the Behavior Coach, called Dr. Johnson on the radio and told her she had a student in crisis in room 122. Dr. Johnson responded that she could not come because she was in the Learning Lab doing 2nd run bus duty. Ms. Peden stated that the situation was urgent and if you could come she would trade places with you. Ms. Kimbrough came over the radio also and stated that she was reporting to the learning lab. Dr. Johnson was asked why she responded in this way to Ms. Peden.

Dr. Johnson replied, "I can't remember how many people were in there". She indicated there were maybe 40 students with 2 people, and she had to figure it out because she couldn't leave right away.

In the future, Dr. Johnson is expected to respond quickly with a solution rather than expecting someone else to figure it out. There is no rule regarding the number of students and adult supervision in this case and the crisis should have taken priority. As a building leader, Dr. Johnson should have directed the other adult in the Learning Lab to be vigilant with all the students until Ms. Peden arrived and then assure Ms. Peden that she was on her way. A leader should offer a solution rather than simply posing the problem. In this case, Ms. Peden offered the solution.

- 4) On December 17th, 2019 a disturbance was heard coming from room 110 where two students had gotten into a fight. Mr. Jacoby, ECE Implementation Coach, responded to the call on the radio and Ms. Kimbrough saw him moving towards the room and noticed that he was further away from the room than Dr. Johnson was, as she was observed out in the hallway closer to the room. Dr. Johnson was asked why she failed to respond at all to the call.

Dr. Johnson replied, "I have no idea what kid I was with or what I was working on."

Again, in the future, Dr. Johnson must be responsive and not expect that others will respond when she is able to do so. The principal observed Dr. Johnson in the hallway and questioned as to why she wasn't moving towards room 110. If Dr. Johnson was observed with a student or involved in a situation, the principal would not have asked the question.

- 5) On December 18th, 2019, a teacher reported a concern to Dr. Johnson regarding a 4th grade student who had threatened to bring a gun to school and kill everyone. The teacher was concerned that the counselor made light of the situation and attributed it to his behavior pattern. Dr. Johnson was asked how she responded to the reported concern.

Dr. Johnson replied that she had no clue, and would have to go back and look at her notes. She indicated she remembered seeing a letter.

In the future Dr. Johnson must immediately isolate a student making a threat, and report the threat to the AP or Principal in order to discuss next steps based on the JCPS Behavior Handbook, Maupin's Safety Plan, and district guidelines. A threat such as this should not be something placed in notes; it should be taken seriously and handled as such.

- 6) Also on December 18, 2019, a parent contacted the board regarding concerns about

bullying, after she had already contacted Dr. Johnson. The parent indicated that Dr. Johnson told her to call the board, and that the principal probably wouldn't do anything about it. Dr. Johnson was asked if she said this to the parent.

Dr. Johnson replied that she would never tell them to call the board, but that she tells parents to file a bullying report. She said she did not say that about the principal.

In the future, Dr. Johnson is expected to do her best to ensure the parent leaves the conversation with the Counselor confident that the school has specific steps to handle it and will follow-up in a timely manner. All incidents reported should be addressed based on the JCPS Behavior Handbook, Maupin Discipline Plan, and any expectations shared by the Principal.

During the due process conference, Ms. Kimbrough directed Dr. Johnson not to discuss the situations above with staff members, parents, or students.

The safety of all students and staff is a priority. The Professional Code of Ethics for Kentucky School Certified Personnel (16 KAR 1:020) states that educators: "Shall take reasonable measures to protect the health, safety, and emotional well-being of students". The above incidents and Dr. Johnson's responses to them created an unsafe environment for both students and staff members due to her failure to follow district procedures and policies in situations involving 1) a student who was threatening self-harm, 2) a student making a threat to bring a gun to school and kill everyone. She has also shown neglect of duty in student supervision by failing to monitor her radio and be vigilant when a response is needed.

It is recommended that a written reprimand be issued. In the future, Dr. Johnson is to abide by the Professional Code of Ethics and meet the School Counselor Framework expectations and job description. She must follow all JCPS policies and procedures, each directive outlined above, and all expectations provided to her by her Principal. Failure to do so will result in further disciplinary action, up to and including termination.

