

**Kentucky Board of Education Regular Meeting
February 4, 2020 9:30 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 February 4, 2020 at the Kentucky Department of Education (KDE), 300 Sower Boulevard, Frankfort, Kentucky. The board conducted the following business:

I. Call to Order

Chair Karem welcomed everyone and called the meeting to order at 9:30 a.m. Chair Karem thanked the individual providing closed captioning for her service and reminded everyone to silence their cell phones.

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 December 4, 2019 Regular Meeting, December 12, 2019 Special Meeting and January 17, 2020 Special Meeting

Sharon Porter Robinson made a motion to approve the minutes for the December 4, 2019 regular meeting for historical KBE recordkeeping purposes and Mike Bowling seconded that motion. The motion passed with unanimous voice vote.

Claire Batt made a motion to approve the minutes for the December 12, 2019 special meeting and Alvis Johnson seconded that motion. The motion passed with unanimous voice vote.

Lu Young made a motion to approve the minutes for the January 17, 2020 special meeting and JoAnn Adams seconded that motion. The motion passed with unanimous voice vote.

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

President Aaron Thompson presented updated information on his listening tour, overall increases in underrepresented minority gaps and return on investment for postsecondary education.

President Thompson answered questions on counseling services, college affordability and current CPE study-related efforts.

V. Report from the Commissioner of Education

KDE Interim Commissioner Kevin Brown welcomed new staff at the department. Brown gave brief updates on the commissioner search to include the most recent release of a survey soliciting the desired characteristics of the next education commissioner. He also shared an announcement on the Impact Kentucky survey, recent appointments to the Commissioner's Student Council and updates related to the Kentucky School for the Deaf (KSD) and Kentucky School for the Blind (KSB).

Brown introduced Kentucky Teacher of the Year, Erin Ball, who recently joined the department. Ball shared her background, love of literacy and platform as teacher of the year which is diversity and equity.

VI. Good News Items

Chair Karem announced that February is national career and technical education (CTE) Month and shared that it is a time to recognize and celebrate the CTE community members' achievements. KBE members Lu Young, Patrice McCrary, Holly Bloodworth and Mike Bowling recognized students from career and technical student organizations (CTSOs) in their respective districts.

VII. 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 operations and the IDEA, and the challenges the district faces with both of those areas. Pollio expressed the need for greater attention to building structures and infrastructure and emphasized the need for building improvements. Pollio also shared of efforts related to the IDEA and the training and systems established to make improvements.

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

KDE Chief Performance Officer Karen Dodd shared information on the board's role in developing a strategic plan. Dodd presented progress toward KDE's annual goals related to the objectives of effective use of partnerships, operational excellence and student success.

IX. 2018-2019 Assessment and Accountability Results Update (Review Item)

KDE Associate Commissioner Rhonda Sims and KDE Division Directors Jennifer Stafford and Kevin Hill presented a review and subsequent discussion on 2018-2019 assessment and accountability results. Sims shared that 2017-2018 school year was the first year of transition to a new accountability system for the state. Sims also announced that in October 2019, the 5-star

system was implemented by using data from the 2018-2019 school year along with the identification of CSI and TSI schools.

X. Recognition of KDE Employees

Interim Commissioner Kevin Brown presented three awards. Brown, with KSD Principal Toyah Robey, presented two awards to KSD dorm staff who saved a student's life: Doug Brewer and Jennifer Sanders. Brown then presented the 2019 Kevin M. Noland-Mary Ann Miller Award to Kiley Whitaker KDE Assistant Director in the Office of Career and Technical Education.

XI. LUNCH- 12:00 – 1 p.m. ET: No business conducted.

XII. Public Comment Segment

Bridgette Blom Ramsey, Executive Director with the Prichard Committee, presented views on Mississippi's efforts and Kentucky's accountability structure.

Donnie Wilkerson, Jamestown Elementary teacher, addressed the KBE with concerns regarding standards and accountability with a focus on science and social studies standards.

