

**Kentucky Board of Education - Regular Meeting  
October 4, 2017**

**300 Sower Boulevard, 5th Floor (Room 514)  
Frankfort, Kentucky 40601**

**SUMMARY MINUTES**

The Kentucky Board of Education (KBE) held its regular meeting on October 4, 2017, in the State Board Room on the Fifth Floor of the 300 Building, located at 300 Sower Boulevard, Frankfort, Kentucky. The board conducted the following business:

**I. Call to Order**

Chair Wheeler called the meeting to order at 9:06 a.m. ET.

**II. Roll Call of Members and Advisors**

Chair Wheeler asked Leslie Slaughter to call the roll of members and advisors. There were nine (9) voting members present and one (1) absent at the time of roll call. Board member Ben Cundiff joined the meeting later in the morning. CPE President Bob King (ex-officio member) and all four (4) board advisors were present.

Present Board Members:

Mr. Grayson Boyd  
Mr. Ben Cundiff  
Mr. Richard Gimmel  
Mr. Samuel Hinkle  
Mr. Gary Houchens  
Ms. Alesa Johnson  
Ms. Nawanna Privett  
Mr. Milton Seymore  
Mr. William Twyman  
Ms. Mary Gwen Wheeler

Present Advisors:

Tracy Cusick  
Kathy Gornik  
Wayne Lewis  
Joe Papalia

Absent Board Members:

Mr. Roger Marcum

**III. Approval of Consent Agenda**

Prior to approval of the consent agenda, Chair Wheeler called for a motion and vote to amend the board's regular agenda to:

- include a brief presentation from KDE staff about the 2016-17 state assessment results (following public comments);

- re-order the 2018 legislative agenda presentation to occur immediately following the biennial budget request presentation; and
- move the sharing of the Commissioner's self-evaluation discussion to the morning agenda (following the charter school regulation items).

A motion to adopt these amendments to the agenda was made by Nawanna Privett and seconded by Milton Seymore. The motion carried.

Chair Wheeler then explained to board members that the adoption of a consent agenda was a new approach being implemented by the board to be more efficient with time and to allow for deeper discussion on important policy issues. Wheeler stated that any consent agenda items that a voting member wished to discuss could be pulled from consent, prior to the call for a vote. Items on the consent agenda for this meeting included the following:

**III.A. Action Items**

- III.A.1. Minutes from August 2-3, 2017 Regular Meeting and August 23, 2017 Special Meeting*
- III.A.2. New District Facility Plans: Caverna Independent and Nicholas County School Districts*
- III.A.3. District Facility Plan Amendment: Clinton County School District*
- III.A.4. 2017-2018 Local District Tax Rates Levied*
- III.A.5. Kentucky Writing Program Advisory Committee Appointment*

**III.B. Information Items**

- III.B.1. Kentucky Department of Education (KDE) Combined Employment Report*
- III.B.2. Hearing Officers Report (Status Report of KBE Administrative Regulations)*
- III.B.3. Litigation Report*

Chair Wheeler asked members if there were any requests to pull a particular item for discussion. None were noted by the voting members; therefore, she called for a motion and second to approve the consent agenda.

The motion for approval was made by Grayson Boyd and seconded by Nawanna Privett. The motion passed by unanimous voice vote.

**IV. Report of the Secretary of Education and Workforce Development Cabinet**

Secretary Heiner began his remarks by referencing a report shared by the U. S. Deputy Secretary of Labor who had recently visited Kentucky. Heiner explained that the report highlighted the jobs and skill level of workers in Kentucky from the year 2015. He shared that approximately 58% of the state's job were considered middle-skill occupations; however, only 48% of the state's workers were trained for such employment opportunities. He shared that the state has an abundance of low-skill workers, but that those job opportunities are dwindling in today's workforce.

Heiner then shared data from a report from January 2017 that ranked the state of Kentucky 46th in educational attainment. Heiner shared that the report also focused on median household income,

which speaks to the linkage between education/skill level and the economic impact on families. He stated the importance of this information to the state, given the economic crises that currently exist.

Lastly, Secretary Heiner shared data collected by the Kentucky Center for Education and Workforce Statistics (KCEWS) on the Kentucky graduating class of 2009. Heiner explained that the report investigated this cohort of students six (6) years post-high school and what trends existed with their transition to postsecondary education and the workforce. Using a PowerPoint slide found on the board's online materials website, he shared the data associated with this study.

Secretary Heiner concluded his presentation by recommending that the board consider future policy, possibly beginning with the graduating class of 2022, by which no student could graduate high school without demonstrating some form of "postsecondary success". He explained that such success could be measured by the earning of dual credit, articulated credit, Advanced Placement assessments, industry certifications, etc. Heiner also recommended that more strategic focus be placed on ensuring that certified high school teachers become credentialed (possibly through a new rank change) to teach postsecondary dual credit coursework.

The full report from Secretary Heiner can be found on the KBE online materials site.

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

President King began his remarks by echoing what had been shared by Secretary Heiner. King stated that the challenge for the state is promising future employers that Kentucky has the workforce needed to fulfill their employment opportunities. King spoke to the importance for the state to ensure they are making the right kinds of investments.

King spoke to the current challenges with opioid and drug abuse, as well as cultural issues in rural Kentucky that resist the notion of education and advanced degrees. He reported that Secretary Gill from the Kentucky Cabinet for Economic Development would be meeting with the university presidents over the next several days to facilitate discussions on the state's economic development strategies and postsecondary program alignment.

Rich Gimmel expressed concern about the workforce crisis continuing to grow, should the state not find more intentional ways to integrate secondary and postsecondary education. He stated that, if the data is correct about the successful transition for those students who earn postsecondary credit while in high school, then these efforts should be a number one priority for the state board moving forward. President King stated that his staff members were in the process of developing minimum admission requirements for the universities, as well as the community and technical colleges. King said that the challenge with this is ensuring that the rigor of content within elementary, middle and early high school is sufficient to prepare students for success with college-level coursework.

Board advisor Wayne Lewis indicated that two additional challenges are faced at both the secondary and postsecondary levels, which are the following:

1. Intentional alignment of the education infrastructure with workforce demands and ensuring that program offerings meet the demands of industry, not just the demand of students; and

2. Students in high school and college have historically made decisions about future careers without any knowledge of workforce realities and job availability.

Lewis said that students will more strongly benefit from having the information necessary to make informed decisions about their career plans. President King said that Lewis' comments spoke to the value of high school guidance counselors and ensuring that they can serve these types of advising roles, rather than other assigned duties. Commissioner Pruitt agreed and stated that KDE had recently hired a consultant to work solely with guidance counselors. He said that intentional communication is in place to promote best practices to high school principals and superintendents surrounding the effective use of guidance counselors and career coaches. Commissioner Pruitt also reminded the board that the new accountability system is designed to promote the importance of career coaching and mentoring.

Board member Nawanna Privett thanked President King for the good data found within the transfer retention report. President King expressed his pleasure with how well many of the state's students, particularly non-traditional students, were successfully transferring on to colleges and universities from the Kentucky Community and Technical College System (KCTCS).

The full report from President King can be found on the KBE online materials site.

## **VI. Report of the Executive Director of the Education Professional Standards Board (EPSB)**

EPSB Executive Director, Jimmy Adams, began his report by expressing his support for the 2+2 model of transferring from the community and technical college system to a university, as he is a product of that path himself. He stated that the plan is cost effective and provides a strong foundational preparation. Adams reminded the board that school counselors are trained within their postsecondary programs on how to provide college and career advising for students. He stressed the importance of ensuring that these programs have relevant workforce data to properly and effectively advise students.

