

## **KENTUCKY BOARD OF EDUCATION MEETING**

**Capital Plaza Tower, State Board Room, 1st Floor, 500 Mero Street, Frankfort, KY  
December 5, 2012**

### ***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on December 5, 2012, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The board conducted the following business:

#### **I. Note - Holiday Dinner, December 4, 2012, 6:30 p.m. (EST), Seminar Room, Capital Plaza Hotel - No business to be conducted.**

The Kentucky Board of Education held a holiday dinner on the evening of December 4, 2012 at the Capital Plaza Hotel and Chair David Karem announced at the December 5 session that no business was conducted at the dinner.

#### **II. Call to Order - December 5, 2012 - 9:00 a.m. (EST)**

Chair David Karem called the meeting to order at 9:00 a.m. He reminded everyone to mute or turn off their cell phones and that the meeting was being webcast.

Karem went on to indicate that all meeting materials are now posted on the board's online system at the link that is posted on the wall in the State Board Room or are found through the main page on the department's website.

#### **III. Roll Call**

Chair Karem asked Mary Ann Miller to call the roll.

#### **Attendance Taken at 9:00 AM:**

##### Present Board Members:

Leo Calderon  
Judy Gibbons  
David Karem  
Robert King  
Roger Marcum  
Jonathan Parrent  
Brigitte Ramsey  
William Twyman  
Mary Gwen Wheeler

##### Absent Board Members:

Ms. Nawanna Privett

#### **IV. Approval of minutes from the October 8-9, 2012 meeting**

Chair Karem asked for a motion and second to approve the October 8-9, 2012 meeting minutes.

**Motion Passed:** Approval of minutes from the October 8-9, 2012 meeting minutes passed with a motion by Judy Gibbons and a second by Jonathan Parrent.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes
Robert King	Yes

#### **V. Introduction of KDE Team Members of the Month and New KDE Employees**

Commissioner Holliday introduced the following new department employees:

- James Bauman, Capital Construction Design Project Administrator, Office of Administration and Support
- Anna Bratt, Internal Policy Analyst II, Office of Administration and Support
- Todd Haydon, Systems Consultant IT, Office of Knowledge, Information, and Data Systems
- Teresa Rogers, Education Academic Program Consultant, Office of Next-Generation Learners
- Veronica Sullivan, Exceptional Child Program Consultant, Office of Next-Generation Learners
- Monica Shack, Education Administration Program Consultant, Office of Next-Generation Schools and Districts
- Tom Edgett, Education Academic Program Manager, Office of Next-Generation Schools and Districts
- Wanda Carter, Education Administration Program Consultant, Office of Next-Generation Schools and Districts
- Vanessa Dudgeon, Education Administration Program Consultant, Office of Next-Generation Schools and Districts

The Commissioner also introduced Lisa Lang, Staff Attorney, Office of Guiding Support Services as the October Yes! Team Member of the Month.

#### **VI. Report of the Secretary of Education**

Secretary Joe Meyer shared the following:

- The Office of Early Childhood has added two additional staff.

- The P-20 Data System is making significant strides in improving its operation and will shortly be elevated to a higher status.
- The Workforce Investment Board's strategic plan has been recognized and staff has been asked to present on the plan before the National Governors' Association.
- An element that is about to be finalized is the High School Outreach Program. This is work supported by the Workforce Investment Board to make high school students and faculty more aware of economic opportunities in their region.

## **VII. Report of the President of the Council on Postsecondary Education**

President Robert King submitted a written report and also shared the following:

- In the written report is a reference to an article on the higher education side of the common core standards implementation. Sue Cain, one of the authors, is here today.
- President King's chief of staff attended the recent meeting of the northern counterpart to Southern Regional Education Board and found that this group is just now starting on the common core standards work. The level of collaboration between Kentucky Department of Education, Education Professional Standards Board and Council on Postsecondary Education has been unprecedented and keeps us moving forward to impact learning outcomes systemically in a positive way.

Bill Twyman then asked how information about the status of the GED program and its preparation of students to be college and career ready.

President King indicated that there is current work going on to incorporate the common core standards into the GED program.

Brigitte Ramsey then asked if there is data on those GED students entering postsecondary education and if they actually finish once they enter.

President King responded that he would get the data and send it to the state board.

## **VIII. Report of the Executive Director of the Education Professional Standards Board**

Interim Executive Director Alicia Sneed submitted a written report and also shared the following:

- Robert Brown has been appointed as Executive Director of the Education Professional Standards Board (EPSB) beginning February 1. He worked on the redesign of the superintendents' program among other projects at the EPSB.
- President King, Commissioner Holliday and Secretary Meyer were thanked for their support during the executive director's selection process.

