

**Kentucky Board of Education Regular Meeting
December 4, 2019 8:30 AM
Kentucky Department of Education, 300 Sower Boulevard
State Board Room, Room 514
Frankfort, KY 40601**

Minutes

The Kentucky Board of Education (KBE) held its regular meeting on December 4, 2019 at the Kentucky Department of Education (KDE), 300 Sower Boulevard, Frankfort, Kentucky. The board conducted the following business:

I. Call to Order

Chair Heiner welcomed everyone and called the meeting to order at 8:30 a.m.

Chair Heiner announced for everyone watching via live webcast that the agenda and board documents may be found on the KDE website. Chair Heiner thanked the individuals providing closed captioning for their service and reminded everyone to silence their cell phones.

II. Roll Call

Chair Heiner asked for a roll call of members. The following members were present: Ben Cundiff, Tracey Cusick, Rich Gimmel, Kathy Gornik, Hal Heiner, Gary Houchens, Alesa Johnson, Joseph Papalia, Milton Seymore, Laura Timberlake, Deputy Education and Workforce Development Cabinet Secretary Ramsey, and Council on Postsecondary Education (CPE) President Dr. Aaron Thompson.

The following member was absent: Amanda Stamper.

Chair Heiner stated a quorum was present.

III. Pledge of Allegiance

Chair Heiner led the members in the Pledge of Allegiance.

IV. Minute of Silence

Chair Heiner and members observed a minute of silence.

V. Approval of Summary Minutes for October 2-3, 2019 Regular Meeting

Kathy Gornik made a motion to approve the minutes and Ben Cundiff seconded that motion. The motion passed with unanimous voice vote.

VI. Report from the Commissioner of Education

KDE Commissioner Wayne Lewis shared information related to the 2019 State of Education in the Commonwealth Address welcomed new KDE staff. The Commissioner also shared his commitment to public education and past professional experiences.

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

Deputy Secretary Mike Nemes attended on behalf of Derrick Ramsey and while he did not present a report, made himself available for questions.

VIII. 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 in the areas of early childhood and personnel management. Dr. Pollio shared challenges, as well as improvement strategies for both areas. Dr. Pollio addressed questions related to the responsibilities of the Ohio Valley Educational Cooperative (OVEC) with Head Start, teacher vacancies, career and technical education, and student assignment.

IX. Report from the President of the Council on Postsecondary Education (CPE)

President Aaron Thompson presented updated information on overall increases in underrepresented minority gaps, return on investment for postsecondary education, and his listening tour. President Thompson answered questions on graduation rates for those students who earned KEES awards.

X. Kentucky Department of Education Performance Management Update (Review Item)

KDE Chief Performance Officer Karen Dodd and Program Manager Melody Cooper presented progress toward KDE's annual goals related to the objectives of effective use of partnerships, improving support services, improving internal/external communication, promoting systematic operations, maintaining effective leadership, cultivating quality of skills and expertise of KDE staff, improving student outcomes, and improving school and district operations.

XI. Approval of the Kentucky Board of Education/Kentucky Department of Education Policy Priorities for the 2020 Regular Session of the Kentucky General Assembly (Action Item)

KDE Commissioner Wayne Lewis and Director of Government Relations Kristel Smith presented and discussed draft policy priorities in preparation for the 2020 Regular Session of the Kentucky General Assembly. Priority areas included the Educational Professional Standards Board (EPSB), early learning, career and technical education, school and district innovation, and greater efficiency in district facilities requests.

Kathy Gornik made a motion to approve the minutes and Alesa Johnson seconded that motion. The motion passed with unanimous voice vote.

XII. 2019 National Assessment of Education Progress (NAEP) Results (Review Item)

KDE Division Director Kevin Hall and NAEP Coordinator Mark DeCandia discussed an overview of Kentucky's 2019 NAEP results in mathematics and reading in which 318 schools participated. DeCandia explained the meaning of proficiency and compared Kentucky's results with national results, state assessments and among student groups.

XIII. Presentation of Kevin M. Noland-Mary Ann Miller Award

Commissioner Wayne Lewis presented the 2019 Kevin M. Noland-Mary Ann Miller Award to Kiley Whitaker KDE Assistant Director in the Office of Career and Technical Education. Associate Commissioner David Horseman accepted the award on Kiley's behalf, as he was not present.

