



## KENTUCKY DEPARTMENT OF EDUCATION ADVISORY GROUP TOPIC SUMMARY

**ADVISORY GROUP:** Local Superintendents Advisory Council (LSAC)

**MEETING DATE:** July 28, 2020

**Agenda Item:** Amendment to 702 KAR 4:090, Property Disposal

**Presenters:** Robin Kinney, Donna Duncan and Greg Dunbar

**Summary of Discussion:** Robin Kinney, Associate Commissioner for the Office of Finance and Operations (OFO) presented the second reading of the amendment to the property regulation. The amendment clarifies the process for the disposal of surplus property. The amendment places into regulation the constitutional requirements for the disposal of school district property to ensure fair market value.

**Action Taken:** Approved unanimously

**Follow-up Required:** N/A.

**Agenda Item:** Amendment to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics (Second Reading)

**Presenters:** Todd G. Allen and Chad Collins (KHSAA)

**Summary of Discussion:** Todd Allen, Interim General Counsel, Office of Legal Services (OLS) and Mr. Collins from KHSAA presented the amendments to 702 KAR 7:065 to the council. The council was informed that no substantive changes were made between the first reading presented during the council's last regular meeting and the current version.

**Action Taken:** The council unanimously approved recommendation of the amendments to 702 KAR 7:065.

**Follow-up Required:** Notification to the Kentucky Board of Education (KBE) that LSAC recommends amendments to 702 KAR 7:065 as presented.

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

**Presenters:** David Couch, Marty Park, Krista Hall, Laura Raganas

**Summary of Discussion:** David Couch, Associate Commissioner of the Office of Education Technology (OET) presented this amendment along with Dr. Marty Park, Chief Digital Officer, and explained that each content area of the Required Academic Standards document incorporated by reference into this regulation is being pulled out and incorporated into its own respective regulation. In this amendment to 704 KAR 3:303, the Technology Academic Standards are being stricken from the regulation through removal from the document incorporated by reference. There have been no changes since the previous LSAC meeting held on May 26, 2020.

After this amendment goes through the regulatory process, Arts and Sciences are the two remaining standards. Once these two content areas are pulled out into their own respective regulations, 704 KAR 3:303 will be repealed.

**Action Taken:** The council unanimously approved recommendation of the amendment to 704 KAR 3.303.

**Follow-up Required:** The amendment to 704 KAR 3.303 will now go before the Kentucky Board of Education at the August 6 meeting as an item on the consent agenda.

**Agenda Item: 704 KAR 8:090, Kentucky Academic Standards for Technology (Second Reading)**

**Presenters:** David Couch, Marty Park, Laura Raganas and Krista Hall

**Summary of Discussion:** David Couch, Associate Commissioner, OET, introduced the regulation. The original technology academic standards were created in 2008 and in need of modernization in order to leverage digital connectedness and transform learning experiences. As these content area standards are being removed from the Required Academic Standards document, the Kentucky Academic Standards (KAS) for Technology, 704 KAR 8:090, is being brought to the LSAC for second reading along with the standards document to be incorporated by reference. Throughout the work of this group, the International Society for Technology in Education (ISTE) standards were followed and do align, both vertically and horizontally. These academic standards are not assessed (annually) and the connection to graduation requirements is tied to a performance-based demonstration. In the standards document, guidance is expanded to include modern examples of performance-based demonstration.

Marty Park shared that grade band overviews presented during the May 26 LSAC meeting have now been included in the *KAS for Technology* document. Minor technical edits/corrections have also been completed.

**Action Taken:** The council unanimously approved recommendation of the amendment to 704 KAR 8.090.

**Follow-up Required:** The amendment to 704 KAR 8.090 will now go before the Kentucky Board of Education at the August 6 meeting as an item on the consent agenda.

**Agenda Item: New Emergency Regulation 702 KAR 1:190E, District Employee Emergency Leave (First Reading)**

**Presenters:** Todd G. Allen and Robin Kinney

**Summary of Discussion:** Robin Kinney, OFO, and Todd Allen (OLS) explained the emergency regulation. Currently, district boards of education may allow each person employed as a full-time employee in the public schools, emergency leave not to exceed three days each year. In addition to this permissible leave time, for the 2020-2021 school year this emergency regulation would allow a district board of education to grant additional COVID-19 emergency leave. This additional emergency leave may be granted to each person employed as a full-time or part-time employee in the public schools for leave related to the COVID-19 public health emergency as determined by the local school districts, without loss of salary to the employee and without affecting his or her sick leave. Similar flexibility was authorized by the Kentucky General Assembly through Senate Bill (SB) 177 (2020). SB 177 expired at the end of the 2019-2020 school year.

**Action Taken:** Approved unanimously.

**Follow-up Required:** None.

**Agenda Item: Emergency Amendment, 702 KAR 7:140E, School Calendar (First Reading)**

**Presenters:** Todd G. Allen and Robin Kinney

**Summary of Discussion:** Robin Kinney (OFO) presented on the school calendar emergency regulation amendment. The amendment allows districts to include 30 minutes of COVID-19 related activities including, but not limited to, cleaning, sanitizing, hand washing, taking of temperatures, and instructing students on the use of masks and social distancing. This thirty (30) minutes may be used in addition to the five (5) minutes of passing time between instructional periods to increase passing time, or may be used prior to the start of the first instructional period or after the last instructional period.