## **IX. Report of the Commissioner of Education**

Commissioner Holliday submitted a written report and also shared the following:

- KDE staff has done a great job on developing the restraint and seclusion regulation and information on it for the public and various constituencies. ABC news recently highlighted this topic and a clip from that broadcast was shown to the board.
- KDE is trying to move this regulation through the appropriate legislative committees but is still getting resistance from superintendents and the Kentucky School Boards Association. Staff will do their best to get the regulation passed.

Judy Gibbons asked if legislators would see the news clip.

Commissioner Holliday replied that staff will send it out to legislators in the next legislative newsletter and make sure the booklet that was prepared on this topic gets in the hands of legislative committee members.

Chair Karem stated that he thinks districts would find it preferable to have a policy in place on restraint and seclusion that is legally defensible.

Commissioner Holliday commented that a number of school districts have implemented a similar policy as is reflected in the regulation and noted he had worked in two states that had policies from the state level, which is a win/win for all involved.

#### **X. Good News Item - Presentation on "Homegrown Kentucky" program by University of Kentucky students Patrick Johnson and Luke McAnally**

Luke McAnelly and Patrick Johnson, University of Kentucky students, presented on the "Homegrown Kentucky" program that they initiated in the Owsley County School District. They noted it was designed to involve the students, the school district and community in growing their own food and marketing it. The two said a three-year plan now exists for future projects and that they are looking for new counties that would be willing to participate for the coming year.

Judy Gibbons then shared another item of Good News in that Randy Poe of Boone County has been named the new Superintendent of the Year. She offered congratulations to Superintendent Poe on this outstanding honor.

#### **XI. Public Comment Segment**

Richard Innes of the Bluegrass Institute spoke about K-PREP/Unbridled Learning achievement gaps.

#### **XII. Proposed resolution supporting the 2012 Ten Percent Challenge**

Chair David Karem summarized that Win the War Against Violence, a Kentucky-based non-profit organization, contacted the Kentucky Department of Education and shared information on its violence reduction and education awareness campaign known as The 2012 Ten Percent Challenge. He stated that the program encourages all Kentuckians to help reduce the instances of violence in the Commonwealth by ten percent in 2012. Karem pointed out that Doug Wain, Executive Director of Win the War Against Violence, was present in the audience and had noted

that the campaign's special focus is on Kentucky's youth. He went on to say that many Kentucky mayors as well as the Governor and the Kentucky Center for School Safety have issued proclamations in support of this program. Chair Karem then read the following proposed resolution in support of The 2012 Ten Percent Challenge that the board was being asked to approve:

## RESOLUTION

WHEREAS, Violence creates unnecessary costs to individuals, local schools and school districts, local county governments and the Commonwealth;

WHEREAS, Violence reduces the quality of life of students and impacts all Kentuckians regardless of geography, ethnicity, income or age;

WHEREAS, A reduction in violence will make schools, school districts and the municipalities of Kentucky safer places in which to learn and work; and

WHEREAS, Win the War Against Violence, a Kentucky non-profit organization, has announced The 2012 Ten Percent Challenge as a violence reduction and education awareness campaign encouraging all Kentuckians to help reduce the instances of violence in the Commonwealth by ten percent in 2012.

NOW, THEREFORE, BE IT RESOLVED that the Kentucky Board of Education and Kentucky Department of Education hereby support The 2012 Ten Percent Challenge and encourage others to seek a reduction in violence throughout our state.

At this time, Chair Karem asked for a motion and second to approve the resolution.

**Motion Passed:** Approval of the proposed resolution supporting the 2012 Ten Percent Challenge passed with a motion by Leo Calderon and a second by Brigitte Ramsey.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

Mr. Doug Wain then came forward and thanked the chair, commissioner and the board for passage of the resolution. He emphasized that the goal is to challenge our youth to stop and/or reduce violence and said this resolution would help to send a crystal clear message to that effect.

Chair Karem and Commissioner Holliday took time to sign the resolution and present a copy to Mr. Wain.

Next, Brigitte Ramsey commented that Kentucky is one of 19 states that still allows corporal punishment and indicated that she hoped the board would soon take action on this issue.