XIV. Presentation of Special Education Teacher of the Year Award

Commissioner Wayne Lewis and Associate Commissioner Gretta Hylton presented the 2019 Special Education Teacher of the Year Award to Mr. Stacey Crowe from Wayland Alexander Elementary School in Hartford.

XV. Presentation and Recognition of Recipients of the 2018-2019 Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST)

Commissioner Wayne Lewis and PAEMST-KDE Coordinators Maggie Doyle and Rae McEntyre presented the 2018-2019 PAEMST awards to the following Kentucky recipients: Melanie Ramsey from Johnson County, Erin Schneider from Jefferson County, Deborah Brock from Kenton County and Kristi Fehr from Fayette County.

XVI. LUNCH- 12:00 p.m. – 12:30 p.m. ET: No business conducted.

XVII. Public Comment Segment

No public comments were made at the meeting.

XVIII. Commissioner's Recommendation to Designate the Breathitt County School District for State Assistance (Action Item)

Commissioner Wayne Lewis and Associate Commissioner Kelly Foster discussed a recommendation that the KBE designate the Breathitt County school district for state assistance to address a pattern of a significant lack of efficiency and effectiveness in the governance and administration of the district that continues to exist.

Ben Cundiff made a motion to approve the minutes and Kathy Gornik seconded that motion. The motion passed with unanimous voice vote.

XIX. Curriculum, Instruction and Assessment Committee Meeting – KDE Room 514, State Board Room

Committee Chair Gary Houchens called the Committee Meeting to order at 1:15 p.m.
Members present: Chair Gary Houchens, Tracey Cusick, Alesa Johnson and Milton Seymore

A quorum was present.

A. Action/Discussion Items

1. Amendment to 703 KAR 5:270, Kentucky’s Accountability System (Second Reading)

KDE Division Director Jennifer Stafford and Policy Advisor Michael Hackworth presented proposed amendments to 703 KAR 5:240 in order to adjust and make changes to Transition Readiness calculation within the new system to include both high school graduates and grade 12 nongraduates based on recent discussions with the U.S. Department of Education for the approval of Kentucky’s Consolidated State Plan. Currently, transition readiness is measured at high school for students who earn a regular or alternative high school diploma and achieve academic or career readiness. For Kentucky’s Consolidated State Plan to be approved, grade 12 non-graduates must be added to the measure. The chair asked staff to make revisions and represent this item later in committee.

2. Amendment to 703 KAR 5:140, Requirements for School and District Report Cards (Second Reading)

KDE Associate Commissioner David Couch and Division Director Jennifer Stafford presented proposed amendments to 703 KAR 5:140 in order to define the implementation and components of a school and district report card that clearly communicates with parents and the public about school and district performance.

Motion to accept the recommendations for the amendment of 703 KAR 5:140 was made by Milton Seymore and seconded by Alesa Johnson. The motion passed with unanimous voice vote.

3. Amendment to 704 KAR 7:090, Homeless Children and Youth Education Program (Second Reading)

KDE Associate Commissioner Kelly Foster and Division Director Tara Rodriguez presented proposed amendments to 704 KAR 7:090 in order to implement the requirements contained in House Bill 378 (2019).

Motion to accept the recommendations for the amendment of 704 KAR 7:090 was made by Tracy Cusick and seconded by Alesa Johnson. The motion passed with unanimous voice vote.

4. Applications of Waiver of Administrative Regulations from Bell, Carroll, Graves, Henry, Knott, Owsley, Pulaski and Trimble County School Districts

KDE Associate Commissioner Kelly Foster and Division Director David Cook presented a recommendation to decline the Applications of Waiver of Administrative Regulations from the Bell, Carroll, Graves, Henry, Knott, Owsley, Pulaski and Trimble County school districts. The applications request a waiver from 701 KAR 8:020, Section 3 (4) relating to annual training for charter school authorizers in Kentucky.

Motion to accept the denial of the applications of waiver of Administrative Regulations from the Bell, Carroll, Graves, Henry, Knott, Owsley, Pulaski and Trimble County school districts was made by Tracy Cusick and seconded by Milton Seymore. The motion passed with unanimous voice vote.

5. Approval of the 2018 Carl D. Perkins Consolidated Annual Report (CAR)

KDE Associate Commissioner David Horseman presented the 2018 Carl D. Perkins CAR, which is required annual by federal law, for review and consideration of approval. Perkins law requires each state to establish and report, by December 31 of each year, on core indicators of performance under Title I (state basic grant), Section 113(b), and Title II (Tech Prep), Section 203(e).