2/28/2020 Chantal Kimbrough
DATE EVALUATOR

2-28-20 I have received this and I disagree with
DATE EMPLOYEE Bernice A. [Signature]

Distribution: Personnel File
Supervisor
Employee

12/2011

Jefferson County Public Schools
Administrative Offices

VanHoose Education Center
P.O. Box 34020
Louisville, Kentucky 40232-4020
(502) 485-3011



February 28, 2020

Kimberly Johnson
[REDACTED]



Dear Dr. Johnson:

This letter shall serve as a written reprimand pursuant to KRS 161.790 for insubordination, neglect of duty, and multiple violations of the Professional Code of Ethics for Kentucky School Certified Personnel.

A due process meeting was held on January 6, 2020 with you, your attorney, and district counsel. At issue were five incidents involving student safety and supervision.

On December 9, 2019, a student with a history of comments of self-harm brought a razor to school. You admitted that you returned the razor to the student and told him to put it in his locker. Another staff member later took the razor from the student. You stated that it was a shaving razor and that the parent agreed with your actions.

On December 12, 2019, a code red was called. Your principal, as she ran to respond, saw you in the hallway and said that there was a code red. You failed to respond. You stated that you did not hear the code red. After school that same day, a staff member radioed you regarding a student in crisis. You advised the staff member that you could not come because you were with students. The staff member stated that it was urgent and that she would trade places with you. At the due process meeting, you stated that you answered the call as you did because there were only two adults with the students and you could not leave right away.

On December 17, 2019, a disturbance was heard from a room where two students were fighting. Another staff member responded to the radio call. You failed to respond despite being closer to the room. At the due process meeting, you stated that you did not know what child you were with or what you were working on at the time.

On December 18, 2019, a staff member reported a concern to you regarding a student who had threatened to bring a gun to school and do harm. You responded to that staff member that it was not a problem due to the student's behavior issues. At the due process meeting, you stated that you would have to go back and look at your notes to determine how you responded to this situation. On the same

day, a parent contacted the Board with concerns regarding bullying. The parent advised that she had shared the concerns with you and that you advised her to call the Board as the principal probably wouldn't do anything. In the due process meeting, you denied making these statements.

The Professional Code of Ethics for Kentucky School Certified Personnel requires that all teachers "...take reasonable measures to protect the health, safety, and emotional well-being of students." As a certified educator trained in Safe Crisis Management ("SCM"), it is your duty to use that training to protect the safety of students and staff. You are trained to use de-escalation strategies and/or behavioral interventions to stop a student in imminent danger of inflicting harm to himself or others. If and when those interventions and strategies fail and the danger persists, you are trained to use physical restraint, with only the amount of force reasonably believed necessary, to protect the student or others from that danger. It is your duty as an educator to use this training to keep students safe. Failure to respond when you are trained and obligated to do so, is a violation of these duties and responsibilities.

You are reminded that student safety is your first priority. When you witness a situation of imminent danger of physical harm, are made aware of an unsafe situation, or receive a call for your SCM assistance, it is your duty to act. This includes, but is not limited to, confiscating unsafe items from students, isolating students who make threats, and immediately reporting these incidents to your principal or assistant principal.

Going forward, you are to meet the School Counselor Framework expectations and job description. You are to follow all directives and meet all expectations established by your principal. Failure to follow these directives and/or the Professional Code of Ethics for Kentucky School Certified Personnel, and/or any state or district policies and procedures shall lead to further disciplinary action up to and including discharge.

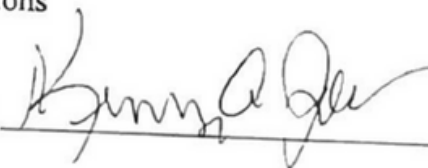
Sincerely,



Martin A. Pollio, Ed.D
Superintendent

cc: Personnel File
Employee Relations

Receipt Acknowledged:



Date:

2-26-2020

OTHER DOCUMENTS INCLUDED:

- Johnson document titled : "Due Process Conclusion Meeting: Originally scheduled for January 29, 2020 - Rescheduled by Kimbrough for February 28, 2020." (18 pages)
 - **EPSB did not even use or consider any evidence conained in this document.**

