



KENTUCKY DEPARTMENT OF EDUCATION ADVISORY GROUP TOPIC SUMMARY

ADVISORY GROUP: Local Superintendents Advisory Council (LSAC)

MEETING DATE: May 28, 2019

Agenda Item: 702 KAR 3:130, Internal Accounting (Second Reading)

Presenter: Robin Kinney

Summary of Discussion: Office of Finance and Operations, District Support Services staff presented the proposed amendment to 702 KAR 3:130, Internal Accounting (Redbook) for the second reading. The proposed amendment will update internal accounting procedures for districts to use related to school activity funds. There were no changes to the regulations since the first reading before the LSAC.

Action Taken: The LSAC approved the proposed amendments to 702 KAR 3:130.

Follow-up Required: No follow-up was required.

Agenda Item: 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics and Revisions to Kentucky High School Athletic Association (KHSAA) Bylaws (Second Reading)

Presenters: Julian Tackett and Todd Allen

Summary of Discussion: Commissioner Tackett presented proposed amendments to 702 KAR 7:065. These amendments are based on recommendations of the KHSAA Board of Control and KHSAA Annual Meeting Delegate Assembly.

Action Taken: Supt. Flynn moved to recommend to the Kentucky Board of Education the amendments to 702 KAR 7:065 as presented. The motion was seconded by Supt. Ransdell. Motion carried with unanimous consent.

Follow-up Required:
No follow-up was deemed necessary.

Agenda Item: 703 KAR 5:240, Accountability Administrative Procedures and Guidelines (First Reading)

Presenters: Jennifer Stafford and Michael Hackworth

Summary of Discussion: Jennifer Stafford and Michael Hackworth led the discussion with the LSAC committee members on proposed amendments to 703 KAR 5:240. The proposed amendments include:

- Aligning the regulation to 703 KAR 5:270, *Kentucky's accountability system*, and to state and federal guidelines;
- Removing the reference of 703 KAR 5:225, *Continuous improvement planning for schools and districts* (this regulation has been amended and is no longer applicable);
- Removing reference to the Kentucky End of Course assessments at high school (Kentucky has moved to summative assessments at grades 10 and 11);
- Including extraordinary circumstances as a method for students to be exempted from state testing; and,
- Requiring foreign exchange students who have been enrolled 100 days be tested and included in accountability.

One member questioned the language in the regulation on the standard grade configuration for accountability in Section 5. Currently, the regulation states that “elementary shall include any configuration of grades K-5 or K-6, middle school shall include any configuration of grades 5-8 or 6-8 and high school shall include any configuration of grades 9-12.”

Action Taken: The LSAC expressed the regulation should move on to the Kentucky Board of Education for the first reading.

Follow-up Required: As requested, staff in the Office of Standards, Assessment and Accountability will research if simplifying the standard grade configuration is possible.

Agenda Item: 703 KAR 5:280, School Improvement Procedures (First Reading)

Presenters: Kelly Foster and Whitney Crowe

Summary of Discussion: LSAC members did not raise concerns regarding changes being proposed to the regulation; however, members did ask questions pertaining to existing processes related to schools identified for comprehensive support and improvement (CSI) and targeted support and improvement (TSI).

Specifically, Dr. Jerry Green, Pikeville Independent Schools, questioned whether KDE staff was already supporting CSI schools and whether the KDE had adequate staff to support all CSI schools. Dr. Foster responded that KDE staff had been working in CSI schools that chose the KDE for audit/turnaround activity since fall 2018. Dr. Foster and Commissioner Lewis stated that, although KDE staff is serving all CSI schools that chose the KDE to conduct the audit/turnaround, the proven turnaround model of three Education Recovery Staff being in the CSI school daily was not being implemented due to lack of funding and staff. Namely, the Commonwealth School Improvement Fund was cut by the legislature during the 2018 legislative session and, due to this loss of funding, school improvement at the KDE level was being paid entirely by federal dollars. The KDE would need 93 additional staff to implement the traditional turnaround model in each CSI school, and that type of staffing increase is not presently feasible.

Additionally, Dr. David Rust, Campbell County Schools, asked numerous questions about diagnostic reviews. First, Dr. Rust noted the difference in audit teams led by the KDE, which Section 3 of the regulation directs, and those not led by the KDE. Presenters as well as Commissioner Lewis cited to KRS 160.346(5)(a), which only requires a local board of education

“select a turnaround audit team with documented expertise in diagnosing the causes of an organization’s low performance and providing advice and strategies resulting in effective turnaround leadership.” This language does not restrain the KDE from further policing its own audit teams; however, legislative feedback and public comments received when the regulation was first promulgated in 2017-2018 did limit the extension of such additional requirements to audit teams not led by the KDE.

