

**KENTUCKY BOARD OF EDUCATION – REGULAR
MEETING**

JUNE 6, 2018

FRANKFORT, KENTUCKY

SUMMARY MINUTES

The Kentucky Board of Education (KBE) held its regular meeting on Wednesday, June 6, 2018, 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 Milton Seymore called the meeting to order at 8:34 a.m. ET.

II. Roll Call of Members and Advisors

Chair Seymore asked Mardi Montgomery to call the roll of members and advisors. Member Alesa Johnson was not present for roll call, but there was still a quorum of voting members. CPE President Bob King (ex-officio member) was present.

Present Board Members:

Mr. Ben Cundiff
Ms. Tracey Cusick
Mr. Rich Gimmel
Ms. Kathy Gornik
Mr. Hal Heiner
Mr. Gary Houchens
Mr. Joe Papalia
Mr. Milton Seymore
Ms. Amanda Stamper
Ms. Laura Timberlake
CPE President Bob King (ex-officio member)

III. Swearing In of New Board Member Laura Timberlake

Circuit Judge Brian Privett from the 14th Judicial Circuit, Division 2: Scott, Bourbon and Woodford Counties performed the swearing-in of the newest board member, Laura Timberlake.

IV. Approval of Consent Agenda

Chair Seymore asked board members whether they would like to remove any items from the consent agenda to discuss separately. Items on the consent agenda for this meeting included the following:

IVA. Action Items

1. *Approval of the Summary Minutes for the April 11, 2018, Regular Meeting and summary Minutes for the April 17, 2018 Special Meeting*
2. *Approval of the Summary Minutes for the April 11, 2018 Regular Meeting and Summary Minutes for the April 17, 2018 Special Meeting*
3. *Kentucky School for the Deaf (KSD) Advisory Board Appointments*
4. *New District Facility Plans: Fulton County, Mercer County and Metcalfe County*
5. *2019 Kentucky Minimum Specifications for School Buses - KDE Associate Commissioner Robin Kinney*
6. *Request for Approval of School District Indirect Cost Rates for Fiscal Year 2018-2019 - KDE Associate Commissioner Robin Kinney*
7. *Approval of KBE Curriculum and Management Committee Members*

IVB. Information Items

1. *Kentucky Department of Education (KDE) Combined Employment Report (All Offices including Career and Technical Education)*
2. *Hearing Officer's Report*
3. *Litigation Report*

With no other discussion, Ben Cundiff moved and Laura Timberlake seconded a motion to approve the consent agenda. The motion passed unanimously on a voice vote.

V. Report of the Secretary of Education and Workforce Development Cabinet

Chair Seymore congratulated Secretary Derrick Ramsey on his recent appointment as Secretary of Kentucky's Education and Workforce Development Cabinet.

Secretary Derrick Ramsey focused his report on the Pathways in Technology Early College High Schools (P-TECH) initiative. He shared this is an initiative where a student may earn a high school diploma and an associate's degree. He stated (P-TECH) was created in 2011 to help students obtain the skills needed to enter careers in STEM (science, technology, engineering and math) related fields. They were also created to help solve the growing skills gap in the U.S. – there are 28 million middle skill jobs — those that require an associate degree or similar technical training — currently vacant in the U.S.

He commented IBM desires to hire twenty-five thousand people, and we must do this by growing our own. He stated the issue is prevalent in Kentucky as well. Middle-skill jobs account for 58 percent of Kentucky's labor market, but only 48 percent of the state's workers obtain the skills needed to perform these jobs.

Secretary Ramsey is hopeful to announce more about this initiative this fall. He stressed we must close the middle skill gap, and we must have people ready. He believes this initiative will help move students and Commonwealth of Kentucky forward.

He communicated his excitement to be the new Secretary of Kentucky's Education and Workforce Development Cabinet and work with Dr. Lewis to move the state forward.

Interim Commissioner Wayne Lewis thanked Secretary Ramsey for attending and congratulated him

on his appointment. He stated his excitement about meeting with a larger group to try to bring some models to Kentucky to give students and families' additional options.

Rich Gimmel commented the P-Tech model enables students to have both the academic and career pathway. They do not have to select one or the other.

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

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

President King stated this may be his last meeting and it has been an honor to serve and know the board. He noted he takes this opportunity seriously because the relationship between higher education and K-12 is so vitally important. He stated the closer it is the better we understand the interrelated systems.

President King focused his remarks on Jefferson County. He noted he does not have a vote, but he stated in looking at the issue there is no doubt in his mind the children of Jefferson County are not being served adequately.

He commented Jefferson County is now on its third superintendent since he came to Kentucky. He stated he believes the structure of KERA undermines any kind of credible accountability. King noted the superintendent cannot hire principals and principals cannot hire the teachers. He equated this to a CEO of a business trying to run a business without hiring their own employees.

He remarked Kentucky saw some gains in the early days of KERA, but noted those gains have flattened out and for nearly the last decade there has been very little measurable improvement in the performance of our young people. He remarked this is seen in higher education with the number of students requiring remedial classes. He stated there is still significant gaps with the low income students and minority kids. King pointed out this is the same kind of gaps he sees in Jefferson County and across the state.

He stated he strongly urged the KBE to take a look at the structure of KERA and noted it is thirty years old. He pointed out that times have changed and needs have changed. He remarked the structure in the law has outlived its usefulness. He said he believes it is undermining the capacity of anybody to be successful in this model.

King continued that the significance of the decision of the Commissioner to exercise the authority he has under KERA to take over the district is the only way, right now, to get around these obstacles. He noted it creates the opportunity for the Commissioner to either on his own, or by empowering Superintendent Pollio, to have the resources and authority they need to actually manage the district effectively.

He stated the long term message to the Governor and the Kentucky General Assembly should be that KERA needs to be rethought and probably redesigned in a way that makes sense of the capacity of the people we empower, or charge, with managing these school systems across the state. He noted they need sound leadership and the kind of necessary authority to improve the outcomes of these kids.

Chair Seymore shared that the KBE deeply appreciates President King's service and support to the Kentucky Board of Education and all the children of Kentucky. He wished him the best in the next chapter of his life.

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

VII. Report of the Executive Director of the Education Professional Standards Board (EPSB)

EPSB Executive Director Jimmy Adams stated they are at their peak time processing applications, credential updates or new credentials for teachers to have everything ready for this fall to be hired into positions.

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

VIII. Report of the Interim Commissioner of Education

Interim Commissioner Lewis began by noting some of the major department projects and initiatives.

Strategic plan revision: He stated he has made it a priority to revise the strategic plan really early. He pointed out one of the things important to him, and he impressed upon the KDE Leadership Team, that *everything we do should be aligned to improving student outcomes*. He pointed out that with the exception of KSB, KSD and the Area Technology Centers, we do not have direct influence on what is happening in schools. He shared we serve as a support organization, provide resources and stated we are a resource to the 173 districts in the state. He pointed out that he sees no other way to hold ourselves accountable and to mark our progress than to say, "If we are not moving student outcomes in the state, we are not making progress."

Lewis noted closing achievement gaps and aligning what we do to student outcomes is really important. He stated this will permeate everything we do at KDE going forward.

Academic standards review and revision: Lewis stated Senate Bill 1 initiated a two-year long process of revising our academic standards and Associate Commissioner Amanda Ellis is leading that work.

Accountability system implementation: Interim Commissioner Lewis shared on May 1st that KDE heard from USDOE's Betsy DeVos that Kentucky's Consolidated Plan had been approved. He praised and congratulated the entire Kentucky Department of Education his heartfelt and sincere thanks to all the individuals across the state for crafting the plan and aligning to Kentucky's statutes. He commented it will hold us accountable for the kind of student outcomes we want to see.

Department reorganization: Interim Commissioner Lewis shared that due to budget decreases there have been some reductions in staff. He noted overall it impacts about forty-nine positions. He expressed his regrets for having to lose those positions, and anticipates to manage some of the loss through attrition here at Kentucky Department of Education.

Career and technical education (CTE) campaign -soon to launch: Interim Commissioner Lewis announced there will soon be a statewide multipronged campaign around Career and Technical Education. The focus of the campaign will be to change the mindsets of educators, parents and

communities regarding technical education by putting Career and Technical Education in the forefront. Career and Technical Education programs are targeted at preparing students for the high-quality and high-paying careers of today and tomorrow.

Interim Commissioner Lewis referred to his report and visits he had made from his appointment time until now. He shared he has been successful in getting out across the state.

He shared he will be attending three upcoming national meetings: National Charter Schools Conference, June 2018, Austin, TX; SREB Legislative Work Conference, June 2008, Boca Raton, FL; and, Council of Chief State School Officer's Summer Leadership Convening, July 2018, Salt Lake City, UT.

Interim Commissioner Lewis referred to his report to review upcoming speaking engagements.

Jefferson County Public Schools' management audit: Interim Commissioner Lewis referenced the audit timeline from February 2017 through April 2018. He stated the audit was triggered by a management review which preceded the audit. He noted a six-month management review identified the presence of critically ineffective or inefficient management in the district. Specifically, he stated, that review identified more than 30 items determined to be significant deficiencies.

He shared that as a result of that review, former Commissioner Stephen Pruitt ordered the Kentucky Department of Education to perform a management audit to determine whether there was "a pattern of significant lack of efficiency and effectiveness in the governance or administration of [the] school district" (KRS 158.785). He noted there are three potential outcomes of a management audit.