Adams thanked the KCEWS for their assistance with the state's educator supply and demand report. He noted the significance of this data in helping particular regions of the state plan for teacher recruitment, preparation and retention.

Adams pointed out a list of administrative regulations noted in his report that are currently under revision and consideration by the EPSB. He noted that those regulations would come to the KBE for review at their December meeting. Adams also said that three (3) administrative regulations focused on occupational-based certification for Career and Technical Education (CTE) were now revised and completed.

The full report from Executive Director Adams can be found on the KBE online materials site.

## **VII. Report of the Commissioner of Education**

Commissioner Pruitt began by sharing updates on the Kentucky School for the Blind (KSB) and the Kentucky School for the Deaf (KSD). He said that both schools were off to the start of a great

school year. Commissioner Pruitt said that the new principal at the KSD had been hired and begun her duties.

Commissioner Pruitt mentioned work underway to revise Kentucky's valid course codes and cross-walking academic standards with each course. He stated that this work will greatly inform the future conversations surrounding minimum high school graduation requirements. Commissioner Pruitt also mentioned his re-visioning of high school assessment and he spoke to an upcoming Request for Application (RFA) that will identify the first cohort of the state's competency-based education and assessment pilot project.

Pruitt went on to discuss issues associated with some school districts who were in financial distress. He stated that KDE staff were currently supporting these districts with resources and guidance, as much as possible. Board advisor Kathy Gornik spoke to this point, expressing concern that district-level financial information was not being compiled and organized in a meaningful way for the KBE. Gornik stated that the KBE needed to fully understand where the state funding was going, how it was being spent and that the information needed to be understandable to those who were not financial experts. She asked that this information be a priority for the board.

Board member Sam Hinkle requested that his daily stipend as a member of the KBE be donated to the KSB and KSD. Hinkle encouraged others to consider doing the same. Board members Bill Twyman, Nawanna Privett and Ben Cundiff expressed their support. Chair Wheeler indicated that this suggestion would be taken into consideration by other board members, as well.

Commissioner Pruitt recognized the new KDE employees. Those recognized were:

- **Office of Education Technology**
  - *Nathan Rome, Resource Management Analyst III*
  - *Matthew Rogers, Systems Technician Specialist I*
- **Office of Teaching and Learning**
  - *Jocelyn Waddle, Education Academic Program Consultant II*
- **Office of Finance and Operations**
  - *Amy Hislope, Human Resource Administrator*
  - *Serena Bellamy, Administration Specialist II*
- **Office of Legal, Legislative and Communication Services**
  - *Earl Simms, Division Director*

Commissioner Pruitt also recognized the KDE "Team Member of the Month" for September:

- ***Victoria Fields - Safe Schools Program Consultant  
Office of Continuous Improvement & Support***

The full report given by Commissioner Pruitt can be found on the KBE online materials site.

**VIII. 701 KAR 8:010, Student application, lottery and enrollment (Action/Discussion Item: 2nd Reading) - KDE Associate Commissioner and General Counsel Kevin Brown, KDE Assistant General Counsel Amy Peabody and KDE Division Director Earl Simms**

Kentucky Department of Education (KDE) Associate Commissioner and General Counsel Kevin Brown and Assistant General Counsel Amy Peabody, as well as KDE Division Director Earl Simms presented this item to the board for consideration. Before discussion began, Simms and Brown recommended that the board hear 701 KAR 8:020 last, citing that this regulation involved the majority of the changes. Chair Wheeler agreed.

Simms provided an overview of the amendments to 701 KAR 8:010. He noted the following:

- Additions or edits to the definitions section have been made since the first reading of the administrative regulation to include more of the terms that appear in the remainder of the sections.
- Changes were also made to assure that a student may enroll after the beginning of the school year, so long as the school has grade level capacity for the new enrollee.
- The wait list lottery process was also amended to clarify that if a student applied after the waitlist lottery the student would be placed at the end of the waitlist in the order of receipt of the application.
- Another addition detailed prohibited requirements placed upon students prior to enrollment in a charter school.
- A Title IX reference was added on page 7 for clarity in applications. Content was added clarifying the outcome of a lottery drawing if a student is a multiple, defined as a person who was born on the same date as at least one other sibling.
- Content was added to prevent unintended rigidity that would prevent a charter school and family from correcting a good faith error in listing the student's grade level on the student application.
- Content was added to require the charter school policy to include enrollment preference status information when the student's former school is no longer a Persistently Low Achieving school. Content was added to recognize that a court order could remove the student from the charter school.
- The Kentucky Charter School Student Application is included in the second reading as a document incorporated by reference.

Amy Peabody explained that the draft application was borrowed from Philadelphia and modified, where necessary. She indicated that an electronic application will eventually be built by KDE technology staff; however, a paper version will continue to be made available.

Board advisor Wayne Lewis indicated that the Charter School Advisory Council (CSAC) endorsed the regulation, as amended.

Following discussion, a motion for approval was made by Rich Gimmel and seconded by Ben Cundiff. The motion carried by a unanimous voice vote.

**IX. 701 KAR 8:020, Evaluation of authorized performance (Action/Discussion Item: 2nd Reading) - KDE Associate Commissioner and General Counsel Kevin Brown, KDE Assistant General Counsel Amy Peabody and KDE Division Director Earl Simms**

Kevin Brown, Amy Peabody and Earl Simms presented this agenda item to the board for discussion. Simms noted that the most significant change since the first reading involved the document incorporated by reference, which is the charter school performance contract. He stated that concerns had been received by various parties about the contract. Based upon the concerns presented, Simms explained that KDE staff were making the recommendation that the contract serve as a guidance document, rather than be an official document incorporated by reference into the administrative regulation.

Simms went on to provide an overview of the additional changes. The following were highlighted:

- Additions or edits to definitions have been made since the first reading of the regulation to include more of the terms that appear in the regulation and in the documents incorporated by reference.
- Section 3 changes allow for a competency-based training program, approved by the Commissioner, to be used in authorizer training in lieu of the seat time requirements in this section.
- Section 4 changes clarify the prohibition on authorizers from approving a charter from a for-profit organization and an organization that is organized for religious purposes or a business entity and that the religious organization prohibition is only to the extent not prohibited by federal law.
- There was an addition of a publication requirement for any superintendent letters or information provided during the application process.
- Content was added to prohibit the approval of an application that did not meet the requirements of the statutes and regulations.
- Section 5 changes were only technical editing changes.
- Section 6 edits clarify that the authorizer is to take certain actions if projected annual revenues fall below two percent of the projected revenue in the school's approved budget.
- Section 7 edits clarify the procedure for an authorizer's oversight of a due process student suspension or expulsion hearing, including adding language as to when the superintendent of the resident school district may attend. Additional edits to this section clarified the restrictions on expenditure of school resources based on the Kentucky Constitution's requirements for school funds.
- Section 8 edits allow the Commissioner of Education to appoint an independent third party to manage a charter school closure.
- Sections 9-11 only had minor technical editing changes.
- Section 12 incorporates by reference a charter application and notice of intent.

In regard to the training requirements for authorizers, Rich Gimmel inquired as to how the proposed requirements compare in stringency to local school board member requirements. Amy Peabody explained that they are very similar in expectation and rigor; however, the competency-based component is an area of difference. Wayne Lewis explained that, because the state's statutes establish local school boards as charter school authorizers, and because they are already required to

complete minimum training requirements annually, the competency-based option affords flexibility to local school board members.

