Kentucky Board of Education Regular Meeting
April 13, 2016

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on April 13, 2016, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The board conducted the following business:

I. Call to Order - 8:30 a.m. ET (Full Board)

Chair Roger Marcum called the meeting to order at 8:30 a.m. He made the following announcements:

- Leon Mooneyhan, Executive Director of the Ohio Valley Educational Cooperative, was welcomed and it was noted that a cooperative representative will be attending each board meeting. Also recognized as being in attendance were James Neihof, Chrissy Jones and Steve Miracle.
- Comments were made by the chair on the importance of partnerships and his appreciation of the collaborative nature of the partnerships that the board has with many groups and constituents. It was mentioned that board member Nawanna Privett serves as the facilitator of the Kentucky Education Action Team (KEAT) to which several of the board's partners belong. Marcum noted that he saw recent evidence of KEAT's collaboration during the legislative session as well as other partners' support. He went on to say many partners attended the recent Town Hall Meetings conducted by Commissioner Pruitt and he expressed appreciation for that attendance. Marcum noted that while partners may not always agree on issues, the importance of relationships over the last 25 years of progress is worth noting. He then gave a shout out of thanks to all of the board's partners and expressed appreciation to those legislative leaders who have tried to protect education funding and programs through the years.

II. Roll Call

Chair Marcum then asked Mary Ann Miller to call the roll. Present for the meeting were Grayson Boyd, Leo Calderon, Debra Cook, Susan Edington, Sarah Ford, Samuel Hinkle, David Karem, Roger Marcum, Nawanna Privett, William Twyman, Mary Gwen Wheeler and Robert King.

III. Approval of Minutes from the February 3, 2016, Regular Meeting

Marcum asked if there were any changes that needed to be made to the February 3, 2016, minutes. Hearing none come forward, he asked for a motion, second and vote to approve the minutes.

Approval of the February 3, 2016, minutes passed with a motion by Mary Gwen Wheeler and a second by Leo Calderon.

IV. Introduction of New KDE Employees and Team Member of the Month

Chair Marcum asked Commissioner Pruitt to introduce the new KDE employees. Pruitt introduced the following:

Office of Administration and Support
Jackie Chism, Educational Financial Analyst, Division of District Support
Kimberly Wise, Child Nutrition Program Consultant, Division of School and Community Nutrition
Carlina Garnett, Child Nutrition Program Consultant, Division of School and Community Nutrition
Shana Tingle, Program Coordinator, Division of School and Community Nutrition
Krystal Downey, Educational Financial Analyst, Division of District Support
Joseph Beatty, Purchasing Officer III, Division of Budget and Financial Management
Amy Monroe, Administrative Branch Manager, Division of Budget and Financial Management

Office of Next Generation Schools and Districts
Susan Burress, Safe Schools Consultant, Division of Student Success

Office of Next Generation Learners
James-Etta Goodloe, Education Academic Program Consultant, Division of Learning Services
Sylvia M. Starkey, Exceptional Children Consultant, Division of Learning Services

Office of Guiding Support Services
Bobby Ellis, Photographer, Division of Communications

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

Secretary Hal Heiner highlighted the following:

- The board deserves accolades for the positive direction graduation rate is taking.
- It was suggested that a focus needs to be placed on the completion of the first year of college.
- Heiner reported that he is working with colleges and the Kentucky Workforce Investment Board (KWIB) on dual credit and to define which credentials are important to industry, with the hope of having the list of credentials by May.
- He indicated that transparency is important to the Cabinet and to the board as well and he encouraged all partners to be transparent. It could be an area on which the Cabinet and board could partner. The question was posed as to whether every district should have its expenses available.

Mary Gwen Wheeler noted that the Lumina Foundation released a report and she said it contains a definition for quality. She suggested that the Kentucky Center for Education and Workforce Statistics (KCEWS) could look at what certifications have led to employment.

Secretary Heiner stated that he hopes to advance dual credit at a faster rate if funding is available. Commissioner Pruitt added that the partnership with the KWIB is exciting and noted that Associate Commissioner Laura Arnold heads that work for the Kentucky Department of Education. He said he was glad Secretary Heiner is emphasizing this work.

VI. Report of the President of the Council on Postsecondary Education

President Robert King noted the following:

- His time and that of his agency has been consumed by the budget situation and now there is the lawsuit to deal with as well. He stated that his hope is for a swift resolution.
- If dual credit is going to be expanded, a prepared teaching core is needed.
- Also, the way the master's program is structured needs to be rethought.
- We will know students are successful with dual credit if they attend college at a higher rate and have success there.
- The fifth annual student success summit was just completed and it needs to be at the center of our work.