- 1) There could be no recommendation, as a result of the audit. The findings would be distributed to district leadership and the data would be used to inform them as they move forward.
- 2) The Commissioner could make a recommendation of State Assistance where the state comes in and works with the district to create an implementation and improvement plan aimed at specifically addressing the deficiencies identified in the audit, but ultimate decision-making authority would remain in the district.
- 3) State Management- the degree of support is similar to State Assistance. He pointed out that the difference between State Assistance and State Management is that ultimate decision making authority, which now rests with the superintendent and local board of education under State Management, would now shift to the Kentucky Commissioner of Education.

Interim Commissioner Lewis stated that his recommendation in his April 30, 2018 letter to the Kentucky Board of Education is that Jefferson County be declared a State Managed district.

Interim Commissioner Lewis stated he made this recommendation to the Kentucky Board of Education because he believes there is no other route to ensuring that the children of Jefferson County, especially the most vulnerable children of Jefferson County, are served well and that adults are held accountable for doing so. He pointed out he made the recommendation because he believes there is no other way to ensure those things happen in that district.

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Education because he believes there is no other route to ensuring that the children of Jefferson County, especially the most vulnerable children of Jefferson County, are served well and that adults are held accountable for doing so. He pointed out he made the recommendation because he believes there is no other way to ensure those things happen in that district. He stated his report includes a summary of findings of the Jefferson County Management Audit.

Interim Commissioner Lewis shared Jefferson County Public Schools had thirty days to indicate if they would accept the findings and recommendation of the Management Audit or whether they would elect to participate in a hearing before the Kentucky State Board of Education makes its decision regarding State Management or not.

Interim Commissioner Lewis stated JCPS indicated on May 30th that the JCPS Board had voted unanimously to participate in that hearing. So we will move forward with preparations for the hearing. Interim Commissioner Lewis stated he welcomed the opportunity to make the case that Jefferson County Public Schools should be a State Managed district.

Education Policy Priorities:

Achievement Gap: Interim Commissioner Lewis defined achievement gaps as the differences between the performance of different groups of students. He pointed out the gaps in Kentucky and across our country have been extraordinary. He stated we have made very little progress in our state in closing achievement gaps. He indicated that in some cases and in some districts, racial, economic, and ethnic achievement gaps have widened. He stated closing achievement gaps is at the top of his priority list.

Early Learning: Interim Commissioner Lewis stated the need to significantly increase young learners' proficiency in reading and mathematics as measured by standardized examinations in third grade. He noted we must move forward on literacy and numeracy in early learning.

High School Graduation Requirements: We can no longer have a public education system where we issue high school diplomas to students who cannot read. He stated there are two non-negotiables. One, we will not issue high school diplomas to kids we have not taught to read, and we will not issue high school diplomas to kids who we have not taught to do basic math. He pointed out that perhaps we should not issue high school diplomas to kids if they have not demonstrated the ability to be prepared to do something after they leave high school. He said that may mean an associate's degree, a four-year degree, a certificate program or a career where they can make a living wage and support a family someday.

Sills Gap: He stated increasing the number and percentage of high school students completing CTE pathways and earning industry recognized credentials in high-demand sectors.

Early Postsecondary Opportunities (EPOs): He expressed increasing the number and percentage of high school students successfully completing early postsecondary opportunities (EPOs), i.e., including dual credit, dual enrollment, articulated credit, Advanced Placement (AP), International Baccalaureate (IB), and Cambridge.

Reducing Bureaucracy: Interim Commissioner Lewis stated flexibility and autonomy for public schools and school districts in exchange for performance accountability. He pointed out including revision of the current Districts of Innovation (DOI) program through proposed changes to regulation

and statute, and continuing to advocate for increased flexibility for public schools with the Kentucky General Assembly.

School/Program Choice: Interim Commissioner Lewis shared expanding the number and type of high-quality public school options available to Kentucky's students, i.e., including high-quality schools and programs of choice within traditional public school districts, KDE-operated schools and area technology centers (ATCs), and the growth of a new public charter school sector.

The incredible opportunity to be the Kentucky Interim Commissioner of Education. He stated this opportunity allows for a much broader impact in Kentucky and our children. I wake up every morning knowing that what we do here at KDE matters to the children of the state.

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

IX. Good News Items

Laura Timberlake shared - Ashland Independent Middle School name of three National Winners in the Samsung *Solve for Tomorrow* Contest for Using STEAM to Address the Opioid Epidemic - Ashland Middle School's team of technology students won one of three top prizes in the *Samsung Solve for Tomorrow* competition. The prize is \$150,000 worth of technology hardware and software for the school. With months of ideation, research, creation and pitching behind them, Ashland Independent Middle School was named a national winner in the \$2 million* Samsung Solve for Tomorrow Contest from Samsung Electronics America, Inc. – a nationwide competition that challenges 6th through 12th graders to use STEAM (science, technology, engineering, arts and math) to address real-world issues and inspire change in their local communities. They provided solutions to critical issues affecting their community – opioid addiction. Because local first responders called to the scene of a drug overdose were only armed with rubber gloves and tongs, the students of Ashland Middle School developed a solution to safely pick up and dispose of hypodermic needles. The students created a device that could be used by first responders and local authorities to pick up dangerous used needles and other drug paraphernalia. "Technology is a great tool, but if you're not using it to help people, it's just a toy," said Isaac Campbell, a student from the Ashland Middle School team. Congratulations to this outstanding team of students and educators – helping to improve the quality of life for all!

Hal Heiner shared - Recently, The John F. Kennedy Center for the Performing Arts announced the Winners of the 2018 VSA Playwright Discovery Competition Recognizing Excellence in Young Playwrights. Kentucky School for the Blind junior, Taryn Seif, was one of three young playwrights selected as the winners of the 2018 VSA, formerly *Very Special Arts*, Playwright Discovery Competition, a Jean Kennedy Smith Arts and Disability program of the John F. Kennedy Center for the Performing Arts. The competition challenges middle to high-school aged writers to explore the disability experience through crafting short plays - from their own experiences and observations, creating fictional characters and settings, or choosing to write metaphorically or abstractly about the disability experience. Taryn and the other winning playwrights of the competition's Senior Division (grades 10-12) traveled to Washington, D.C. to participate in a weekend of pre-professional activities at the Kennedy Center during the annual Kennedy Center American College Theater Festival, April 13-15, 2018.

The award recipients and winning plays are:

| <u>Playwright(S)</u> | <u>Play</u> | <u>Hometown</u> |
|----------------------|-------------------------------------|-----------------------------|
| Cathleen Freedman | <i>One's Self Perception</i> | Houston, Texas |
| Taryn Seif | <i>I'll Do Anything</i> | Louisville, Kentucky |
| Elizabeth Schriener | <i>Confessing a Chronic Illness</i> | Olivet, Michigan |

Amanda Stamper shared - Presidential Scholars - On May 8, the U.S. Secretary of Education announced the 2018 class of [U.S. Presidential Scholars](#). This program was established in 1964 to honor academic achievement by graduating high school seniors. It was expanded in 1979 to honor students in the arts and in 2015 to honor students in career and technical education (CTE). Each year, up to 161 students are named, including at least one young man and woman from every state. Another 15 students are chosen at-large, 20 students are scholars in the arts, and 20 students are scholars in CTE. More than 5,200 candidates qualified on the basis of outstanding ACT or SAT scores or through nominations by Chief State School Officers, partner organizations, or the National YoungArts Foundation's nationwide YoungArts competition. The White House [Commission on Presidential Scholars](#) -- appointed by the President -- selects the finalists based on their academic success, school evaluations, transcripts, and essays, as well as evidence of community service, leadership, and demonstrated commitment to high ideals. Scholars will be recognized at a ceremony in Washington, D.C., on June 24.

Kentucky's 2018 U.S. Presidential Scholars are:

1. Aaron Choate, Lexington -Lafayette Senior High School
2. Kasey C. Fields, Lexington -Lafayette Senior High School
3. Zsombor T. Gal, Lexington -Paul Laurence Dunbar High School
4. David W. Ma, Lexington -Paul Laurence Dunbar High School

In addition to these prestigious scholars, the following were recognized as semifinalist:

1. Skyler T. Hornback, Sonora - Gatton Academy of Math and Science
2. Nathan L. Johnson, Elizabethtown - Elizabethtown Senior High School
3. Jacquelyn Kim, Louisville - Louisville Collegiate School
4. David W. Ma, Lexington - Paul Laurence Dunbar High School
5. Paul G. McQuillen, Louisville - Trinity High School
6. Emma N. Willey, Bowling Green - South Warren High School

X. Spotlight on Innovation: REAL Employment and Dedication Youth (READY): Presented by Angela Murphy, Rodney McAninch and Danita Ellis of Pulaski County Schools.

This initiative gives students opportunities for on the job training, exploration of careers, ability to earn at least minimum wage and opportunity for employment after high school. Communities benefit by growing the workforce with local employees, receiving employees specifically matched with particular skills and opportunity to employ student full-time after high school.

