

**Kentucky Board of Education Regular Meeting  
June 5, 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 June 5, 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 8:35 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, Education and Workforce Development Cabinet Secretary Ramsey and Council on Postsecondary Education (CPE) President Dr. Aaron Thompson. 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 April 10, 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 Secretary of the Education and Workforce Development Cabinet**

Secretary Derrick Ramsey presented an update on current programmatic and legislative initiatives at the cabinet.

## **VII. Report from the President of the Council on Postsecondary Education (CPE)**

President Aaron Thompson provided an update on current and upcoming council initiatives related to postsecondary and career readiness.

## **VIII. Report from the Commissioner of Education**

KDE Commissioner Wayne Lewis welcomed new KDE staff and presented his June report to the KBE, titled “Funding and ... Considerations of Policy Challenges to Equity and Achievement in Kentucky’s Public Schools”, and data compiled in a report titled “Novice Progression.”

## **IX. 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 planning and district-level finance.

## **X. Heroic Educator Awards**

KDE Commissioner Wayne Lewis introduced special guest, Kentucky Governor Matt Bevin, who issued awards to those educators in Bullitt County Schools, Michelle Crenshaw and Kyle Buege, who assisted in saving a student’s life earlier this year.

## **XI. Performance Management Update (Review Item)**

KDE Chief Performance Officer Karen Dodd provided an update on survey results for multiple KDE strategic objectives: employee satisfaction, strategic management maturity and customer satisfaction.

## **XII. Commissioner’s Recommendation to Designate the Menifee County School District for State Assistance (Action/Discussion Item)**

KDE Associate Commissioner Kelly Foster and Associate Commissioner Robin Kinney joined Commissioner Wayne Lewis as he made the recommendation to designate Menifee County School District for state assistance. The local board waived the right to a hearing and voted to accept the Commissioner’s recommendation that the district be designated for state assistance.

Joe Papalia made a motion to accept the Commissioner’s recommendation and Ben Cundiff seconded the motion. The motion passed with unanimous voice vote.

## **XIII. Requested Initiatives Updates (Review Item)**

KDE Commissioner Wayne Lewis and Deputy Commissioner Amanda Ellis presented information on initiatives related to the KBE’s mission of increased family and community

involvement, and access to external supports for students and families. Chief Communications Officer Jessica Fletcher joined the discussion to discuss communications efforts around the School Report Card.

#### **XIV. Presentation of Dr. Samuel Robinson and Dr. Johnnie Grissom Awards**

KDE Commissioner Wayne Lewis and Chair Hal Heiner presented two annual KBE awards, the Dr. Samuel Robinson and Dr. Johnnie Grissom Awards. This year's Dr. Samuel Robinson Award winner was presented to retired physician Dr. Chandra Varia of Floyd County. This year's Dr. Johnnie Grissom Award winner was presented to longtime Kentucky School for the Deaf (KSD) educator Sandy Smock.

#### **XV. LUNCH- 12:00 a.m. – 1:30 p.m. ET: No business conducted.**

#### **XIV. Public Comment Segment**

No public comments were made at the meeting.

#### **XVII. Kentucky Department of Education (KDE) 2020-2022 Biennial Budget Update: Baseline Budget Overview and Introduction to Additional Budget Requests (Review Item)**

KDE Associate Commissioner Robin Kinney and Division Director Charles Harman provided an update on the 2020-2022 Biennial Budget process to include information on the department's baseline budget and topics for consideration of additional budget requests.

#### **XVIII. Approval of 2018 Report, 2018 Exceptions and 2020 Plans as Required by 702 KAR 1:115, Annual In-Service Training of District Board Members (Action/Discussion)**

KDE Deputy Counsel Todd Allen and Kentucky School Board Association (KSBA) Director of Board Team Development Laura Cole co-presented this annual report to include a summary of board member in-service training, a summary of board member training requirements not met and a 2020 in-service training plan.

Milton Seymore made a motion to approve the 2020 in-service training plan, an extension of time for those local board members listed in the report who did not meet their training requirements, and 2018 report. Gary Houchens seconded the motion. The motion passed with unanimous voice vote.

#### **XIX. Overview of the Office of Special Education and Early Learning and Special Education Provisions (Review Items)**

KDE Commissioner Wayne Lewis, Associate Commissioner Gretta Hylton and Program Consultant Bill Buchanan presented information on roles, responsibilities and funding of the newly formed, as a result of the most recent department reorganization, Office of Special Education and Early Learning (OSEEL). Information also was presented on public preschool enrollment and funding.

