

**Kentucky Board of Education (KBE) - Regular Meeting
December 6, 2017**

**300 Sower Boulevard
State Board Room (514)
Frankfort, KY 40601**

SUMMARY MINUTES

The Kentucky Board of Education (KBE) held its regular meeting on December 6, 2017 in the State Board Room on the Fifth Floor of the 300 Building at 300 Sower Blvd., Frankfort, Kentucky. The board conducted the following business:

I. Call to Order

Chair Mary Gwen Wheeler called the meeting to order at 8:37 a.m. ET.

II. Roll Call of Members and Advisors

Chair Wheeler asked Leslie Slaughter to call the roll of members and advisors. All eleven voting members were present. Ex-officio member, CPE President Bob King, joined the meeting shortly after roll call. All four (4) board advisors were present.

Present Board Members:

Mr. Grayson Boyd
Mr. Ben Cundiff
Mr. Richard Gimmel
Mr. Samuel Hinkle
Mr. Gary Houchens
Ms. Alesa Johnson
Mr. Roger Marcum
Ms. Nawanna Privett
Mr. Milton Seymore
Mr. William Twyman
Ms. Mary Gwen Wheeler
President Bob King, ex-officio

Present Advisors:

Tracy Cusick
Kathy Gornik
Wayne Lewis
Joe Papalia

Before moving to the consent agenda, Chair Wheeler called for a motion to amend the regular agenda by adding the following items that were deferred from the previous day's work session:

- *701 KAR 8:030, Charter school appeal process;*
- *701 KAR 8:040, Conversion charter school petition, conversion, and operation;*
- *704 KAR 3:370, Kentucky framework for personnel evaluation;*
- *Approval of KBE Budget and Policy Priorities for the 2018 Regular Session of the Kentucky General Assembly; and*

- *Settlement of United States Department of Education, Office of Civil Rights (OCR) Complaint.*

A motion to amend the agenda was made by Sam Hinkle and seconded by Ben Cundiff. The motion carried with a unanimous voice vote.

III. Approval of Consent Agenda

Chair Wheeler called for a motion to approve the consent agenda. Items on the consent agenda included the following:

III.A. Action Items

III.A.1. Approval of Summary Minutes for October 3, 2017 Work Session and October 4, 2017 Regular Meeting

III.A.2. Kentucky School for the Blind (KSB) Advisory Board Appointment

III.A.3. Kentucky School for the Blind (KSB) and Kentucky School for the Deaf (KSD) Civics Test Adoption

III.A.4. New District Facility Plan: Henderson County School District

III.A.5. District Facility Plan Amendment: McCracken County School District

III.A.6. 2017-2018 Local District Tax Rates Levied

III.B. Information Items

III.B.1. Kentucky Department of Education (KDE) Combined Employment Report (All offices including Career and Technical Education)

III.B.2. Litigation Report

The motion for approval of the consent agenda was made by Ben Cundiff and seconded by Sam Hinkle. Prior to the vote, board member Bill Twyman inquired about minority recruitment efforts that were underway for Career and Technical Education staff. KDE Associate Commissioner Robin Kinney explained that many of the same challenges noted previously still persist; however, new and existing strategies were continuing to be implemented. No other questions were raised by board members. The motion passed with unanimous voice vote.

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

Secretary Heiner presented his report, which focused on Kentucky's "Districts of Innovation" (DOI) program. Heiner cited many questions that exist surrounding the impact of the program over time, considering the limited progress that many public schools have made in regard to improving student outcomes. He noted the need for the program to undergo reconsideration, in order to ensure that it is designed to provide the flexibility necessary for districts to truly innovate.

Board advisor Kathy Gornik stated that innovation can only occur where there is a lot of freedom from regulation. She noted the importance of the board to foster the right environments for such innovation. Chair Wheeler noted that many districts, through the DOI process, have found that

many freedoms already exist within the current regulatory scheme, which she said was a positive aspect of the program.

Secretary Heiner's full report can be found on the board's online materials site.

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

President King provided a summary of his report. King indicated that the state's degree completion rates are continuing to increase; however, he noted the need to move at a faster pace. King said that the performance-funding model for the state's postsecondary institutions was an incentive to continue the work toward improving such outcomes. He also mentioned that diversity plans were being developed for all campuses, which is allowing for a more transparent review of the achievement gaps that exist for many of the postsecondary institutions.

King also mentioned the exploration of a new internship program for postsecondary students. He indicated that he would have updates at future board meetings on this topic.

King also spoke to the Council's 2018-2020 biennial budget request, citing specific requests for the continuation of the new performance-funding model, campus facility projects, etc.

Board advisor Joe Papalia asked about the increase in graduation rates. King noted that the rates are slowing "inching up" and pointed out a series of strategies that the state's postsecondary institutions are implementing to impact and increase on-time graduation rates.

King's full report can be found on the board's online materials site.

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

Jimmy Adams, Executive Director of the EPSB, provided a summary of his report. Adams drew attention to the information regarding the topic of career progressions, noting work that has begun by EPSB to develop a task force and three (3) committees to review and propose changes to the state's rank system for educators. He noted that his board would be reviewing information on the concept at their next regular meeting.

Gary Houchens inquired about these changes, asking for clarification on whether the state's current requirement for a master's degree would be eliminated. Adams said that this was one possibility, but that all avenues would be explored by the task force and committees. Rich Gimmel noted a frustration heard by many teachers, stating that many teachers feel they can only advance in their career if they choose to leave the classroom and pursue other roles in education. Gimmel asked if this was being explored through this work. Adams affirmed that this was being discussed.