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

Lt. Governor/Secretary Jacqueline Coleman gave an update on initiatives within the Education and Workforce Development Cabinet with an emphasis on the administration's commitment to reinvest in education. Lt. Governor Coleman discussed the Education First Budget that was proposed during the Governor's Budget Address earlier in the week. Lt. Governor Coleman stated the goal is to create a cradle-to-career cabinet to prevent losing students in the gaps. The initiatives going forward will focus on WHERE, an acronym for **w**ages, **h**ealth care, **e**ducation, **r**etirement and **e**xample. Coleman highlighted other initiatives focused on expanding access to early education, exposure to apprenticeship opportunities, and honing expertise to prepare students for college or the work force. Coleman discussed the success of waiving the fees for the GED test in the state and informed the KBE that Kentucky was selected as one of six states to participate in the NGA Dual Credit Workshop. The workshop will help our partners with giving in-depth technical assistance to our dual credit students across the Commonwealth. Further, Coleman discussed the creation of the Workforce Innovation Board which includes public and private industry partners.

XIV. 2020-2022 Biennial Budget Update (Review Item)

KDE Associate Commissioner Robin Kinney and KDE Division Director Charles Harman presented the 2020-2022 Executive Budget recommendation. Kinney shared the legislative process and relationship of the budget recommendation to the department's additional budget requests.

XV. Legislative Update of the 2020 Regular Session (Review Item)

KDE Interim Director of Government Relations Tracy Goff-Herman presented an update on elementary and secondary education legislation considered thus far, on day 20, of the 2020 Regular Session of the Kentucky General Assembly.

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

Committee Chair Holly Bloodworth called the committee meeting to order at 2:00 p.m. Members present: Chair Holly Bloodworth, JoAnn Adams, Claire Batt, Patrice McCrary, Lu Young and Allison Slone.

A quorum was present.

A. Action/Discussion Items

1. Approval of Waiver of Training Requirements of 701 KAR 8:020

KDE Associate Commissioner Kelly Foster presented information on the need to take action on the Application of Waiver of Administrative Regulations from the Mayfield and Somerset Independent school districts as well as the Bell, Carroll, Christian, Daviess, Graves, Harlan, Henry, Hopkins, Knott, Leslie, Owsley, Pulaski, Simpson and Trimble County school districts. These 16 applications request waiver of 701 KAR 8:020, Section 3(4) relating to annual training for charter school authorizers in Kentucky. Additionally, Foster asked the KBE prospectively and conditionally approve any future waiver of 701 KAR 8:020, Section 3(4) requested by letter to the Interim Commissioner from a superintendent in one of the 156 school districts not named in the staff note.

Motion to approve the Application of Waiver of Administrative Regulations from the Mayfield and Somerset Independent school districts as well as the Bell, Carroll, Christian, Daviess, Graves, Harlan, Henry, Hopkins, Knott, Leslie, Owsley, Pulaski, Simpson and Trimble County school districts; and, conditionally approve any future waiver of 701 KAR 8:020, Section 3(4) requested by letter to the Interim Commissioner from a superintendent in one of the 156 school districts not named was made by Claire Batt and seconded by Patrice McCrary. The motion passed with unanimous voice vote.

2. Approval of the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) State Plan

KDE Associate Commissioner David Horseman, KDE Policy Advisor Leslie Slaughter and KDE Branch Manager Karla Tipton presented information on the need to approve this state plan to ensure federal funding for fiscal year 2020-2021. Horseman shared that Perkins law requires each eligible agency to develop a four-year state plan (fiscal years 2020-2023) and submit it for approval to the U.S. Department of Education’s Office of Career, Technical and Adult Education (OCTAE). The state

plan must address a variety of information related to the plan’s development and consultation strategies, the implementation of CTE programs and programs of study, accountability and performance measures, as well as other required federal assurances.

