



KENTUCKY DEPARTMENT OF EDUCATION ADVISORY GROUP TOPIC SUMMARY

ADVISORY GROUP: Local Superintendents Advisory Council (LSAC)

MEETING DATE: September 24, 2019

Agenda Item: **704 KAR 8:080**, Required Academic Standards in Career Studies (*New Regulation, Second Reading*)

Presenters: Pam Moore and Teresa Rogers

Summary of Discussion:

OCTEST Division Director Pam Moore and Academic Program Consultant Teresa Rogers provided an overview of the new administrative regulation and the proposed *Kentucky Academic Standards* for Career Studies and Financial Literacy. No questions or concerns were posed by LSAC members during the second reading.

Action Taken:

A motion was made and the request to approve the amendments to 704 KAR 8:080 was approved by the committee.

Follow-up Required:

No follow-up is required of the LSAC. The regulation will now move on for consideration and approval by the Kentucky Board of Education (KBE) during the October 2019 KBE meeting.

Agenda Item: **Amendment to 704 KAR 3:303**, Required Academic Standards (*Second Reading*)

Presenters: Pam Moore and Teresa Rogers

Summary of Discussion:

OCTEST Division Director Pam Moore and Academic Program Consultant Teresa Rogers provided an overview of the proposed amendments to the administrative regulation. No questions or concerns were posed by LSAC members during the second reading.

Action Taken:

A motion was made and the request to approve the amendments to 704 KAR 3:303 was approved by the committee.

Follow-up Required:

No follow-up is required of the LSAC. The regulation will now move on for consideration and approval by the Kentucky Board of Education (KBE) during the October 2019 KBE meeting.

Agenda Item: Amendment to 780 KAR 2:040, Live Work Projects (*Second Reading*)

Presenter: Tom Thompson

Summary of Discussion:

OCTEST Division Director Tom Thompson provided an overview of the proposed amendments to the administrative regulation. No questions or concerns were posed by LSAC members during the second reading.

Action Taken:

A motion was made and the request to approve the amendments to 780 KAR 2:040 was approved by the committee.

Follow-up Required:

No follow-up is required of the LSAC. The regulation will now move on for consideration and approval by the Kentucky Board of Education (KBE) during the October 2019 KBE meeting.

Agenda Item: Amendment to 780 KAR 2:060, Discipline of Students (*Second Reading*)

Presenter: Tom Thompson

Summary of Discussion:

OCTEST Division Director Tom Thompson provided an overview of the proposed amendments to the administrative regulation. He addressed a previous question from the July 2019 LSAC meeting concerning the percentage of ATC enrollments that represent special education students. OCTEST leadership investigated this data and determined that approximately 12% of the ATC student enrollments are identified as special education students, as compared to 10% of traditional high school enrollments statewide. No questions, concerns or discussion were posed by LSAC members during the second reading.

Action Taken:

A motion was made and the request to approve the amendments to 780 KAR 2:060 was approved by the committee.

Follow-up Required:

No follow-up is required of the LSAC. The regulation will now move on for consideration and approval by the Kentucky Board of Education (KBE) during the October 2019 KBE meeting.

Agenda Item: Amendment to 703 KAR 5:140, Requirements for School and District Report Cards (*First Reading*)

Presenters: Rhonda Sims and David Couch

Summary of Discussion:

Rhonda Sims and David Couch led the discussion on amendments to 703 KAR 5:140. Amendments include aligning the regulation with new state and federal requirements along with

adding a new section on communication on federal and state school accountability classifications.

Under Section 2, School Report Card, Superintendent Bobrowski questioned on whether or not parental involvement needs to be defined further. Whitney Crowe, Policy Advisor in the Office of Continuous Improvement and Support, was called to the table and stated that she would look further into this and suggest new language if needed.

Superintendent Cox expressed his concern with new language in Section 5. He is concerned that only placing the accountability classification in a prominent location is not enough information. He suggested that additional information such as comparative data be placed along with the star ratings so that students, faculty and staff, visitors and community members have a better understanding and meaning of the school's classification. In addition, he asked if the Kentucky Department of Education would be able to provide a template with a narrative on the star rating.

Superintendent Mitchell asked if there was a possibility that another "or" statement be added to Section 5 that would allow the principal to work with the school board to hold an advertised public meeting to discuss current federal and state accountability classification and plan for sustainability and improvement for all schools. Commissioner Lewis stated that the Kentucky Board of Education was really interested in school level meetings. In addition, Superintendent Mitchell asked if written communication could be in the form of an electronic communication.

Superintendent Biggerstaff expressed his appreciation that we were offering school's a choice on whether to display the overall school accountability classification or hold an advertised public meeting to discuss the school's current federal and state accountability classification. He then asked the question on whether a school could have a choice between Subsection 1 and 2 in Section 5 instead of completing them both.

