

**Kentucky Board of Education Regular Meeting
April 9, 2020 9:30 AM
Kentucky Department of Education, 300 Sower Boulevard
Frankfort, KY 40601
Video Teleconference Meeting**

Minutes

The Kentucky Board of Education (KBE) held its regular meeting on April 9, 2020. Pursuant to Executive Order 2020-243 and a memorandum issued by the Finance and Administration Cabinet dated March 16, 2020, and in an effort to prevent the spread of the novel coronavirus (COVID-19), the KBE met utilizing a video teleconference. Members of the public were not be permitted to attend the meeting in person, but were encouraged to view the meeting on the Kentucky Department of Education's (KDE) Media Portal. The board conducted the following business:

I. Call to Order

Chair Karem welcomed everyone and called the meeting to order at 9:00 a.m. ET. Chair Karem reminded members that the meeting still must comply with the requirements of the Open Meeting Act. Additionally, Chair Karem stated that for any items that required a vote, a roll call vote was necessary to record the vote of each board member.

II. Roll Call

Chair Karem asked for a roll call of members. The following members were present: JoAnn Adams, Claire Batt, Holly Bloodworth, Mike Bowling, Alvis Johnson, David Karem, Patrice McCrary, Cody Pauley Johnson, Sharon Porter Robinson, Lee Todd, Lt. Governor Jacqueline Coleman, Council on Postsecondary Education (CPE) President Dr. Aaron Thompson and Allison Slone.

KBE Executive Director Jennifer Fraker stated a quorum was present.

III. Approval of Summary Minutes for January 30, 2020 Special Meeting, February 4, 2020 Regular Meeting, February 25, 2020 Special Meeting, March 4, 2020 Special Meeting, March 17, Special Meeting and March 18, 2020 Special Meeting.

Lee Todd made a motion to approve the minutes for the January 30, 2020 Special Meeting, February 4, 2020 Regular Meeting, February 25, 2020 Special Meeting, March 4, 2020 Special Meeting, March 17, 2020 Special Meeting and March 18, 2020 Special Meeting.

Holly Bloodworth seconded the motion. The motion passed with a majority voice vote. (Mike Bowling did not vote)

IV. Action to Suspend Standing Committee Meetings (Action/Discussion Item)

Chair Karem announced the board needed to take action to suspend standing committees as they are established in the KBE Policy Manual. Committee meetings needed to be suspended during this meeting due to teleconferencing limitations and for efficiency.

Alvis Johnson made a motion to suspend standing committee meetings. JoAnn Adams seconded the motion. The motion passed by a majority roll call vote. (Mike Bowling did not vote.)

V. Report from the President of the Council on Postsecondary Education

President Aaron Thompson presented updated information related to higher education's response to COVID-19. President Thompson discussed efforts on the tuition-setting process for the fall and efforts to create an online community to service students including the creation of a blog. President Thompson also shared that the Council was focused on student transition from K-12 to college and was doing whatever possible to ensure all students have the resources they need to be successful.

VI. Report from the Secretary of the Education and Workforce Development Cabinet

Lt. Governor/Secretary Jacqueline Coleman presented an update on the initiatives from the Education and Workforce Development Cabinet. Lt. Governor Coleman highlighted the community partnerships developed to provide resources and support for families and children during this crisis. She reinforced that she is committed to meeting the basic needs of all Kentuckians.

VII. Report from the Commissioner of Education

KDE Interim Commissioner Kevin Brown shared updates on the impacts of the COVID-19 pandemic. Brown gave brief updates on the administration of Non-Traditional Instruction (NTI), and discussed the formation of the Education Continuation Taskforce and advisories established to assist districts with the challenges associated with COVID-19. Brown also provided updates related to the Kentucky School for the Deaf (KSD), Kentucky School for the Blind (KSB) and Area Technology Centers (ATCs).

