

COMMONWEALTH OF KENTUCKY
KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD
AGENCY CASE NO. 20-121595
CERTIFICATE NO. 199802605



KENTUCKY EDUCATION PROFESSIONAL
STANDARDS BOARD

PETITIONER

VS.

AGREED ORDER

DONALD IVAN SHIVELY

RESPONDENT

* * * * *

Comes the Petitioner, the Kentucky Education Professional Standards Board (hereinafter "the Board"), by counsel, and the Respondent, Donald Ivan Shively, (hereinafter "Shively"), and both parties being duly informed, state as follows:

1. Shively is a certified administrator in the Commonwealth of Kentucky, having been issued Certificate Number 199802605.

2. Pursuant to Kentucky Revised Statutes ("KRS") 161.120 and 161.028, the Board is authorized to issue and control all matters related to teacher certification not otherwise delegated to another agency in the Commonwealth. The Board has the statutory responsibility to protect the public from unprofessional conduct on the part of certified teachers and administrators.

3. On October 22, 2020, a media report notified the Board that a photo surfaced on social media of Shively and a woman in "black face" at a Halloween party in 2002.

4. Shively acknowledges that his conduct constitutes a violation of KRS 161.120 and 16 KAR 1:020, the Professional Code of Ethics for Kentucky School Certified Personnel.

5. Shively and the Board agree to address this matter by Agreed Order. After being signed by Shively, this Agreed Order shall be presented to the Board with a recommendation for approval from the Board's chief prosecuting attorney, or her designee, at the next scheduled meeting of the Board following receipt of the Agreed Order. The Agreed Order shall not become effective until it has been approved by a majority of the Board and signed by the chair of the Board.

Shively understands the Board is free to accept or reject this Agreed Order. Shively hereby agrees to waive any right he may have to challenge, based solely on the presentation of the Agreed Order to the Board, the impartiality of the Board to hear the administrative action if, after review by the Board, this Agreed Order is rejected.

If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Representations and/or admissions by Shively in this Agreed Order, or other settlement proposals, will not be regarded as evidence against Shively at any subsequent disciplinary hearing in this matter. Shively shall be free to defend himself and no inference will be made against Shively for his willingness to enter into this Agreed Order.

6. Following review by the Board of the facts and circumstances associated with the

case against Shively,

IT IS HEREBY ORDERED THAT:

Shively is reprimanded for his offensive characterization of African Americans. The school environment must be welcoming to all who come to learn and teach. Such racist and deplorable conduct interferes with students' ability to learn and staff's ability to teach in a safe and welcoming environment for all people. The Board will not tolerate any further misconduct from Shively.

Shively has provided written proof to the Board that he has completed 66 hours of professional development training with Pastor Edward L. Palmer Sr., recipient of the MLK Jr. Leadership Award and the Thurgood Marshall Social Justice Impact Award on topics including Implicit Bias, Anti-Racism, Racial Sensitivity, and Diversity, Equity, & Inclusion.

Shively has provided written proof to the Board that he has completed 10 hours of training from the American Association of School Administrators' "Leading for Equity" series.

Shively has provided written proof to the Board that he has completed 9 hours of training from the National School Board Association's Equity Symposium and Summer Equity Symposium.

Shively has provided written proof to the Board that he has completed 4 hours of training on the topic of Diversity Equity and Inclusion with Dr. Roger Cleveland, Director of Faculty Development and Diversity Initiatives at Eastern Kentucky University.

Finally, Certificate Number 199802605 shall be subject to the following probationary condition for a period of five (5) years:

1. Shively shall receive no further disciplinary action, including but not limited to a public reprimand, suspension, termination, directive to take unpaid leave, or a resignation under threat of termination, from any school district in which he is employed. If Shively fails to satisfy this condition, Certificate Number 199802605 shall be administratively suspended pending Board review and disposition.

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

By entering into this Agreed Order, Shively expressly acknowledges that he is fully and completely informed of the due process rights afforded under KRS 161.120 and KRS 13B and he knowingly, willingly and voluntarily agrees to waive those rights and enter into this Agreed Order.

Donald I. Shively
Donald I. Shively

11/30/21
Date

Respondent



Hon. Norah Alarafi Softic
Education Professional Standards Board

11/30/2021

Date

Entered into this 13th day of December, 20 21.



Board Chair
Education Professional Standards Board