XI. Kentucky Department of Education (KDE) Strategic Plan

Chief Performance Officer Karen Dodd and Interim Commissioner Lewis shared a balanced approach to completing strategic planning. Interim Commissioner Lewis shared the Planning Committee Meeting has now become the Strategic Management Team to hold each other accountable for meeting the goals and updating each other on the strategies we have in place. Dr. Lewis stated this plan will guide the work for the Kentucky Department of Education. He encouraged feedback and input from all board members. Ms. Dodd reiterated that student outcomes are key to the work with the strategic plan. She stated the new KDE vision statement is now - *Each and every student empowered and equipped to pursue a successful future*. The new mission statement is *Partner with districts, schools, families, students, business and industry and communities to provide leadership and support to ensure success for each and every student*. She stated the revised values are *equity, achievement, collaboration and integrity*. Ms. Dodd's stated there are three strategic priorities – *student success, effective partnerships, and operational excellence*. She discussed the strategic objectives and strategy map with mechanisms that must be done well: agency capacity, internal process, resource effectiveness and customer/stakeholders.

Ms. Dodd commented there is a lot of perception data under *Measures* and all are important to put the right kind of leadership in place with multiple forms of feedback. Ms. Dodd shared baseline is in the future with new baseline results moving forward. She discussed closing the achievement gap between the frpl and non-frpl we need to move at least 13,000 students.

Mr. Papalia stressed there needs to be a recover process in place in the event Kentucky Department of Education falls short of the goal. There was discussion regarding what a high school diploma means.

Dr. Lewis stated families and students are first customers. He expressed there is worthiness in exiting high school with the skills and knowledge necessary to move on in life and career. He stated business and industry are customers, but would include family and students as well. Dr. Lewis affirmed that partnerships with all key stakeholders are at the center of the work.

Mrs. Gornik commended Dr. Lewis and staff for having a one-year goal to measure. She said her concern was there would be a long time lapse before shared feedback. She recommended long-term and short-term goals.

Mr. Heiner stated teachers need to receive results as soon as possible. He stated his concern with focus on proficiency there may be an effort to pull all the apprentice students up to profanest to meet goal leaving the possibility for novice numbers to remain the same over time. He expressed this year's Kentucky NAEP results had five (5%) percent on average below basic and these students cannot really read or do math at all.

Ms. Dodd stated feedback and input have been received from Directors and is being sought from the KBE members. The second reading will be presented at the August meeting for approval.

XII. 2018-2010 Biennial Budget Update

Associate Commissioner Robin Kinney and Finance Director Charlie Harman presented an overview of the biennial budget update.

Associate Commissioner Kinney stated, during the 2018 legislative session, the General Assembly enacted an Executive Branch Biennial Budget (HB 200), an amendment to the Biennial Budget (HB 265) and a revenue bill (HB 366). The enacted budget increases the Support Education Excellence in Kentucky (SEEK) per pupil base funding level from \$3,981 to \$4,000.

Mr. Heiner asked for clarification of excess SEEK funds and transportation dollars. Associate Commissioner Kinney stated excess SEEK for 2019/2020 will be directed back to General Fund and obligated to K-12 transportation funds. She expressed how appreciative she is the General Assembly Budget Bill directs next biennium excess SEEK goes to transportation.

Director Harmon shared the details of program eliminations, program reductions, and other program changes. He stated that all the increases are due to the SEEK increase. He said seventy (70) programs were eliminated. Other Program Changes included AP/IB received new money of 1 million and dataseam of 1.7 million. AdvanceKY, Safe Schools and Save the Children increased. He stated most was pretty positive.

Director Harmon stated at KDE Proper reductions of twenty-five (25) positions and at this time none of those were individuals but were vacant positions. He stated all offices at KDE were impacted by budget reductions.

Associate Commissioner Kinney existing nickels (local tax levies for facility construction) were equalized and \$7 million was provided to districts suffering economic hardships due to severe declines in unmined mineral assessments. She stated the Kentucky General Assembly included flexibility for use of Extended School Services and Safe School funds for general operating expenses. In addition, she said flexibility for capital Outlay Funds may be used for general operating costs not to exceed 25% of available capital funds in 2018-2019. Last, she shared districts may use alternative publication methods for annual financial statements and school report cards.

Associate Commissioner Kinney confirmed the budget directs districts to reduce administrative costs and requires reporting of such expenditures to KDE and the Legislative Research Commission beginning this year on December 1.

XIII. 703 KAR 5:280, School Improvement Procedures (Second Reading)

Interim Commissioner Lewis and Associate Commissioner Kelly Foster presented the third reading of the regulation.

Interim Commissioner Lewis shared during regulation public comment time there was feedback from Senate Education Consultant, Dr. Joe Burks on behalf of Senate Education Committee regarding question around the regulation. He stated, Dr. Foster, Executive Director for KBE Mardi Montgomery and he met with Senate Education Chair Wise and Senate Education Policy Analyst, Dr. Joe Burks regarding the questions. He stated out of the conversation there were a couple of minor

revisions that ensure the regulation the KBE adopts is in alignment and spirit of the 2017 SB1. He expressed if the Kentucky Board of Education approves, he believes it will go to the EAARS Committee, IJC on Education and KDE will be able to move forward with the regulation.

Dr. Foster explained a minor change with audit team regulations should a district select an audit team outside of the Kentucky Department of Education then no one on the audit team shall be from the local district. She stated if a district uses an outside audit team, the team will complete a Kentucky Specific Induction Training prior to conducting an audit to familiarize them with distinctive aspect of Kentucky educational law, e.g., Site Based Decision Council, etc.

Dr. Foster explained that last minor revision is clarifying language that audit teams are to adhere to 2017 SB1 audit requirements, and the additional language are only recommendations by the Kentucky Department of Education.

Dr. Houchens asked what 2017 SB1 requires for an audit.

Dr. Foster stated the 2017 SB 1 requires the basic audit components. She shared Kentucky Board of education recommends the following above the basic audit: analysis of state and local education data; analysis and recommendation regarding the principal's capacity to lead turnaround in a school identified for comprehensive support and improvement and whether or not the principal should be replaced; review of comprehensive school improvement plans and other planning documents; interviews with students, parents, all school council members, if applicable, school and LEA personnel, and community members; direct observation; administration of teacher and principal working conditions surveys and student satisfaction surveys; review of school council minutes and agendas, if applicable; and other information deemed necessary by the Commissioner of Education or designee.

Dr. Houchens inquired that if a non-KDE audit team conducted an audit the findings could be much less comprehensive?

Interim Commissioner Lewis stated that is conceivable that if a non-KDE audit team conducted a report that it could be less comprehensive. He stated that this does not mean the report could be of lesser quality, but it could look different. Interim Commissioner Lewis shared that one of the overarching sentiment of 2017 SB1 wanted to ensure that there is flexibility for districts in terms of composition of the team and what the audit report would look like.

Dr. Foster shared one additional clean up in the regulation which was human error from a "shall" to a "may" regarding the restoration time for the authority of school councils and in alignment with 2017 SB1.

Chair Seymore asked for a motion to approve the Kentucky Board of Education administrative regulation 703 KAR 5:280?

With no other discussion, Kathy Gornik moved and Hal Heiner seconded a motion to approve the Kentucky Board of Education administrative regulation 703 KAR 5:280. The motion passed unanimously on a voice vote.

XIV. 701 KAR 5:140, Districts of Innovation (First Reading)

Interim Commissioner Lewis, Dr. Foster and Director David Cook presented recommended regulation changes to remove barriers at the state board level for schools or districts seeking flexibility through the Districts of Innovation statute. He shared there is a desire to streamline the application process and enable those districts seeking to apply the ability to do the things they need to do in order to reach the expected performance accountability levels.

Interim Commissioner Lewis commended Dr. Foster, Director David Cook, Interim General Counsel Todd Allen, and Executive Advisor Whitney Crow for their work on the regulation. Dr. Foster stated they have already presented to LSAC.

Dr. David Cook shared since 2012 the program has been a problem from a legislative standpoint and this proposal, at least from the regulation standpoint, should allow for great flexibility.

David stated, at the highest level he would summarize some of the changes. He explained if a district wants to do innovation and does not need KBE's approval outside of the scope of current regulation, the district does not need to submit a plan. They may do whatever it is they need to do, and KBE will only see applications that require a waiver.

Kentucky Board of Education member Kathy Gornik inquired if districts need to apply to network with other districts of innovation?

David communicated districts do not need to apply and there are other mechanism to network; however, he emphasized that most of the districts in the network do apply, as they are often very progressive.

He stated there is a proposed clarification that districts do not have to apply for an entire district, but may apply for an individual school within the district. He explained this allows for traditional public schools to be innovative and stay inside their own confines as an alternative to a conversion charter and allows school to stay in place.

He communicated there is a proposed application clean up and that a revised application will be available at the second reading which will include a shorten the timeline for the application.

David indicated page ten (10) of the proposal clarifies a probation and/or revocation. He stated if the review was egregious enough, then the district of innovation may be revoked.

Interim Commissioner Lewis explained LSAC desired a district have an on-site visit prior to revocation, and he supports this recommendation to be included in the second reading.

Kentucky Board of Education member Rich Gimmel stated he felt as though we were still patching a problem.

Interim Commissioner Lewis clarified he did not believe it was patching a problem and that the program has potential. He stated the proposed changes will improve the program and changes that may happen through statute will make it even better. He shared we must do everything we to make

the program useful for the district, as there are no guarantees the Kentucky General Assembly will change the statute.