VIII. Coronavirus Discussion of PreK-12 Implications and Next Steps (Information Item)

KDE Leadership from the Office of Assessment and Accountability (OAA), Office of Continuous Improvement and Support (OCIS), Office of Career and Technical Education and Student Transition (OCTEST), Office of Educator Licensure and Effectiveness (OELE), Office of Education Technology (OET), Office of Finance and Operations (OFO), Office of Special Education and Early Learning (OSEEL), Office of Teaching and Learning (OTL), Strategic Planning, and Division of Communications provided updates on the impacts and implications of COVID-19.

IX. Action to Waive Certain Kentucky Board of Education Regulatory Requirements in Response to COVID-19 (Action/Discussion Item)

KDE Interim General Counsel Todd G. Allen presented information on KBE administrative regulations the Commissioner recommended be waived for the remainder of the 2019-2020 fiscal year as a result of school closures: KRS 156.160,; 702 KAR 7:140, Section 1 (1), Section 2 (1) and (3); 701 KAR 5:150, Section 2 (3) and Section 3(4); 703 KAR 5:270; 703 KAR 5:240, 703 KAR 5:140; 704 KAR 3:015; and 704 KAR 3:410

Alvis Johnson made a motion to waive certain regulatory requirements in response to the COVID-19 emergency. Patrice McCrary seconded the motion and the motion passed by a unanimous roll call vote.

X. Discussion on Waiver of Certain Statutory Requirements in Response to COVID-19 Pursuant to Executive Order 2020-243 (Review Item)

KDE Interim General Counsel Todd G. Allen presented information on provisions of certain statutes the Kentucky Department of Education recommended the Governor waive for the remainder of the 2019-2020 fiscal year pursuant to Executive Order (EO) 2020-243.

XI. Good News Items

Cody Pauley Johnson shared information from the Fleming County School District on their approach to NTI; Holly Bloodworth shared information regarding the Daviess County School District's Feeding Programs; JoAnn Adams gave an update on Special Education and Preschool programs in the Harrison County School District; and Patrice McCrary shared information concerning what ATCs were doing in response to the COVID-19 pandemic.

XII. Update on Jefferson County Public Schools-Superintendent Marty Pollio (Review Item)

Dr. Marty Pollio presented an update on the JCPS' Corrective Action Plan (CAP) including information on the progress since the time of the audit. Dr. Pollio shared information on how Jefferson County schools unrolled the district's NTI program. Dr. Pollio also gave updates on planning and district financing as part of the district's corrective action plan and the challenges the district face with both of those areas.

XIII. 2020-2022 Legislative and Biennial Budget Update (Review Item)

KDE Associate Commissioner Robin Kinney, KDE Division Director Charles Harman and KDE Interim Director of Government Relations Tracy Goff Herman presented an update on the 2020-2022 Executive Budget and elementary and secondary education legislation considered thus far during the 2020 Regular Session of the Kentucky General Assembly.

XIV. 30 Minute Recess

The Kentucky Board of Education took a 30-minute recess. No business was conducted and live streaming was suspended temporarily during the recess.

XV. Action/Consent Items Approved as a Group (Action/Discussion Item)

This item allowed the board to approve the consent agenda as a group in one action as opposed to hearing each individual agenda item. KDE staff identified these items as those that were non-controversial and routine in nature. The items contained in the consent agenda, were as follows:

- A. Approval of New District Facility Plans for Laurel County and Warren County School Districts.
- B. Approval of Request from Fayette County Public Schools to Waive Construction Project Size Limitations set Forth in Section 305 of the School Facilities Planning Manual, Incorporated by Reference Into 702 KAR 4:180 and 702 KAR 4:160.
- C. Approval of Request from Fort Thomas Independent School District for Waiver of 702 KAR 5:060.
- D. Approval of Kentucky Minimum Specifications for School Buses.
- E. Kentucky School for the Deaf (KSD) Advisory Board Appointment
- F. Kentucky High School Athletics Association (KHSAA) Board of Control Appointment
- G. Approval of Alternative SBDM Model for Rosenwald-Dunbar Elementary School

Sharon Porter Robinson made a motion to adopt and approve the consent agenda. Mike Bowling seconded the motion. The motion passed by a majority roll call vote.