DOCUMENTS WITHHELD/IGNORED:

- Johnson document titled : "Additional Rebuttal"
- EPRC
- Kimbrough Notes
- Witness Statements
- JCPS Discrimination Complaint
- Johnson's pending discrimination, retaliation, harassment, hostile work environment, and whistleblowing lawsuit against JCPS

EPSB
April 8, 2020

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

CONFIDENTIAL - CERTIFIED MAIL

April 8, 2020

Dr. Kimberly Ann Johnson



RE: EPSB Case No. 2003725

Dear Dr. Johnson:

This is to inform you that the Education Professional Standards Board (EPSB), pursuant to KRS 161.120, has received the enclosed information regarding your professional conduct. Section 2(d) of this statute provides that a copy of the information be given to you in order that you may, if you so choose, file a written rebuttal with the EPSB. This information is provided only for the purpose of preparing your rebuttal and defense under KRS 161.120. It is confidential and should not be disclosed for any purpose other than preparing your rebuttal and defense.

The written rebuttal must be filed within 30 days of receipt of this letter. Please address to the **Education Professional Standards Board**. The rebuttal may be filed by mail (300 Sower Blvd., 5th Floor, Frankfort, KY 40601), by email (EPSBEducatorEthics@education.ky.gov) or by fax (502-564-7080). The EPSB will then review a summary of all information in its possession to determine whether further action is necessary. In order to respect the confidentiality of the certificate holder and witnesses, the Board reviews only the facts of the report and full rebuttal with all names, addresses, and counties redacted.

To review the EPSB's Procedures Relating to Board Action on an Educator's Certification, please visit our website at (<http://www.epsb.ky.gov/mod/book/view.php?id=61&chapterid=3>). If you have questions, please contact our office at (502) 564-4606 or EPSBEducatorEthics@education.ky.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Foster".

Kelly Foster, Ed.D.
Associate Commissioner

KF/lrs
enclosures

DOCUMENTS WITHHELD/IGNORED:

- Letter of complaint on Charita Kimbrough - April 25, 2020
- Letter of complaint on Jimmy Adams - April 26, 2020
- Letter of complaint on Katherine "Katie" Stoltz - April 28, 2020
- Letter of complaint on Nate Meyer - April 28, 2020
- Letter of complaint on Andrew Baily - May 1, 2020
- Letter of complaint on James Hughley - May 1, 2020
- Letter of complaint on Dr. Martin Polllio - May 7, 2022
- Letter of complaint on LaTonya Rollerson - May 8, 2020
- 2nd Letter of complaint on Charita Kimbrough - May 22, 2020
- 2nd Letter of complaint on Nate Meyer - June 2, 2020

**Kimberly Johnson's Written
Rebuttal
MAY 7, 2020**



Attorneys
Chad E. Nelson
Megan C. McDonald
Marilyn L. Shrewsbury

6013 Brownsboro Park Blvd · Suite A · Louisville, Kentucky 40207
404 Hopkinsville Street · Princeton, Kentucky 42255

May 7, 2020

Kentucky Department of Education
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: EPSB Case No. 2003725

To Whom it may concern:

Please allow this correspondence to serve as my client's, Dr. Kimberly Johnson ("Dr. Johnson"), rebuttable in relation to EPSB Case No. 2003725.

On February 28, 2020 Dr. Johnson was issued a letter of reprimand in relation to a series of allegations which were partially presented at a January 6, 2020 "Due Process" meeting.

Dr. Johnson has provided all individuals with detailed evidence exonerating her of any wrongdoing in relation to the inaccurate and absurd allegations referenced above.

As a result of the systematic and pervasive nature of the bizarre adverse employment action taken against Dr. Johnson, she personally submitted letters of complaint related to Charita Kimbrough, Katherine Stoltz, Nate Meyer, James Hughley, Andrew Bailey, and Jimmy Adams.

Additionally, Dr. Johnson intends on submitting further letters of complaint to your offices at the ESPB, the Office of Education Accountability, and the National Labor Board, relating to the afore-mentioned disciplinary actions which we believe have been orchestrated to protect the inequities and maltreatment placed on the students and families at Maupin Elementary School, mainly black students.