### **XIII. Resolution Endorsing the Kentucky Work Ready Communities Initiative**

Chair David Karem moved on to summarize agenda item XIII. titled Resolution Endorsing the Kentucky Work Ready Communities Initiative. He explained that the Kentucky Work Ready Communities Steering Committee is seeking endorsements from various state and national organizations for a new program that certifies a county based on the quality of its workforce. Karem said that the program seeks to transform the talent pool in Kentucky and more. He continued that the Kentucky Workforce Investment Board created a framework to give counties the opportunity to use a common framework of criteria to prove and improve their workforce assets. Karem noted that Secretary Joe Meyer has requested that the board approve the following proposed resolution endorsing the initiative:

#### **RESOLUTION**

WHEREAS, The presence of a skilled workforce is a critical factor for attracting and retaining good jobs;

WHEREAS, The Kentucky Workforce Investment Board has established the Kentucky Work Ready Communities initiative to provide counties with an opportunity to validate the quality of their workforce;

WHEREAS, The criteria for achieving certification requires community collaboration to improve high school graduation rates, educational attainment, soft skills development, digital literacy, and National Career Readiness Certificate holders; and

WHEREAS, The Kentucky Board of Education and Kentucky Department of Education support efforts to improve, document and promote a skilled workforce in Kentucky.

NOW, THEREFORE, BE IT RESOLVED that the Kentucky Board of Education and Kentucky Department of Education hereby affirm, support and endorse the framework and criteria of the Kentucky Work Ready Communities initiative.

Secretary Meyer was then recognized and stated that the initiative is designed to bring all leaders together and for them to commit to improving the quality of the workforce. He commented that 18 counties have committed to participation in the project.

Next, Chair Karem asked for a motion and vote on the resolution.

**Motion Passed:** Approval of resolution endorsing the Kentucky Work Ready Communities Initiative passed with a motion by Judy Gibbons and a second by William Twyman.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

#### **XIV. Assessment and Accountability Results and Summary of Data Issues**

Associate Commissioner Ken Draut summarized the new assessment results using the attachment called "Briefing Packet". He pointed out that board members could see consistency across the system using this data. Draut also went over the charts in two other attachments titled "Summary of Regulatory Requirements, Part 1 and Part 2".

Next, Associate Commissioner Draut moved on to discuss some issues that were noticed in the test data from analyzing the new model. First, he addressed the issue of the speed of growth annually and the claim by some that the goal of one point is too small. Draut commented that the National Technical Advisory Panel on Assessment and Accountability met last night and said to stay the course with this goal until a data history is established. He then recommended that the board review the goal each year.

Mary Gwen Wheeler then asked him to clarify if this means a one-point, single year gain.

Draut replied affirmatively and said this would mean one standard deviation's gain over ten years.

Roger Marcum proceeded to express his concern that if a school starts in the 30s, it is still a long way from 100 and a whole decade of students will be educated during a period of low scores/low achievement.

Commissioner Holliday responded that these concerns are based on the old understanding/model and emphasized that with the new model, one cannot think about getting to 100. He noted the focus must be on getting to the proficiency target. Holliday also reinforced that the board needs to look at trend data before deciding if one point is too high or too low.

Next, Mary Gwen Wheeler moved on to ask how delivery targets are to be used.

Commissioner Holliday replied that schools and districts are being asked to commit to delivery targets and support the changes to the superintendent, principal and teacher evaluation systems that are all essential to committing to delivery targets. He clarified that this is about continuous improvement versus the old No Child Left Behind system.

Roger Marcum added that the approach of continuous improvement is much better. He pointed out that delivery targets become very important since the accuracy of the AMO (annual measurable objective) is not set in stone until more data is available. Marcum also affirmed the commissioner's point on the critical nature of the changes to the various evaluation systems.

Brigitte Ramsey then said that she appreciated the equipping of local boards of education with information on improvement. She inquired how the state board could provide local board members with the tools needed to ensure that progress is being made appropriately. Ramsey asked if the Kentucky School Boards Association should be consulted on how they can assist with delivery targets.

Commissioner Holliday responded that school districts and schools have a unique trajectory for their delivery targets. He explained that the department is producing maps of which districts are meeting their targets, except for college and career readiness. Holliday noted that if the local community does not expect improvement in the achievement gap, it will be hard for the state to impact this factor. He said that local school boards must be the champions. The commissioner committed to sending each local district its own chart to assist them with knowing the targets for improvement.

Mary Gwen Wheeler asked that a letter go out to each local school board chair on the district's delivery targets and the need to make this a part of the superintendent's evaluation.

Roger Marcum affirmed his support for such a letter and commented he was glad to know about the distribution of maps on meeting targets. He indicated that a sense of urgency on this letter is needed and should include communication to local chambers of commerce.

At this point, Associate Commissioner Ken Draut moved the presentation on to the subject of gap groups. Draut said the issue with the gap groups deals mainly with the subject of mathematics but does apply to some other areas as well. He explained that in the mathematics area, the cut score for the 3rd standard deviation actually fell below the score of zero and thus, the computer computation did not list any gap groups in the mathematics area. Draut indicated that this can be solved by calculating the 3rd standard deviation gap groups using the score of zero for the lowest possible score.