VII. Report of the Commissioner of Education

Commissioner Stephen Pruitt summarized his report. He began by speaking to his upcoming "State of the Commonwealth" address, which he said will be given in February. Pruitt noted that his reports for future KBE meetings would begin placing a larger emphasis on strategic goals and

priorities, such as leading the nation in the number of industry certifications earned by students at the secondary level.

Pruitt also noted his support of several eastern Kentucky school districts who were facing substantial increases in utility costs. He spoke to his recent testimony, alongside many state legislators, that aided in a resolution for these districts.

Pruitt also recognized new KDE employees and the KDE Team Member of the Month. Those recognized were:

Office of Continuous Improvement and Support

- *Matthew Courtney, Education Administration Program Consultant II
Division of Consolidated Plans and Audits*

Office of Teaching and Learning

- *Lalah Brewer, Education Administration Program Consultant II
Division of Student Success*
- *Verna Rodgers, Administrative Specialist III
Division of Learning Services*

Team Member of the Month (TMOM)

- *Jodi Adams, Career Pathways Branch Manager
Office of Career and Technical Education, Division of College and Career Readiness*

Following the recognition, Commissioner Pruitt made board members aware of the unexpected passing of Mr. Ken Washington. Pruitt noted Washington's influence and impact on the Kentucky School for the Blind (KSB) and expressed his condolences to the family and the KSB community for this loss. Commissioner Pruitt asked for a moment of silence in honor of Mr. Washington.

Commissioner Pruitt also commended the culinary arts program from the Kentucky School for the Deaf (KSD) for the outstanding meal that was catered for the KBE the previous night, as part of their annual holiday dinner. Several board members agreed and asked for contact information to be shared, so that proper notes of appreciation could be sent to the students and the Family and Consumer Sciences teacher.

VIII. Spotlight on Innovation: Tech Ready Apprentices for Careers in Kentucky (TRACK) Youth Apprenticeship Program (Review Item: 20 minutes)

Mary Taylor, Industry Training and Development Specialist for the KDE Office of Career and Technical Education, led a presentation on the state's Tech Ready Apprentices for Careers in Kentucky (TRACK) youth apprenticeship program. Guest presenters with Taylor included the following:

- *Torsten Langguth- Plant Manager, Dr. Schneider Automotive Systems, Inc.*
- *Michael Ford- Superintendent, Russell County Schools*
- *Jeff Adams- Principal, Lake Cumberland Area Technology Center*
- *Garrett Foley- Dr. Schneider Apprentice*
- *Randa Ballenger- Dr. Schneider Apprentice*
- *Derrick Ramsey - Secretary, Kentucky Labor Cabinet*

The presentation provided board members with an overview of the program, as well as the opportunity to hear firsthand how local school districts are implementing the program. Alesa Johnson and other board members commended the presenters, noting the evidence of cross-agency and district collaboration.

For more information, visit the board's online materials site for the resources shared during this presentation.

IX. Kentucky School Boards Association (KSBA) School Energy Managers Project (Review Item: 20 minutes) - Ron Willhite, KSBA

Ron Willhite from the KSBA presented an update on the School Energy Managers Project (SEMP). Using a PowerPoint found on the board's online materials site, Willhite explained that the project began in 2010 as a means for school districts to decrease their annual energy expenditures. He provided an overview of the program, actions taken by local school districts participating in the program and the results seen from the program over time. Willhite noted that Kentucky is currently third in the nation in the number of Energy Star schools.

Willhite informed the board of plans regarding the second annual School Energy Summit hosted by KSBA. Willhite stated that the conference will be held April 16-17, 2018 at the Embassy Suites in Lexington, Kentucky.

Rich Gimmel thanked Willhite for his presentation and noted the impressiveness of the return on investment for the project.

Sam Hinkle also commended the program and noted its effectiveness in his home district of Shelby County. Hinkle asked Willhite whether the savings were a true "dollar for dollar" investment back into local classrooms or if some savings were, in actuality, budget reductions that get passed on and do not translate into classroom investments. Willhite explained that some savings are used by local districts to replace outdated equipment, but that other savings are used at the discretion of the local districts to meet a variety of needs.

X. Hope Street Group (HSG) Update (Review Item: 20 minutes) - Amanda Ellis, KDE Associate Commissioner and Brad Clark, HSG Program Director

KDE Associate Commissioner Amanda Ellis introduced the guest presenters from the Kentucky Hope Street Group. Additional presenters were Stan Torzewski, Brison Harvey, Amanda Klare, and

Brad Clark. The presenters provided an overview of the Kentucky Teacher Fellowship Program, its mission and goals, as well as strategic priorities and professional learning opportunities for the current year.

Commissioner Pruitt thanked the Hope Street Group for their intentionality with ensuring alignment of the state's educational priorities and initiatives of the KDE to their work. Pruitt noted that the Hope Street Group's engagement with educators at a grass roots level has a large impact on local educators and creating a shared vision and responsibility.

XI. Statements of Consideration (DEFERRED FROM DECEMBER 5, 2017 WORK SESSION)

KDE Associate Commissioner and General Counsel Kevin Brown, Assistant General Counsel Amy Peabody and KDE Division Director Earl Simms came forward to present the remaining Statements of Consideration (SOCs) that had been deferred from the previous day.

