



# **KENTUCKY DEPARTMENT OF EDUCATION**

## **Education Continuation Task Force**

### **SUMMARY**

**MEETING DATE: JULY 27, 2020**

**ATTENDANCE:** Jon Akers, Casey Allen, Eddie Campbell, Jacqueline Coleman, Tonya Crum, Bart Flener, Jim Flynn, Brooke Gill, Regina Huff, Nancy Hutchinson, Mary Ann Jennings, David Johnson, Eric Kennedy, Stephanie Little, Brian Lovell, Brent McKim, Leon Mooneyhan, Ronnie Nolan, OJ Okeka, Tony Peavler, Amy Razor, Mary Pat Regan, Mary Ruble, Kerri Schelling, John Settle, Julian Tackett, Gretchen Wetzel, Benjamin Wilcox, Wayne Young

#### **SUMMARY:**

**Agenda Item:** Welcome

**Presenters:** Kevin C. Brown, interim commissioner  
Kentucky Department of Education (KDE)  
Lt. Governor Jacqueline Coleman, secretary  
Education and Workforce Development Cabinet

#### **Summary of Discussion:**

Brown welcomed the group and reviewed the agenda. He reminded the group to provide feedback in the Teams chat.

#### **Feedback:**

None.

#### **Follow-up Required:**

None.

**Agenda Item:** Participation Guidelines

**Presenters:** David Cook, division director, Division of Innovation, KDE Office of Continuous Improvement and Support

#### **Summary of Discussion:**

Cook explained how daily participation will be measured during the 2020-2021 school year. Recent regulations passed by the Kentucky Board of Education decoupled attendance and funding for the 2020-2021 school year, so districts will still record attendance for in-person students but will not report it. Districts will report student participation in Infinite Campus (IC) in lieu of attendance. Daily participation is the measure of the interactions between teachers and students and not a measure of the quality of student work, which is determined by grading

practices. Participation will be recorded for each instructional day for students learning in person and virtually.

**Question:** What kind of training does KDE recommend for teachers as the school year begins, considering there will be different levels of virtual instruction taking place across the state?

**Answer:** KDE is conducting design labs for each education cooperative to provide professional learning and support for teachers around virtual learning.

**Question:** Can districts have combinations of enrollments in IC for recording participation?

**Answer:** Yes. IC has made adjustments that will make it easier for districts to record participation for combination schedules, where students attend in-person and virtually.

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item:** Considerations for Reopening Schools: Exceptional Learners and Preschool Students

**Presenters:** Gretta Hylton, associate commissioner

Carol Ann Morrison, policy advisor

Veronica Sullivan, director

KDE Office of Special Education and Early Learning

**Summary of Discussion:**

Hylton reminded participants of some overarching considerations that apply to any topic related to special education, such as offering a free and appropriate public education (FAPE), specially designed instruction (SDI), least restrictive environment (LRE) and maintenance of effort (MOE).

Sullivan provided an overview of the document released on July 20, [Considerations for Reopening Schools – Exceptional Learners and Preschool Students](#). The guidance is organized into four main sections: reopening considerations, special education questions and answers, preschool questions and answers and resources. This document is aligned with the safety expectations and best practices detailed in the [Healthy at School](#) guidelines.

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item:** Considerations for Reopening Schools: Compensatory Education and Extended School Year Services

**Presenters:** Gretta Hylton

Carol Ann Morrison

Sylvia Starkey, division director, KDE Office of Special Education and Early Learning

**Summary of Discussion:**

Starkey provided an overview of the document released on July 20, [Considerations for Reopening Schools – Compensatory Education and Extended School Year \(ESY\) Services](#). The guidance is organized into four main sections: FAPE during remote instruction, compensatory education, ESY services and questions and answers. This document is aligned with the safety expectations and best practices detailed in the [Healthy at School](#) guidelines.

**Question:** The term “compensatory” has a negative connotation that districts have done something wrong. Why do we call it that during the time when virtual learning was the only option?

**Answer:** There has been a lot of discussion about this topic in the special education community as a result of the pandemic. Ultimately, providing services that were missed for any reason is compensatory education. Districts are encouraged to use the correct terminology during their interactions with families in the interest of transparency and partnership. It was nobody’s fault that some services could not be provided during the pandemic and addressing the issue of compensatory education will help districts communicate effectively with families and avoid dispute resolutions.

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item:** Waivers for the U.S. Department of Agriculture (USDA) Food Service Programs

**Presenters:** Robin Kinney associate commissioner

KDE Office of Finance and Operations

Lauren Moore, director

Katie Embree, branch manager, KDE Division of School and Community Nutrition, Office of Finance and Operations

**Summary of Discussion:**

Kinney reminded participants that previous guidance regarding USDA food service programs has been focused on in-person instruction. Today’s presentation will outline waivers put in place to accommodate remote learning.