The last issue that Associate Commissioner Draut dealt with was whether additional rules were needed for Schools of Distinction in relation to gap groups for special situations. He explained that some schools labeled as Schools of Distinction may have achievement gap issues. Draut reminded board members that in order to be a School of Distinction, the school must be in the top 95% in its overall score, must meet its AMO, must meet its graduation goal and high schools must have a graduation rate higher than 60%. Additionally, he said if a school qualifies as a Focus School, it cannot be a School of Distinction. Draut then cited the special situation of Brandeis Elementary in Jefferson County that is labeled a School of Distinction and did not qualify as a Focus School. However, using the table on page 6 of the attachment titled "Summary of Regulatory Requirements Part 1, he explained that the table shows a gap between the African American students and White students; however, it also shows the African American students in Brandeis are significantly outperforming African American students in the state, outperform White students in the state in reading, and are close to White students in the state in mathematics performance.

Bill Twyman then asked if this is one of the issues that can be dealt with when more data is available to establish a trend.

Ken Draut replied that it should be dealt with through the delivery targets that are set on every gap group rather than adding more rules because schools cannot meet their goals without meeting the delivery targets.

Roger Marcum noted that he was glad Draut had used the Brandeis example because it showed that one must look at all of the data before jumping to a conclusion. He commented that this school has



made tremendous progress for all students even though there is still gap work to be done through delivery targets.

One other topic covered by Associate Commissioner Draut was Program Reviews, how these will be folded into the system and when they will become part of accountability.

## **XV. Strategic Plan Update; Reports on the College- and Career-Ready and Proficiency Stocktakes**

Division Director Karen Dodd used the attachment titled "Strategic Plan PowerPoint Presentation" to update the board on the strategic plan relative to the data. The following points were made during the presentation:

- For the proficiency goals, the state must increase the a) average combined reading and math Kentucky Performance Rating for Educational Progress (K-PREP) scores for elementary and middle school students from 44% in 2012 to 72% in 2017; b) percentage of children ready for kindergarten from 28.1% in 2012 to 64.1% in 2015-16; and c) average combined reading and math K-PREP scores for 3rd grade students from 46.1% in 2012 to 73.1% in 2017. The proficiency trajectory was also shown graphically.
- For the achievement gap goal, the state must increase the average combined reading and math proficiency ratings for all students in the non-duplicated gap group (African-American, Hispanic, Native American, With Disability, Free/Reduced-Price Meals, Limited English Proficiency) from 33 percent in 2012 to 66.5 percent in 2017. The gap trajectory was also shown.
- The link to the delivery website was provided to board members with an explanation that delivery plans, progress reports and stocktake summaries could be located here.

At this point, Mary Gwen Wheeler asked for a definition of stocktake.

Karen Dodd replied that for each delivery plan, staff meets with the commissioner to assess progress two times per year, which are called stocktakes.

Brigitte Ramsey then questioned how we know the Brigance data on readiness for kindergarten is valid since it only showed 28% of students to be ready and it assesses only the cognitive area. She also asked how the department can get out the correct message relative to this issue.

Associate Commissioner Felicia Smith replied that department staff has solicited advice from the experts on the National Technical Advisory Panel on Assessment and Accountability and will be receiving that information in the coming weeks as well as an effort to continue to survey districts across the state on advice. She added that the department meets regularly with the Early Childhood Advisory Council (ECAC) and is consulting with Terry Tolan on messaging.

Brigitte Ramsey continued by suggesting that a goal around the social/emotional domain be set in addition to the cognitive domain.

Commissioner Holliday responded that he felt the appropriate place for this issue is ECAC and it could be reported at the same time as the cognitive data.

Ramsey stated that she thought the board needs a goal on this in its strategic plan.

Holliday replied that the only way to accomplish this is through the three- and four-year-old program because the department does not have the capacity to take on ages 0 to 5.

Next, Jonathan Parrent stated that he is concerned about the performance of students in the gap groups and asked staff to spend some time on the strategies for dealing with this.

Associate Commissioner Susan Allred replied that the gap plan is a work in progress and explained that a cross agency team is working together on this. She commented that this time next year, a good tool would be in place.

## **XVI. Hearing Officer's Report**

General Counsel Kevin Brown conducted the first part of the Hearing Officer's report pertaining to the Kentucky High School Athletics Association and the Middle Schools Task Force Report since Julian Tackett was present to talk about the task force's report. He noted that the report was posted on the board's online system as an attachment and came out on November 26 containing 11 recommendations that will be the basis of recommendations to be brought back to the board in February. Brown asked Tackett to make comments about the report.