XV. Recognition of 2018 Alternative Programs of Distinction

Interim Commissioner Lewis and Associate Commissioner Kelly Foster recognized the following Kentucky Alternative Program of Distinctions:

Alternative Programs of Distinction Recognition

- *Jackson Academy (Warren County)*
- *McDaniel Learning Center (Laurel County)*
- *Perry County Alternative School*
- *Adair Youth Development Center*
- *Calloway County Day Treatment*
- *Covington Alternative Programs (Covington Independent)*
- *Cumberland Hall School (Christian County)*
- *McCracken Regional School*
- *Ramey-Estep High School (Boyd County)*
- *Western Day Treatment (JCPS)*

XVI. Recognition of Past Kentucky Board of Education Member

Former Kentucky Board of Education Chair, Mary Gwen Wheeler was honored and recognized for her service.

XVII. LUNCH

At 11:55 a.m., Chair Milton Seymore announced a break for lunch and that the meeting would resume at 1:00 p.m.

XVIII. Public Comment Segment

Seven individuals signed up. Six individuals spoke.

1. Robert Matthew: Commented on JCPS.
2. Gay Adelman: Commented on JCPS.
3. Stephen Johnson: Commented on JCPS.
4. Garry Wells: Commented on Menifee County Schools.
5. Jack Bradley: Commented on implementation of IEPs at postsecondary institutions. Interim Commissioner Lewis commended Mr. Bradley on the questions he is asking. He commented KDE is working collaboratively with USDOE to come up with an answer around the implementation of an IEP at a postsecondary institution. He shared no state has come up with an answer to this.
6. Autumn Neagle: Commented on JCPS.
7. Barbara Boyd – Did not come forward when name was called.

XIX. Update on Revision of Minimum High School Graduation Requirements Process

Interim Commissioner Wayne Lewis, Associate Commissioners Laura Arnold and Amanda Ellis presented an update on minimum high school graduation requirements.

Interim Commissioner Lewis shared a goal of moving to the structure of what high school graduation requirements may look like. He commended Amanda and Laura for leading the work. He expressed a desire for a robust conversation with the KBE around the draft. He stated the only non-negotiable he has given to the staff is that kids must be able to read and must be able to do basic math. He expressed he would like the Kentucky Board of Education to get to the place of not consider granting high school diplomas to students unless there is a demonstration of some capacity to go on to either postsecondary or pursue a career where they can make a wage to take care of themselves or a family. He stated to do less, he believes would call into question what a high school diploma means in Kentucky.

Associate Commissioner Arnold shared she is excited to be a part of the work and how important it was to get feedback from business and industry partners, but also to take a look at the labor market. She stated they met with about eighty to ninety business partners and there were five themes they shared for a high school graduate. In addition, she shared they will discuss how high school students may get early postsecondary opportunities.

Associate Commissioner Ellis stated the graphic is a thirty thousand foot view of a proposed architecture based on the received feedback. She shared the desired outcomes must begin early, e.g. being able to communicate, having achieved academic excellence, critical thinking, adapt to changes, and ability to collaborate with others. She expressed this must begin in preschool and at the foundational layer there must be early literacy and early numeracy.

Associate Commissioner Ellis shared the requirements layer looks more like what you might see at the first and second year of high school. She said these are based on the feedback of LSAC and over 2,424 feedback comments of what people think is lacking. She stated this is not about having just an ACT pathway or a Career and Technical pathway, but giving students more choice and opportunity that does not track them. She pointed out the Requirement layer shows what a student needs that is rigorous. She shared we are required to assess English/Language Arts and mathematics, science and social studies one time in high school. She shared a desire to bring it down into the lower grades. She explained there is a desire for well-roundedness for students.

Associate Commissioner Ellis explained there is a piece that is new, and we now have legislation around essential skills (work ethics seal) and financial literacy. She shared the financial literacy piece is not a course or a program, but it can be, and there is protected time in the pathway for students to complete.

Associate Commissioner Ellis shared the Performance layer opens it up for the students and schools with increased autonomy. She shared the courses in this area could be competency based and focus on what the students are interested in doing. She explained the strongest feedback was in the area of students on pathways who may not need Algebra II, but actually need statistics or

trigonometry. She explained it does not lock them in where students may change their mind.

She shared, that as Interim Commissioner Lewis stated, students may be both academic and career transition ready. She shared the last component is the Distinction layer and contains ideas brought forth for districts or regional criteria that may contain, e.g., work ethics seal, or seal of biliteracy. She shared at the top of the graphic is conveyed that students do not stop in with high school, but advance with careers or postsecondary.

Associate Commissioner Ellis shared feedback stressed the high school experience needs to be rigorous, relevant experiences and access. She shared the feedback want students to work together to offer more experiences.

Associate Commissioner Arnold shared the Performance layer is really a game-changer because it is where we are going to see youth apprenticeship models grow and academic courses become personalized. She shared in the past some of our high school graduation requirements have been a barrier to students in the 9 through grade 14 model, e.g. dual credit, AP, and work based experiences.

Associate Commissioner Rhonda Sims stated the Requirement level, and probably at the end of the 10th grade, you are checking for the foundational (demonstration) piece in reading and mathematics. She stated that then by the 11th grade year there could be a check for science and social studies. She commented writing could be done as part of the 11th or merged as part of reading. She explained we want to measure Kentucky Standards and want to have Kentucky teachers involved in the development of the assessment. She explained that Kentucky statute gives the KBE authority to make a decision about the kind of assessment. She said a few years ago the KBE chose to do an end-of-course assessment and those were purchased. The legislation does give the KBE authority to decide if you want to pursue an end-of-course or end-of-span (summative or multiple years). She stated the board will need to decide as you look at what you want for high school graduation requirements – how do you align the assessment?

Kentucky Board of Education member Gimmel inquired about the possibility of a lower graduation rate.

Interim Commissioner Lewis stated that students would not be recommended for graduation if they did not meet the foundational level of expectation in reading and mathematics. He stated, conceptually, we should be able to say that he or she reads at the level of proficiency at the eighth grade level. He commented in terms of mathematics, at the foundational level, at the end of the tenth grade year assessing the Kentucky Academic Standards up through Algebra I. He stated the requirements would begin in fall 2019, and we would see a significant dip in the high school graduation rate. He said he did not believe it would be drastic because the students would have four years to prepare for what the standards and students will aim higher.

Interim Commissioner Lewis stated he would rather have a graduation rate that is a little lower that ensures that it is meaningful, rather than having a high graduation rate where we cannot ensure students are able to add $\frac{1}{2}$ plus $\frac{1}{4}$.

Kentucky Board of Education members and Interim Commissioner Lewis discussed improving the inputs and focus on early literacy and early numeracy.

Chair Seymore inquired the policy change would impact the class of 2023 high school diploma will have the basic in math and reading.

Interim Commissioner Lewis agreed with Chair Seymore and commented that in addition students would be transition ready to go into a two-year college, a four-year college or the workforce.

Kentucky Board of Education member Papalia inquired regarding standards and what Kentucky is competing against on international standards for jobs and/or careers. He shared that the GED appears to be a universal standard with some basic skills and how are we benchmarking against our peers.

Interim Commissioner Lewis shared we will not use the national standards to guide instruction. He stated the Kentucky General Assembly has made it clearing statute that the standards we teach in school and the standards we assess must be Kentucky Standards. He stated that should not be alarming because a big part of the standards revisions and development work is benchmarking around national and international standards to ensure the standards we adopt are competitive to our peers across the nation and around the world. He stated the standards we end up adopting in every area, by Kentucky law, must be Kentucky Standards and the assessments we develop must be assessing Kentucky Standards specifically.

Associate Commissioner Sims shared that there can be linking studies and statistical measures with other test cut scores like many states align to NAEP.

Kentucky Board of Education member Papalia commented that this makes it a longer, more complicated process as this has been done by other already.

Kentucky Board of Education member Houchens inquired about students with disabilities and how they must demonstrate proficiency to graduate.

Every state that adopts more rigorous high school graduation requirements, whether it is with more prescribed coursework or assessment requirements, there must be accommodations and modifications for students who have disabilities. He apologized for not making this explicit and going forward there are conversations with the Division of Learning Services to assist with designing what the standard will be and depending on the nature of the disability there may be alternative methods to demonstrate.

Associate Commissioner Ellis stated that Director Hylton's team has been working with them and they are awaiting reply for guidance to comply with the federal guidelines with students with disabilities.

Interim Commissioner Lewis stated the nature of the student's disability is important. He shared we do to want people to assume that because a child has an IEP they should not be expected to meet standards. Kentucky Department of Education will work to put those alternative methods of assessing in front of you for consideration.

Kentucky Board of Education member Houchens discussed the difference in the Requirement layer and Performance layer and the assessment of spans and student customization. He requested social

studies be considered for social studies at the foundational level.

Kentucky Board of Education member Heiner discussed the graphic appears to reflect the concept of one diploma with seals attached to it. He inquired about timeframe.

Interim Commissioner Lewis shared the would be a first reading in August and continued discussion. He said the second reading would come in October and then move through the legislative process. He shared we would want to be able to begin with new standards in the entering high school class in fall of 2019.

Interim Commissioner Lewis clarified statute requires one assessment at high school level of social studies and science.

Kentucky Board of Education member Gornik inquired about the assessment at the 10th grade level.

Interim Commissioner Lewis stated students should have received all the instruction necessary to be successful at the minimum foundational tenth grade assessment level. He shared that if students are not successful they have opportunities for improvement and two more opportunities to take the assessment.

Kentucky Board of Education member Gornik shared this just strikes her as late to find out that late.