Moore and Embree provided an overview of the guidance document, [Food Service Operations for USDA School Meal Programs](#), which was created in response to several USDA waivers that will assist districts when feeding remote learners. Moore noted that some challenges still exist, and KDE is submitting state waivers in hopes of easing burdens on school districts. Information will be provided as it becomes available. Embree explained the topics addressed in the guidance document: meal service nationwide waivers, program integrity requirements, meal service models and additional waivers.

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item:** KY K-12 Online and Virtual Schools Network

**Presenter:** Marty Park, chief digital officer, KDE Office of Education Technology

**Summary of Discussion:**

Park discussed the work being done to maximize the use of digital resources with districts, education cooperatives and other statewide education partners, which will continue to remove barriers for students. The main topic presented applies to students who are enrolled full-time in a virtual school, with no traditional assignment to an in-person teacher. Virtual schools can be set up as an A5 alternative model or embedded into a traditional A1 school. Considerations for each model were explained as districts determine which works best for their communities, and some districts provide both. Digital content must align to the Kentucky Academic Standards. Several resources are available for districts as they design new experiences and opportunities for students through virtual academies. Park noted that virtual academies are not charter schools.

**Feedback:**

- If the local board created such a program, it would not be considered a charter school.
- This is a great opportunity for interlocal agreements, for education cooperatives to lead this work and to share economies of scale.
- This could maximize course offerings given the teacher shortage, before and after COVID-19 ends.

**Follow-up Required:**

None.

**Agenda Item:** Certification and Permissions Flexibility

**Presenter:** Rob Akers, associate commissioner, KDE Office of Educator Licensure and Effectiveness

**Summary of Discussion:**

Akers discussed the need for flexibility for assigning staff in the COVID-19 instructional settings of in-person, virtual and hybrid. Current flexibilities that already exist in regulation include:

- Any certified teacher can serve as the teacher of record to facilitate digital learning provider courses.
- Any certified teacher can serve as an additional instructor if the teacher of record is certified to teach the content and population of the course.
- Many certificates make allowances for teachers to teach additional courses.
- Teaching up and down grade levels is allowable under certain circumstances.
- Waivers for highly qualified certification are available under certain circumstances.
- Emergency certification can be used under certain circumstances.

Local districts may submit waiver requests when all flexibilities have been exhausted; the requests will be considered by the Education Professional Standards Board on a case-by-case basis.

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item:** Updates from the Department for Public Health

**Presenters:** Connie White, M.D., deputy commissioner

Kentucky Department for Public Health (DPH)

Emily Messerli, DNP, APRN, branch immunization branch manager

**Summary of Discussion:**

White informed the group that the U.S. Centers for Disease Control and Prevention (CDC) has updated their recommendations in a few areas. DPH will compile the changes and release them as a companion document to the Healthy at School guidelines. White has received several questions about the long-term effects of the virus, and that information is not available, as this is a new virus and the long-term effects are unknown.

Brown reviewed information that he and White receive during a visit with Dr. Deborah Birx, the response coordinator for the White House Coronavirus task force. Birx reminded Kentuckians to wear masks and spoke to Gov. Andy Beshear and others about closing bars and limiting instruction to virtual learning during the first few weeks of August. Kentucky's rising number of cases is a cause for concern based on data from other states which have seen a surge in COVID-19 cases.

**Comment:** Superintendents want to know that the guidance used for reopening plans is still relevant. They would also like guidance on using their data to make determinations about school closures.

**Response:** White explained that there is no metric for what must happen for schools or districts to close. The various components are too complex to create one metric. Professional judgment based on current knowledge will be used to make those determinations. Developing well-thought-out plans will not be a waste of time in the event of closures, as good plans will prepare districts for resuming operations whenever in-person learning continues.

**Question:** How should districts communicate balancing the dangers of COVID-19 versus the dangers of abuse, neglect, hunger and other situations students face when in-person learning is not available?

**Answer:** The danger of COVID-19 is that it spreads so easily, possibly to adults at home, and long-term effects on children and adults are unknown currently. Brown reminded the group that school staff are mandatory reporters of child abuse and neglect. That responsibility continues even during times of non-traditional instruction (NTI). If a teacher or school staff member have reason to believe a child is abused or neglected during NTI, they should report this to the Department for Community Based Services, Child Protective Services [Reporting System](#).

**Feedback:**

None.

**Follow-up Required:**

None.

**Agenda Item: Review and Adjournment**

**Presenter:** Kevin Brown

**Summary of Discussion:**

Brown thanked everyone for their participation on this task force and for their work to support their groups. Future agenda items were proposed by task force members and noted by Brown:

using classified staff effectively during various instructional models, compulsory education and educational neglect. The next meeting is scheduled for Aug. 10, 2020, 1-3 ET. Group members should send feedback or questions to [Commissioner Brown](#) or [Karen Dodd](#).