Motion to approve the 2018 Carl D. Perkins CAR was made by Alesa Johnson and seconded by Tracy Cusick. The motion passed with unanimous voice vote.

6. Annual Amendment to 704 KAR 3:370 Kentucky Framework for Personnel Evaluation (Second Reading)

KDE Associate Commissioner Rob Akers presented amendments to 704 KAR 3:370, Kentucky Framework for Personnel Evaluations, to update the evaluation standards for principals and assistant principals to the Professional Standards for Educational Leaders (PSEL).

Motion to adopt the amended policies and procedures was made by Milton Seymore and seconded by Gary Houchens. The motion passed with unanimous voice vote.

7. Kentucky School for the Blind (KSB) Advisory Board Appointment

Associate Commissioner Gretta Hylton and Director Kevin Stull presented the recommendation of Janell Turner to be appointed to the KSB Advisory Board. The candidate meets the necessary criteria for appointment.

Motion to approve the appointment of Janell Turner to the KSB Advisory Board was made by Tracy Cusick and seconded by Alesa Johnson. The motion passed with unanimous voice vote.

8. Amendment to 703 KAR 5:270, Kentucky’s Accountability System (Second Reading)

KDE Division Director Jennifer Stafford and Policy Advisor Michael Hackworth returned to present a revised definition of nongraduates within 703 KAR 5:270.

Motion to accept the recommendations for the amendment of 703 KAR 5:270 was made by Alesa Johnson and seconded by Milton Seymore. The motion passed with unanimous voice vote.

Motion to waive the second reading of 703 KAR 5:270 in order to comply with requirements of the state plan was made by Alesa Johnson and seconded by Tracy Cusick. The motion passed with unanimous voice vote.

B. Review Items

1. 2019 Kindergarten Screener Results

KDE Division Director Jennifer Stafford and Early Learning Program Consultant Bill Buchanan shared 2019 Kindergarten Screener data. The screener is administered during a window which starts 15 days before the first instructional day and extends through the 30th instructional day. Readiness data, along with other data sources, is used for planning instruction, initiating the Response to Intervention (RtI) process and communicating with the public about the importance of quality early care and education environments.

2. AdvanceKentucky Update

KDE Associate Commissioner David Horseman and AdvanceKentucky Director Anthony Mires presented updates on the current progress and outcomes of the program. AdvanceKentucky began in the 2008-09 school year under a partnership with the National Math and Science Initiative (NMSI) and continues with major support from the KDE and other sponsors.

Alesa Johnson motioned to adjourn the meeting, Milton Seymore seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 2:45 p.m.

XVIII. Finance Committee Meeting – KDE Room 532, Commissioner’s Conference Room

Committee Chair Kathy Gornik called the Finance Committee Meeting to order at 1:16 p.m.
Members present: Kathy Gornik, Rich Gimmel and Laura Timberlake
A quorum was present.

A. Action/Discussion Items

1. Approval of 2019-2020 Local District Tax Rates Levied

KDE Associate Commissioner Robin Kinney and Division Director Donna Duncan presented an amendment to the 2019-2020 Local District Tax Rates Levied for the Bracken County Board of Education in accordance with KRS 160.470.

Motion to approve the amended 2018-2019 Local District Tax Rates Levied was made by Laura Timberlake and seconded by Rich Gimmel. The motion passed with unanimous voice vote.

2. Approval of New District Facility Plans

KDE Division Director Donna Duncan discussed proposed new district facility plans for Jessamine County and Somerset Independent school districts in accordance with 702 KAR 4:180.

Motion to approve new district facility plans for Jessamine County and Somerset Independent school districts was made by Rich Gimmel and seconded by Laura Timberlake. The motion passed with unanimous voice vote.

3. Approval of Local District Working Budgets

KDE Division Director Donna Duncan presented the 2019-2020 Local District Working Budgets for approval in accordance with KRS 160.470 and certifies that the proposed working budgets provided in the attached document are in compliance with KRS 160.470 and 702 KAR 3:110.

Motion to approve the 2019-2020 Local District Working Budgets was made by Rich Gimmel and seconded by Laura Timberlake. The motion passed with unanimous voice vote.