Chair Wheeler explained that, prior to moving to the next SOC for 703 KAR 8:030, there were questions that did not get discussed regarding the application incorporated by reference into 703 KAR 8:020. Chair Wheeler explained that the board had already formally voted on 703 KAR 8:020; however, the floor could be opened for questions to be answered regarding the application document.

Peabody gave an overview of the comments received on the application. Board advisor Wayne Lewis expressed concern over amendments throughout the draft application that require the applicant to not only "describe", but to now "describe and provide" various elements of the application. Gary Houchens stated that he understood the commenter's intention on this proposed change; however, he stressed that the ability to provide some of the requested evidence may be unrealistic, in many instances. Houchens said that, at the time of application, a charter school would not likely have students, staff or even a facility that could allow for detailed plans to yet be developed. He stated his support for the original language of "describe" only, citing a fear that artificial plans may be developed to satisfy the requirement of evidence, should the additional amendment be approved. Ben Cundiff agreed with Houchens' statement. Houchens went on to remind the board that a charter school authorizer has the ability to rule application descriptions insufficient if they do not provide enough evidence to warrant approval.

Chair Wheeler called for a point of order, asking General Counsel Brown whether these changes would warrant re-opening the SOC for a vote. Brown affirmed that any changes would require a vote to re-open the regulation, as well as a second vote on the regulation's changes. Chair Wheeler asked for a motion to re-open the floor for formal discussion and a vote on the application document incorporated by reference into 703 KAR 8:020. The motion was made by Gary Houchens and seconded by Ben Seymore. A voice vote resulted in a clear division of the assembly; therefore, Chair Wheeler proceeded to call for a vote by more accountable means. The motion to re-open discussion failed by a 4-6 hand vote.

Lewis expressed his disappointment in the failed vote, citing his request the day prior to discuss the application. Due to confusion and a misunderstanding between the student and charter application

documents, KDE staff mistakenly indicated that there had been no proposed changes to the charter application. Lewis said he felt that the proposed changes were substantive in nature and warranted discussion by the board. Commissioner Pruitt asked if these changes had been reviewed by the Charter School Advisory Council (CSAC) when they had met last. Lewis stated that the comments which prompted such changes had not yet been received at the time of the CSAC meeting, due to the public comment window still being open. Houchens stated his belief that the CSAC and the KBE had been clear in previous discussions that they did not want to overburden charter applicants with unnecessary requirements. General Counsel Brown stressed the importance of the public comment process and that KDE staff take all comments received very seriously and review them objectively to determine if further amendments are warranted, based on such comments. Brown explained that the purview still lies within the board to approve or disapprove of any proposed changes. After continued discussion, Sam Hinkle moved to re-open the regulation for the sole purpose of discussing the charter school application document that is incorporated by reference, but for no other aspect of the corresponding regulation. Roger Marcum seconded the motion. Following clarifying questions, the motion carried with a unanimous voice vote.

Peabody went back to the first comment, which resulted in the amendments throughout to require the applicant to "describe and provide" various aspects of the application requirements. She asked the board for feedback. Houchens reiterated his belief that descriptions of the various application elements are sufficient enough to determine whether the school can carry out such expectations. Ben Cundiff stated that these amendments could discourage many applicants from applying. Roger Marcum agreed, but inquired as to when the more detailed plans would be required as evidence. Peabody stated that these expectations could be part of the pre-opening activities that are outlined in the charter school contract with the authorizer.

Following further discussion, Marcum asked if the CSAC should review this document again, to then come back to the KBE for final review and approval. Kevin Brown explained that the board could vote to defer the item for 30 days; however, a special meeting of the KBE would become necessary in order to take final action. Houchens stated his belief that there was no need for a deferral, so long as the board could agree that the term "describe" was sufficient at the application phase. Commissioner Pruitt encouraged the board to address the matter today, if possible. He reminded the board that the document had already been approved by the board with the language of "describe" only. He asked if the directive being requested by the board was to remove the "... and provide". There was consensus among the board to request KDE staff to remove the propose changes.

Roger Marcum said that it seemed wise from now on for the CSAC to vet all materials before they come to the KBE for final approval. Commissioner Pruitt agreed and stated that he accepted some responsibility for the issue at hand, citing the tight timelines to get the regulations through the remainder of the legislative approval process. General Counsel Brown reiterated that KDE staff are always working on behalf of the board to provide sound recommendations, but that the final authority lies within the board to approve or disapprove of any proposals presented. Brown reminded the board that, while the CSAC did meet a few days prior to the close of the public comment window, the CSAC and the KBE were both provided a Google drive with access to the comments that were received by close-of-business each day. Brown said that the KDE worked as transparently as possible throughout SOC process. Nawanna Privett commended the board for

including the proposed amendments, noting that they came from a reputable body and warranted attention and consideration. Houchens said that he had no concern with KDE staff bringing forward the proposed changes, but that he simply wanted the board to have an opportunity to discuss the changes as a whole. Houchens thanked his fellow board members for the opportunity to further discuss the issue.

Discussion then moved on to the additional proposed changes to the charter application document. Lewis expressed concern over a change to page 7 of the draft application document. He said that the proposed language inserted is asking the applicant to make assumptions about what the behavioral and mental health needs of the student body may be in the future. Lewis questioned the necessity of this information at the school application phase. Chair Wheeler expressed her belief that the language was appropriate for the application, as it expresses an understanding of the potential student body and all of their educational needs. Chair Wheeler stated that such understandings are consistent with the board's belief in schools providing whole child supports for each and every student.