Dr. Johnson has submitted other complaints, during the 2018-2019 school year, to the ESPB offices, relating to the discriminatory, unethical, and illegal actions that she has witnessed at Specifically these complaints related to an individual by the name of Maria Holmes, in addition to Charita Kimbrough and Katherine Stoltz.

As a result of her complaints, Dr. Johnson has and is still continuing to suffer from harassment, retaliation and hostility at the hands of Charita Kimbrough and Katherine Stoltz.

As it relates to the letter of reprimand issued in February of this year, Dr. Johnson submits the following timeline of events beginning in November of 2019.

TIMELINE OF EVENTS

written by Dr. Kimberly Johnson

- Toward the end of November, Charita Kimbrough came to me and stated that a staff member had an allegation and we needed to have a due process meeting.
- At the due process meeting on December 2, 2019, a letter was presented from LaTonya Rollerson, Maupin's former Mental Health Practitioner whose last day at Maupin was on October 3, 2019 yet the letter was dated for October 18, 2019. The current Interim Commissioner, Kevin Brown was present at that meeting. At that time, I was not presented with any violations. I was only questioned.
- The follow-up/conclusion meeting was held on December 18, 2019, and my representative was not able to be present, but I decided to go forward with the meeting. At that meeting, I was presented with a conference summary, in which Kimbrough sided with Rollerson malicious statements and comments regarding me. Also, at that meeting, I presented a 23-page rebuttal to be attached to the conference summary in my personnel file. This letter is important because it is part of the disciplinary events that have been orchestrated against me without cause. At the end of the meeting, I stated that I felt as if these actions were retaliatory. I was told by Kimbrough that there were new allegations and a due process would need to be scheduled for when we returned from winter break.
- The next day, December 19, 2019, I received an email from Kimbrough, in which she demanded that the due process take place on "today or tomorrow (December 20, 2019)". My representative was not available either one of those days, so the new meeting was scheduled for January 6, 2020.
- On January 6, 2020, I was interrogated without any prior notice of what the meeting was about. Several dates and events were referenced from various time frames which forced me to try to remember as much as possible about all of these dates and events to answer Kimbrough's questions. I answered the questions to the best of my ability and made note of the situations that were referenced.
- A follow-up/conclusion meeting was scheduled for January 29, 2020. On January 27, 2020, this meeting was canceled and Kimbrough stated in the email that it would be rescheduled later. Eventually, it was rescheduled for February 28, 2020.
- At the February 28, 2020, meeting, I attempted to present my evidence of what occurred in each of the events identified on January 6, 2020. I was told that I could not present my side with evidence, so I asked that it be attached to the written reprimand and conference summary (the subject of this

rebuttal). To be clear, this is the rebuttal that EPSB was sent attached to the written reprimand.

- On the evening of February 28, 2020, I noticed several false and misleading statements were contained in the written reprimand letter. I addressed all of those misleading and false statements in a revised rebuttal and then wrote a rebuttal specifically addressing the letter of written reprimand because in the letter the ethical violation referred is based upon the erroneous information that I have been Safe Crisis Management trained.
- I submitted the revised rebuttal and a new rebuttal addressing the letter on Saturday, February 29, 2020 via email to Odell Henderson, Employee Relations, Charita Kimbrough, and Marty Pollio. In the email, I asked that these documents presented would be placed in my personnel file and that the corrected information be sent to EPSB.
- On the morning of Monday, March 2, 2020, Odell Henderson and Charita Kimbrough acknowledged receipt of documents and stated that they would be added. Although I received this confirmation, on the same day (March 2, 2020), in the afternoon (1:51 pm), someone from Jefferson County Public Schools submitted an “Online Educator Complaint” with the original rebuttal only. Furthermore, listed on this complaint form are the words, “Local Discipline: NONE”.
- On March 9, 2020, I submitted an appeal to JCPS, specifically to Charita Kimbrough.
- On March 13, 2020, this appeal was denied (without following the policy of having a meeting with me) and in this appeal, Kimbrough admitted that the SCM training statement in the written reprimand was incorrect and that it would be corrected.
- I was not satisfied with the denial of the appeal, so I submitted an appeal to the next level, Nate Meyer on March 17, 2020. Dr. Meyer never acknowledged receipt of my appeal; however, receipt of the letter was acknowledged by Gloria Fuqua in Employee Relations. Ms. Fuqua stated that Dr. Meyer would be in touch with me soon. According to policy, Dr. Meyer was supposed to get in touch with me within five days. At the writing of this letter, it is day 51, and I still have not heard back from him regarding a meeting as stated in the policy. Furthermore, according to my understanding, the erroneous training stated in the written reprimand could have been corrected online at any time, yet it has remained on there for the last 69 days. Instead of addressing this matter, I have now been bombarded with claims of being issued new discipline based on a due process that supposedly happened at the same follow-up/conclusion meeting on February 28, 2020.