Bill Twyman asked if the Commissioner has the authority to remove a member of a charter school board of directors, just as he can with local school board members. Peabody explained that the charter school law allows for this through the same statutes that already exist for local school board members.

CPE President King asked if authorizers would have staff to assist with duties and responsibilities. Peabody explained that this decision would be made by the local authorizers. Simms explained that most other authorizers around the country do have support staff that assist with the work. Board advisor Joe Papalia inquired about funding for such staff. Peabody reminded the board and advisors that funding for charter schools beyond the current school year is not yet codified. Wayne Lewis reminded the group that the law currently allows for 3% of the student funds that flow to the authorizer to be retained for administrative duties that directly relate to authorizing responsibilities. Kevin Brown noted that general fund monies can also supplement this need.

Simms referenced page 12 of the regulation that speaks to having multiple authorizers in a district. Simms noted that the proposed amendment allows for the providing of copies of applications to both authorizers. He noted that this provision is only meant to open lines of communication and eliminate potential duplication of effort.

Peabody then referenced page 25 of the regulation, which related to concerns surrounding the requirement for tax exempt status. Peabody stressed that this provision is designed to ensure the charter school is fiscally solvent. Ben Cundiff stated that the difference in language is centered on whether the charter is labeled a 501(c)(3) or if they are simply licensed to do business in state of Kentucky. Wayne Lewis expressed concern that requiring 501(c)(3) status goes beyond the requirements of the state statute. While Lewis acknowledged that this is a wise thing for a charter school to do, he stated that it is not a requirement of the law. Commissioner Pruitt expressed his support for removing the requirement of having the tax exempt status. Related to this matter, Sam Hinkle expressed concern that removing this provision contradicted the statute, citing that the language of the legislation clearly requires the school to be non-profit in nature. Concerns were also noted over the timing of this requirement, meaning that the applicant may not have yet pursued this tax classification and that it may create additional burden on applicants. Given the substantial debate on this topic and in the interest of time, Chair Wheeler recommended that the presenters move on temporarily, in order to address the remainder of the amendments.

Simms spoke to language on page 25 of the regulation related to the inclusion of a district superintendent attending due process hearings related to student expulsions. Simms noted that the recommendation was to allow for this to be optional, but not a requirement. Simms stated that the Local Superintendents Advisory Council (LSAC) feedback indicated reservation about this being a mandated requirement. No questions were cited by board members.

Simms referenced page 33 of the regulation, where language allows for the Commissioner to appoint an independent 3rd party for the handling of a charter school closure. Simms said that this language was borrowed from New Jersey. He explained that the Commissioner can remove the 3rd

party with cause. Rich Gimmel asked if the charter school can be billed for these costs. Peabody answered yes.

At this point in the discussion, Simms stated that there were no further changes to discuss related to the regulation itself and he recommended moving to discussion on the draft application document. Peabody began by explaining that the CSAC had expressed concern over components of the draft application going beyond the statutory requirements and also being duplicative in nature, in some instances. She referenced multiple supporting documents that were included on the board's online materials site that provide a summary of the statutory requirements. Peabody and Brown noted that the final proposed edits to the application were reflected in red font and through the use of strikethroughs. They stated that comments were also included within the draft document to indicate what is believed to be the statutory authority for each section of the application.

The first section of the application that was discussed related to information about the proposal's history on page five (5). KDE staff stated that this question was designed to specifically address how the applicant members came together to create and submit the application and the relationship of its members to each other, describe the process that the applicant used to develop the proposal, and discuss any assistance the applicant received from outside advisors. Sam Hinkle expressed concern over the potential striking of this question within the application, stating that he believed this information to be very important for an authorizer to have knowledge of. Commissioner Pruitt stated that another section of the application required information about partnerships. Hinkle responded that the concern didn't necessarily stem from formal partnerships, but more so the idea of for-profit consultants assisting with the actual development of the application itself. Ben Cundiff stated that he believed that such a concern relates more to the actual operation of the school, rather than the development of the application. Hinkle disagreed, expressing his belief that the application was ultimately part of the overall business strategy.

Gary Houchens reiterated that CSAC simply questioned how this information spoke to the validity of an application itself. Earl Simms also informed the board that a separate section of the application was reserved for detailed information pertaining to relationships with education service providers. Hinkle explained that, should the information in question simply be duplicative in nature, he understood the rationale for striking this question; however, if the removal was only being supported by the claim that the information had no value to the application, then he indicated his disagreement. Chair Wheeler asked if there was another section of the application that spoke to the elements of this question under discussion. Both Commissioner Pruitt and Wayne Lewis stated that there were multiple sections of the application that speak to these critical pieces of information. Bill Twyman stated his belief that the asking of such information helps to ensure that the school is getting off on the right foot. Wayne Lewis again posed the question, "How does this information assist an authorizer in making an informed decision on whether the application has merit?" Lewis stated that, should an extensive application be desired, determining what questions were the most important to ask should be considered.

Chair Wheeler stated that there is value in knowing how a decision-making process came to be for an applicant, but that the key is asking for the right amount of information. She stated that she did not believe such information was burdensome and that the information could be asked for in an open-ended fashion within the application.

Board advisor Kathy Gornik cautioned the board about being too focused on form over substance. Gornik expressed concern that this exhaustive of an application may be filtering for those applicants who know how to navigate bureaucratic protocols, rather than seeking new and innovative proposals. Chair Wheeler suggested that the language be altered to ask for the applicant to "clearly describe the process used for developing the proposal". Commissioner Pruitt and Chair Wheeler acknowledged that there appeared to be consensus among the voting members on this proposed change in language.

Bill Twyman stated his support and indicated his belief that the application should be rigorous in nature. Wayne Lewis assured the board that CSAC and the KBE both want a comprehensive and rigorous application process, but that all involved should be asking thoughtful questions about how to approach this work.

Discussion then moved to page seven (7) of the draft application. Simms explained that the rationale for striking information in Section II, subsection C was to eliminate the potential for adversarial relationships between a local district and the charter applicant. There was consensus among the group for this suggested amendment.

Edits to subsection D were also presented by Peabody. There were no questions and there was consensus on the proposed edits. Amendments within subsection E on page eight (8), which focuses on plans related to stakeholder engagement, were also discussed by Peabody and Sims. No questions were noted by board members or advisors on these amendments. Simms then explained the amendments within subsection F (leadership and governance) and subsection G (enrollment summary) and no questions were noted by the board.

Discussion then shifted to Section III of the application, which relates to educational program design and capacity. Lewis noted that CSAC understood the intent of subsection A(7) surrounding potential pitfalls with opening the charter school; however, they felt as though the question was too broad. Houchens indicated that CSAC wanted this subsection to be more contextualized to the specific community circumstances. Chair Wheeler asked for the rationale for striking the potential solutions to such challenges. Houchens expressed belief that the entire application speaks to how the applicant plans to address and manage through such pitfalls. There were no other comments noted on this subsection.

Peabody then moved to page 11 to provide rationales for the changes within Section III, subsection B. Clarifying questions ensured that the edits included were due to duplication with other provisions throughout the application. KDE staff ensured board members that this information would be found elsewhere within the application.

Peabody moved to page 13, subsection E, relating to school calendars and schedules. Peabody indicated that the strikethroughs eliminate redundancies found throughout the document. She then spoke to the changes within subsection G, citing the recommendation to distinguish between information required by statute, as related to extra- and co-curricular activities. Peabody also explained that subsection H clarifies that IDEA refers to special education.