**Action Taken:** Approved unanimously.

**Follow-up Required:** None.

**Agenda Item: 704 KAR 8:100, Kentucky Academic Standards (KAS) for Library Media Elective (First Reading)**

**Presenters:** David Couch, Marty Park and James Allen

**Summary of Discussion:** David Couch, OET, introduced the new regulation for Kentucky Academic Standards for Library Media elective. Library media specialists are an integral part of the KY K12 digital learning environment and there is a need to formalize the guidelines and standards.

Marty Park discussed the idea of having elective library media standards mirrors the elective computer science standards approved and adopted previously. This will be a great structure for us moving forward. Grade band overviews are integrated into the standards document.

**Action Taken:** This is a first reading; therefore, no action was taken. There was no discussion or questions.

**Follow-up Required:** None at this time. This will come before LSAC for second reading on September 29, 2020.

**Agenda Item: 701 KAR 5:150, Nontraditional Instruction Program (First Reading)**

**Presenters:** Kelly Foster and David Cook

**Summary of Discussion:**

This item was to review proposed amendments to 701 KAR 5:150, Nontraditional instruction program. This regulation fulfills KRS 158.070(10), which requires the Kentucky Board of Education (KBE) to promulgate administrative regulations “to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program.”

Danny Adkins, superintendent at Floyd County asked if this process would mean districts would no longer submit NTI applications beginning in 2021-2022. David Cook answered that was correct.

There was no further discussion.

**Action Taken:** First reading of the amendments so no action was taken.

**Follow-up Required:** This item will return to LSAC in their next meeting prior to the second reading at the October KBE meeting.

**Amendment to 704 KAR 3:325, Effective Instructional Leadership Act (First Reading)**

**Presenters:** Rhonda Sims and Micki Ray

**Summary of Discussion:** Amendments to 704 KAR 3:325 are proposed at this time to update language to align instructional leadership training program and provider content to the Professional Standards for Educational Leaders (PSEL). A summary of all proposed changes is listed below:

Sections 2 and 3 include technical changes to remove outdated information.

Sections 4, 5 and 7 of 704 KAR 3:325 refer to competencies identified in Kentucky's Standards and Indicators for School Improvement established in 703 KAR 5:120, which was repealed by 703 KAR 5:122 as of February 6, 2015. The proposed amendments change language to reference the PSEL (2015). These national, student-centric standards articulate the knowledge and skills expected of school leaders. The Council of Chief State School Officers (CCSSO) and National Policy Board for Educational Administration guided the two-year development process that involved a thorough review of empirical research and included the input of researchers and school and district leaders. The EPSB adopted the PSEL as the standards of preparation for all advanced educational leaders.

LSAC had no questions or concerns.

**Action Taken:** This was the first reading and no action is required at this time.

**Follow-up Required:** None at this time. This will come before LSAC for second reading on September 29, 2020.

**Agenda Item 704 KAR 3:305, Minimum Requirements for High School Graduation (First Reading)**

**Presenters:** Rhonda Sims and Micki Ray

**Summary of Discussion:** 704 KAR 3:305, Kentucky's new minimum high school graduation requirements, became effective on April 5, 2019. SB 158, however, makes significant changes to the state and local graduation requirements for students who entered high school in the 2019-2020 school year and thereafter. Section 3(1)(d) establishes that the minimum requirements for high school graduation may not include a postsecondary readiness indicator used in the state accountability system or a minimum score on a statewide assessment. Section 4(6) also states that a local board may not adopt any high school graduation requirements that include achieving a minimum score on a statewide assessment. Thus, SB 158 specifically impacts graduation qualifiers and graduation prerequisites as defined in Section 1 of 704 KAR 3:305.

SB 158 prohibits the use of a postsecondary readiness indicator used in the state accountability system or a minimum score on a statewide assessment. Therefore, SB 158 limits the graduation qualifier options for students who entered high school in the 2019-2020 school year and thereafter. The graduation qualifiers provide experiences intended to prepare students for what comes after high school. Only three graduation qualifiers remain allowable per SB 158 from the original eight established in 704 KAR 3:305. The remaining graduation qualifiers allowable per SB 158 are as follows:

- Complete the precollege curriculum as established by the Council on Postsecondary Education; OR
- Earn four credits from classes within a single KDE-approved career pathway; OR
- Complete a KDE-approved process to verify 500 hours of exceptional work experience or alternative requirements as outlined in a student's Individual Education Program (IEP).

As a result, changes to Section 4 of the regulation are necessary in order to remove all graduation qualifier options to better align with the intent of SB 158 and eliminate potential inequities that may result as an unintended consequence of having fewer options for students to complete a graduation qualifier.