Julian Tackett indicated he will work with Kevin Brown and Commissioner Holliday to come back with recommendations for action related to this report shortly. He said it was good to see the citizenry reach many of the same conclusions that have previously been discussed with the state board.

## **XVII. Presentation of the Johnnie Grissom Award**

The Dr. Johnnie Grissom Award was presented by Chair David Karem to Dr. Elaine Farris, Superintendent of the Clark County School District, for her work to help all students achieve at high levels through instructional equity and closing the achievement gap.

## **XVIII. Lunch**

The board recessed for lunch in honor of Dr. Elaine Farris, the Dr. Johnnie Grissom Award winner, and her guests. It was announced that the meeting would resume at 1:00 p.m.

## **XIX. KBE Legislative Agenda**

Associate Commissioner Kevin Brown explained that the legislative agenda contains only four items and is shorter due to the fact that this is not a budget session. He said that the items included are the Professional Growth and Effectiveness System, the preschool funding formula, career and technical education and compulsory school attendance. Brown then asked for questions.

Judy Gibbons asked if the compulsory school attendance bill says the student must stay in school until age 18 unless graduated.

Kevin Brown replied that it is implied.

Mary Gwen Wheeler asked that given the fiscal impact of \$24 million of the compulsory school attendance bill, if that could be balanced with the savings that would occur.

Kevin Brown responded that Wheeler's point is a good one and can be included in the information supplied during the bill review process.

Brigitte Ramsey added that it would also be helpful to include the tools that are available to address working with these students if they are kept in school.

Brown agreed this would also be good information for the bill review process.

Chair David Karem then asked the commissioner if the board and department have the same strong support from the Kentucky Chamber of Commerce on compulsory attendance as they had on graduation rate.

Commissioner Holliday responded affirmatively and said he would follow-up with David Adkisson on this matter.

Chair Karem then asked for a motion and second to approve the legislative agenda.

**Motion Passed:** Approval of the KBE legislative agenda for the 2013 legislative session passed with a motion by Roger Marcum and a second by Jonathan Parrent.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

## **XVI. Hearing Officer's Report (Continued)**

In the afternoon, General Counsel Kevin Brown completed the remainder of the items that were part of the Hearing Officer's Report. First, he brought forward the Statement of Consideration for 704 KAR 19:002, Alternative education programs. Susan Allred went over the content of the Statement of Consideration, requested changes from the public and the department's responses to the requested changes. Brown then asked for approval of the Statement of Consideration along with the amended regulation.

Chair Karem asked for a motion and second on the Statement of Consideration and the amended regulation.

**Motion Passed:** Approval of the Statement of Consideration for 704 KAR 19:002, Alternative education programs, and the revised regulation passed with a motion by Brigitte Ramsey and a second by Roger Marcum.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

Next, General Counsel Brown referred the board to the attachment titled "Hearing Officer's Report" for a summary on the status of their regulations. He noted that the restraint and seclusion regulation would go before the Administrative Regulation Review Subcommittee on December 17 at 10:00 a.m. Brown gave as a handout the booklet on the regulation that was prepared for use with legislators and went over its contents. He pointed out that the media section has a sticker on it with the link to the ABC news segment on restraint and seclusion that was shown at the board meeting.

Mary Gwen Wheeler stated that the booklet was exceptional and encouraged every board member to read it closely.

## **XX. Management Committee Meeting**

### **XX.A. Action/Consent Items**

#### **XX.A.1. New District Facility Plans: Campbell and Magoffin County School Districts and Russell Independent School District**

Tim Lucas indicated that all of the plans met the requirements for approval.

Committee Chair Roger Marcum then asked for a motion, second and vote to approve the facility plans.

**Committee Motion Passed:** Approval of the new district facility plans for Campbell and Magoffin County School Districts and Russell Independent School District passed with a motion by William Twyman and a second by Leo Calderon.

Leo Calderon	Yes
Judy Gibbons	Yes
Roger Marcum	Yes
William Twyman	Yes

### **XX.A.2. 2012-13 Local District Working Budgets**

Kay Kennedy indicated that Monticello Independent's working budget has not yet been accepted by department staff but said all of the other 173 districts' working budgets meet requirements and are recommended for approval.

Committee Chair Roger Marcum asked for a motion, second and vote to approve the working budgets.

**Committee Motion Passed:** Approval of all submitted 2012-13 Local District Working Budgets passed with a motion by Judy Gibbons and a second by Leo Calderon.