She then moved to subsection I, which speaks to student recruitment, enrollment and retention. Simms pointed out subsection I(5) as an area where there had been substantial discussion. He noted that this section relates to student discipline and procedures for due process for expulsions. Simms recommended leaving in the statutory reference, in order to ensure that the charter schools understand that they must provide such students with due process by law. Bill Twyman inquired as to who was responsible for providing services for the student in this situation. Peabody and Brown explained that the statutes regarding due process protections apply to charter schools, as well as local districts, so in the case of a student expulsion within a charter school, the charter school itself would be responsible for providing such services. Wayne Lewis then stated that it was not clear whether charter schools were to be classified as a Local Education Agency (LEA), as is the case within KRS 158.150. He expressed his belief that the General Assembly did not intend for the legislation to regard charter schools as such. Peabody explained that due process rights are to be provided for every child, regardless of their educational setting. She explained that this issue was not explicitly clear within the charter school legislation and she offered to seek an opinion of the Attorney General on this matter, if need be. Brown did clarify that the charter school legislation clearly binds charter schools to all civil rights, health, and safety laws and regulations.

By striking the language within its current location, Chair Wheeler asked if this would prevent an authorizer from asking for such information as a part of the contract. It was confirmed by Lewis and Peabody that this may be information asked of by the authorizer, so long as it is within the confines of the law.

Peabody then moved to page 19 of the application, subsection M and explained the proposed edits. She indicated that M(6) was proposed for striking, as the individuals spoke of within this subsection may not yet be identified at the time of the application submission. Peabody explained that M(7) was also debated by CSAC. Lewis added that the striking was necessary because full-time and/or nearly full-time employees are not required anywhere in statute for charter schools.

Peabody explained that the striking within subsection N pertaining to programmatic audits and assessments were being proposed because CSAC felt that much of this information was duplicative with other content within the application.

Conversation then shifted to Section IV of the draft application, which addresses the operations plan and capacity governance. Peabody and Simms explained the amendments to this section. Specifically, subsection G(3) and (4), which speaks to strategies for hiring effective staff, was an area that CSAC suggested striking, according to Peabody. Lewis explained that CSAC wasn't clear on how the term "effective" was being defined by the Every Student Succeeds Act (ESSA). Commissioner Pruitt clarified that ESSA no longer classifies "highly qualified" instructors. No questions were noted by members on this issue.

Peabody then explained that CSAC suggested the transition of subsection H(4) to subsection M as part of the pre-operating plan and that H(5) and H(6), which focus on professional development in the areas of trauma-informed care and culturally-responsive instruction, be moved to the optional components of the application. She also indicated that H(7) was recommended by CSAC to be moved to the student discipline section that appears earlier within the application. Simms stated that KDE staff support these edits, particularly those items being recommended as optional,

because the school may not necessarily use such approaches or have a school philosophy that supports this.

Peabody then asked Simms to speak to the edits within subsection I related to performance management, as Simms has extensive background in this area. Simms indicated that CSAC had expressed concern over duplicative material within this section. He stated that KDE staff reviewed the content within this subsection and did not find it to be duplicative; thus, the recommendation was that it remain intact. Simms noted that this application component goes beyond how to simply obtain particular information and data (which is addressed in previous areas of the application) and extends into the actions taken by the school, based upon such information and data.

Peabody went on to discuss the edits within subsections K and L. No questions were noted by staff.

Simms discussed subsection N related to operations capacity. He explained that a clarifying statement had been added explaining that further information was only necessary to the extent that it had not already been addressed previously within the application. No questions were posed by the board.

Peabody then discussed edits to Section V, which speaks to financial plans and capacity. This section involved technical edits and clarifications to language. No questions or comments were noted by board members.

Also, it was indicated by Peabody that CSAC had asked KDE staff to review the application addendum for potential duplication with other parts of the application. Peabody stressed that the necessity of the addendum was supported by the fact that applicants may be planning to replicate particular school models, start more than one charter school, etc. Peabody said that the addendum was included to identify additional information not already included within the application on such topics.

Peabody moved to page 49 of the draft application pertaining to the statement of assurances that the applicant must agree to when submitting the application. Peabody noted that concern had been expressed about the potential for an applicant to not yet have an established board of directors. She explained that the requirement for an adopted resolution by a board of directors would only be applicable if they are, in fact, already established at the time of the application.

Peabody explained the remainder of the amendments to the statement of assurances. Chair Wheeler inquired about assurance #13 and whether additional language may be necessary to clarify the role of the authorizer and board of directors when it comes to due process hearings. Peabody agreed that further clarity would be inserted here.

Simms noted that amendments to assurance #14 ensured compliance with FERPA and the redaction of certain data records to ensure confidentiality. Simms also noted a typo correction in assurance #19, stating that the term "from" should have been the term "to", when expending charter school funds. This concluded the overview and discussion of the draft application amendments.

At this time, Kathy Gornik asked if the financial documents for the charter school were required to be published. Peabody affirmed that this was required. Wayne Lewis explained that charter schools were being held to the same requirements as traditional public schools. Peabody agreed and reminded the board that charter schools are even required to use the same financial management system as local school districts and also undergo financial audits.

Chair Wheeler asked for any additional questions related to the regulation. Wayne Lewis stated his support for the regulation and application. He thanked staff and Commissioner Pruitt for their work on the amendments and changes. Gary Houchens expressed his belief that the application was still extensive enough to allow for solid decision-making and he supported the proposed amendments. Commissioner Pruitt agreed. Bill Twyman said that he truly believes everyone involved with this process has the best interest of students at heart. He said that, while he doesn't want to see timelines for the opening of charter schools jeopardized, he still believes in the importance of a thorough and rigorous application. He said that any strong applicant should be interested in going the extra mile when it comes to the application process. He expressed concern that some items proposed for striking within the application were areas where that "extra mile" may have been necessary and required. Twyman ended his comments by reminding the board that they had agreed from the beginning that they wanted to ensure the best possible charter schools in the state. Board members Sam Hinkle and Nawanna Privett voiced their support for Twyman's comments.

Chair Wheeler called for a motion for approval of the amended regulation, citing that the floor would then be open for final comments prior to an official vote. The motion for approval was made by Gary Houchens and seconded by Ben Cundiff.

Chair Wheeler then called for any further discussion. Bill Twyman spoke first, reiterating his opinions on the regulation. He stated that he'd much rather be cautious up front, rather than being sorry later. Rich Gimmel stressed the fact that the application could be amended at a later time, should deficiencies become evident. Sam Hinkle expressed his support once again for Twyman's comments. Gary Houchens commended KDE staff for the hours of tireless work that was dedicated to preparing the regulations and for the collaborative nature in which they were developed. Houchens said that he believed the regulatory requirements were very comprehensive and that they provided a win-win situation for applicants and authorizers. He stated that the framework ensures the capacity of those involved to do the very best job possible. Milton Seymore expressed his happiness for being a part of this process. Nawanna Privett agreed that the work on the regulations had been collaborative and extensive. She expressed that her concern still remained related to the 501(c)(3) status issue; however, she acknowledged that the application document was in excellent shape overall.

Seeing no further discussion, Chair Wheeler called for a voice vote. Due to a division of the assembly, she then called for a hand vote to ensure accuracy of the vote count. The motion carried by majority vote, with seven (7) members in favor and three (3) members opposed.