SB 158 also prohibits the use of a minimum score on a statewide assessment as a requirement for graduation on both the state and local level. As a result, the graduation prerequisite for reading and mathematics as currently defined in 704 KAR 3:305 must be amended. The student collection of evidence included in (4)(2)(b)(3) is not prohibited by SB 158; however, it is no longer needed as state and local graduation requirements are prohibited from including the other graduation prerequisites for reading and mathematics included in 704 KAR 3:305. Changes to Section 4 of the regulation also are needed to remove all graduation prerequisites to better align with the intent of the new legislation. Students, however, will be required to meet other minimum credit requirements as established in 704 KAR 3:305.

In accordance with Senate Bill 158, Section 8(2) of 704 KAR 3:305 also is being amended to include that a local board may not adopt any high school graduation requirements that include achieving a minimum score on a statewide assessment.

LSAC members affirmed concerns related to the equitable ability of students to achieve the three remaining qualifiers not removed by SB 158. One member mentioned the challenge of providing students with opportunities for the 500 hours of exceptional work experience. While not directly related to the proposed changes to 704 KAR 3:305, another member remarked on the need to publicize positive stories or perhaps School Report Card reporting data about how local schools and districts are finding innovative ways to provide opportunity and access to students.

**Action Taken:** This was the first reading and no action is required at this time.

**Follow-up Required:** None at this time. This will come before LSAC for second reading on September 29, 2020.

**Agenda Item: Amendment to 704 KAR 3:035, Annual Professional Development Plan (First Reading)**

**Presenters:** Rhonda Sims and Micki Ray

**Summary of Discussion:** At this time, changes to 704 KAR 3:035 are required in order to correct outdated information and align with language contained in other regulations. A summary of the proposed changes are listed below:

Section 1 includes a reference to the Comprehensive District Improvement Plan (CDIP) and makes an amendment to the subsection number for the Comprehensive School Improvement Plan (CSIP). It also includes a technical change to the name of the *Kentucky Academic Standards* and amends the regulation to cite 704 KAR Chapter 8.

Section 3 includes a technical change to eliminate an error.

Section 4 includes amended language to state the CSIP or CDIP must comply with 703 KAR 5:225 and align to the goals in KRS 158.6451.

LSAC had no questions or concerns.

**Action Taken:** This was the first reading so no action is required at this time.

**Follow-up Required:** None at this time. This will come before LSAC for second reading on September 29, 2020.

**Agenda Item 707 KAR 1:340, Procedural Safeguards (First Reading)**

**Presenters:** Gretta Hylton

**Summary of Discussion:** Proposed amendments are located in Sections 3, 4 and 18 of the regulation. Amendments are needed to Sections 3 and 4 in order to clarify the difference between an Admissions and Release Committee (ARC) meeting notice to parents and prior written notice provided to parents, and also establish the timeframes in which each notice must be provided. Proposed amendments are being suggested at this time due to data that was collected through the monitoring of special education programs and formal complaint investigations that indicated a need to clarify the difference between these two notices. The proposed amendment to Section 18 is to delete this section. Section 18 references the "Request for a Due Process Hearing" and incorporates it by reference. Incorporating this form by reference has been problematic when needing to update information. Examples of updates needed to the form include adding the new KDE logo, changing the KDE address when the KDE offices moved from Mero Street to Sower

Boulevard, KDE reorganization leading to a new title of the office to which this form is submitted and a change in employment leading to a change in who receives the form at KDE. Another challenge presented when ensuring this form was ADA 508 compliant before posting on the KDE website without being able to change the form. Additionally, the KDE would like to update this form to a fillable form to allow for easier use by parents. Each of the examples provided as updates currently needed to the form may continue to change over time and require additional updates to the form. By removing this form from the regulation, it will allow the KDE to change information on the form and update it as necessary in order to present the most accurate and accessible information to parents and other stakeholders.

**Action Taken:** No action taken. No questions or feedback provided.

**Follow-up Required:** None at this time. This will come before LSAC for second reading on September 29, 2020.

**Agenda Item: Adoption of Kentucky School for the Blind (KSB) and Kentucky School for the Deaf (KSD) Policies**

**Presenters:** Gretta Hylton

**Summary of Discussion:** KRS 156.070 gives the Kentucky Board of Education (KBE) the management and control of the KSB and KSD. The Kentucky School Boards Association (KSBA) provides a model policy service to local school districts, the KSB and the KSD. Policies for the KSB and KSD are updated annually to reflect laws passed during the legislative session, as well as changes to applicable regulations during the past year. These policies provide consistency between the two schools and are consistent with the policies in place in local school districts across the state, except in those few instances when the unique situation of these schools require otherwise.

A checklist reflecting which policies are being adopted or amended was provided along with each policy's updated language.

**Action Taken:** There were no questions or discussion.

**Follow-up Required:** None

**Agenda Item: Approval of KY Tech Policies and Procedures**

**Presenters:** Tom Thompson

**Summary of Discussion:** Tom Thompson provided an overview of the proposed amendments to the Kentucky Tech Policies and Procedures. No questions or concerns were posed by LSAC members.

**Action Taken:** Approval of KY Tech Policies and Procedures proposed amendments.



**Follow-Up Required:** None