Discussion then moved to page 9 of the draft charter application, where Lewis referenced the requirements related to strategies for recruiting and retaining special needs students equal to or in excess of the proportion of that of special needs students in the district. Lewis stated that this element was not a requirement of the law. Peabody stated that the statute does allow for charter authorizers to give preference to at-risk or special needs students. Lewis agreed, but stated that an authorizer isn't required to do so. Houchens said that a school choosing to specialize in services for these populations of students would clearly include this information in other aspects of their application. Rich Gimmel asked if the amendment was worthy to be included, if the school planned to include such recruitment as part of their business strategy. Lewis said that this information could be found elsewhere in the application. There was consensus among the board to strike the proposed amendment.

Peabody moved to page 6 of the application, citing clarifying amendments to the mission and vision section, as well as technical edits that were necessary as a result of additional amendments. No questions were noted by board members or advisors on these changes.

Peabody moved to page 13, which included amendments to insert mental health and other educational supports that may be needed for particular students. No questions were noted on these changes.

Next, Peabody discussed the proposal to include reference to Positive Behavioral Intervention and Supports (PBIS) on page 16 of the application. Peabody explained that this was currently required under Kentucky's restraint and seclusion regulation. No concerns were noted on this proposed change.

Peabody then moved to page 19 of the application, where amendments were made to address accommodating students who have food allergies. No questions or concerns were brought forth regarding this change.

Peabody then began discussing amendments on page 24 of the application that require information regarding how the school will ensure compliance with restraint and seclusion staff training, as required by state law. Lewis said that this didn't seem necessary, since it was already specified in the law. Peabody said that the amendment was meant to bring awareness to the law. After much debate, the board agreed to move the proposed amendment to the assurances page later in the application.

Peabody moved to the addendum of the application (page 44), where a proposed amendment added the language "and partners" to the list of names for all owners and/or shareholders of the network and education service providers. Lewis stated his belief that the term "partners" was too broad and could encompass many individuals. Lewis stated his concern that this was not currently applicable to traditional public schools and he questioned why it should only be applied to public charter schools. Rich Gimmel asked for clarity on what the true concern was related to this proposed amendment. Sam Hinkle stated his belief that the worry stemmed back to knowing what individuals were involved with the educating of the state's children. Hinkle said that there was a need to avoid potential conflicts of interest. He said that the public should know who is involved in providing services to charter schools. Hinkle stated that he had a difficult time understanding why there would be opposition to such information being disclosed. Several board members noted their understanding of the intent, but questioned whether amendments to the language were necessary. Commissioner Pruitt stated that the KDE could regulate these concerns through agency policy and apply requirements to all public schools. Milton Seymore stated his support for being consistent and avoiding the creation of requirements for public charter schools that do not currently exist for traditional public schools. General Counsel Brown indicated that such concerns are addressed in current law for traditional schools, as statutes currently prevent local district board members from having contracts and relationships with vendors who supply services to school districts.

Gary Houchens stated his respect for the concern that prompted the proposed change, but went on to cite many for-profit companies that provide resources to our public school districts every day. He stated that "people making money off of public education isn't a new idea", given the vast number of vendors who currently provide products and services at a cost to local school districts. General Counsel Brown went on to clarify that the state's RFP process previously mentioned by Commissioner Pruitt would not apply to public charter schools, as they could choose vendors to do business with on their own account. Peabody explained that one advantage to the proposed amendment was that it required the disclosure of this information on the front end, rather than charter schools having to deal with open records requests at a later time.

After much debate and continued discussion, Chair Wheeler offered the idea of compromising language to the proposed amendment. There was consensus among the board to insert the language at the end of the current proposal that says, "...who would have a conflict of interest by virtue of their relationships with the charter school's board of directors." Earl Simms offered an addition of the words "and authorizer." Board members agreed with this recommendation.

Chair Wheeler then called for a motion to approve the changes discussed by the board to the charter school application document that is incorporated by reference in 703 KAR 8:020. A motion for approval was made by Milton Seymore and seconded by Ben Cundiff. The motion carried by a voice vote.

XI.A. 701 KAR 8:030, Charter school appeal process

Peabody began explaining the public comments received on this administrative regulation and she reviewed the proposed changes as a result of the comments. No questions were noted about the proposed changes.

A motion for approval of the changes to 703 KAR 8:030 as a result of the SOC was made by Grayson Boyd and seconded by Ben Cundiff. The motion carried by a voice vote.

XI.B. 701 KAR 8:040, Conversion charter school petition, conversion, and operation

Peabody reviewed the public comments received on this regulation and described the one proposed change, which related to regional achievement zones and the various types of authorizers in the instance of multiple authorizers. The board had some discussion about unique and innovative schools, such as the iLEAD Academy, qualifying as a conversion charter school as a result of the regulatory language.

Peabody then explained the rationale for the change on page 9, as it relates to a reduction in force by a local district superintendent. Lewis stated that the comment from KSBA that prompted the change was very thoughtful.

A motion for approval of the changes to 703 KAR 8:040 as a result of the SOC was made by Roger Marcum and seconded by Milton Seymore. The motion passed with a voice vote.