Interim Commissioner Lewis shared legislation allows for the Kentucky State Board of Education to set minimum high school graduation requirements, but does not allow the Kentucky Board of Education to set a high stakes requirement before the high school level.

Kentucky Board of Education member Cundiff inquired that the recommended state standards will be more rigors than what is currently in place – not easier than what is in place.

Associate Commissioner Ellis and Associate Commissioner Arnold stated absolutely, of course.

Kentucky Board of Education member Cundiff asked about the item types at the end of span.

Associate Commissioner Sims stated there is a requirement for multiple select and constructed items and constructed is in writing. She shared that it is anticipated to see both types of items on the assessments. She explained statutory language states that we are required to test one time for each of these content areas in high school and that is why we may want to consider “end of span.”

Interim Commissioner Lewis stated standards and accountability systems work together. He shared with what is proposed if a student cannot read and do basic math they will not have a high school diploma. He stated academic ready, before the medals, means students have met the specified benchmarks on the specified college admissions exams in reading or mathematics, or they have successfully taken dual credit with at least a score of B or higher in the mathematics with the quantitative reasoning or the social sciences. Career/Transition readiness means a student has earned an industry recognized certificate or taken course work that qualifies for articulated credit at the postsecondary level, or that they have completed CTE dual credit. He stated that even if there is nothing on the diploma at the Distinction level any student may be able to read or do math and that

they are either academic ready and that they are either academic, career or transition ready- as defined by the accountability system.

Associate Commissioner Arnold clarified over ninety business and industry representatives identified five key areas (communicate, achieve academically, critically think, adapt to change and collaborate) students should know and be able to do. She shared we must ensure that we have embedded standards that address those five identified areas and from this align the opportunities to those standards so we can ensure the students have been exposed to those. She stated through the assessment piece that we are assessing those five identified areas our business and industry agreed that our students need to be able to know and do.

Interim Commissioner Lewis commented that sixty percent of our graduating students are either college or career ready and forty percent of them are neither. He stated if we applied this standard to our graduates today, without assessing reading and math, forty percent of our graduates would not meet that standard because before student get to the Distinction layer they must demonstrate academic readiness or career readiness.

Interim Commissioner Lewis requested the Kentucky Board of Education members continue to have input and dialogue.

XX. Discussion of Standard Setting for the Accountability System – Associate Commissioner Sims, Brian Gong and Chris Domaleski, Center for Assessment

Brian Gong discussed the purposes of Kentucky's school accountability system that includes useful information regarding school performance on important measures to help direct improvement effort, foster student proficiency, and close achievement gaps; identify schools in need of mandated support from districts and Kentucky Department of Education and comply with state and federal law.

Mr. Gong shared this fall schools will be assigned to CSI/TSI/Other. He explained CSI is "Title I or non-Title I school performing as poorly as bottom 5% of Title I schools; TSI is "Title I or non-Title-I school with one or more student groups performing as poorly as all student in the lowest performing 5% Title I schools (by elementary/middle/high school level)" and "Other" is all other school not identified as CSI or TSI. He shared SB 1 mandates the need to devise a way to identify bottom 5% of Title I schools without having an overall numeric rating and we want to identify bottom 5% of Title I schools for CSI but not identify many more. He shared the total identified likely to be somewhat greater than 5%. He stated not to over identify.

Mr. Gong and Interim Commissioner Lewis explained the proposed method is to use as a general approach is to use "school profiles" of performance, with empirical data, to identify cut point for bottom 5% of Title I schools. He shared as a specific approach to apply successively ordered school profiles to identify schools and stop when target amount of schools have been identified. He stated standard setting will consist of a) confirm weights for multiple measures within indicators, b) establish the profiles of indicators, c) establish the order of profiles; d) check that profiles work as intended. He explained this must comply with priorities identified by the Kentucky Board of Education, the requirements of ESSA (e.g., School Quality/Student Success (SQSS) must count less than academic indicators together) and should identify 5% of the Title I schools consistent with Performance Level Descriptors (PLDs).

Mr. Gong shared the 2018 accountability system standard setting logistics are to be held late in August, as this is when the earliest data may be available. He stated they anticipated about 15 panelist with heavy representation of policy-oriented person and he stated would be ideal to have some panelist who know the priorities established by the Kentucky Board of Education in Kentucky's Consolidated State Plan (CSP).

Associate Commissioner Sims shared there would likely be a special Kentucky Board of Education meeting early in September to review and approve the Commissioner's recommendations from the standard setting work and the accountability standard-setting results would be applied to school identification of CSI, TSI and other in mid-September.

Mr. Domaleski discussed the multiple weights for a single measure and examples of the decision matrix for different types of schools. He shared what we want is the work in Kentucky to be completely transparent so people will respect the decisions and the rational in which they were made. He shared they will return those recommendations to Interim Commissioner Lewis for his consideration.

Interim Commissioner Lewis asked if the recommendation will be as detailed as the decision rules.

Mr. Gong explained there will likely be a set of profiles that will enable Kentucky to end up at 5% and they will be very specific.

Mr. Gong explained CSI are the bottom 5% and the task will be how do you identify the bottom 5% at elementary, middle and high. He shared you will not be able to move them beyond what the board weights.

Mr. Gong explained the task is fairly constrained and the five star system is more open.

Interim Commissioner Lewis commented it is important to remember the TSI schools. Mr. Gong stated that Mr. Lewis will have recommendations for TSI and CSI schools and there will be no school name.

Associate Commissioner Foster discussed we must correctly identify the schools, and we must really message the TSI schools that if they do nothing in three years, they will move into CSI.

XXI. Status Update on Opportunity and Access – Associate Commissioner Rhonda Sims and Division Director Jennifer Stafford

Associate Commissioner Sims and Division Director Stafford discussed the need for the KBE to approve a new timeline and process for Opportunity and Access data.

Division Director Stafford explained the Opportunity and Access is organized in three areas around rich curricula, equal access and school quality. She is explained it is the most far reaching of the indicators as it gets to experiences for the students. She shared there has been much attention given to the measures and metrics for Opportunity and Access. She stated the uniform course code project has been completed and a list of approved course codes was developed that school can use to demonstrate students are experiences rich curriculum in specific content areas. She stated the

schools are actually using them.

Stafford stated there has been enhancement to the existing state student information system to reflect a student's schedule to report the rich curriculum measures and multiple ad hoc reports have been created for school and district utilization. She shared areas have been identified for further research and analysis.

Division Director Stafford stated the metrics that the Kentucky Board of Education will approve are how school will earn points in the accountability system and further research is necessary to report next Spring.

Interim Commissioner Lewis stated if all the schools measure the same, then it is not worth measuring.

Kentucky Board of Education member Gimmel asked if the USDOE is okay with the timeline.

Associate Commissioner Sims stated they are not expecting the measures for Opportunity and Access this year with only pieces that we have actual measures on will be used this year. She stated she anticipates we will eventually have to update the plan.

Chair Seymore requested the Kentucky Board of Education approve a new timeline for Opportunity and Access data in KRS 158.6453 and KRS 703 KAR 5:270.

With no other discussion, Hal Heiner moved and Kathy Gornik seconded a motion to approve. The motion passed unanimously on a voice vote.

XXII. Test Window Flexibility to Support Online Testing - Associate Commissioner Rhonda Sims and Division Director Jennifer Stafford

Associate Commissioner Sims stated according to Kentucky statute the Kentucky Board of Education has the authority to alter the testing window and allow for innovative assessment systems and minimize the number of testing days. She stated currently there are five days of testing in the last fourteen days of a district's instructional year. She shared schools begin to test in late April and early May and some of the last schools are ending testing this week- June 6th week.

Associate Commissioner Sims stated as a board they may extend the days to accommodate on-line or innovation testing. She shared they had field tested some of the End-of-Course tests, about a 130,000 assessments to about a 100,000 students in 169 districts (Algebra II, Biology and English II) very smoothly. She praised Associate Commissioner David Couch and his team for their work.

Associate Commissioner Sims stated she believes high schools are more prepared than elementary to test via technology, and she feels like we have the infrastructure necessary. She stated Kentucky Department of Education would like to include on-line testing as a component of the new RFPs that will be issued for testing.

Chair Seymore asked how secure is on-line testing?

Associate Commissioner Sims stated she felt in some respects it is more secure than paper-pencil

and in order to get into the on-line test students must have a passcode. She shared there are proctors and on-line secure codes. She commented right now the paper/pencil tests are in the buildings for several weeks, and we have lots of “paper management” issues. She stated that right now we have no idea how long it takes a student to complete the test. She commented we have estimates for the length of time, and we have given extra time, but with on-line we know exactly when the student began the test, how long it took the student to take the test, and if a student goes back and changes an answer. She stated the trackable issues with security are easier on-line than with the paper booklets.

Kentucky Board of Education member Cusick asked about the cost difference between on-line and paper/pencil.

Associate Commissioner Sims stated there is a considerable cost difference. She stated we have state law that says we are going to develop our own tests and that is a cost we have here at the department and another is hand-scoring. She stated the third big cost is the delivery method and paper is much more expensive than on-line.

Associate Commissioner Sims stated that many on-line vendors are able to turn around the results very quickly. She stated the goal is for the students to be using technology instructionally, and then we want to tag along and be giving the test that way.

Associate Commissioner Couch stated the real advantage is getting the results back to the student, the teachers, and the families much earlier. He shared now they do not get the results back until late September/October and hard to change their teaching methods. He stated if they received the results in early summer, they could make changes to address needs.