## **XX. Curriculum, Instruction and Assessment Committee Meeting – KDE Room 514, State Board Room**

Committee Chair Gary Houchens called the Committee Meeting to order at 4:01 p.m.  
Members present: Chair Gary Houchens, Tracey Cusick, Alesa Johnson and Milton Seymore

### **A. Action/Discussion Items**

#### **1. Kentucky Voluntary Certification of Non-Public Schools**

KDE Associate Commissioner Kelly Foster, Branch Manager Neil Watts and Stephen Kopylay of the Kentucky Non-Public Schools Commission (KyNPSC). The KyNPSC presented the following schools to be considered for certification by the board: St. Joseph Elementary, Harvest Christian Academy, Heritage Academy, Holy Trinity Elementary and Junior High School, Price of Peace Montessori School, Immaculate Heart of Mary School, St. Paul School of Leitchfield, St. Thomas School, North Hardin Christian School, Foundation Christian Academy P-10, St. Paul School of Florence, Ascension School, Bethlehem High School, Danville Christian Academy, Holy Cross District High School, Holy Cross High School, Holy Spirit School, Holy Trinity School, John Paul II Academy, Lexington Universal Academy, Notre Dame Academy Elementary, Our Lady of Lourdes School, St. Agnes School, St. Albert the Great School, St. Aloysius School, St. Andrew Academy Elementary, St. Ann School, St. Athanasius School, St. Augustine Parish School, St. Bernard School, St. Catherine Academy Elementary, St. Dominic School, St. Edward School, St. Francis DeSales High School, St. Francis of Assisi, St. Gabriel School, St. Gregory School, St. James School of Elizabethtown, St. James School of Louisville, St. Joseph School, St. Leonard School, St. Margaret Mary School, St. Martha School, St. Mary Academy Elementary, St. Patrick School, St. Paul School, St. Raphael the Archangel School, St. Rita School, St. Stephen the Martyr School, Summit Christian Academy K-12, Christian Fellowship School, Somerset Christian School, and University Heights Academy.

Motion to accept the recommendations for voluntary certification of the non-public schools was made by Alesa Johnson and seconded by Tracey Cusick. The motion passed with unanimous voice vote.

#### **2. Amendments to the Kentucky Tech Policies and Procedures Manual**

KDE Associate Commissioner David Horseman, Division Director Tom Thompson and Assistant General Counsel Ashley Lant presented amendments to the Kentucky Tech Policies and Procedures Manual to ensure students with disabilities attending area technology centers (ATCs) are provided with special education and related services.

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

### **3. Preschool Grant Allotment System and Funding Rates**

KDE Associate Commissioner Gretta Hylton and Early Learning Consultant Bill Buchanan presented recommendations for the per-child rates for the Kentucky Preschool Program for the 2019-2020 school year based on the budget approved by the legislature. Recommended preschool rates for at-risk children and children with disabilities for the 2019-2020 school year also were discussed.

Motion to approve the preschool per-child rates for 2019-2020 based on the budget passed by the Kentucky General Assembly was made by Milton Seymore and seconded by Tracey Cusick. The motion passed with unanimous voice vote.

#### **B. Review Items**

##### **1. Amendment to 703 KAR 5:240, Accountability Administrative Procedures and Guidelines (First Reading)**

KDE Division Director Jennifer Stafford and Policy Advisor Michael Hackworth presented proposed amendments to 703 KAR 5:240 in order to align with Kentucky's new accountability regulation, 703 KAR 5:270, along with state and federal requirements.

##### **2. Amendment to 703 KAR 5:280, School Improvement Procedures (First Reading)**

KDE Associate Commissioner Kelly Foster and Policy Advisor Whitney Crowe presented proposed amendments to 703 KAR 5:280 in order to implement the changes Senate Bill 175 (2019) made to the identification of schools for targeted support and improvement (TSI), as well as to align the regulation with KRS 160.346, as amended by Senate Bill 175 (2019), and proposed revisions to Kentucky's Consolidated State Plan. Division Director Jennifer Stafford joined the conversation to discuss the impact of recent changes to 703 KAR 5:270 on the accountability system.

The meeting adjourned at 4:50 p.m.