B. Review Items

1. Review of 2020-2022 Biennial Budget

KDE Associate Commissioner Robin Kinney and Division Director Donna Duncan continued conversations from the June meeting's Finance Committee regarding the development of the department's 2020-2022 Budget Request. In addition to discussing additional budget requests (ABRs), Kinney discussed the 2020-2022 Biennial Budget

Request process for final review and submission, and the Office of the State Budget Director's Budget Instructions as applicable to the KDE.

Laura Timberlake motioned to adjourn the meeting, Rich Gimmel seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 1:49 p.m.

XXII. Operations Management Committee – KDE 5th Floor, Room 516

Chair Papalia called the meeting to order at 1:15 p.m.

Members present: Joe Papalia, Ben Cundiff and Hal Heiner

Members absent: Amanda Stamper

A quorum was present.

A. Action/Discussion Items

1. Approval of the Recommendation to surplus the Walker Hall Building at the Kentucky School for the Deaf

KDE Associate Commissioner Robin Kinney proposed the surplus of the Walker Hall building on the Kentucky School for the Deaf (KSD) campus, permitting staff to pursue appropriate disposal of the property.

Motion to approve the surplus of Walker Hall Building at the KSD was made by Ben Cundiff and seconded by Hal Heiner. The motion passed with unanimous voice vote.

2. Amendment to 702 KAR 5:080, Bus Drivers' Qualifications, Responsibilities and Training (Second Reading)

KDE Associate Commissioner Robin Kinney and Branch Manager Elisa Hanley presented proposed amendments to 702 KAR 5:080 to modernize Kentucky's training requirements for school bus drivers and align them with new federal rules (effective 2020) related to entry-level training for school bus drivers.

Motion to approve the amendment to 702 KAR 5:080, Bus Drivers' Qualifications, Responsibilities and Training was made by Hal Heiner and seconded by Ben Cundiff. The motion passed with unanimous voice vote.

3. Approval of Amendment to 702 KAR 7:125, Pupil Attendance (Second Reading)

KDE Policy Advisor Matt Ross and General Counsel Deanna Durrett shared proposed changes that amend 702 KAR 7:125 to clarify the procedures and timelines for resolving such conflicts.

Motion to approve the amendment to 702 KAR 7:125, the pupil attendance regulation, was made by Ben Cundiff and seconded by Hal Heiner. The motion passed with unanimous voice vote.

4. Discussion and Nomination of KBE Priority Award Winner – Operations Management Committee

The Operations Management Committee reviewed and discussed applicants for the KBE Priority Award, Achievement Gap Closure. The committee selected the candidate they felt was most responsive to the criteria listed in the award description.

Motion to approve “applicant 5” as that individual best meets the nomination criteria of the Kentucky Board of Education (KBE) Priority Award was made by Ben Cundiff and seconded by Hal Heiner. The motion passed with unanimous voice vote.

5. Discussion and Nomination of Robinson Award for Diversity and Equity in Public Education Winner

The Operations Management Committee reviewed and discussed applicants for the KBE Robinson Award for Diversity and Equity in Public Education. The committee selected the candidate they felt was most responsive to the criteria listed in the award description.

Motion to approve “applicant 6” as that individual best meets the nomination criteria of the Kentucky Board of Education (KBE) Robinson Award for Diversity and Equity in Public Education was made by Hal Heiner and seconded by Ben Cundiff. The motion passed with unanimous voice vote.

6. Discussion and Approval of the Commissioner’s 2019-2020 Goals – Operations Management Committee

The Operations Committee reviewed and discussed the commissioner’s proposed 2019-2020 goals.

Motion to approve the Commissioner’s 2019-2020 goals and recommends that the board approve the suggested goals was made by Hal Heiner and seconded by Ben Cundiff. The motion passed with unanimous voice vote.

B. Review Items

1. Update on Menifee County State Assistance

KDE Associate Commissioner Kelly Foster presented the status of corrective action being taken in the state assisted school district, Menifee County Schools.

Ben Cundiff motioned to adjourn the meeting, Hal Heiner seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 2:23 p.m.

XX. Report of the Curriculum, Instruction and Assessment Committee on Action/Discussion Items

Chair Houchens presented on behalf of the Curriculum, Instruction and Assessment Committee and moved approval of the following items:

1. Amendment to 703 KAR 5:270, Kentucky's Accountability System

Chair Heiner made a motion to waive the second reading of the regulation to expedite the regulatory process to be in alignment with federal requirements and Joe Papalia seconded the motion.

Chair Heiner requested a voice vote to accept the proposed amendments. Passed unanimously.