He pointed out there must be a good infrastructure in place, the security in place, and a good partner in place with the schools up and ready to go. He shared that on-line testers are now accepting a wide variety of mobile devices.

Chair Seymore request the approval by the Kentucky board of Education to willingly modify the future state testing window in order to support online test administration as reference in KRS 158.6453.

With no other discussion, Rich Gimmel moved and Ben Cundiff seconded a motion to approve. The motion passed unanimously on a voice vote.

XXIII. Update on Review of all Kentucky Board of Education regulations per HB 50 - Interim General Counsel Todd Allen and Policy Advisor Tracy Goff-Herman.

Interim General Counsel Todd Allen stated they have a review item regarding 2017 HB 50. He shared over the next year, department staff will bring to the Kentucky Board of Education regulations for review and action.

Policy Advisor Tracy Goff-Herman stated we have 192 regulations on the books, and she looks forward to this process in the next few months in the board meetings.

Interim Commissioner Lewis stated we will be taking this opportunity with an eye toward potential

policy change and this may be the time and place to improve in order to achieve the Kentucky Department of Education's priorities.

XXIV. Curriculum, Instruction and Assessment Committee Meeting – Conference Room 516

Chair Gary Houchens called the meeting to order at 3:13 p.m. Members present were Laura Timberlake, Kathy Gornik, Tracey Cusick and Gary Houchens.

A. Action/Discussion Items

1. Voluntary Certification of Non-Public Schools - KDE Associate Commissioner Kelly Foster and Neil Watts Associate Commissioner Foster and Neil Watts, of the Kentucky Non-Public Schools Commission, presented the list of schools who have completed the certification process and the length of years for certification.

Associate Commissioner Foster shared there is a need for a five year period due to leadership changes in the schools.

Chair Houchens stated that state accreditation is important to the respective schools and are grateful for the work of the Non-Public Schools Commission.

Mr. Watts shared these are schools who are willing and voluntarily go through the accreditation process.

Chair Houchens requested a motion to approve the Voluntary Certification of Non-Public Schools listing.

With no other discussion, Laura Timberlake moved and Kathy Gornik seconded a motion to approve. The motion passed unanimously on a voice vote.

2. 2018-19 Preschool Grant Allotment System and Funding Rates - KDE Associate Commissioner Amanda Ellis and Bill Buchanan.

Associate Commissioner Ellis stated the public preschool is not universal. She explained students must qualify who may have a disability or families a 160% of the poverty level. She explained there is a child count each December and March to determine enrollment assisting with determination of the funding.

Mr. Buchanan explained the preschool funding formula is based on an average of number of students served December 1 and March 1. He stated a sum of that average and multiply by the per child rate. He said the flat rate for at-risk students at 160% of the federal poverty level.

Mr. Buchanan explained that using the funding formula, KDE generates the district's allocation for the state-funded preschool. He shared the formula is applied to at-risk, speech, developmental delayed and there is a weighted average of students with severe/multiple disabilities. He shared when non-eligible students are served they may use tuition dollars to support high-quality services for children.

Mr. Buchanan stressed that because it takes more than just this allotment, the Kentucky Department of Education encourages public/private partnerships to ensure high-quality services for students. He shared with the General Assemblies renewal of the Public/Private Partnership Grants there will be new opportunities for school districts to apply for funds into the new school year.

Associate Commissioner Ellis stated that for the first time since 2010, the number of enrolled preschool children increased from the previous year about 2000. She explained when the number of students increase there is less money per child for the next year and especially when the budget also did reduce the amount for preschool funding in the 2018-2020 budget cycle. She shared the Public/Private Partnership Grants are to encourage collaboration for high-quality care and to open up more spaces for high quality services.

Kentucky Board of Education member Laura Timberlake asked in terms of the schools that actually qualify for these funds, what types apply for these funds?

Mr. Buchanan explained the intent of the funds is to encourage school districts to partner or districts may partner with Head Start, and in other cases they may create an Early Childhood Center. He shared it is way of incentivizing collaboration and high-quality services.

Chair Houchens requested a motion to approve the 2018-19 Preschool Grant Allotment System and Funding Rates.

With no other discussion, Tracey Cusick moved and Laura Timberlake seconded a motion to approve. The motion passed unanimously on a voice vote.

3. 704 KAR 3:015, Kentucky All STARS for Preschool Programs (Second Reading, new regulation)
- KDE Associate Commissioner Amanda Ellis and Bill Buchanan.

Associate Commissioner Ellis shared in 2015 HB 234 established mandatory participation requirements for public preschool programs in a quality-based graduated early childhood rating system, which is the Kentucky ALL STARS System.

Mr. Buchanan explained there was an existing voluntary STARS systems and it was revised to create Kentucky ALL STARS with mandatory participation by any state funded or any child care provider receiving public funds.

Mr. Buchanan shared the passage of Senate Bill 96 during the 2018 legislative session clarified roles for the Kentucky Department of Education and Cabinet for Health and Family Services to promulgate administrative regulations implementing a quality-based graduated early childhood rating system. He explained the changes in the regulation reflect that now, anything we expect of childcare in the state will also be expected of state-funded preschool in the Kentucky and what quality means.

KBE member Kathy Gornik asked about the regulation being applied to private and public.

Associate Commissioner Ellis shared a private facility has the option to voluntarily participant to increase a STARS rating; however, if they partner with a public funded preschool it is mandatory.

She stated the collaboration gives them the opportunity to improve the quality of the services for the students.

Mr. Buchanan explained there was a change to the definition of environmental observation to clarify it is actually an assessment. He stated in section three there was change to clarify each site shall undergo an environment assessment.

He explained they clarified the appeals process, so there is not an automatic call for a hearing if there are concerns about a particular rating, or if the rating is revoked. He shared there are steps to be taken locally and the Commissioner of Education will have an opportunity to review. If the preschool site disagrees with the response of the commissioner of Education, it may request an administrative hearing in accordance with KRS 13B.

KBE member Tracey Cusick asked when are federally funds allocated and when are state funds allocated?

Mr. Buchanan shared we are on a state-funded schedule and Head Start is on a federally funded schedule. He clarified there is no federally mandated reporting mechanism for the federally funded schedule and that is information at the local level.

Mr. Buchanan explained with the approval of this regulation the timeline may enable final adoption by August or September. He shared there are currently five hundred and five (505) publically funded preschool sites: four hundred and forty-one (441) are five-star, six (6) are four-star and fifty-eight (58) are three star.

Chair Houchens requested a motion to approve 704 KAR 3:015, Kentucky All STARS for Preschool Programs regulation.

With no other discussion, Laura Timberlake moved and Tracey Cusick seconded a motion to approve. The motion passed unanimously on a voice vote.

4. 704 KAR 3:306, Kentucky Academic Standards for Historical and Cultural Influences of the Bible Elective Social Studies Course (Second Reading, new regulation) - KDE Associate Commissioner Amanda Ellis and Interim Director Jennifer Fraker, Division of Program Standards.

Associate Commissioner Ellis shared this is the second read for 704 KAR 3:306, Kentucky Academic Standards for Historical and cultural Influences of the Bible Elective Social Studies Course. She stated this was put in place in the 2017 General Assembly with passage of House Bill 128, which requires Kentucky Board of Education to create standards for the elective course.

Interim Director Fraker shared based on the feedback from the first read they reconvened high school teachers and postsecondary faculty to ensure alignment with the intent of the legislation. She stated the reconvened focus groups centered on thinking about influence to interplay, to highlight the relationship, and from the Bible and other religions' text to Biblical text. She said they reconvened the writing committee to complete the process.

Chair Houchens stated this a course schools could have provided in the past, but with the bill it gives a framework for the standards and enables academic integrity of the course.

Chair Houchens requested a motion to approve 704 KAR 3:306, Kentucky Academic Standards for Historical and Cultural Influences of the Bible Elective Social Studies Course.

With no other discussion, Kathy Gornik moved and Laura Timberlake seconded a motion to approve. The motion passed unanimously on a voice vote.

Chair Houchens requested a motion to adjourn. With no other discussion, Laura Timberlake moved and Tracey Cusick seconded a motion to adjourn. The motion passed unanimously on a voice vote.

XXV. Management Committee Meeting – State Board Room 514

Chair Ben Cundiff called the meeting to order at 3:19 p.m. Members present were Hal Heiner, Joe Papalia, Rich Gimmel, Amanda Stamper and Milton Seymore.

A. Action/Discussion Items

1. Approval of Kentucky Department of Education (KDE) Capital Funds Request (CFR) Guidelines for Fiscal Year 2018-19, as Required by HB 200 (2018 Regular Session) - KDE Associate Commissioner Robin Kinney.

Associate Commissioner Kinney explained HB 200 (1018 Regular Session) expands the permissible statutory uses for capital outlay funds for FY 2017-18. She shared the bill allows capital outlay funds to be used for operating expenses equal to, but not to exceed, 25% of a local board of education's available capital funds in the first year. She stated in the second year they will not have this added flexibility. She shared we are seeing an intent from the Kentucky General Assembly to back away from districts using this for operating expenses.

Kentucky Board of Education member Rich Gimmel asked how often this occurs.

Associate Commissioner Kinney shared it does not happen very often. She estimated we had forty or fifty districts that may have utilized it. She explained it could be a district struggling with enrollment or anything operating related. She stated they discouraged reoccurring expenses and they do not approve for salaries. She stated these are one-time operating expenses.