Dr. Johnson understands that educator disciplinary issues are to be reported to EPSB, however that reporting is **required to be complete and factual**.

In this case, the facts have not been reported to you and despite Dr. Johnson alerting all pertinent parties to said errors, they have continued to remain unchanged.

In Conclusion, Dr. Johnson wishes this letter to serve as both a rebuttal to the disciplinary action issued, a general appeal to the lack of proper protocol, policy or procedure utilized throughout this process and

context as to the pervasive and systemic nature of the harassment, retaliation, hostility and discrimination Dr. Johnson has and continues to suffer under her current supervision, and the current administration employed by JCPS.

Sincerely,

Marilyn “Linsey” Shrewsbury Esq.

Partner

P: 502.303.5228

6013 Brownsboro Park Blvd Suite A

Louisville Kentucky 40207

linsey@nmslawgroup.com

EPSB BOARD
JUNE 15, 2020

2002331	Admonish & Training
2002385	Attorney Review
2003731	Admonish & Training
2003713	Admonish
2002419	Defer for Training
2002367	Attorney Review
2004931	Defer
2003677	Attorney Review
19101055	Defer
2002373	Attorney Review
2002377	Attorney Review
2003661	Attorney Review
2003659	Attorney Review
2003653	Attorney Review
2001139	Attorney Review
2002361	Dismissed
2002351	Attorney Review
2001137	Attorney Review
2002353	Attorney Review
2002355	Defer for Training
2004909	Admonish & Training
1910971	Dismissed
2003669	Attorney Review
2003655	Attorney Review
2001271	Defer for Training
2003673	Defer for Training
2003725	Attorney Review
2002387	Dismissed
2002389	Dismissed
2003721	Defer for Training
2002381	Defer for Training
2002383	Defer for Training
2001279	Defer for Training
2001259	Defer for Training
2003719	Admonish & Training
2001269	Defer for Training
2004915	Admonish & Training
2003715	Admonish & Training
2002335	Admonish & Training
2003709	Dismissed
2003703	Defer for Training
2002339	Admonish & Training
2002347	Dismissed
2002349	Dismissed
2002365	Admonish & Training
19101061	Admonish & Training

(Mr. Mitchell recused)

**EPSB BOARD
MEETING
June 15, 2020
pg. 7 (pdf)**

The actions delineated below were taken in open session of the EPSB at the June 15, 2020, webcast 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), 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601.

**Education Professional Standards Board (EPSB)
Minutes
Kentucky Department of Education
300 Sower Boulevard, 5th Floor, Frankfort, KY 40601**

Call to Order

Chair Donna Hedgepath called the meeting to order at 9:05 a.m. ET. In an effort to prevent the spread of the novel Corona Virus (COVID-19) this meeting was conducted by video teleconference. She read the mission statement to the EPSB and audience.

Roll Call

The following Board members were present during the June 15, 2020, EPSB meeting:

Melanie Callahan, Kim Chevalier, Aaron Collins, Donna Hedgepath, Justin Mitchell, Daniel Morgan, Ellen Murphy, Sherry Powers, John Robinson, Elizabeth Smith, Jamie Stickler, and Rachel Watson.

CPE: Melissa Bell

Cabinet: Mary Pat Regan

Approval of Consent Items

Approval of April 13, 2020, EPSB Meeting Minutes

Bellarmine University: Approval of Proficiency Plan

2020-24

Motion made by Mr. Daniel Morgan, seconded by Mr. John Robinson, to approve the consent agenda items.