**X. 701 KAR 8:030, Revocation and nonrenewal process for authorizers (Action/Discussion Item: 2nd Reading) - KDE Associate Commissioner and General Counsel Kevin Brown, KDE Assistant General Counsel Amy Peabody and KDE Division Director Earl Simms**

This item was also presented by Kevin Brown, Amy Peabody and Earl Simms.

Simms began by providing an overview of the amendments to the regulation since the first reading. Amendments involve the following:

- Additions or edits to related definitions have been added to include more of the terms that appear in the later sections.
- Changes to clarify the authorizer's policies and timelines for notifying a charter school of possible closure.
- Substantive changes to apply the regulatory appeal process to all the authorizer decisions which a charter applicant or a charter school can appeal.
- A substantive addition to Section 5 has added a due process hearing on the issue of whether or not a knowing violation of the assessment code occurred prior to an automatic affirmation of revocation or nonrenewal.
- The Notice of Appeal is included as a document incorporated by reference.

Simms explained that the majority of this regulation outlines the six (6) possible actions and processes that can be appealed to the KBE. Peabody outlined each of these six (6) options for the board.

Board member Sam Hinkle inquired about the appellant process and whether deference is given or if the process essentially starts over. Amy Peabody explained that the statutes provide for greater deference than other existing appeals processes.

CPE President King inquired whether the KBE's ruling was final or if it could be appealed to a court. Peabody explained that the KBE has 45 days to rule on the initial appeal, but that the charter school can appeal a second time. Kevin Brown explained that the possibility always exists that the appeal could move to circuit court; however, it would be likely that the court would send the appellant back to exhaust all administrative remedies first. Brown also explained that, after a second appeal, joint oversight can be granted to the KBE. President King noted his experience with charter school authorizing in the state of New York. He stated that the board should focus on trying to achieve resolution early in the appeals process, as this can often be lengthy and disruptive to the students and families involved.

Wayne Lewis indicated that the CSAC endorsed the adoption of the regulation, as amended. Following discussion, a motion for approval was made by Ben Cundiff and seconded by Milton Seymore. The motion passed with a unanimous voice vote.

**XI. 701 KAR 8:040, Conversion charter school creation and operation (Action/Discussion Item: 2nd Reading) - KDE Associate Commissioner and General Counsel Kevin Brown, KDE Assistant General Counsel Amy Peabody and KDE Division Director Earl Simms**

This item was also presented by Kevin Brown, Amy Peabody and Earl Simms. Simms explained that the amendments to this regulation focused solely on technical edits and clarifications to the definitions section.

No questions were noted by board members or advisors. Wayne Lewis indicated that the CSAC endorsed the adoption of this regulation, as amended.

A motion for approval was made by Gary Houchens and seconded by Alesa Johnson. The motion carried with a unanimous voice vote.

### **XIII. Presentation of the 2017 David Karem and Joseph W. Kelly Awards**

#### 2017 David Karem Award

Dr. Blake Haselton, a Superintendent in Residence and Associate Clinical Professor at the University of Louisville, was chosen as the first-ever recipient of this award. His contributions to education in Kentucky have spanned more than four decades and included numerous state and national leadership roles.

In 2017 the Kentucky Board of Education established its newest award, known as the David Karem Award. This award is to be given annually to a state policymaker, education leader, or citizen who has contributed to the improvement of education through venues such as national commissions, task forces, or other significant boards and organizations. Mr. Karem was a respected legislator and seven-year member of the Kentucky Board of Education.

#### 2017 Joseph W. Kelly Award

The board was honored to recognize this year's winner of the Joseph W. Kelly award, Mr. C. Ed Massey, who has served as a member of the Boone County School Board for 21 years and is employed as a local attorney.

In the year 2000, the Kentucky Board of Education established the Joseph W. Kelly Award to be conferred annually on a businessperson who has offered outstanding leadership and service toward promoting school improvement and equity of educational opportunity for Kentucky's children. Mr. Kelly was a respected businessman and seven-year chairman of the Kentucky Board of Education.

### **XIV. Presentation of the 2017 Kevin M. Noland Award**

The Kentucky Board of Education established the Kevin M. Noland Award in 2008. It was established to honor former Interim Commissioner, Deputy Commissioner, Associate Commissioner and General Counsel Kevin M. Noland, who served the Department of Education for approximately 18 years. The award recognizes a KDE employee for significant service to Kentucky's public schools and for providing inspiration for education. This year, at the request of the KBE, the award was renamed as the "Kevin M. Noland / Mary Ann Miller Award", in honor of Mrs. Miller's approaching retirement and nearly thirty years of service to both the KBE and KDE.

The individual selected by the committee as the 2017 Kevin M. Noland and Mary Ann Miller Award winner is Mr. Jonathan Paul Bogar, a CTE welding instructor at the Belfry Area Technology Center in Pike County.

***Note:** Due to time concerns and in an effort to be considerate of the speakers who were still scheduled to present before the board following lunch, members chose to move the discussion of the Commissioner's self-evaluation back to its original order on the agenda (to occur later in the afternoon, following internal board business).*

**XV. LUNCH 12:00 p.m. ET - (Provided for KBE members and advisors, invited guests and the Commissioner's Planning Committee members only)**

The board recessed for lunch at 1:10 p.m. and reconvened at 1:52 p.m. ET.

**XVI. Public Comment Segment - 1:00 p.m. ET**

The following individuals addressed the board with public comments:

- *Lucy Waterbury (Charter Schools)*
- *Judith Bradley (Gatton/Craft Academies, Charter Schools and Special Education)*

**XVII. 2016-17 State Assessment Results - Review Item - Associate Commissioner Rhonda Sims, Division Director Jennifer Stafford and Division Director Kevin Hill**

Rhonda Sims, KDE Associate Commissioner for the Office of Assessment and Accountability, as well as Division Directors Kevin Hill and Jennifer Stafford, presented this item. Using a PowerPoint presentation provided on the board's online materials site, KDE staff shared information related to the transition timelines from the old assessment system to the new system designed under the Every Student Succeeds Act (ESSA), changes in public reporting for 2017, assessment changes and highlights of the overall state results.

Sims reminded the board that this would be the final report on the state's former accountability system and that the current year of 2017-18 is considered a "transition year" toward implementation of the new accountability system. In terms of assessment highlights, Sims reported that assessment scores generally remained flat across the state. She and staff indicated that slight increases were noted in the areas of achievement, graduation rate, ACT scores, and the number of students taking Advanced Placement (AP) tests (particularly low-income students) and those earning qualifying scores. Discussion by multiple board members stressed the fact that significant achievement gaps still persist for many of Kentucky's students. Board members expressed the urgency for closing such achievement gaps by placing a stronger emphasis on and support for effective instructional and intervention strategies. Commissioner Pruitt and KDE staff stressed that Kentucky's new accountability system and long-term ESSA goals, which become effective in the 2018-2019 academic year, will place an unprecedented emphasis on achievement gap closure for the state.

Commissioner Pruitt also reminded the board that school and district classifications were not assigned with the 2016-17 results, due to the transition to the new system. Pruitt cautioned the

board about the use of data gathered by external entities to independently rate schools and districts. He explained that such classifications had not been validated or released by KDE.

Board member Ben Cundiff expressed his concern with the lack of consistent horizontal data caused by the changing of the accountability system every four (4) to five (5) years. He encouraged the board to focus on the action strategies that will need to be implemented to move the state's goals forward.