XVI. Action Discussion Items

A. Amendment of 701 KAR 8:020, Evaluation of Charter School Authorizers (Second Reading)

KDE Associate Commissioner Kelly Foster and KDE Policy Advisory Whitney Crowe presented information on 701 KAR 8:020, as amended with regard to the training requirements for charter school authorizers, to alleviate hardships on school districts and local board of education members as well as to align with the KBE's budget and policy priorities for the 2020 Regular Session of the Kentucky General Assembly.

Lee Todd made a motion to approve 701 KAR 8:020, Evaluation of Charter School Authorizers, as amended, to alleviate hardships on school districts and local board of education members. Alvis Johnson seconded the motion and the motion passed with a majority roll call vote.

B. 780 KAR 1:011, Repeal of 780 KAR 1:010, Kentucky State Plan for Career and Technical Education (Second Reading)

KDE Associate Commissioner David Horseman, KDE Division Director Tom Thompson and KDE Policy Advisor Leslie Slaughter presented information on the proposed repeal of 780 KAR 1:010, Kentucky State Plan for Career and Technical Education, which is no longer in alignment with federal law.

Lu Young moved to repeal administrative regulation 780 KAR 1:010, Kentucky State Plan for Career and Technical Education. Claire Batt seconded the motion and the motion passed with a majority roll call vote.

C. 702 KAR 6:046, Repeal of 702 KAR 6:045, Personnel; School Nutrition Employee Qualifications (Second Reading)

KDE Associate Commissioner Robin Kinney and KDE Division Director Lauren Moore presented information on 702 KAR 6:046, the repeal of 702 KAR 6:045, Personnel; policies and procedures. Staff shared that repeal would alleviate some of the administrative burden on school districts while preserving the safety of school nutrition programs as, under current law, the food service staff for school districts participating in federal child nutrition programs are subject to local, state and federal training requirements. Staff also shared that these training requirements are often duplicative and burdensome.

JoAnn Adams made a motion to approve 702 KAR 6:046, the repeal of 702 KAR 6:045. Alvis Johnson seconded the motion and the motion passed with a majority roll call vote.

D. Amendment of 702 KAR 6:040, Personnel, Policies and Procedures (Second Reading)

KDE Associate Commissioner Robin Kinney and KDE Division Director Lauren Moore presented information on the conforming amendment of 702 KAR 6:040, Personnel; school nutrition employee qualifications necessitated by the repeal of 702 KAR 6:045, Personnel; policies and procedures. Staff shared that because 702 KAR 6:045 was being repealed, it was necessary to amend 702 KAR 6:040 to strike the reference to the regulation being repealed.

Mike Bowling made a motion to approve the amendment of 702 KAR 6:040. Patrice McCrary seconded the motion and the motion passed with a majority roll call vote.

XVII. Hearing Officer's Report (Review Item)

KDE Interim General Counsel Todd G. Allen discussed the progress of KBE regulations in the regulatory process.

A. Statement of Consideration for 703 KAR 5:140, Requirements for School and District Reports Cards (Action/Discussion Item)

KDE Associate Commissioner Rhonda Sims, KDE Division Director and KDE Policy Advisor Michael Hackworth presented the statement of consideration for 703 KAR 5:140 with recommended amendments. The KDE received two written comments during the public comment segment of the regulatory process and recommended the regulation be amended.

Lu Young made a motion to accept the Statement of Consideration with recommended amendments to 703 KAR 5:140, Requirements for School and District Report Cards. JoAnn Adams seconded the motion and the motion passed with a majority roll call vote.

B. Statement of Consideration for 703 KAR 5:270, Kentucky’s Accountability System (Action/Discussion Item)

KDE Associate Commissioner Rhonda Sims, KDE Policy Advisor Michael Hackworth and KDE Division Director Jennifer Stafford presented the statement of consideration for 703 KAR 5:270 with recommended amendments. KDE Received seven comments from six commenters. KDE Staff did not recommend the regulation be amended based on the comments received during the public comment segment, but the regulation was amended after public comments. It was stated that most of the issues raised in the public comments will be addressed by enhanced reporting through the school report card.

Alvis Johnson made a motion to accept the Statement of Consideration with recommended amendments to 703 KAR 5:270. Mike Bowling seconded the motion and the motion passed with a majority roll call vote.