Vote: Unanimous

Report of the Executive Secretary

Dr. Amanda Ellis shared updates from the Kentucky Department of Education including the recognition of graduating seniors for this past school year and a video that was made in honor of the students. Dr. Ellis provided an update on the commissioner search and expressed gratitude for Kevin Brown's continued leadership. She also discussed the work around online professional learning that will be available to teachers this summer.

Report from the Council on Postsecondary Education

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

June 18, 2020

Ms. Kimberly Johnson
[REDACTED]

Re: EPSB Case No. 2003725

Dear Ms. Johnson:

On June 15, 2020, the Education Professional Standards Board reviewed a report received and any information you chose to provide in response to that report. At that time, the Board voted to refer your case for attorney review and investigation. The case will be assigned to one of the Board's attorneys to review and evaluate the evidence, determine if more evidence is needed and prepare a recommendation for the Board. The assigned attorney will contact you, or your attorney, once they have had the opportunity to review the file.

Please be aware that this is preliminary action by the Board and remains subject to confidentiality. To review the Board's Procedures Relating to Board Action on an Educator's Certification, please visit our website at (<http://www.epsb.ky.gov/mod/book/view.php?id=61&chapterid=3>). If you have questions, please call (502) 564-4606 or email EPSBEducatorEthics@education.ky.gov.

Sincerely,

Kelly Foster

Kelly Foster, Ed.D
Associate Commissioner

KF/lrs

cc: Official File
Division of Certification, 200301086
Dr. Martin Pollio, Jefferson County Schools
Hon. Marilyn Shrewsbury

TEAM
KENTUCKY

#TeamKDE #TeamKentucky

An Equal Opportunity Employer M/F/D

EPSB BOARD
OCTOBER 10/11, 2022

2111989	Attorney Review
2110799	Attorney Review
2110841	Attorney Review
0911618	Dismiss w/Prejudice
1611905	Dismiss w/Prejudice
0808975	Dismiss w/Prejudice
1209552	Dismiss w/Prejudice
2202115	Dismiss w/Prejudice
1505228	Dismiss w/Prejudice
2254263	Dismiss w/Prejudice
2108545	Dismiss w/Prejudice
220139	Dismiss w/Prejudice
2254275	Dismiss w/Prejudice
220137	Dismiss w/Prejudice
1108617	Dismiss w/Prejudice
2108561	Dismiss w/Prejudice
2254264	Dismiss w/Prejudice
2108531	Dismiss w/Prejudice
2108567	Dismiss w/Prejudice
1609635	Dismiss w/Prejudice
2254252	Dismiss w/Prejudice
2202125	Dismiss w/Prejudice
2204393	Dismiss w/Prejudice
2107423	Dismiss w/Prejudice
220289	Dismiss w/Prejudice
2104283	Attorney Review
2003725	Attorney Review
20071261	Refer to Hearing
2111919	Dismiss w/Prejudice
2254286	Defer for Training
2254285	Defer for Training
2254267	Dismiss w/Prejudice
2254251	Dismiss w/Prejudice
2254257	Dismiss w/Prejudice
2254278	Dismiss w/Prejudice
2254280	Dismiss w/Prejudice
2254253	Dismiss w/Prejudice
2254255	Dismiss w/Prejudice
2254276	Dismiss w/Prejudice
2254360	Dismiss w/Prejudice
2254364	Defer for Training
2254363	Dismiss w/Prejudice
2254374	Dismiss w/Prejudice
2254370	Defer for Training
2254369	Dismiss w/Prejudice
2254383	Dismiss w/Prejudice

Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

Jason E. Glass, Ed.D.
Commissioner of Education and Chief Learner

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

October 11, 2022

Ms. Kimberly Johnson
[REDACTED]

RE: EPSB Case No. 2003725

Dear Ms. Johnson:

On October 11, 2022, the Education Professional Standards Board voted to refer your case to a hearing. A copy of the enclosed Notice of Hearing and Statement of Charges and Issues is being filed with the Kentucky Attorney General's Administrative Hearings Branch to assign a hearing officer and initiate the hearing process in accordance with KRS 13B.