Motion to accept the approval of this state plan to ensure federal funding for fiscal year 2020-2021 was made by Lu Young and seconded by JoAnn Adams. The motion passed with unanimous voice vote.

B. Review Items

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

KDE Associate Commissioner Kelly Foster presented information on proposed amendments to 701 KAR 8:020 to amend the training requirements for charter school authorizers, which currently are the 172 local boards of education in Kentucky, 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.

2. 780 KAR 1:011, Repeal of 780 KAR 1:010, Kentucky State Plan for Career and Technical Education (First Reading)

KDE Associate Commissioner David Horseman, KDE Division Director Tom Thompson and KDE Policy Advisor Leslie Slaughter presented information on the necessity to repeal this regulation as the contents, as well as the document incorporated by reference, are outdated and no longer align to the federal “Strengthening Career and Technical Education for the 21st Century Act” (2018).

Patrice McCrary motioned to adjourn the meeting, Claire Batt seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 2:37 p.m.

XVII. Operations Committee – KDE 5th Floor, Room 516

Chair Todd called the meeting to order at 2:02 p.m.

Members present: Chair Lee Todd, Mike Bowling, Alvis Johnson, Cody Pauley Johnson and David Karem.

Members absent: Sharon Porter Robinson

A quorum was present.

A. Action/Discussion Items

1. Approval of 2019 - 2020 Local District Tax Rates Levied, Gallatin, Lincoln and Martin County School Districts

KDE Associate Commissioner Robin Kinney and Director Donna Duncan presented information on the necessity for approval of the 2019-2020 Local District Tax Rates Levied in accordance with KRS 160.470.

Motion to approve the 2019-2020 Local District Tax Rates Levied in Gallatin, Lincoln and Martin County School Districts was made by Cody Pauley Johnson and seconded by Mike Bowling. The motion passed with unanimous voice vote.

2. Approval of New District Facility Plan (DFP) for Ohio County School District

KDE Associate Commissioner Robin Kinney and KDE Division Director Donna presented the need for approval of the proposed new DFP for the Ohio County School District in accordance with 702 KAR 4:180.

Motion to approve the new DFP for the Ohio County school district was made by Mike Bowling and seconded by David Karem. The motion passed with unanimous voice vote.

3. Approval of Request from the Daviess County School District 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 KAR 4:160

KDE Associate Commissioner Robin Kinney and KDE Division Director Donna Duncan presented information on regulation waiver requests submitted by the Daviess County School District related to the allowable floor area of the additions and renovation of Apollo High School.

Motion to approve waiver requests submitted by the Daviess County School District related to 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) and Section 305 of the Kentucky School Facilities Planning Manual, as incorporated by reference into 702 KAR 4:180 was made by David Karem and seconded by Alvis Johnson. The motion passed with unanimous vote.

4. Approval of Request from the Bowling Green Independent School District 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

KDE Associate Commissioner Robin Kinney and KDE Division Director Donna Duncan presented information to request to approve regulation waiver requests submitted by the Bowling Green Independent School District related to the allowable floor area of the additions and renovation of the Bowling Green Independent High

School. The district requests a waiver of 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) and Section 305 of the Kentucky School Facilities Planning Manual, as incorporated by reference into 702 KAR 4:180.

Motion to approve waiver requests submitted by Bowling Green Independent School District related to 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) and Section 305 of the Kentucky School Facilities Planning Manual, as incorporated by reference into 702 KAR 4:180 was made by David Karem and seconded by Mike Bowling. The motion passed with unanimous voice vote.

B. Review Items

1. New Regulation, 702 KAR 1:180, School Security Risk Assessment Tool (First Reading)

KDE Associate Commissioner Robin Kinney and KDE Policy Advisor Matt Ross shared the need to promulgate a new regulation as the Kentucky Council on School Safety (KCSS) is required to “advise the KBE on administrative policies and administrative regulations relating to school safety and security.” Further, KRS 158.443(9)(b) requires the board of directors for the KCSS to “approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A.”