Leo Calderon	Yes
Judy Gibbons	Yes
Roger Marcum	Yes
William Twyman	Yes

### **XX.A.3. 2012-2013 Local District Tax Rates Levied**

Kay Kennedy noted that 11 districts' tax rates are being brought forward for approval today and once approved, that will make 173 districts whose tax rates have been accepted. She noted that Monticello Independent would be the only district left whose tax rate has not been approved.

Committee Chair Roger Marcum expressed his concern about the trend that is occurring for districts taking the compensating rate rather than the 4% rate.

Bill Twyman added that if one looks at the historical data, fewer and fewer are taking the 4% rate.

Board Chair David Karem thanked Marcum for pointing out the 4% issue and said this is frustrating when the General Assembly gives districts the power to levy the 4% rate.

At this point, Committee Chair Marcum asked for a motion, second and vote to approve the submitted tax rates.

**Committee Motion Passed:** Approval of all submitted 2012-13 Local District Tax Rates Levied passed with a motion by William Twyman and a second by Judy Gibbons.

Leo Calderon	Yes
Judy Gibbons	Yes
Roger Marcum	Yes
William Twyman	Yes

### **XX.B. Action/Discussion Items**

#### **XX.B.1. 702 KAR 4:160, Capital Construction Process (Second Reading)**

Associate Commissioner Hiren Desai and Division Director Kay Kennedy came forward for this item. Kennedy began by going over a summary of changes to the regulation.

Committee Chair Roger Marcum then asked about the letter from Martha Tarrant and the AIA.

Associate Commissioner Hiren Desai replied to the issues raised in the letter as follows:

- After speaking to the staff at the Legislative Research Commission that handle regulations, department staff were told that the contract documents must go back into the regulations. Thus, this answers that concern.
- Also, putting the contract documents back into the regulation addresses the request to include the fee guideline.
- As to the last request in the letter to keep the 1993 level of the fee guideline and not decrease the amount for projects over \$7 million, department staff cannot support this because we are trying to be fiscally responsible and help superintendents in negotiations. Furthermore, these are guidelines and are not what is required.

Due to Mr. Lucas' background, Committee Chair Marcum asked Tim Lucas if the content of the regulation makes sense to him. Lucas responded affirmatively.

Committee Chair Marcum then asked for a motion, second and vote to approve 702 KAR 4:160.

**Committee Motion Passed:** Approval of 702 KAR 4:160, Capital Construction Process passed with a motion by William Twyman and a second by Leo Calderon.

Leo Calderon	Yes
Judy Gibbons	Yes
Roger Marcum	Yes
William Twyman	Yes

#### **XX.B.2. Request from Leslie, Owsley, Knox and Wolfe County School Districts for waiver of Section (4) of 702 KAR 7:125, Pupil Attendance**

Division Director David Cook summarized the issue for the committee. He explained that in the legislative session of 2011, the General Assembly enacted House Bill 427. Cook said that this bill included language regarding the establishment of a pilot program for districts that regularly experience significant learning loss due to weather or health-related events to make up the lost instructional time through "non-traditional" programs. He went on to say that several districts applied for the pilot and implemented the program, which was for a two-year period; however, the mild winter of 2012 didn't allow districts to get a good set of data for the second year. Cook commented that as an alternative to the statute, Knox, Leslie, Owsley, and Wolfe Counties are now making a request of the Kentucky Board of Education for a waiver under KRS 156.160(2)(a) of 702 KAR 7:125, the Pupil Attendance regulation. He said that the Kentucky Board of Education would be approving an individual waiver for each district as explained in the staff note.

Bill Twyman asked if there were plans to do some comparisons on the performance of the districts using the waiver.

David Cook replied that plans have been made to do so.

At this point, Committee Chair Roger Marcum asked for a motion, second and vote on the waiver request.

**Committee Motion Passed:** Approval of the request for Leslie, Owsley, Knox and Wolfe County School Districts for a waiver of Section (4) of 702 KAR 7:125, Pupil Attendance passed with a motion by Judy Gibbons and a second by William Twyman.

Leo Calderon	Yes
Judy Gibbons	Yes
Roger Marcum	Yes
William Twyman	Yes

## **XX.C. Review Items**

### **XX.C.1. Budget Update on the addition of Career and Technical Education to the Kentucky Department of Education**

Associate Commissioner Hiren Desai came forward and gave information to the committee on the impact to the budget of integrating career and technical education into the Kentucky Department of Education (KDE). He noted that the February staff note containing employment data would include career and technical education employees. Desai said that the department has gone from approximately 500 to approximately 1,180 employees, with the addition of 53 area technology centers serving 20,000 students now under KDE. He clarified that most of the dollars are personnel costs.