Second, Dr. Rust questioned variations between principal capacity criteria in Section 4(3), which specifically implicates the school leader, and district capacity criteria in Section 5(4), which is broader in looking at overall functioning at the district level. Presenters, as well as Commissioner Lewis, cited KRS 160.346(6)(a), which specifically requires an audit review and report “an assessment and recommendation to the superintendent regarding the principal’s capacity to function or develop as a turnaround specialist, including if the principal should be reassigned to a comparable position in the school district.” Conversely, with regard to district capacity, KRS 160.346(6)(a) only requires “an assessment of the interaction and relationship among the superintendent, central office personnel, and the school principal.” Accordingly, the statute dictates the focus of principal capacity on a single person and more broadly articulates considerations with regard to district capacity.

Finally, Dr. Rust requested the KDE consider implementing within the regulation a process by which the school and district audit results could be appealed or rebutted prior to public release. Dr. Rust noted prior processes did allow for this type of accountability, and he felt this was beneficial to the final audit results. Dr. Foster clarified that audit findings were never appealable, but that capacity determinations previously could be reconsidered. Commissioner Lewis expressed a willingness to consider the concerns raised but noted several potential barriers to implementation, including permissibility under statute, the distinction between the KDE and non-KDE led teams, potential funding and administrative burdens, etc. Commissioner Lewis also explained that KRS 160.346, as amended by Senate Bill 1 (2017), made significant changes to the process in that principal and district capacity components, while required parts of the audit, are merely recommendations under the new structure. Appeal of a recommendation is unnecessary when the superintendent is not obligated to act on the principal capacity determination and when the district capacity determination does not dictate any specific outcome.

Action Taken: None; however, the feedback received will be considered as the regulation progresses through the regulatory process.

Follow-up Required: None; however, at the July 2019 LSAC meeting, presenters will be prepared to address any further concerns relating to recommendations made by LSAC members that were or were not incorporated into the second reading of the regulation.

Agenda Item: 701 KAR 5:090, Teacher Disciplinary Hearings (First Reading)

Presenters: Todd Allen

Summary of Discussion: Todd Allen presented the proposed amendments to 701 KAR 5:090 as a result of Senate Bill 8 (SB 8) (2019). SB 8 amended KRS 161.790 which governs teacher tribunal hearings.

Action Taken: Supt. Adkins moved to recommend the amendment to 701 KAR 5:090 to the Kentucky Board of Education as presented. The motion was seconded by Supt. Rust and passed with unanimous consent.

Follow-up Required: No follow-up was required.

Agenda Item: Amendments to the Kentucky Tech Policies and Procedures Manual

Presenter: Tom Thompson

Summary of Discussion: Updates to KY Tech Policies on Special Populations (Policy No. 08.131) and Grading (Policy No. 08.221) were presented. KDE staff explained that the proposal to update the policies was to align with federal IDEA law. More specificity and various clarifications also have been added to the policies. There were no questions or comments related to the policies from LSAC members. It was requested that the LSAC approve the proposed amendments.

Action Taken: A motion was made and the request to approve the amendments to the Special Populations (Policy No. 08.131) and Grading (Policy No. 08.221) policies was approved.

Follow-up Required: No follow-up was required.

Agenda Item: 2019-2020 Preschool Grant Allotment System and Funding Rates

Presenter: Gretta Hylton

Summary of Discussion: Associate Commissioner Gretta Hylton presented information related to the state-funded preschool program which the Kentucky Department of Education (KDE) administers through a non-competitive state grant allocation process. KDE staff explained the formula used to distribute local funding.

Action Taken: The LSAC voted unanimously to approve the preschool funding rates for the 2019-2020 school year.

Follow-up Required: No follow-up was required.

Agenda Item: Approval of the 2020 Kentucky Minimum Specifications for School Buses

Presenter: Donna Duncan

Summary of Discussion: KDE staff brought forward the 2020 Kentucky Minimum Specifications for School Buses as an action item for LSAC consideration. Division of District Support Services staff were available for questions. The LSAC expressed gratitude for the ability to retrofit school buses with LED headlights.

Action Taken: The LSAC approved the 2020 Kentucky Minimum Specifications for School Buses.

Follow-up Required: No follow-up was required.

Agenda Item: Capital Funds Request Guidelines

Presenter: Robin Kinney and Donna Duncan

Summary of Discussion: Robin Kinney and Donna Duncan brought forward the proposed changes to the Capital Funds Request Guidelines as an action item. The changes are necessary because of HB 200 (2018 Regular Session).

Action Taken: The LSAC approved the proposed changes to the Capital Funds Request Guidelines.

Follow-up Required: No follow-up action was required.