2. 702 KAR 6:046, Repeal of 702 KAR 6:045, Personnel; School Nutrition Employee Qualifications (First Reading)

KDE Associate Commissioner Robin Kinney and KDE Division Director Lauren Moore presented information that 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. These training requirements are often duplicative and burdensome. Repeal of the state rules would alleviate some of the administrative burden on school districts while preserving the safety of school nutrition programs.

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

KDE Associate Commissioner Robin Kinney and KDE Division Director Lauren Moore shared information that the proposed amendment to 702 KAR 6:040 is a companion to the repeal of 702 KAR 6:045. The amendment will alleviate unnecessary and duplicative training requirements for school nutrition employees.

Mike Bowling motioned to adjourn the meeting, Cody Pauley Johnson seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 2:46 p.m.

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

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

1. Approval of Waiver of Training Requirements of 701 KAR 8:020

Chair Karem requested a voice vote. Passed unanimously.

2. Approval of the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) State Plan

Chair Karem requested a voice vote. Passed unanimously.

XIX. Report of the Operations Committee on Action/Discussion Items

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

1. Approval of 2019 - 2020 Local District Tax Rates Levied, Gallatin, Lincoln and Martin County School Districts

Chair Karem requested a voice vote. Passed unanimously.

2. Approval of New District Facility Plan for Ohio County School District

Chair Karem requested a voice vote. Passed unanimously.

3. Approval of Request from the Daviess County School District 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 KAR 4:160

Chair Karem requested a voice vote. Passed unanimously.

4. Approval of Request from the Bowling Green Independent School District 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

Chair Karem requested a voice vote. Passed unanimously.

XX. Hearing Officer's Report (Review Item)

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

A. Statement of Consideration for 780 KAR 2:060, Discipline of Students (Action/Discussion Item)

KDE Interim General Counsel Todd Allen and KDE Associate Commissioner David Horseman, KDE Division Director Tom Thompson and KDE Policy Advisor Leslie Slaughter shared feedback on the proposed changes to the regulation, 780 KAR 2:060, as it relates to the area technology centers. The regulation was amended as a result of public feedback.

Motion to approve the Statement of Consideration for 780 KAR 2:060, Discipline of Students, was made by Lee Todd and seconded by Claire Batt. The motion passed with unanimous voice vote.

B. Litigation Report

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

XXI. Nonresident Student Agreement Appeal, Administrative Action Number 19-BOE-0081, Raceland-Worthington v. Greenup County (Action/Discussion Item)

KDE Interim General Counsel Todd Allen presented case information and hearing officer recommendations related to Greenup County resident students enrolled in Raceland schools.

Motion to accept the recommended Final Order in Administrative Action Number 19-BOE-0081, subject to the two provided amendments, was made by Claire Batt and seconded by JoAnn Adams. The motion passed with unanimous voice vote.

XXII. Board Member Sharing

Chair Karem shared the purpose of board member sharing and provided examples of past items board members shared. Holly Bloodworth shared her gratitude of Interim Commissioner Brown for including the Kentucky Teacher of the Year Erin Ball's presentation. Claire Batt encouraged KBE members to view a presentation by the Prichard Committee, a "Big, Bold Ask." and its importance. Lee Todd expressed gratitude for Dr. Aaron Thompson for his comments regarding the importance of post-secondary education.

XXIII. Internal Board Business

A. Discussion on Media and Communications Best Practices

KDE Interim Director of Communications Toni Konz Tatman and KDE Assistant Director Jennifer Ginn presented guidance for board members related to interacting with the media, social media and general communications practices.

B. Discussion and Approval of the Recommendation from the RFP Evaluation Team for the Solicitation for Services to Conduct a National Search for the Commissioner of Education (Action/Discussion Item)

Chair Karem asked for a recommendation from the RFP Evaluation Team based on their meeting on January 30. Lee Todd advised that the board should consider approval of the department to reissue proposals, pursuant to KRS 45A, for the “Solicitation KY Dept. of Education Commissioner Search Firm.”)