**XVIII. Approval of the 2018-2020 Biennial Budget Request (Action/Discussion Item: 30 minutes) - KDE Associate Commissioner Robin Kinney and KDE Budget Director Charlie Harman**

Robin Kinney, KDE Associate Commissioner for the Office of Finance and Operations, and Charlie Harman, KDE Budget Director, provided KBE members with a final list of additional budget items that were proposed for inclusion in the agency's 2018-2020 biennial budget request. Kinney stressed the importance of acknowledging the challenging fiscal environment that currently exists within the state, citing recent budget reductions within state government and the pension crisis. She explained that the current proposal is reflective of the many needs of K-12 education in the state, which should allow for the board to make informed decisions based upon those needs.

Using a PowerPoint presentation found on the board's online materials site, Charlie Harman provided an overview summary of the proposed budget request items. Harman cited two changes since the board's initial review of the list in August, which included clarification on the language related to charter school funding needs for central office personnel and the removal of a 3rd grade reading assessment. Board advisor Wayne Lewis inquired whether the list had been prioritized by greatest need. Harman explained that the list was randomized at this point and that the board would need to determine prioritization of the items.

Harman explained that the request for funds for the administration of a college entrance exam was estimated based on the state's current contract figures and that the official assessment vendor is not yet known, due to a Request for Proposal (RFP) process that has not yet been conducted.

In regard to the costs associated with industry certification exams for students, Ben Cundiff asked for clarification on whether this was an unfunded mandate from SB1 of the 2017 legislative session. KDE staff confirmed that this was a mandate from SB1 that did not provide for additional funding. In terms of the need for career counselors, board advisor Kathy Gornik expressed her support for this item and asked for additional clarification on who would be served by this proposal. Harman explained that the proposal includes the placement of a career counselor in all 95 of the state's career and technical centers, allowing for all feeder districts and high schools to also be served.

Bill Twyman spoke to the impact of AP for low-income students. Commissioner Pruitt agreed and clarified that this item request was designed to provide access to all students, not just the low-income population.

In regard to preschool and the proposal to expand the funding to 200% of the federal poverty level, Wayne Lewis stated that this would require legislative action. Lewis expressed concern that districts are not currently serving enough students at the poverty line of 160% and below. Commissioner Pruitt agreed and stated that the proposed increase places emphasis on the importance of a greater reach, but that local districts certainly need to expand their outreach efforts for those with the greatest need. Ben Cundiff stated that targeting those with greater financial need would potentially provide more benefits, particularly in terms of closing achievement gaps.

Robin Kinney explained to the board that the proposal to fund full-day kindergarten and SEEK transportation allows local districts to free up local dollars currently invested for these items to support other initiatives and needs at the local level. She explained that these two items are not currently fully funded by the legislature and are therefore being supported by local district budgets.

Following extensive discussion, there was consensus among board members on the importance of each item included in the proposal; however, the board ultimately set priority for:

- SEEK transportation;
- Statutorily required items related to assessment & accountability (specifically, industry certifications, AP/IB exams and college readiness exams); and
- Full-day kindergarten.

The motion for approval of all items recommended by staff, including the board's prioritization, was made by Bill Twyman and seconded by Grayson Boyd. The motion carried by unanimous voice vote.

### **XIX. 2018 KBE Legislative and Policy Agenda (Review Item: 20 minutes) - KDE Associate Commissioner/General Counsel Kevin Brown and KDE Policy Advisor Tracy Goff-Herman**

KDE Associate Commissioner Kevin Brown and KDE Policy Advisor Tracy Goff-Herman presented this item by utilizing a draft summary document of the current legislative and policy priorities for the 2018 legislative session. The summary document can be found on the KBE online materials site. Highlights included:

#### Legislative Initiatives

- Emergency Loan Fund
- County-to-County School District Merger Option
- Pension Reform
- Dyslexia Task Force Pilot Project
- Career Development Specialists

#### Policy Priorities

- Essential Skills & Potential Work Ethic Certification
- Social and Emotional Learning

- Third Grade Reading Initiative

#### Statements of Support

- Tax Reform
- Pension Reform

Chair Wheeler inquired about the policy priorities and why they were included if they did not necessarily require legislative action. Commissioner Pruitt explained that some of the items listed in that category could end up requiring legislation.

Chair Wheeler asked that KDE staff consider providing data, where available, to support the possible prioritization of the legislative and policy agenda items when brought forth again in December.

#### **XX. Request from Carroll, Gallatin, Henry, Owen and Trimble County School Districts (iLEAD Academy) for Waiver of 704 KAR 3:305, Section 2 (Action/Discussion Item: 20 minutes) - KDE Associate Commissioner Kelly Foster, Director of Innovation and Partner Engagement David Cook and Assistant General Counsel Todd Allen**

KDE Associate Commissioner Kelly Foster, KDE Division Director David Cook and KDE Staff Attorney Todd Allan came forward for this item. David Cook provided an overview of the waiver request, citing the rationale and ultimately recommending approval.

Ben Cundiff asked if approval of the waiver would allow for the school to offer a less rigorous senior year of academics. Cook explained that the waiver would permit students, particularly during their senior year, to have more personalized opportunities to pursue work-based learning and acceleration opportunities associated with their chosen career pathway. Todd Allen explained that these particular students are often eligible for early graduation due to their accelerated coursework, but that many choose to stay in high school the fourth year to continue pathway opportunities. Gary Houchens stated his understanding that these students at the iLEAD Academy are anticipated to graduate high school with an associate's degree, citing the need for flexibility in course requirements that meet the needs of their degree program.

Board member Nawanna Privett expressed her support by citing the early success that had already been seen by the iLEAD Academy. Chair Wheeler said that this waiver request speaks to the importance of the future conversations surrounding changes to the state's minimum high school graduation requirements.

A motion for approval was made by Grayson Boyd and seconded by Ben Cundiff. The motion passed with unanimous voice vote.

#### **XXI. Curriculum, Instruction and Assessment Committee Meeting (NOTE: Committees will meet simultaneously, with this meeting occurring in Conference Room 516)**

Committee Chair Houchens called the meeting to order at approximately 4:45 p.m. ET.

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

### **XXI.A.1. 704 KAR 3:370, Kentucky Framework for Personnel Evaluation (Second Reading) - KDE Associate Commissioner Amanda Ellis**

KDE Associate Commissioner Amanda Ellis outlined changes in the regulation. Ellis explained that the measure creates a framework under SB 1 (2017) and provides district flexibility in the personal evaluation system, moving it from a statewide system to a district driven system.

Ellis said overall, the Local Superintendents Advisory Council (LSAC) was supportive of changes to the Personnel Evaluation regulation with no members voting against. Ellis also noted that OEA had submitted technical changes, which were included within the amendments.

Nawanna Privett moved and Alesia Johnson seconded the motion to approve the second reading of the regulation. The vote was unanimous.

### **XXI.A.2. Request for an Alternative Model of School-Based Decision Making (SBDM) from Atherton High School, Jefferson County Public Schools - KDE Associate Commissioner Kelly Foster**

KDE Associate Commissioner Kelly Foster reported that Atherton High School in Jefferson County would like to have two non-voting students on its Site-Based Decision Making (SBDM) Council, which is an alternative model and requires KBE approval. Committee members voiced support for this model.

A motion for approval was made by Alesa Johnson and seconded by Nawanna Privett. The motion carried by unanimous vote.