Chair Wheeler and Commissioner Pruitt commended KDE staff for their work on the statements of consideration for the charter school regulations.

XI.C. 704 KAR 3:370, Kentucky framework for personnel evaluation

KDE Associate Commissioner joined General Counsel Brown at the table to present the SOC for 704 KAR 3:370. Ellis explained the three (3) public comments received on the regulation and began reviewing the proposed change.

Ellis noted that the recommended change was to provide clarification to the definition of "other professionals" on page 4 of the regulation, adding language that requires appropriate certification by the EPSB. No questions were posed by board members regarding this amendment.

Ellis noted that the KDE did not agree with a proposal to incorporate by reference the state's principal standards. Ellis indicated that work was underway by EPSB to publish new standards, citing the reason to wait until those were completed before referencing them in the regulation.

A motion for approval of the changes to the regulation was made by Nawanna Privett and seconded by Bill Twyman. The motion carried by voice vote.

XII. Settlement of United States Department of Education, Office of Civil Rights (OCR) Complaint (Review Item: 20 minutes) - Kevin Brown, KDE General Counsel and Associate Commissioner (DEFERRED FROM DECEMBER 5, 2017 WORK SESSION)

General Counsel Brown provided an update on a settlement that the KDE has reached with the United States Department of Education, Office of Civil Rights (OCR), regarding the state's minority educator recruitment and retention scholarship program. He explained that the program was created by the Kentucky General Assembly pursuant to a statute that called on KDE to create programs to increase the diversity of the teaching profession.

Brown noted that this had been an ongoing complaint with OCR since 2002. He explained that, after multiple correspondences with the OCR, KDE was informed by the OCR that a state is permitted to have programs that diversity enrollment at postsecondary institutions, but that such programs are not permissible in order to diversity a particular profession.

Brown said that OCR had given permission to allow currently enrolled students to finish their degree, so long as they continue to meet eligibility requirements, as long as the agency agrees to sunset the program. Brown said that KDE was currently working with the Kentucky Higher Education Assistance Authority (KHEAA) and other partners to consider revisions to the program in the future that would meet the scrutiny of the OCR.

Bill Twyman asked about the funding from the General Assembly and if it had been adequate to meet the needs of minority students. Brown stated that it had been fully funded each year by the General Assembly and that, unfortunately, many funds had gone unused in years past due to a lack of applicants.

XIII. LUNCH 12:00 p.m. ET (Provided for KBE members and advisors, invited guests and the Commissioner's Planning Committee members only)

The board recessed for lunch at 12:48 p.m. ET and reconvened at 1:10 p.m. ET.

XIV. Public Comment Segment - 1:00 p.m. ET

One (1) individual, Joel Adams from the Kentucky Charter School Project, requested to provide public comments before the board.

XV. Kentucky Department of Education (KDE) Strategic Plan (Review Item: 45 minutes) - Karen Dodd, KDE Chief Performance Officer

KDE Chief Performance Officer Karen Dodd, as well as KDE Researchers Hannah Poquette and Aaron Butler, came forward to present this item. Using a PowerPoint that can be found on the board's online materials site, Poquette and Butler provided sample data regarding Kentucky's achievement gap within 3rd grade reading proficiency rates for underserved students. Dodd explained that the data associated with the presentation was designed to provide context for what types of data disaggregation and analysis that she and her team will be providing in the future, as it relates to the new accountability system and the state's goals.

Also, KDE Associate Commissioner Amanda Ellis shared a draft of her office's operational plan, which has been developed to align the work of each KDE office to the agency's strategic goals and priorities. Ellis and Commissioner Pruitt explained that KDE leadership and staff have been deeply evaluating their respective work plans to understand how best to leverage time and expertise of staff. Ellis said that such intentionality has been key to moving the agency's work forward. Dodd explained that the metrics for each strategic goal will align to each of the KDE offices' operational plans.

Wayne Lewis asked how the strategic plan's goals would have ultimate impact on student performance. He asked to what extent should state education agencies tie themselves to student outcomes. Commissioner Pruitt ensured that student level outcomes would be reported on a routine basis, but that this strategic plan must be focused on how KDE is helping to change culture and practice. Ellis went on to explain her belief that both leading and lagging indicators were important to measuring the work. Roger Marcum stated that the board also has to acknowledge the autonomy that is valued deeply in the state at the local level. Marcum said that the accountability must lie where the authority rests, which is at the local level, with KDE being a support agency to districts.

Joe Papalia asked how the strategic plan aligns to the state's new accountability system. Commissioner Pruitt explained that the strategies identified are what is necessary to help the state accomplish such goals that are set forth in the new accountability system. He cited work underway surrounding the state's course codes as an example of a particular strategy.

Several board members thanked Dodd and her team for their work on the data that was presented and stated a desire to see more of it at future meetings. Commissioner Pruitt informed the board that the KDE strategic plan will become a standing item on all future KBE agendas.

XVI. 2017 Kindergarten Screener Results (Review Item: 20 minutes) - KDE Associate Commissioner Amanda Ellis and KDE Staff Bill Buchanan and Sally Shepherd

KDE Associate Commissioner Amanda Ellis and Branch Manager Sally Shepherd provided an update on the state's 2017 kindergarten screener data. Using a PowerPoint on the board's online materials site, Ellis provided an overview of the kindergarten entry screener and its purpose. Ellis noted that the 2017-18 data indicated that 51.4% of entering kindergarteners were classified as "ready" for kindergarten. She also noted a decrease in enrollment for this year, which could be attributed to a change in the law for the required entry age. Also, Ellis provided an overview of the disaggregated data (by student group), as well as data based on the student's prior setting (preschool, Head Start, child care, etc.), which is self-reported by the parents/guardians.