Brigitte Ramsey asked if the net impact on the budget is neutral.

Desai replied that basically the impact is neutral except that there are some costs like moving the employees to KDE's technology system.

Commissioner Holliday then added that he and Associate Commissioner Dale Winkler had made a video recently on how career and technical education got to this stage and where it will be going in the future. He encouraged the board to watch the video and said it will be sent to principals and teachers at the centers. Holliday noted that there was a significant cut in the area technology centers before the move to KDE resulting in the loss of 30 teaching positions.

## **XXI. Curriculum, Instruction and Assessment Committee Meeting**

### **XXI.A. Action/Discussion Items**

#### **XXI.A.1. 704 KAR 3:090, Response to Intervention, Kindergarten through Grade 3**

Associate Commissioner Felicia Smith and Division Director Johnny Collett came forward for this item. Smith shared that the Local Superintendents Advisory Council offered a suggested language change to the regulation on page 3, lines 2 and 3, to accommodate the request in their letter for the language to read "delivered by the individual most qualified to provide the intervention services".

At this point, Committee Chair Mary Gwen Wheeler asked for a motion, second and vote to approve 704 KAR 3:090.

**Committee Motion Passed:** Approval of 704 KAR 3:090, Response to Intervention, Kindergarten through Grade 3 passed with a motion by Brigitte Ramsey and a second by Jonathan Parrent.

Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
Mary Gwen Wheeler	Yes

## **XXI.B. Review Items**

### **XXI.B.1. Professional Learning Task Force (PLTF) Recommendations**

Associate Commissioner Felicia Smith and Division Director Karen Kidwell came forward for this item. Smith indicated that this work placed Kentucky on the national scene with Kentucky serving as a demonstration state. She explained that this connects with the implementation of the common core standards and brings a wealth of expertise to our state. Smith commented that Karen Kidwell is leading this work.

Commissioner Holliday then asked how close staff is to having draft legislation related to professional learning and the recommendations of this group.

Smith replied that staff is very close to having draft legislation and assured the board that Kentucky teachers are at the heart of this work.

### **XXI.B.2. 703 KAR 5:250, Intervention options in priority schools & districts; 703 KAR 5:121, Repeal of 703 KAR 5:120, Assistance to schools, guidelines for scholastic audit; 703 KAR 5:181, Repeal of 703 KAR 5:180, Intervention system for persistently low-achieving schools (1st Reading)**

Associate Commissioner Susan Allred and Policy Advisor Debbie Hendricks came forward for this item. Allred explained that the language in the two regulations that staff is proposing for repeal is inconsistent with the state's ESEA flexibility waiver and the new assessment and accountability system; thus, she stated that the department is asking to repeal these regulations. She went on to say that the new regulation, 703 KAR 5:250, takes the place of both regulations to be repealed and aligns what we are doing to intervene in low achieving districts and schools with current practice, the ESEA flexibility waiver and the new assessment and accountability system. Allred noted that Jason Radford, the person leading the efforts in 12 of these schools, is present today.

Brigitte Ramsey asked if the Local Superintendents Advisory Council has been consulted on the content of the regulation.

Allred replied affirmatively.



Committee Chair Mary Gwen Wheeler then asked if the language changes requested by herself and the committee vice chair had been made.

Allred responded that those changes occurred on page 4, lines 13-22 and page 5, lines 1-3.

Brigitte Ramsey then asked if the principal requirements in the regulation are aligned with the master's requirements.

Susan Allred replied that she would check on this.

## **XXII. Approval of Action/Consent Agenda Items**

Chair David Kareem asked for a motion, second and vote on the action/consent items of district facility plans, working budgets and tax rates.

**Motion Passed:** Approval of all submitted district facility plans, local district working budgets and local district tax rates levied passed with a motion by Brigitte Ramsey and a second by Judy Gibbons.

Leo Calderon	Yes
Judy Gibbons	Yes
David Kareem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

## **XXIII. Report of the Management Committee on Action/Discussion items**

Committee Chair Roger Marcum moved approval of 702 KAR 4:160, Capital Construction Process and Request from Leslie, Owsley, Knox and Wolfe County School Districts for wavier of Section (4) of 702 KAR 7:125, Pupil Attendance.

**Motion Passed:** Approval of 702 KAR 4:160, Capital Construction Process and Request from Leslie, Knox and Wolfe County School Districts for waiver of Section (4) of 702 KAR 7:125, Pupil Attendance passed with a motion by Roger Marcum.