#### **XXI. Finance Committee Meeting – KDE Room 532, Commissioner's Conference Room**

Committee Chair Kathy Gornik called the Finance Committee Meeting to order at 4:03 p.m. Members present: Kathy Gornik, Rich Gimmel and Laura Timberlake

#### **A. Action/Discussion Items**

##### **1. New District Facility Plans**

KDE Associate Commissioner Robin Kinney and Director Donna Duncan and Greg Dunbar gave an update on proposed new district facility plans for Allen County,

Bardstown Independent, Bracken County, Bullitt County, Campbellsville Independent, Casey County, Cumberland County, Edmonson County, Estill County, Frankfort Independent, Fulton Independent, Green County, Hart County, Hopkins County, Mason County, Middlesboro Independent, Paris Independent, Rockcastle County, Science Hill Independent, Spencer County, West Point Independent and Whitley County School Districts in accordance with 702 KAR 4:180

Motion to approve new district facility plans for Allen County, Bardstown Independent, Bracken County, Bullitt County, Campbellsville Independent, Casey County, Cumberland County, Edmonson County, Estill County, Frankfort Independent, Fulton Independent, Green County, Hart County, Hopkins County, Mason County, Middlesboro Independent, Paris Independent, Rockcastle County, Science Hill Independent, Spencer County, West Point Independent and Whitley County School Districts was made by Laura Timberlake and seconded by Rich Gimmel. The motion passed with unanimous voice vote.

## **2. Amendment to 702 KAR 3:130, Internal Accounting (Second Reading)**

KDE Associate Commissioner Robin Kinney and Branch Manager Chay Ritter presented proposed amendment to 702 KAR 3:130 in order to update procedures and include necessary revisions to “Redbook” as identified by staff, district finance officers and local district auditors.

Motion to adopt the amendments to 702 KAR 3:130 to update the Accounting Procedures for Kentucky School Activity Funds was made by Rich Gimmel and seconded by Laura Timberlake. The motion passed with unanimous voice vote.

## **3. Approval of Indirect Cost Rates**

KDE Associate Commissioner Robin Kinney, Division Director Donna Duncan and Branch Manager Chay Ritter presented the recommendation to approve the School District Indirect Cost Rates for Fiscal Year 2019-2020. This allows districts to charge indirect costs against federal programs, subject to program limitations.

Motion to approve the indirect cost rates calculated by the KDE in accordance with the indirect cost allocation plan approved by the U.S. Department of Education was made by Laura Timberlake and seconded by Rich Gimmel. The motion passed with unanimous voice vote.

## **4. Approval of Capital Funds Request Guidelines**

Associate Commissioner Robin Kinney and Division Director Donna Duncan presented the recommended KDE Capital Funds Request (CFR) Guidelines effective beginning in Fiscal Year 2019-2020.

Motion to approve the CFR Guidelines was made by Laura Timberlake and seconded by Rich Gimmel. The motion passed with unanimous voice vote.

## **B. Review Items**

### **1. Biennial Budget Process: Defined Calculations and ABR Projects**

KDE Associate Commissioner Robin Kinney and Division Director Charles Harman discussed the KDE 2020-2022 Baseline Budget: Defined Calculations and introduce topics for potential additional budget requests (ABRs).

The meeting adjourned at 4:49 p.m.

## **XXII. Operations Management Committee – KDE 5<sup>th</sup> Floor, Room 516**

Chair Papalia called the meeting to order at 4:05 p.m.

Members present: Joe Papalia, Hal Heiner, no quorum

Items were heard in committee, but brought to full board for action/discussion.

## **A. Action/Discussion Items**

### **1. Approval of the 2020 Kentucky Minimum Specifications for School Buses**

KDE Policy Advisor Matt Ross and Transportation Consultant Elisa Hanley presented information on recommended revisions to the 2020 Kentucky Minimum Specification for School Buses based on input from district transportation professionals.

### **2. Amendment to 701 KAR 5:090, Teacher Disciplinary Hearings (Second Reading)**

KDE Deputy Counsel Todd Allen presented proposed amendments to 701 KAR 5:090 necessary to align with Senate Bill 8 (2019) by establishing qualifications of the hearing officer member of the tribunal, providing additional details regarding selection of potential teacher and administrator tribunal members, providing additional training requirements for tribunal members, and providing clarifying language changes.

### **3. Amendment to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics and Revisions to KHSAA Bylaws**

KHSAA Commissioner Julian Tackett, KHSAA General Counsel Chad Collins and KDE Deputy Counsel Todd Allen discussed amendments to 702 KAR 7:065, including changes to the bylaws and policies of the Kentucky High School Athletic Association (KHSAA) and the Designation of Agent to Manage Middle and High School Interscholastic Athletics.

## **B. Review Items**

**1. Report from Kentucky High School Athletic Association (KHSAA) Title IX Deficiencies for Schools Audited During 2018-2019 School Year and Activities for 2018-2019**

KHSAA Commissioner Julian Tackett, KHSAA General Counsel Chad Collins and KDE Deputy Counsel Chad Collins presented the report on Title IX Deficiencies as required by 702 KAR 7:065 which mandates that the KHSAA review all member schools for Title IX compliance, in terms of facilities and policies.