Bill Twyman asked how much influence the state currently has on child care centers. Ellis explained that there are many partnerships in place, but that KDE has no jurisdiction or purview over child care centers. Ellis stated that KDE and the regional training centers provide child care centers with a variety of professional learning opportunities.

Ben Cundiff inquired about the differences between child care, Head Start and state-funded preschools. Ellis explained that the state-funded preschool and Head Start programs have

qualifying criteria, based on low-income status and disability needs. Ellis explained that child care centers are open to the public and tend to serve higher income families.

Kathy Gornik asked about the readiness rates for Hispanic students and asked if a language barrier could be attributing to the low readiness rates. Ellis clarified that the assessment is given in a student's native language.

Ellis explained that the district deadline was October 15 for completion of the screener. She noted data clean-up that was necessary following the deadline, resulting in a delayed update to the board.

XVII. Approval of KBE Budget and Policy Priorities for the 2018 Regular Session of the Kentucky General Assembly (Action/Consent Item: 30 minutes) - Kevin Brown KDE General Counsel/Associate Commissioner; Tracy Goff-Herman, KDE Policy Advisor; and Robin Kinney, KDE Associate Commissioner (DEFERRED FROM DECEMBER 5, 2017 WORK SESSION)

KDE Associate Commissioners Kevin Brown and Robin Kinney presented this item. Brown began by summarizing the draft KBE Policy and Budget Priorities document, noting minor changes since the board's last meeting. Brown explained that the document, once approved, is used on the board's behalf during the legislative session to advocate for the specified priorities.

Several questions were posed by members and advisors about the recommendation to include a policy priority surrounding potential county-to-county school district mergers. Kinney explained that current statutes speak to the process of independent and county mergers, but the law does not currently provide for county-to-county mergers. Brown noted that, while the need for such a merger is not foreseen, the legislative option should exist to address such a need and scenario, if need be.

Roger Marcum expressed his pleasure with seeing the inclusion of the Dyslexia Task Force recommendations included within the priorities. Marcum inquired about Advance Kentucky and why it was not also included. Commissioner Pruitt said that he hopes to sustain current funding for Advance Kentucky, but that the current financial climate didn't warrant asking for additional funding at this time. Commissioner Pruitt said that Advance Kentucky was on the original list of KDE priorities, but was removed after deeper analysis and further prioritization.

Regarding the board's support for tax and pension reform, Marcum asked if the board could add a comment about "ensuring the recruitment and retention of a quality educator workforce." Nawanna Privett agreed with Marcum's recommendation. Chair Wheeler pointed out that a strong pension system may not be the only factor to retaining high quality educators. Gary Houchens said that he supported leaving the policy statement the way that it was currently written and suggested that board members speak out individually about the pension issue, rather than collectively as a group. Chair Wheeler agreed with Gary's comments.

Wayne Lewis requested that the document be very clear about the item related to charter school funding. Lewis said that the request was not for additional funding, but for a permanent formula to be codified into law for how charters would be funded in the future.

A motion for approval of the 2018 KBE Budget and Policy Priorities document was made by Gary Houchens and seconded by Ben Cundiff. The motion carried with a unanimous voice vote.

XVIII. 2017-2018 Local District Working Budgets (Review Item: 15 minutes) - Robin Kinney, KDE Associate Commissioner

KDE Associate Commissioner Robin Kinney and Division Director Donna Duncan came forward to present this agenda item. Kinney clarified that this item was for review only and it did not require action by the board. She noted that KDE staff are continuing discussions with school districts who are in financial stress. Kinney noted that the state has quite a few financially healthy districts, noting conservative spending by many who fear unknown expenses or who may be planning for future projects. Rich Gimmel asked if there was a minimum fund balance mandated by law for local school districts. Kinney and Duncan explained that the law requires districts to pass a budget with a minimum of 2% contingency, but that the law doesn't require the KBE to take action on their respective budgets.

Kinney noted that, for those districts who are in financial stress, the outcomes are not always attributed to mismanagement of funds. Kinney cited a loss of local revenue for many districts, particular those in the eastern part of the state. She also noted a decline in student enrollment for many districts.

No other questions or comments were noted by board members or advisors.

XIX. Regulatory Changes to Title 703, Chapter 5 (Assessment and Accountability)

KDE Associate Commissioner Kelly Foster and Executive Advisor Cassie Blausey presented the first reading of the following administrative regulations:

XIX.A. 703 KAR 5:191, Repeal of 703 KAR 5:190, Assistance to low-achieving schools and Repeal of 703 KAR 5:260, Intervention in priority schools (Review Item: First Reading) - Kelly Foster, KDE Associate Commissioner

Foster explained the rationale for the repeal of these regulations, citing that they were based on former accountability and school improvement frameworks. Foster stated that new regulations were being developed and revised to meet the compliance requirements of the Every Student Succeeds Act (ESSA) and SB1 (2017) that outline the requirements for Kentucky's school improvement processes.

No questions were noted on the regulation. As a first reading, no action was required. A second reading of the regulation will be heard at the February KBE meeting.