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

### **XXI.B.1. 704 KAR 7:090, Homeless Children Education Program (Review Item: First Reading) - KDE Associate Commissioner Kelly Foster**

KDE Associate Commissioner Kelly Foster reported that this change aligns state requirements for the homeless education program with changes made in the McKinney-Vento Act, as reauthorized by the Every Student Succeeds Act (ESSA). A document outlining the proposed changes is included on the board's online materials site.

This was a review item that did not require action by the committee. A second reading will be conducted and action will be taken at the December committee meeting.

### **XXI.B.2. 704 KAR 3:540, Uniform Academic Course Codes (Review Item: First Reading) - KDE Associate Commissioner Amanda Ellis**

KDE Associate Commissioner Amanda Ellis explained that the department has now aligned course codes to the state's academic standards. She explained that the regulation would allow the department to adjust course codes on a yearly basis more flexibly.

Ellis explained that the proposed amendments will allow for improved alignment between academic experiences, quality of courses and uniform academic course codes. Additionally, Ellis stated that the project was intended to provide linkage to accountability and assessment, where appropriate. She said that the project had direct impact on Advanced Placement, dual credit, English language arts, English Learners, health/physical education, intervention, mathematics, science, social studies and special education. Ellis said that an additional benefit from the project will be an initial version of a searchable course code database for use by schools and districts, as well as KDE.

Alesia Johnson asked how KDE verifies the course code and standards being taught. Ellis said course codes will be released in January and the department will be working with local district personnel to support the implementation and the correct reporting of this information. Ellis also said that there would be verification in part through the end-of-course assessment results. Ellis noted that there are ongoing discussions on how to verify this data at the elementary and middle school levels.

Johnson asked if this would prohibit schools for pushing students who are able into more rigorous coursework. Ellis said no, that it should not prohibit this, but will clean up the system and better reflect consistency in what students are learning.

This was a review item that did not require action by the committee. A second reading will be conducted and action will be taken at the December committee meeting.

### **XXI.B.3. Implementation of Preschool Partnership Grants - KDE Associate Commissioner Amanda Ellis**

KDE Associate Commissioner Amanda Ellis and Early Learning Consultant Bill Buchannan explained that the grants incentivize public/private partnerships between school districts and child care providers to develop full-day, high quality early childhood programs for CCAP-eligible preschool children (CCAP is the Child Care Assistance Program, a subsidy for families at 160 percent of the federal poverty level that are working or participating in education programs).

Ellis and Buchannan explained that there are three tiers of grants:

- Tier 1 Planning Grants - Funding is awarded to help local communities identify needs and build partnerships. For 2016-17, 23 grants awarded worth \$531,962. For 2017-18, 5 grants were made.
- Tier 2 Implementation Grants - Funding is awarded to help partnerships successfully implement full-day, high-quality early childhood services. For 2016-17, 46 grants awarded worth \$5,980,861. For 2017-18, 27 grants were made.

- Tier 3 Continuation Grants - Funding is awarded to support partnerships while they build local resources for long term sustainability. For 2017-18, 52 grants were made.

Ellis indicated that KDE will support grantees with partnership implementation; identify and profile successful preschool partnerships across Kentucky; and assist partnerships with building and sustaining high-quality, full-day services.

Wayne Lewis indicated that there will be questions in the legislature about whether this grant should continue to be funded and indicated that data on short-term gains in participation and quality would be helpful.

Alesia Johnson asked how many students are being served through the partnerships. Buchanan indicated that, while counts would not be exact because of the risk of double counting, he would get that information to the board. He said a compounding factor is the change in the kindergarten entrance age moving from October 1 to August 1.

Committee Chair Houchens said that he is hearing positive feedback about the initial results of partnerships in Warren County.

A motion for adjournment of the committee meeting was made by Alesa Johnson and seconded by Nawanna Privett. The motion carried by a unanimous voice vote.

## **XXII. Management Committee Meeting (NOTE: Committees will meet simultaneously, with this meeting occurring in the KBE State Board Room - 514)**

Committee Chair Ben Cundiff called the meeting to order at 4:40 p.m. ET.

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

#### **XXII.A.1. Request by the Lincoln County Board of Education for a Waiver of 702 KAR 1:160, School Health Services, Section 4, School District Health Personnel**

KDE Associate Commissioner Robin Kinney presented this item to the committee. She explained that, due to unsuccessful efforts by the district to fill this position and because of the former experiences of the recommended candidate to serve in this capacity for one year, the waiver request was being recommended for approval. Kinney noted that the duties assigned were administrative in nature and do not require direct medical services to students. Kinney also noted that the district has agreed to actively continue pursuing a certified candidate to serve as the district health coordinator during the interim waiver period.

Following discussion, a motion for approval was made by Grayson Boyd and seconded by Bill Twyman. The motion carried by unanimous voice vote.

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

**XXII.B.1. Status Update on State Management in Breathitt and Menifee Counties - Associate Commissioner Kelly Foster**

KDE Associate Commissioners Kelly Foster and Robin Kinney came forward to present this item.

In regard to Breathitt County, Foster stated that the community had successfully passed the local tax. She said that improvement plans for the district were still being implemented and that a management audit would be conducted in the district the week of November 6.

Bill Twyman asked about the current superintendent for the district and how he was adjusting to the new role. Foster explained that the individual was serving in an interim capacity until June 30 and that he was currently going through the KASA New Superintendents program.

As for Menifee County, Foster noted new principals had been hired for the high school and the K-8 building. She indicated that there had been positive feedback on their administrative leadership. Foster said that instructional reviews will be conducted in the spring at all schools within the district.

Bill Twyman inquired about the financial status of this district. Foster noted a 9.9% contingency and a balance of over \$1M. Also, Kinney stated that the district's finance officer was doing an excellent job.

While a vote was taken for this item, no action was required by the committee, as this is a review-only item.

**XXII.B.2. Report from Kentucky High School Athletic Association (KHSAA): Title IX Deficiencies for Schools Audited During 2016-2017 School Year and Activities for 2016-17 and Future - Julian Tackett, KHSAA Executive Director**

KDE Associate Commissioner Kevin Brown and Julian Tackett from KHSAA presented this item. Tackett presented an overview of the findings from the report for Title IV deficiencies from the previous year. Tackett indicated that most findings related to the equity of facilities and athletic uniforms; however, overall findings are decreasing each year. Also, he noted that these visits began in 1999 and that 35 schools were scheduled for visits this current academic year.

While a vote was taken for this item, no action was required by the committee, as this is a review-only item.

**XXII.B.3. October 2017 Audit Update and Expense Reports for the Kentucky Board of Education (KBE) and the Commissioner of Education - KDE Associate Commissioner Robin Kinney and KDE Division Director Charlie Harman**

KDE Associate Commissioner Robin Kinney and KDE Division Director Charlie Harman came forward for this agenda item.

Harman explained that KDE's most recent review by the state auditor for the Statewide Single Audit of the Commonwealth of Kentucky (SSWAK) Volume 1 was in process; thus, there was no information to report at this time. He explained those were related to SEEK funding calculation and distribution, as well as IT/security measures. Harman noted that the SSWAK Volume 2 review was completed and there were no findings for the agency. Harman shared that audits conducted for local school districts had led to 30 districts with findings. He said that this number was down from 70 districts the year prior.

Harman then discussed the financial reports for the KBE and the Commissioner. He noted that there were no known concerns with either of the expense reports and that both groups ended the fiscal year under budget. Harman reminded committee members that the full data sets were available in the documents provided on the KBE materials site. No questions were posed by KBE members related to these reports.