**2. Update on Breathitt County State Management**

KDE Associate Commissioner Kelly Foster, State Manager Mike Murphy and Breathitt County School Superintendent Phillip Watts presented information on the status of corrective action being taken in the managed school district of Breathitt County.

**3. Kentucky Department of Education (KDE) Combined Employment Report**

KDE Division Director Lynn McGowan-McNear and Policy Advisor Matt Ross presented information on the current combined employment report to include the minority hiring goal along with recruitment efforts.

The meeting adjourned at 4:36 p.m.

**XXIII. Report of the Awards Committee**

Chair Heiner discussed the awards issued by the board annually and concerns with the low numbers of applicants and a lack of alignment to KDE strategic initiatives. Commissioner Wayne Lewis joined the discussion to share recommendations made by KDE staff to the Awards Committee.

Chair Heiner called for the awards be named, and descriptions to reflect the purpose of the award be included, as recommended.

Chair Heiner requested a voice vote. Passed unanimously.

**XXIV. 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. Voluntary Certification of Non-Public Schools**

Chair Heiner requested a voice vote. Passed unanimously.



**2. Amendments to the Kentucky Tech Policies and Procedures Manual**

Chair Heiner requested a voice vote. Passed unanimously.

**3. Preschool Grant Allotment System and Funding Rates**

Chair Heiner requested a voice vote. Passed unanimously.

**XXV. 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. New District Facility Plans: Allen County, Bardstown Independent, Bracken County, Bullitt County, Campbellsville Independent, Casey County, Cumberland County, Edmonson County, Estill County, Frankfort Independent, Fulton Independent, Green County, Hart County, Hopkins County, Mason County, Middlesboro Independent, Paris Independent, Rockcastle County, Science Hill Independent, Spencer County, West Point Independent and Whitley County School Districts**

Chair Heiner requested a voice vote. Passed unanimously.

- 2. Amendment to 702 KAR 3:130, Internal Accounting**

Chair Heiner requested a voice vote. Passed unanimously.

- 3. Approval of Indirect Cost Rates**

Chair Heiner requested a voice vote. Passed unanimously.

- 4. Approval of Capital Funds Request Guidelines**

Chair Heiner requested a voice vote. Passed unanimously.

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

Committee Chair Papalia presented on behalf of the Operations Management Committee and asked to move the committee action items to the board for approval as the committee did not meet quorum. Board Chair Heiner moved the approval of the committee items to the full board. Laura Timberlake seconded the motion. The motion passed with unanimous voice vote.

Chair Papalia called for hearing and approval of the following items:

- 1. Kentucky Minimum Specifications for School Buses**

Motion to approve the Kentucky Minimum Specifications for School Buses was made by Joe Papalia and seconded by Milton Seymore. The motion passed with unanimous voice vote.

**2. Amendment to 701 KAR 5:090, Teacher Disciplinary Hearings**

Motion to approve the amendment to 701 KAR 5:090, and to waive the second reading, was made by Joe Papalia and seconded by Milton Seymore. The motion passed with unanimous voice vote.

**3. Amendment to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics and Revisions to KHSAA Bylaws**

Motion to approve the amendment of 702 KAR 7:065 was made by Joe Papalia and seconded by Laura Timberlake. The motion passed with unanimous voice vote.

**XXVII. Internal Board Business**

**1. Approval of Procedures for Nonresident Student Appeal Hearings (Action/Discussion Item)**

KDE Deputy Counsel Todd Allen discussed the need to establish procedures for handling administrative hearings related to non-resident student agreement appeals. Pursuant to KRS 13B, options were presented to the board for consideration.

Motion to approve that the KBE can delegate the power to preside at the 13B hearing to a hearing officer who issues a recommended order to the full board was made by Gary Houchens and seconded by Rich Gimmel. The motion passed with unanimous voice vote.

**2. Approval of National Association of School Boards of Education (NASBE) Dues (Review Item)**

KDE Deputy Counsel Todd Allen and KDE Executive Director of the KBE Jennifer Fraker presented information provided by the NASBE highlighting membership details and benefits. The board elected not to renew 2019-2020 membership dues.

**3. Discussion on Special Meeting or Retreat Needs (Review Item)**

Chair Heiner led a discussion with board members regarding the desire to spend time devoted to the achievement gap to include speakers who achieved significant progress in closing achievement gap.

**XXVIII. Hearing Officer's Report (Review Item)**

KDE Deputy Counsel Todd Allen presented the report detailing the progress of the KBE regulations in the regulatory process.

**XXIX. Litigation Report (Review Item)**

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

**XXX. Adjournment**

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

The meeting adjourned at 6:10 p.m.