Motion to approve the department to reissue proposals, pursuant to KRS 45A, for the “Solicitation KY Dept. of Education Commissioner Search Firm” was made by Lee Todd and seconded by Cody Pauley Johnson. The motion passed with unanimous voice vote.

C. Update on the Survey to Solicit Feedback on the Characteristics of the Next Commissioner of Education (Review Item)

KDE Chief Performance Officer Karen Dodd and KDE Interim Director of Communications Toni Konz Tatman presented a brief overview of how the survey was created, what it entailed and the number of responses received to date, 3292.

D. Discussion and Approval of Members to the Whole School, Whole Community, Whole Child Subcommittee (Action/Discussion Item)

Chair Karem asked the board to approve two members to serve on the Whole School, Whole Community, Whole Child Subcommittee.

Motion to approve Cody Pauley Johnson and Lt. Governor Jacqueline Coleman to serve on the Whole School, Whole Community, Whole Child Subcommittee was made by Mike Bowling and seconded by JoAnn Adams.

E. Discussion and Approval to Renew Membership to the National Association of State Boards of Education (NASBE) (Action/Discussion Item)

Interim Commissioner Kevin Brown recommended the board consider membership with National Association of State Boards of Education (NASBE) and presented the benefits associated with membership.

Motion to approve membership to the NASBE was made by Lee Todd and seconded by Claire Batt.

F. Approval of Board Members to Attend NASBE’s March Legislative Conference (Action/Discussion Item)

Interim Commissioner Kevin Brown informed the board of NASBE's March Legislative Conference which occurs from March 22-24 and suggested the board consider sending two members to attend.

Motion to approve Lu Young and Allison Slone to attend NASBE's March Legislative Conference on March 22-24 in Washington, D.C. was made by Alvis Johnson and seconded by Patrice McCrary.

G. Approval of Special Board Meeting on February 25, 2020 (Action/Discussion Item)

Chair Karem informed the board of the need for a special meeting related to the appeal of the River Cities Academy charter school application which was denied by the Newport Independent's board of education.

Motion to approve a special meeting on February 25, 2020 for the appeal of the River Cities Academy charter school application was made by Patrice McCrary and seconded by Holly Bloodworth.

H. Discussion and Approval to Amend April Meeting Location to Lexington, KY (Action/Discussion Item)

Chair Karem explained to the board that the previously approved location for the regular April KBE meeting was Frankfort. Karem asked the board to approve moving the meeting location to Lexington to allow for attendance to the Student Technology Leadership Project (STLP) state championship.

Motion to approve amending the April regular board meeting location to Lexington, Kentucky in conjunction with the department's STLP state championship was made by Mike Bowling and seconded by Lu Young.

I. Approval of Special Board Meeting on April 8, 2020 (Action/Discussion Item)

Chair Karem informed the board of the need to call a special meeting to meet on the afternoon of April 8, so members may attend STLP the morning of April 9.

Motion to approve a special meeting on April 8, 2020 for the board to meet to hear items in the committees and reports of those committees was made by JoAnn Adams and seconded by Alvis Johnson.

J. Approval of Awards Committee Meeting on April 8, 2020 (Action/Discussion Item)

Chair Karem asked the board to approve a special meeting for the awards committee on April 8 to review applicants for the KBE Grissom Award for Innovation in Special Education and bring forward a recommendation of the applicant best meeting the award criteria to the full board on April 9.

Motion to approve a special meeting on April 8, 2020 for the KBE Awards Committee to meet to discuss and nominate a Grissom Award for Innovation in Special Education winner was made by Claire Batt and seconded by Lee Todd.

XXV. Adjournment

Cody Pauley Johnson motioned to adjourn the meeting, Holly Bloodworth seconded the motion and it was approved by unanimous voice vote.

The meeting adjourned at 4:06 p.m.