XIX.B. 703 KAR 5:225, School and district accountability, recognition, support and consequences (Review Item: First Reading) - Kelly Foster, KDE Associate Commissioner

Using a PowerPoint presentation found on the board's online materials site, Foster provided an overview of the proposed changes to the regulation. Foster noted that the changes to this regulation

address outdated language that must now be in compliance with ESSA and SB1 (2017). Foster said that other amendments strike information that is no longer necessary, as it is addressed in the newly-revised 703 KAR 5:280, Kentucky's new accountability system.

As a first reading, no action was required. A second reading of the regulation will be heard at the February KBE meeting.

XIX.C. 703 KAR 5:280, School improvement procedures (Review Item: First Reading) - Kelly Foster, KDE Associate Commissioner

Using a PowerPoint presentation found on the board's online materials site, Foster provided an overview of the proposed new regulation. Items discussed by Foster included new ESSA school improvement terminology, new timelines established by ESSA, school and district audit requirements, school turnaround team and plan requirements, targeted support and intervention, technical assistance to local education agencies and exit criteria.

Rich Gimmel asked how the local district submits the turnaround plan to KDE. Foster explained that the Superintendent and district board chair would submit the plan to KDE once approved at the local level.

Kathy Gornik asked what the ultimate consequence was for a comprehensive improvement school. Foster explained that, while there were tiers of interventions to be implemented, the ultimate consequence could result in the district becoming a state-managed district.

Wayne Lewis asked what role KDE plays if a district chooses an independent turnaround team. Foster and Blausey explained that SB1 still requires KDE to monitor and approve the established plan.

Bill Twyman asked about those schools who were currently being provided school improvement services from KDE. Specifically, Twyman inquired what would happen to those schools once the new regulations take effect. Foster explained that a new list of schools will be generated after the 2017-18 year, based on the new criteria.

Rich Gimmel asked how the phrase "continued progress" was being measured. Foster explained that new pieces of the accountability system couldn't be modeled yet due to a lack of data; however, yearly trajectories would be developed to determine a school's annual progress.

Chair Wheeler asked if an estimation had been done yet to determine how many schools may fall within the need for school improvement services. Foster explained that data modeling had not yet been done, but that KDE would have to tier their support and resources to schools and districts.

As a first reading, no action was required on this regulation. A second reading of the regulation will be heard at the February KBE meeting.

XX. Committee Meetings (meeting simultaneously, in different locations)

XX.A. Curriculum, Instruction and Assessment Committee Meeting - Conference Room 516

Committee Chair Houchens called the meeting to order.

XX.A.1. Action/Discussion Items

XX.A.1.a. Carl D. Perkins Consolidated Annual Report of 2016 - Laura Arnold, KDE Associate Commissioner

KDE Executive Advisor Chase Bannister and Branch Manager Karla Tipton presented this item. Bannister explained that the report was an annual requirement of the Carl D. Perkins federal legislation. Tipton explained the annual performance measures, citing that only one of the state's goals in 2016 was not met, which relates to non-traditional pathway enrollment at the secondary level. Tipton stated that strategies were in place to address the goal for the upcoming year, including non-traditional summer camps at the state's area technology centers. Tipton informed the committee of substantial increases within the state's technical skill attainment rates, which is measured through industry certifications and end-of-program assessments for the various career pathways.

A motion for approval was made by Nawanna Privett and seconded by Roger Marcum. The motion carried by a unanimous voice vote.

XX.A.1.b. Amendments to 704 KAR 3:540, Uniform Academic Course Codes (Second Reading) - Amanda Ellis, KDE Associate Commissioner

KDE Associate Commissioner Amanda Ellis presented this item. Ellis reminded the committee that the proposed changes were meant to ensure consistency across the state and to ensure equitable access to the state's academic standards for all students. Ellis noted a variety of shareholders who had reviewed the proposed changes to the regulation and had been provided the opportunity to give feedback to KDE.

Committee Chair Houchens stated his understanding that the proposed changes were also necessary in order to measure many aspects of the new accountability system, particularly around the "Opportunity and Access" indicator. Ellis affirmed that this was accurate and also noted the impact on transition readiness measures of the accountability system.

Wayne Lewis asked about the implementation timeline. Ellis explained that the new codes would be implemented beginning in the 2018-19 academic year.

A motion for approval was made by Roger Marcum and seconded by Nawanna Privett. The motion passed with a unanimous voice vote.

XX.A.1.c. 704 KAR 7:090, Homeless Children Education Program (Second Reading) - Kelly Foster, KDE Associate Commissioner

KDE Executive Advisor Cassie Blausey presented this item. Blausey noted two changes since the first reading, which included an amendment to the title and the striking of the document incorporation by reference. No questions were noted by committee members.

A motion for approval was made by Nawanna Privett and seconded by Roger Marcum. The motion passed with a unanimous voice vote.

Committee Chair Houchens asked for a motion to adjourn. The motion to adjourn was made by Roger Marcum and seconded by Nawanna Privett. The motion for adjournment passed with a unanimous voice vote.

XX.B. Management Committee Meeting - State Board Room 514

Committee Chair Cundiff called the meeting to order.