While a vote was taken for this item, no action was required by the committee, as this is a review-only item.

A motion to adjourn the committee meeting was made by Bill Twyman and seconded by Grayson Boyd. The motion carried by unanimous voice vote.

### **XXIII. Report of the Curriculum, Instruction and Assessment Committee (Action/Discussion Items)**

Chair Wheeler called on Committee Chair Houchens for his report. On behalf of the Curriculum, Instruction and Assessment Committee, Chair Houchens moved approval of the following:

- 704 KAR 3:370, Kentucky Framework for Personnel Evaluation; and
- the request for an alternative model of School-Based Decision Making (SBDM) from Atherton High School.

The motion did not require a second, seeing that it came from a committee. The motion carried by unanimous voice vote.

### **XXIV. Report of the Management Committee (Action/Discussion Items)**

Chair Wheeler called upon Committee Chair Cundiff for his report. On behalf of the Management Committee, Chair Cundiff moved approval of the request by the Lincoln County Board of Education for a Waiver of 702 KAR 1:160, School Health Services, Section 4, School District Health Personnel.

The motion did not require a second, as it came from committee. The motion carried by unanimous voice vote.

### **XXV. Board Member Sharing**

There were no members who wished to share information during this agenda item.

## **XXVI. Internal Board Business**

Chair Wheeler first discussed the continuation of the annual holiday dinner the evening prior to the December regular meeting. There was consensus among the board to continue with the event again this year.

KDE Associate Commissioner and General Counsel Kevin Brown and KDE Staff Attorney Ashley Lant came forward to discuss a recent legal opinion related to Executive Order (EO) 2017-364 that appointed the four (4) non-voting, non-member advisors to the KBE. The EO stated that these advisors have full rights to participate in closed sessions of the board. Brown explained that the legal question at hand was whether, when in closed session, the attorney-client privilege is waived, due to non-members of the board being present. He explained that it is a privilege of the board to determine as a body who is present for closed session discussion, meaning that others can be invited to participate if they choose for that to occur. Based upon an opinion received by the Kentucky Bar Association Ethics Hotline, Brown stated that the board would need to consider adopting a written resolution, should the board decide that advisors need to be involved in closed session. He also explained that the advisors are not covered under the board's error and omissions professional liability policy.

Brown explained that no decision by the board was required at this time; however, as the General Counsel, he has an obligation to raise this to the members as a potential issue. Ben Cundiff asked if a formal recommendation would be made, after additional consultation and research. Brown answered affirmatively.

Chair Wheeler asked if there were additional topics that members would like to see addressed on future board agendas. Wheeler reminded board members of the survey link that had been established to record such requests. No requests were noted by members at the current time.

## **XXVII. Sharing of Results from Board Discussion Regarding Commissioner's Self-Evaluation**

Gary Houchens began by thanking the Commissioner for a great year. Houchens noted that there was extensive work and progress to be very proud of as a state. He stated that the board was 100% certain at this time that Commissioner Pruitt was the person to lead the state toward its K-12 education goals.

Houchens summarized the board's discussion surrounding Commissioner Pruitt's self-evaluation. Highlights included the following strengths:

- Building relationships with a variety of shareholders;
- Inclusive efforts to involve shareholders in the development of the state's Every Student Succeeds Act (ESSA) plan and the new accountability system;
- Development of the accountability dashboard concept;
- Movement away from a norm-referenced assessment system toward a criterion-based system;
- Development and implementation of new science assessments;

- Visibility in schools and local communities through school visits and town hall forums;
- Continued improvements at the Kentucky School for the Blind (KSB) and the Kentucky School for the Deaf (KSD), including the management of leadership changes;
- Expertise with public charter schools;
- Emphasis on whole child supports;
- Focus on transparency of data and processes;
- Willingness to seek honest feedback;
- Serving as a champion for students;
- Development of the new KDE strategic plan; and
- Positive KDE staff responses from the annual survey.

Houchens also summarized potential opportunities for goal-setting and continued improvement in the following categories:

#### Proactive Approaches, Innovation and Best Practices

- Identify and promote solutions and strategies with proven impact.
- Promote and implement strategies that:
  - foster a culture of innovation;
  - eliminate inefficiencies within the system;
  - foster parental and community engagement; and
  - increase student engagement and attendance.
- Increase the amount of time the KBE spends focusing on innovative practices and trending issues.

#### Implementation of the New Accountability System

- Establish timelines and deliverables for implementation.
- Develop additional policies surrounding indicators, such as "Opportunity and Access."
- Develop indicators for demonstration of essential skills, including a policy surrounding the student work ethic certification process.
- Identify resources (material and human) needed to accomplish accountability goals.

#### State Standards and Assessments

- Identify rich, more in-depth ways to improve the state's long-term goals through this work.

#### Implementation of Public Charter Schools

- Ensure the timely implementation of the charter school regulations and keep the board apprised of the status.

### High School Graduation Requirements

- Identify meaningful requirements that articulate the value of the high school diploma (ex: student is ready for college and/or workforce).
- Ensure stronger promotion and integration of Career and Technical Education (CTE).
- Ensure stronger promotion of student health/wellness.
- Maintain focus on expanding dual credit opportunities.
- Increase efforts related to youth apprenticeship models.

### Implementation of the KDE Strategic Plan

- Ensure inclusion of student-level outcome data.
- Develop clear metrics for evaluation.

### Early Childhood Education

- Identify proactive strategies for expanding access to and enrollment in public preschool and early care/education partnerships.

### Management Audit of Jefferson County Public Schools (JCPS)

- Continue the comprehensive management audit of JCPS and KDE support to the district.

### Relationship Building

- Continue fostering relationships with legislators and the administration, particularly in regard to ensuring adequate resources for K-12 education and a high-quality teaching workforce.
- Create "success" metrics that evaluate outcomes of relationships and partnerships with critical shareholders, such as the Kentucky Community and Technical College System (KCTCS), the Education and Workforce Development Cabinet, the Education Professional Standards Board (EPSB), and the Governor's Office of Early Childhood.

Also, Bill Twyman asked that there be a continued emphasis on the diversification of the education workforce. There was consensus among the board on the importance of this focus.

Nawanna Privett commended Commissioner Pruitt for the collaborative process associated with the development of the new accountability system. Privett noted that the process had brought ownership to many individuals at the district and state level.

Commissioner Pruitt thanked the board and noted his appreciation for the feedback. He noted his commitment to the goals and strategies identified by the board and expressed his gratitude for their dedication. Pruitt said that he looked forward to working with Mr. Gimmel to finalize his goals for the upcoming year and that he would return with those at the December meeting for the board's review.

Chair Wheeler concluded the remarks by encouraging Commissioner Pruitt to be bold with his leadership to the board, helping members and advisors understand the most important priorities and to guide decision-making. Wheeler also encouraged risk-taking and the championing of the resources that are needed to ensure quality teachers and administrators for every student. Wheeler reminded the board that the formal evaluation letter would be approved by the board and presented to Commissioner Pruitt at the December meeting.

## **XXVIII. Adjournment**

A motion for adjournment was made by Grayson Boyd and seconded by Alesa Johnson. The motion carried by unanimous voice vote and the meeting was adjourned at 6:08 p.m. ET.

***Note:** Due to time limitations, the following agenda items were deferred to the December regular meeting of the KBE:*

- *KDE Strategic Plan (Review Item)*
- *Hope Street Group Update (Review Item)*
- *Kentucky School Boards Association (KSBA) Energy Managers Project Update (Review Item)*