She shared the Kentucky General Assembly directed the Kentucky Board of Education approve the guidelines and disseminate to the districts.

Associate Commissioner Kinney stated they typically approve them.

Chair Cundiff requested a motion to approve Approval of Kentucky Department of Education (KDE) Capital Funds Request (CFR) Guidelines for Fiscal Year 2018-19, as required by HB200.

With no other discussion, Rich Gimmel moved and Joe Papalia seconded a motion to approve. The motion passed unanimously on a voice vote.

2. Approval of 2017 Report, 2017 Exceptions and 2019 Plan as Required by 702 KAR 1:115, Annual In-Service Training of District Board Members - Interim General Counsel Todd Allen and KSBA Laura Cole.

Interim General Counsel Todd Allen explained there is a need for approval of the 2017 Report, 2017 Exceptions and 2019 Plan as Required by 702 KAR 1:115, Annual In-Service Training of District Board Members. He explained the KSBA administers and tracks the training.

Kerry Shelling, Executive Director of KSBA explained board members are statutorily required to complete in-service training.

Laura Cole, Director of Board Team Development at KSBA presented the 2017 Board Report. She shared the majority of the board members are meeting or exceeding the in-service requirement for Kentucky. She stated this report reflects only 3.5% of board members who have not completed the training, or as little as eleven board members. She shared the report reflects 11,530 hours, or an additional 1,000 completed in 2017.

Kentucky Board of Education member Amanda Stamper asked what is the process for those not completing the in-service hours?

KSBA Executive Director Shelling stated the KBE has the authority to grant an extension with a set deadline to complete training. She said they do offer self-study courses. She shared following the notification to the individuals to complete the in-service training, the names of non-completers are then sent to the Kentucky Attorney General, and he has the authority to recommend removal of the board member to the Kentucky Board of Education.

Chair Cundiff requested a motion to approve KRS 160.180 (with referenced to KRS 156.031; KRS 156.070):

- 1) Accept the 2017 District Board Member In-Service Training report;
- 2) Grant an extension of time to complete the 2017 requirements to board members appointed after March , 2017 who did not complete the 2017 In-Service Training Plan;
- 3) Approve the 2019 In-Service Training Plan;
- 4) Take action regarding any members not granted an extension due to not fulfilling the training requirements by notifying them of the date when they will be reported to the Attorney General

With no other discussion, Joe Papalia moved and Hal Heiner seconded a motion to approve. The motion passed unanimously on a voice vote.

B. Review Items

1. 702 KAR 7:065, Designation of Agent to Manage Middle and High School Athletics and Revision to Bylaws (Review Item: First Reading) - Interim General Counsel Todd Allen and KHSAA Commissioner Julian Tackett.

2. Kentucky High School Athletics Association Annual Summary Report (Review Item) - Interim General Counsel Todd Allen and KHSAA Commissioner Julian Tackett

Interim General Counsel Todd Allen, KHSAA Commissioner Julian Tackett and Chad Collins General Counsel at KHSAA.

KHSAA Commissioner Julian Tackett shared they have streamlined the bylaw process and there are very few changes.

He stated one of the changes is the bylaws will allow member schools to play against home school units, but not play in post season championships.

He shared the second change is allowing the same number of preseason football scrimmages for all teams regardless of whether or not they play very early in August. He explained there will be more detailed in the next reading and staff note.

He shared, included in the staff note, and is a checklist required for the KHSAA to continue as the entity to review the bylaws.

Kentucky Board of Education member Gimmel asked how many home school units we have.

KHSAA Commissioner Julian Tackett commented that the lead sponsor of the bill indicted there are about two dozen; however, he stated this will impact more the individual sports and allow participation, e.g., swimming.

Kentucky Board of Education member Papalia asked if home school student could play schools like Ballard.

KHSAA Commissioner Julian Tackett explained they cannot due to other issue that come into play because of the academic issues and other issues that come into play that have been discussed over the years. He stated this legislation is a way to allow those students to play, but not tread on some other things you have heard.

Chair Cundiff requested a vote on the first reading of 702.KAR 7:065, Designation of Agent to Manage Middle and High School Athletics and Revisions to Bylaws and Kentucky High School Athletics Association Annual Summary Report.

With no other discussion, Joe Papalia moved and Rich Gimmel seconded a motion to approve. The motion passed unanimously on a voice vote.

3. Update on Breathitt and Menifee County State Management (Review Item) - KDE Associate Commissioners Kelly Foster and Associate Commissioner Robin Kinney.

Associate Commissioner Foster shared Breathitt and Menifee County have both ended their school year.

She shared Breathitt County is having to hire only one teacher over the summer for the entire district. She explained one of the costs savings for Breathitt is moving the middle school to the

high school for the 2017-18 school year to being in August. She stated with this move they will hire an additional part time curriculum specialist and part time assistant principal to serve the in the new 7-12 setting.

Associate Commissioner Foster explained they have a K-6 building and two outlying elementary schools on different ends of the county that are very old. She stated that perhaps in the future there may be a new elementary building built to combine the two outlying elementary schools with the K-6 facility.

Kentucky Board of Education member Heiner inquired about the 34% loss of students and over what period of time?

Associate Commissioner Foster stated that was this school year. She explained that this is not any fault of the district and there are people who are actually abandoning their property because there is no work in the area.

Kentucky Board of Education member Heiner inquired about the total number of students for the district.

Associate Commissioner Foster stated about a thousand (1000) total students for the district, and she will confirm the number. She explained they did not need to lay off teachers, and in fact they experienced a reduction in staff in 2012. She stated - they are not overstaffed anywhere. She shared Breathitt now has 6.5% contingency, as compared to when they entered state management, they had no contingency.

Associate Commissioner Kinney shared they are struggling with collecting property taxes and their collection rate is 81%. She explained this was due to many reason from people leaving their homes in the area and people struggling with work to pay their taxes. She shared sometimes through delinquent collections they acquire some funds, but not all.

Kentucky Board of Education member Rich Gimmel inquired that it appears many of these audits are triggered by operational issues, and to what degree is it academic?

Associate Commissioner Foster stated to refer to the state statute and often, the academic piece is not the glaring piece, but the governing, the finances, or often the facilities. She shared you must have individuals on the ground level looking at the academic piece, and they have only had individuals there with the academic piece for a year and half this past December.

Associate Commissioner Foster explained they are currently undergoing a management audit. She stated that state statute requires that audit every three years. She shared the Kentucky Board of Education would be receiving that audit soon. She shared the State Managers attend the Kentucky Board of Education meetings quarterly.

Associate Commissioner Foster shared this is the first summer since Menifee County has been under state management they have not had to hire a new principal. She commended the State Manager and they have only had to hire five people this summer with two people retiring, two people non-renewed, and one new position was developed. She shared that Dr. Lewis and she visited Menifee during Dr. Lewis 'second week on the job.

Associate Commissioner Foster explained their contingency is actually close to 11% or 12%. She shared Menifee is working toward building a new K-8 building and Breathitt is working toward building a new Area Technology Center.

Association Commissioner Kinney state the General Assembly provided a line item appropriation to Menifee through the Schools Facilities Construction Commissions and they will receive an urgent-needs award of \$7.65 million.

Kentucky Board of Education member Gimmel inquired about the testimony during public comment segment about Mr. Spencer of Menifee County.

Associate Commissioner Foster stated she has one hundred percent faith in Tim Spencer. She shared that she had talks Mr. Spencer almost every day, and that she has been very aware of the petition going around the district. She shared she has one hundred percent confidence in what is going on in the district, and she expects to see growth when the test data is released. She explained, when Menifee first went into state management, there was some controversy around the Botts School, an old one-room school house. She stated it was auctioned off and the district is no longer paying insurance on the school. She stated that there are folks in what she believes are likened to an “old regime” and are often not support of the positive changes to the school district.

Kentucky Board of Education member Gimmel stated he spoke to the two gentlemen who participated in today’s public comment segment, and they could not give him any specifics around difficulties.

Associate Commissioner Foster explained the district has had a lot happen and following the end of school last year there were teen suicides. She said they have worked with professionals and the community to assist with training, support and recovery. She explained a female student in one of the elementary schools and it has not yet gone to court and apparently there was some substance abuse, the authorities were immediately notified and due process was followed. She shared this was all under Mr. Spencer’s leadership.

Chair Cundiff requested a motion to approve the review item of Update on Breathitt and Menifee County State Management.

With no other discussion, Joe Papalia moved and Hal Heiner seconded a motion to approve. The motion passed unanimously on a voice vote.

Chair Cundiff requested a motion to adjourn. With no other discussion, Hal Heiner moved and Joe Papalia seconded a motion to adjourn. The motion unanimously passed on a voice vote.

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

Curriculum, Instruction, and Assessment Committee Chair Houchens moved for approval of the following items:

- 1) Voluntary certification of the schools from the Kentucky NonPublic Schools Commission

(KyNPSC)

- 2) Preschool per-child rates for 2018-19. The rates are based on the budget approved by the 2018 General Assembly.
- 3) 704 KAR 3:015, Kentucky All STARS for Preschool Programs administrative regulation
- 4) 704 KAR 3:306, Kentucky Academic Standards for Historical and Cultural Influences of the Bible Elective Social Studies Course

Chair Seymore explained because these were approved by the full Curriculum, Instruction and Assessment Committee the motion does not require a second.