Superintendent Raleigh asked whose decision would it be to decide which "or" statement a school can use to communicate the accountability classification. A principal or superintendent? Superintendent Cox recommended that the superintendent make the decision so that there is consistency throughout the district on how schools are communicating their classifications. Commissioner Lewis agreed that this should be discussed at the Kentucky Board of Education meeting and placed in regulation.

Action Taken:

No action was taken by the LSAC, as this is a first reading of the regulation. LSAC will review the regulation again prior to the December 2019 KBE meeting.

Follow-up Required:

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

Agenda Item: Amendment to 704 KAR 7:090, Homeless Children and Youth Education Program (First Reading)

Presenters: Whitney Crowe and Tara Rodriguez

Summary of Discussion:

Presenters shared proposed amendments to 704 KAR 7:090, Homeless children education program that align with the requirements of House Bill (HB) 378 (2019). Specifically, HB 378

(2019) amends KRS 156.160 to require the Kentucky Board of Education to provide, through administrative regulation, procedures for homeless children to be awarded credit, including partial credit, for all coursework satisfactorily completed; to be given the opportunity, to the extent practicable, to complete before the beginning of the next school year and at no cost any course required for graduation in which a homeless student was enrolled at another school; and, to be awarded a high school diploma when a homeless student transfers after completion of the second year of high school and meets the requirements outlined in KRS 156.160(1)(p).

The only question from the committee was regarding optional procedures with the regulation that a district may adopt to ensure credit, including partial credit, is awarded for all coursework satisfactorily completed by homeless children. The question specifically pertained to what type of offerings were intended to be included in what the regulation refers to as “work-based learning programs.” Presenters clarified that “work-based learning programs” were merely one option local districts could choose to provide to homeless students and that the list was not intended to be all inclusive or to exclude other credit accrual options a district desired to offer in order to improve the educational outcome of homeless students.

Action Taken: None.

Follow-up Required: None.

Agenda Item: Amendment to 704 KAR 3:370, Kentucky Framework for Personnel Evaluation (*First Reading*)

Presenter: Cassie Trueblood

Summary of Discussion:

Proposed amendments to 704 KAR 3:370 were presented to LSAC. 704 KAR 3:370 establishes the Kentucky Framework for Personnel Evaluations and Section 8(2) sets the Principal and Assistant Principal Performance Standards as the measure for districts to use for evaluations for principals and assistant principals. The amendment proposes to replace the Principal and Assistant Principal Performance Standards with the Professional Standards for Educational Leaders. There were no questions or comments from the LSAC members.

Action Taken: None

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

Agenda Item: Amendment to 702 KAR 5:080, Bus Drivers’ Qualifications, Responsibilities and Training (*First Reading*)

Presenters: Robin Kinney and Donna Duncan

Summary of Discussion:

Presentation on the suggested amendments to 702 KAR 5:080, Bus Drivers’ Qualifications, Responsibilities, and Training. Staff provided a summary of the proposed amendments. Amendments include a general reorganization of the regulation, alignment of training requirements with federal regulations, permitting districts to set local district policies regarding behavior and certain items on school buses, and allowing drivers with controlled diabetes.

Action Taken: N/A - First Reading

Follow-up Required: None

Agenda Item: Amendment to 702 KAR 7:125, Pupil Attendance (*First Reading*)

Presenters: Robin Kinney, Matt Ross and Todd Allen

Summary of Discussion:

Presentation by Office of Finance and Operations and Office of Legal Services on the proposed amendments to 702 KAR 7:125.

Action Taken: N/A First Reading.

Follow-up Required:

At LSAC, OFO was asked about the calculation of attendance for a Nontraditional Instructional (NTI) day. Per the regulation, schools with approved NTI days receive attendance for that day based on ADA. School districts self-report participation rates through SharePoint to the Division of Innovation and maintain documentation in the district. The program area audits and will award an NTI day if the rate is not considered too low.

The proposed amendment to the regulation does not change the calculation but attempts to clarify the existing confusing language.

Current language states:

Section 10. Health and Safety Closings. (1) The SAAR shall be considered: (a) The request to substitute prior year's average daily attendance for up to ten (10) designated instructional days, in accordance with KRS 158.070(10); and

Proposed language of the regulation states:

Section 10. Nontraditional Instruction Program Health and Safety Closings. (1) The SAAR may~~[shall be considered]~~:

(a) Substitute the~~[The request to substitute]~~ prior year's average daily attendance for up to ten (10) designated instructional days, in accordance with KRS 158.070(9)~~[(10)]~~; ...

[KRS 158.070:](#)

(9) Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be

calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.

KRS 158.070(1)(e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time

[701 KAR 5:150](#). Nontraditional instruction program.