Leo Calderon	Yes
Judy Gibbons	Yes
David Kareem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

#### **XXIV. Report of the Curriculum, Instruction and Assessment Committee on Action/Discussion Items**

Chair Mary Gwen Wheeler moved approval of 704 KAR 3:090, Response to Intervention, Kindergarten through Grade 3.

**Motion Passed:** Approval of 703 KAR 3:090, Response to Intervention, Kindergarten through Grade 3 passed with a motion by Mary Gwen Wheeler.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

#### **XXV. Board Member Sharing**

The following board member shared the noted item during this part of the agenda:

- Roger Marcum - The Hope Street Group, a 501c3 group, met with me and they are interested in working with the department and board around teacher effectiveness. This would be a good opportunity for us.

#### **XXVI. KDE Employment Report**

No questions were raised about the content of the Employment Report.

#### **XXVII. Internal Board Business**

Chair David Karem indicated that three persons were needed to serve on the selection committee for the Joseph W. Kelly Award. He then appointed Roger Marcum as chair and Mary Gwen Wheeler and Nawana Privett as committee members.

#### **XXVIII. Litigation Report**

No discussion of the Litigation Report was requested.

#### **XXIX. Consideration of districts to enter management assistance per KRS 158.780**

Associate Commissioners Hiren Desai and Susan Allred came forward for this item. Desai began by explaining that Monticello Independent had asked for help in preparing its working budget and it was found in the process that the district had not been able to reconcile its monthly financial statement for 28 months. Thus, he said that Susan Allred was asked to head a team to audit the

district that resulted in the commissioner's recommendation to the board for the district to become state assisted. Desai noted that the district is not contesting the action and has now hired a finance officer. He stated that the department is working with the district on hiring a new superintendent and indicated the department's goal is to address the problems in a corrective action plan. However, he pointed out that if the goals in the plan are not met, then the commissioner will come back with a recommendation for state management.

Roger Marcum then noted that he saw one violation of law in the materials he reviewed about the situation and asked what will happen in regard to this.

Associate Commissioner Desai replied that staff with the Office of Education Accountability and the state auditor and any other agencies on any matters that rise to the level of criminal charges.

At this point, Chair David Karem asked for a motion and second to declare Monticello Independent a state assisted district.

**Motion Passed:** Approval for Monticello Independent School District to enter into state assistance per KRS 158.780 passed with a motion by Roger Marcum and a second by Judy Gibbons.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

The discussion moved on to the Breathitt County School District. Associate Commissioner Desai explained that back in the summer the Breathitt County School District asked for assistance on its calendar and it was found that the district was only in session 166 days instead of the required 177 with teachers being paid for these days. He indicated that the district's finances are stable but said all other areas are broken. Desai shared that Associate Commissioner Susan Allred led a team that went into the district for an intensive two-day audit and asked her to comment on this effort.

Allred stated that people in the district were candid with members of her team and seemed ready for assistance. She reported there to be dysfunction between the superintendent, leadership and the local board. Allred emphasized that the team did not see any other option except to recommend state management and said that the local board is not contesting the recommendation. She noted that this means the superintendent and local board will become advisory in nature with the commissioner becoming the decision maker.

Judy Gibbons asked if teachers were paid for the ten days that were not worked.

Hiren Desai replied affirmatively but indicated this matter is under review with the Office of Education Accountability and the state auditor.

Jay Parrent then asked if the length of time for state management would be three years.

Desai responded affirmatively unless the commissioner recommends to the KBE that the process needs to end sooner.

Next, Mary Gwen Wheeler asked to have a description of how the process will proceed.

Hiren Desai replied that a new superintendent needs to be hired but said first a state manager will be selected who will assist in the hiring of a superintendent. He noted there to be some legal and personnel issues to be solved before hiring the new superintendent.

Susan Allred added that the district will have to write a corrective action plan and that the Kentucky Valley Education Cooperative will be assisting in the process.

Chair Karem summarized that the recommendation is to declare Breathitt County to be under state management and asked for a motion and second to do so.

**Motion Passed:** Approval for Breathitt County School District to enter into state management per KRS 158.780 passed with a motion by Jonathan Parrent and a second by Mary Gwen Wheeler.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes

### **XXX. Adjournment**

Chair Karem asked for a motion, second and vote to adjourn.

**Motion Passed:** Approval to adjourn the meeting passed with a motion by Judy Gibbons and a second by Brigitte Ramsey.

Leo Calderon	Yes
Judy Gibbons	Yes
David Karem	Yes
Roger Marcum	Yes
Jonathan Parrent	Yes
Ms. Nawanna Privett	Absent
Brigitte Ramsey	Yes
William Twyman	Yes
Mary Gwen Wheeler	Yes