C. Statement of Consideration for 704 KAR 7:090, Homeless Children and Youth Education Program (Action/Discussion Item)

KDE Associate Commissioner Kelly Foster and KDE Policy Advisor Whitney Crowe presented information on the recommended amendments to 704 KAR 7:090, Homeless Children and Youth Education Program after one comment was received during the public comment segment of the regulatory process.

Holly Bloodworth made a motion to approve the Statement of Consideration with recommended amendments to 704 KAR 7:090, Homeless Children and Youth education program. Claire Batt seconded the motion and the motion passed with a majority roll call vote.

D. Statement of Consideration for 702 KAR 5:080, Bus Drivers Qualifications, Responsibilities and Training (Action/Discussion Item)

KDE Associate Commissioner Robin Kinney, KDE Executive Advisor Matt Ross and KDE Division Director Elisa Hanley presented information on the recommended amendments to 702 KAR 5:080, Bus Drivers Qualifications, Responsibilities and Training after two comments were received during the public comment segment of the regulatory process.

Patrice McCrary made a motion to approve the Statement of Consideration with recommended amendments to 702 KAR 5:080, Bus Drivers Qualifications, Responsibilities and Training. JoAnn Adams seconded the motion and the motion carried with a majority roll call vote.

E. Litigation Report (Review Item)

KDE Interim General Counsel Todd Allen presented the litigation report which provided updates to the KBE on pending litigation involving the KBE and/or KDE.

XVIII. Board Member Sharing

Patrice McCrary encouraged KBE members to recognize that teachers, parents and students are exhausted and reminded them that comforting words are appreciated during this emergency. Sharon Porter Robinson expressed her gratitude to teachers, students and parents for the courage they have shown when taking on the many challenges due to COVID-19. She expressed her concerns about the learning curve, but wanted to commend everyone for the determination to help and support students to this point. Alvis Johnson expressed concerns he had with the Kentucky High School Athletics Association's revenue shortfall because of the cancellation of the girls and boys sweet sixteen basketball tournaments. Alvis also gave a shout-out to Governor Beshear and thanked him for his leadership during this global pandemic. Lee Todd shared a note he received from a student in the Dean's Leadership class at the University of Kentucky. Todd stated the note highlighted the change to kid's lives that is possible if all students are given the chance to succeed. Lt. Governor Jacqueline Coleman reminded the KBE of the life experiences the class of 2020 had faced with most being born during the time of 9-11 and now faced with the challenges of the COVID-19 pandemic. She asked the KBE members to keep these kids in their hearts. Lu Young thanked everyone for their heroic work during this emergency and stated that public education is the cornerstone of our democracy. Young stated that she was optimistic of the confirmation process for her fellow KBE members and said that it has been an honor to serve with each member. Mike Bowling stated that he was grateful for the efforts of all Kentuckians in their response to the COVID-19 pandemic. Allison Slone highlighted a new Facebook group, My Why Kentucky that helped to show the dedication of Kentucky teachers and helped to highlight effective social distancing. Finally, David Karem thanked the KBE members for the dedication and passion that they have shown to love, protect and educate all of Kentucky's students.

XIX. Internal Board Business

A. Tentative Approval of KBE Member Attendance at the 2020 NASBE New Board Member Institute (Action/Discussion Item)

Alvis Johnson made a motion to approve up to five KBE members to attend the 2020 NASBE New Board Member Institute to be held in Alexandria Virginia June 5-6, 2020. Sharon Porter Robinson seconded the motion and the motion passed by majority roll call vote.

In consideration of current travel restrictions, this travel was approved conditionally on the basis that travel will be permitted at the time of the new member institute.

B. Commissioner Search Update from Greenwood/Asher & Associates (Review Item)

Associates from Greenwood/Asher & Associates presented information on marketing and outreach efforts related to the Commissioner search.

XX. Adjournment

Lu Young motioned to adjourn the meeting, Sharon Porter Robinson seconded the motion and it was approved by a unanimous roll call vote.

The meeting adjourned at 4:13 p.m. ET.