To review the Board's Procedures Relating to EPSB Action on an Educator's Certification, please visit our website at (<http://www.epsb.ky.gov/mod/page/view.php?id=500>). If you have questions, please call (502) 564-4606 or email EPSBEducatorEthics@education.ky.gov.

Sincerely,

Board Chair

cc: Official File
Dr. Martin Pollio, Jefferson County Schools

COMMONWEALTH OF KENTUCKY
EDUCATION PROFESSIONAL STANDARDS BOARD
AGENCY CASE NO. 20-03725
CERTIFICATE NO. 200301086
ADMINISTRATIVE ACTION NO. 22-EPSB-_____

EDUCATION PROFESSIONAL STANDARDS BOARD

PETITIONER

VS.

KIMBERLY JOHNSON

RESPONDENT

NOTICE OF ADMINISTRATIVE HEARING AND
STATEMENT OF CHARGES AND ISSUES

Comes the Education Professional Standards Board, pursuant to KRS 161.120 and KRS 13B, on information and belief, and for the notice of administrative hearing and statement of charges and issues in the above-styled administrative action, states as follows:

Notice

The Respondent, Dr. Kimberly Johnson, Certificate Number 200301086, (hereinafter "Respondent"), is hereby given notice, pursuant to KRS 13B.050 that the Education Professional Standards Board (hereinafter "EPSB") shall hold a hearing, pursuant to KRS 161.120(5)(a)(1), regarding possible disciplinary sanctions against Respondent's teaching certificate, pursuant to KRS 161.120.

The hearing shall take place at a date and time to be determined by a hearing officer designated by the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, telephone (502) 696-5442.

Counsel for EPSB is Cody Hollan, Attorney, c/o EPSB, 300 Sower Blvd., Fifth Floor,
Frankfort, Kentucky 40601, telephone (502) 564-4606



Respondent's last known address is 4211 Marseille Dr., Louisville, Kentucky 40272.

Respondent's telephone number is (502) 403-6229.

All original pleadings should be filed with EPSB. Copies should be sent to the Hearing Officer and counsel for both parties.

The specific statutes which relate to the issues involved and the procedure to be followed at this hearing are KRS 161.120, 16 KAR 1:020, 16 KAR 1:030 and KRS 13B.

Respondent is advised that she has the right to be represented by counsel at this hearing at her own expense, the right to answer the charges, the right to confront witnesses against her, the right to subpoena witnesses and present such witnesses on his behalf, and the right to appeal any disciplinary action taken against his certificate. Upon reasonable notice, all parties have the right to examine, at least five (5) days prior to the hearing, a list of witnesses the parties expect to call at the hearing, any evidence to be used at the hearing, and any exculpatory information in the agency's possession.

Any party who fails to attend or participate as required at any stage of the administrative hearing process may be held in default under KRS 13B.

Notification of any certificate revocation or suspension shall be presented to all local school boards of education in Kentucky and all agencies in the United States of America responsible for the issuance of teaching certificates.

Following the hearing and entry of a final decision by EPSB, Respondent, if aggrieved by that decision, shall have the right to appeal to the Franklin Circuit Court within thirty (30) days of the entry of that decision.

DOCUMENTS WITHHELD/IGNORED:

- Letter of complaint on Maria Holmes - April 15, 2019
- Letter of complaint on Kimberly Wagner - April 14, 2019
- Letter of complaint on Georgia Hampton - March 25, 2019
- Letter of complaint on Michelle Sircy - March 24, 2019
- Johnson's Additional Rebuttal - Dated 2-29-2020
- Johnson's Rebuttal for all E-2s, bad evaluations, etc.- 2018-18 school year; 2019-20 school year.
- Internal Appeals
- Johnson's settled discrimination, retaliation, harassment, hostile work environment, and whistleblowing lawsuit against JCPS including, but not limited to:
 - Audio/Video Recordings
 - Transcripts of Audio/Video Recordings
 - Witness Statements
 - Botched JCPS Internal Compliance & Investigations reports
 - Stoltz's threat to other people