The motion unanimously passed on a voice vote.

XXVII. Report of the Management Committee on Action/Discussion Items

Management Committee Chair Cundiff requested approval of the following items:

1. Kentucky Department of Education (KDE) Capital Funds Request (CFR)
2. Guidelines for Fiscal Year 2018-19, as Required by HB200 KRS 160.180 (with referenced to KRS 156.031; KRS 156.070):
3. Accept the 2017 District Board Member In-Service Training report;
4. Grant an extension of time to complete the 2017 requirements to board members appointed after March , 2017 who did not complete the 2017 In-Service Training Plan;
5. Approve the 2019 In-Service Training Plan;
6. Take action regarding any members not granted an extension due to not fulfilling the training requirements by notifying them of the date when they will be reported to the Attorney General

Chair Seymore explained because these were approved by the full Curriculum, Instruction and Assessment Committee the motion does not require a second.

The motion unanimously passed on a voice vote.

Chair Seymore thanked the Kentucky Board of Education Members for allowing him to chair today's meeting.

XXVIII. Board Member Sharing

No Kentucky Board of Education Members had sharing items.

XXIX. Internal Board Business

A. Policy Procedural Review

Kentucky Board of Education Member Heiner recommended policy change to nominated chair members from the floor.

He recommended the Kentucky Board of Education Policy recommending a nominating committee to remove from policy. He suggested removing the policy that a board member must

serve at least one year prior to becoming chair. He suggested recommend and vote in August meeting.

Discussion by Kentucky Board of Education member Houchens around policy changes and how policies are changed. He agreed the recommendation to remove a nominating committee is good and that it is cumbersome. He stated the policy to serve on the board for a year has merit; however, he explained that we have an exceptional circumstances because almost anyone here could be effective in the role of chair. He suggested to wait before taking action.

Kentucky Board of Education member Gornik discussed these are extenuating circumstances and would like to know how to accomplish this without considering change to policy.

Kentucky Board of Education member Heiner shared members on other regulatory councils/boards have, due to their experience, be asked to take the leadership role.

Kentucky Board of Education member Houchens discussed the role of Kentucky Board of Education Advisory only existed in Executive Order and not in statute.

Chair Seymore asked for additional comments from Interim General Counsel Todd Allen.

Interim General Counsel Allen shared it is not a requirement for a nominating committee or a year's service prior to becoming chair or vice chair. He explained these are policies put in place by previous Kentucky Board of Education members and this board may change them.

Kentucky Board of Education member Heiner made a motion to strike through the nominating committee be required for chair and strike the eligibility for a chair or vice chair be required serve a year prior to holding board positions.

Chair Seymore asked for a second to approve Kentucky Board of Education member Heiner's motion. With no further discussion, Kathy Gornik seconded the motion.

Chair Seymore asked for a roll call vote.

Executive Director for the Kentucky Board of Education Mardi Montgomery called rolled:

Ben Cundiff – Yes
Tracey Cusick – Yes
Rich Gimmel – Yes
Kathy Gornick – Yes
Hal Heiner – Yes
Gary Houchens – No
Alesa Johnson – Absent
Joe Papalia – Yes
Milton Seymore – Yes
Amanda Stamper – Yes
Laura Timberlake – Yes

The motion passed with all Yes and one No vote.

B. Appointment of Hearing Officer

Interim General Counsel Allen explained on May 30, 2018 we had received notice from the Jefferson County School Board that they intend to request an administrative hearing before the Kentucky Board of Education to challenge the recommendation of Interim Commissioner Lewis regarding state management. He shared with the Kentucky Board of Education the administrative hearing must comply to KRS 13B, which is over all administrative hearings. He stated typically the Kentucky Attorney General's office provides the administrative hearing officer. He stated the Kentucky Attorney General's office has notified the Kentucky Department of Education they are short on staff and cannot provide a recommendation for a Hearing Officer.

Interim General Counsel Allen shared options the Kentucky Board of Education may consider:

- 1) Obtain a hearing officer from another state agency. He stated the person will have to be certified to preside over the matter.
- 2) KDE to begin the solicitation process to enter into a personal service contract agreement. He shared this typically takes a little longer and ranges in time according to the details involved.

Interim General Counsel Allen requested the board discuss the options and give Kentucky Department of Education direction.

Chair Seymore asked about a timeline both options.

Interim General Counsel Allen stated they felt they could possibly secure a hearing officer from another agency in a relatively short amount time.

Kentucky Board of Education Member Heiner inquired about the financial advantages of securing a hearing officers through another state agency.

Interim General Counsel Allen stated he would like to defer to Associate Commissioner Kinney regarding the financial aspects. Associate Commissioner Kinney shared from a timeliness perspective entering into an agreement with another agency will be the best. She shared from a financial perspective that agencies enter into agreements with each other all the time and it could range from a zero dollar to a request for some type of compensation.

Associate Commissioner Kinney explained the competitive bid process and that it could take up to thirty days just to advertise the bid and secure someone. She shared from a financial and timeliness standpoint, if the Kentucky Board of Education is comfortable, working with another state agency is best.

Kentucky Board of Education member Heiner inquired about any downsides to using another state agency.

Associate Commissioner Kinney stated it would be for an individual who is qualified and certified in 13B procedures. She shared they would be dealing with procedural issues and not making determination.

Interim General Counsel Allen asked if the Kentucky Board of Education would direct their first choice and if this does not work, their second choice.

Kentucky Board of Education Member Gimmel made a motion to direct Interim General Counsel Allen and his staff to first look internally and then, if necessary, externally.

Kentucky Board of Education Member Cundiff seconded the motion.

Chair Seymore asked for a voice vote. With no further discussion, the motion passed unanimously on a voice vote.

C. Special Board Counsel

Interim General Counsel Allen explained the historical information regarding representation for the Kentucky Board of Education. He explained that given recent resignations of attorneys who were screened to advise the Kentucky Board of Education during the hearing involving recommended state management of Jefferson County Public Schools, all remaining KDE attorneys were involved in the audit and management recommendation. Therefore, he recommended that the Kentucky Board of Education arrange for special counsel to advise the board during the hearing involving Jefferson County Public Schools.

He shared the following options:

- 1) Utilize outside law firm already on contract with the Kentucky Department of Education. He shared he had provided information about that firm in the board notes: Embry Merritt Shaffar Womack, PLLC
- 2) Locate another attorney or firm

Kentucky Board of Education member Cundiff asked if securing another attorney to represent the board was possible through another agency.

Interim General Counsel Allen stated they had already tried this with one cabinet with no results and this process would be more difficult.

Kentucky Board of Education member Heiner inquired about assurances about attorneys and their experience.

Interim General Counsel Allen stated the contract is with the firm in general and that it is possible they could assign any of their respective attorneys to the board. He shared in his review of the firm's attorneys, it appears they have considerable experience with 13B hearings and state agencies.

Kentucky Board of Education member Cundiff inquired about the possibilities of conflicts of interests with a firm who represents the Kentucky Association of Professional Administrators (KAPE).

Interim General Counsel Allen stated KAPE is an organization for teachers and administrators throughout the state and they may join and receive some benefits related to their profession and are not a party to the hearing. Furthermore, any attorney obtained by the board would be ethically obligated to disclose conflicts of interest.

Kentucky Board of Education member Heiner asked if it would be appropriate to make a motion to empower the board chair to direct the Kentucky Department of Education to secure the Kentucky Board of Education counsel, which may include a letter regarding level of experience and engagement for recommendation. He shared if this process does not work then the motion would include a directive to issue an RFP.

Interim General Counsel Allen stated this would be perfectly acceptable.

Kentucky Board of Education member Heiner made a motion to approve the firm Embry Merritt Shaffar Womack, PLLC subject to Kentucky Board of Education's Chair's approval of the attorney assigned to work with the Kentucky Board of Education and if the Kentucky Board of Education Chair is not comfortable with this process, to empower the Kentucky Department of Education to solicit for other counsel.

Kentucky Board of Education Member Rich Gimmel seconded the motion.

Chair Seymore asked for a voice vote. With no further discussion, the motion passed unanimously on a voice vote.

Interim Commissioner Lewis shared the Kentucky Board of Education will have its own special counsel for the Jefferson County Public Schools hearing and that Interim General Counsel Allen will remain counsel on everything else at Kentucky Department of Education.

Interim General Counsel Allen stated any communication about Jefferson County Public Schools will be directed to the Kentucky Board of Education counsel, not him. He shared all other matters may continue to be directed to him and his staff.

Kentucky Board of Education member Papalia inquired about Open Records Requests and whom to contact.

Interim General Counsel Allen shared he serves as the Records Request Custodian for the agency and all records requests must go through him. He explained that if there were documents with attorney-client privilege between the Kentucky Board of Education member and their special counsel, they should not share those with him.

Chair Seymore announced the Awards Committee Members are Gary Houchens, Chair, Kathy Gornik and Laura Timberlake.

Chair Seymore announced the next Kentucky Board of Education meeting will be on August 1st and 2nd with the KBE Retreat at Kentucky Chamber of Commerce beginning at 9:00 and the Awards Committee convening at 8:30 a.m.

XXX. Adjournment

Chair Seymore requested a motion to adjourn.

With no further discussion, Hal Heiner moved and Joe Papalia seconded a motion to adjourn. The motion passed unanimously on a voice vote.