XX.B.1. Action/Discussion Items

XX.B.1.a. Waiver of the minimum classroom space requirements and the minimum physical education program space requirements found in Section 304 of the Kentucky School Facilities Manual, as incorporated by reference into 702 KAR 4:180, and waiver of the bleacher seating requirements (Part 2-b.10) and the outdoor physical education space requirements (Part 2-a.13) found in the Facility Programming and Construction Criteria Planning Guide, as incorporated by reference in 702 KAR 4:170 for the Boone County School District - Robin Kinney, KDE Associate Commissioner and Donna Duncan, Division Director

KDE Associate Commissioner Robin Kinney and Division Director Donna Duncan presented this item. Duncan explained that the request from Boone County related to the district's new school, known as the IGNITE Institute. Duncan noted that Toyota Manufacturing has donated the building to the school district; therefore, the district was pursuing a waiver of traditional facility requirements. Kinney explained that the facility was worth approximately \$7M.

Bill Twyman asked if the new school would only serve Boone County students. Kinney explained that the school was a regional concept and that it would service students from surrounding districts. Duncan stated that KDE staff were recommending approval of the waiver request. A motion for approval was made Grayson Boyd and seconded by Bill Twyman. The motion carried with a unanimous voice vote.

XX.B.2. Review Items

XX.B.2.a. State Management Update: Breathitt County and Menifee County School Districts - Kelly Foster and Robin Kinney, KDE Associate Commissioners

KDE Associate Commissioners Kelly Foster and Robin Kinney provided an update on the districts currently under state management. Foster explained that an on-site management audit was currently underway for Breathitt County. Foster noted that leadership changes for the K-8 and high school buildings in Menifee County had also occurred and that the transitions in leadership had gone well thus far.

Committee Chair Cundiff asked if Foster anticipated seeing Breathitt County come out of state assistance by the February KBE meeting. Foster stated that she anticipated bringing the results of the audit in February, but that she was not certain about whether the board would be provided recommendations at that time.

This was a review item and no action was required by the committee.

XX.B.2.b. 2018-2024 Kentucky Education Technology System (KETS) Master Plan (701 KAR 5:110, Use of local monies to reduce unmet technology need - First Reading) - David Couch, KDE Associate Commissioner

KDE Associate Commissioner David Couch and Chief Digital Officer Marty Park presented this item. Couch summarized the KETS Master Plan, which is the document incorporated by reference into this administrative regulation. He noted the many education technology strengths of the state, as well as continued opportunities for improvement. Committee members commended Couch and staff for their work and commitment to excellence.

Joe Papalia asked which area for improvement that Couch felt to be the most important. Couch noted that the "people side" of technology was the most critical to him personally, noting the importance of continued professional learning opportunities for district and school staff.

As a first reading, no action was required on this item. The regulation will come forward for a second reading at the February KBE meeting.

Committee Chair Cundiff asked for a motion to adjourn. The motion was made by Milton Seymore and seconded by Grayson Boyd. The motion carried by unanimous voice vote.

XXI. Report of the Curriculum, Instruction and Assessment Committee

Committee Chair Houchens moved approval of the following:

- *Carl D. Perkins Consolidated Annual Report of 2016;*
- *704 KAR 3:540, Uniform Academic Course Codes; and*
- *704 KAR 7:090, Homeless Children Education Program.*

Coming from a committee, the motion did not require a second. The motion carried by unanimous voice vote.

XXII. Report of the Management Committee

Committee Chair Cundiff moved approval of the following:

- A waiver of the minimum classroom space requirements and the minimum physical education program space requirements found in Section 304 of the Kentucky School Facilities Manual, as incorporated by reference into 702 KAR 4:180, and waiver of the bleacher seating requirements (Part 2-b.10) and the outdoor physical education space requirements (Part 2-a.13) found in the Facility Programming and Construction Criteria Planning Guide, as incorporated by reference in 702 KAR 4:170 for the Boone County School District."

Coming from a committee, the motion did not require a second. The motion carried by a unanimous voice vote.

XXIII. Approval of Commissioner's Evaluation Document (Action/Discussion Item) and Review of Commissioner's Goals for the Coming Year (Review Item)

Chair Wheeler summarized Commissioner Pruitt's annual evaluation document, which is posted to the board's online materials site. Chair Wheeler noted that the document had been approved and signed by all voting board members.

Commissioner Pruitt thanked the board for their continued support. He then summarized his goals for the upcoming year. Commissioner Pruitt informed the board that Vice-Chair Gimmel had worked in collaboration with him to develop the goals. He noted that the goals are arranged by the KDE strategic plan and the agency's pillars of excellence related to equity, achievement and integrity. Gimmel stated that the work together had been productive and that many of the annual goals had moved from tasks to more goal-oriented priorities.

Board members commended the Commissioner for his commitment to the strategic goals and expressed support for them. Many thanked him for his collaboration and visibility over the previous year.

Following discussion, a motion for approval of the annual evaluation document was made by Grayson Boyd and seconded by Ben Cundiff. The motion passed with a voice vote.

XXIV. Board Member Sharing

Chair Wheeler provided some remarks regarding the annual NASBE conference, which she and other board members attended during the month of November. In the interest of time, Chair Wheeler asked that Leslie Slaughter share a website link with board members and advisors that highlights the key takeaways from the annual conference.

XXV. Internal Board Business

The board had no internal business to discuss at the meeting.

XXVI. Adjournment

A motion for adjournment was made by Grayson Boyd and seconded by Ben Cundiff. The motion carried with a unanimous voice vote and the meeting was adjourned at 4:40 p.m. ET.

XXVII. State Evaluation Appeals Panel (SEAP) - Convened Upon Adjournment of Full Board Meeting