2. Amendment to 703 KAR 5:140, Requirements for School and District Report Cards

Chair Heiner requested a voice vote. Passed unanimously.

3. Amendment to 704 KAR 7:090, Homeless Children and Youth Education

Chair Heiner requested a voice vote. Passed unanimously.

4. Denial of Waiver of Administrative Regulations from Bell, Carroll, Graves, Henry, Knott, Owsley, Pulaski and Trigg County School Districts

Chair Heiner requested a voice vote. Passed unanimously.

5. Approval of the 2018 Carl D. Perkins Consolidated Annual Report (CAR)

Chair Heiner requested a voice vote. Passed unanimously.

6. Amendment to 704 KAR 3:370, Kentucky Framework for Personnel Evaluation

Chair Heiner requested a voice vote. Passed unanimously.

7. Kentucky School for the Blind (KSB) Advisory Board Appointment

Chair Heiner requested a voice vote. Passed unanimously.

XXI. Report of the Finance Committee on Action/Discussion Items

Chair Gornik presented on behalf of the Finance Committee and moved approval of the following items:

1. Approval of 2019 Local District Tax Rates Levied

Chair Heiner requested a voice vote. Passed unanimously.

2. Approval of New District Facility Plans for Jessamine and Somerset Independent School Districts

Chair Heiner requested a voice vote. Passed unanimously.

3. Approval of 2019-2020 Local District Working Budgets

Chair Heiner requested a voice vote. Passed unanimously.

XXII. Report of the Operations Management Committee on Action/Discussion Items

Chair Papalia presented on behalf of the Operations Management Committee and moved approval of the following items:

1. Approval of the Recommendation to Surplus the Walker Hall Building at the Kentucky School for the Deaf (KSD)

Chair Heiner requested a voice vote. Passed unanimously.

2. Amendment to 702 KAR 5:080, Bus Drivers' Qualifications, Responsibilities and Training

Chair Heiner requested a voice vote. Passed unanimously.

3. Amendment to 702 KAR 7:125, Pupil Attendance

Chair Heiner requested a voice vote. Passed unanimously.

4. Approval of KBE Priority Award Winner

Chair Heiner requested a voice vote. Passed unanimously.

5. Approval of KBE Robinson Award Winner

Chair Heiner requested a voice vote. Passed unanimously.

6. Approval of Commissioner's 2019-2020 Goals

Chair Heiner requested a voice vote. Passed unanimously.

XXIV. Information Items (Review Item)

KDE General Counsel Deanna Durrett discussed the progress of the KBE regulations in the regulatory process. Deanna Durrett also shared the requirements of House Bill 4 (2019) which extends the length of time associated with the regulatory process.

A. Hearing Officer's Report

1. Approval of the Statement of Consideration for 703 KAR 5:240, Administrative Procedures and Guidelines

KDE General Counsel Deanna Durrett and Division Director Jennifer Stafford shared feedback on the proposed changes to the regulation, 703 KAR 5:240. The regulation was not amended as a result of public feedback.

Motion to approve the Statement of Consideration for 703 KAR 5:240, Administrative Procedures and Guidelines, by Laura Timberlake and seconded by Joe Papalia. The motion passed with unanimous voice vote.

2. Approval of the Statement of Consideration and Agency Amendment for 703 KAR 5:280, School Improvement Procedures

KDE General Counsel Deanna Durrett, Associate Commissioner Kelly Foster and Policy Advisor Whitney Crowe shared feedback on the proposed changes to the regulation, 703 KAR 5:280.

Motion to approve the Statement of Consideration and Agency Amendment for 703 KAR 5:280, School Improvement Procedures, by Rich Gimmel and seconded by Ben Cundiff.

B. Litigation Report

KDE General Counsel Deanna Counsel presented the litigation report which provides updates to the KBE on pending litigation involving the KBE and/or KDE.

XXVI. Assignment of Members to the State Evaluation Appeals Panel (SEAP)

Chair Heiner explained there has been a recent need to alter the members serving on the SEAP, as one member had to recuse herself. As a result, it was necessary to appoint a replacement member to the Panel. Hal Heiner volunteered to serve.

Motion to approve Hal Heiner as a replacement member to the panel was made by Ben Cundiff and seconded by Joe Papalia.

XXV. Adjournment

Ben Cundiff motioned to adjourn the meeting, Joe Papalia seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 4:09 p.m.