VII. Report of the Executive Director of the Education Professional Standards Board

Executive Director Jimmy Adams reported that the education preparatory programs are facing accreditation. He noted that part of this is being more selective with those persons going into teaching. Adams emphasized that we need to work to make the profession more attractive.

Roger Marcum interjected that the issue raised above could be the number one issue moving forward to ensure we are getting quality teachers.

Adams continued and said that the Task Force on Combatting Inappropriate Student Teacher Relationships has completed its work and shared that he is requesting to present it to the Kentucky Board of Education in the future. He indicated that the task force has made 10 recommendations and said the board will have to decide whether to adopt these or not.

VIII. Report of the Commissioner of Education

Commissioner Pruitt touched on the following:

- Six Town Hall Meetings on the new accountability system have been completed and six are left to be conducted. One will be done for Kentucky Department of Education staff and a virtual one also will be conducted. It is evident that the attendees have appreciated having the opportunity to interact with the commissioner. 200 to 300 people have attended each one. Rebecca Blessing and Rhonda Sims have been an integral part of each meeting. These will become an annual event in the future. The attendance by a number of superintendents and cooperative directors has been very much appreciated.
- The principals of the Kentucky School for the Deaf (KSD) and Kentucky School for the Blind (KSB) plus Division Director Gretta Hylton visited the Georgia Schools for the Deaf and Blind and worked with their executive director while there. The Braille Academic Bowl is an exciting event that the commissioner attended. The department is continuing its review of practices at both schools and the board will receive a report on these reviews at the June meeting. Mary Ann Miller was asked to forward the graduation dates for KSB and KSD to board members.
- The work going on with career and technical education is something of which we can be proud. A grant from MorganChase of $2 million each year for three years has been

received. The work on this grant by department staff, Secretary Heiner and partners is appreciated.

IX. Good News

The following items of Good News were shared by the noted board members:

Sarah Ford - The Owensboro Board of Education has won the John F. Kennedy Center for the Performing Arts' 28th annual Kennedy Center and National School Boards Association Award. It was presented as part of the National School Boards Association's annual conference in Boston and comes with a $10,000 prize. The Owensboro Board was recognized for its commitment to providing a quality arts education. It was noted that despite funding challenges, this local board has shown a strong commitment to the endurance of the arts by having arts programs budgeted through the central district office, removing the burden of fundraising for teachers and ensuring stability across programs. The award also recognized the Owensboro Independent School District for hiring an arts supervisor for the district. In 2010, Owensboro High School opened a $23 million expansion that included state of the art fine arts classrooms, a blackbox theater and an upgrade to existing performance areas. Join me in congratulating the Owensboro Independent School Board and the Owensboro Independent School District on being selected for this national honor.

Mary Gwen Wheeler - Penelope Quesada, an Orff teacher at Jefferson County's Lincoln Elementary, was one of two Kentucky public school music teachers who were among 10 finalists from across the country for the Grammy's Music Educator Award in February. The award, presented by the Recording Academy and the Grammy Foundation, recognizes kindergarten through college teachers who have made significant contributions to music education and have shown a commitment to quality music education. Kentucky was one of only two states with two finalists. The other finalist, Lois Wiggins, band director at Edythe J. Hayes Middle School in Fayette County, was recognized at the February meeting. Quesada came to Jefferson County Schools in 2009 after teaching in parochial schools. A native of Lima, Peru, Quesada discovered a love for music in the 4th grade when a teacher noticed her playing the recorder and told her she had a gift. Quesada said that music saved her from her chaotic home life and compelled her to also succeed academically. She became a music teacher in the hopes of saving other children. After earning degrees in Peru, Quesada came to the U.S. in 2000 speaking little English. At Lincoln Elementary, where many students are English language learners, Quesada said her Orff classes are so interactive, students don't need to understand English to learn to love making music. Join me in congratulating Quesada on this exciting achievement!

Leo Calderon - The Southern Conference on Language Teaching (SCOLT) held its annual conference in Charlotte, NC from February 18-20, 2016. During the conference, Laura Roch Youngworth, a French teacher at Beaumont Middle School in Lexington, Kentucky, was awarded the 2016 SCOLT Teacher of the Year Award. Each state in the thirteen state SCOLT region may send one state language Teacher of the Year to the regional conference. Laura was selected on the basis of her excellent teaching, her strong contributions to world languages, her letters of recommendation, and an interview. She will now advance to the national competition sponsored by the American Council on the Teaching of Foreign Language (ACTFL). During the ACTFL convention in Boston this November, she and four other regional teachers will vie for the title of

ACTFL National Language Teacher of the Year. The teacher selected in November will serve as the national spokesperson for language learning in 2017. Since 1992, Laura has taught multiple levels of French in middle and high school and is the World Languages Content Lead for Fayette County Public Schools. Laura also works with and leads local and national efforts to improve world language education and is the host of the monthly Podcast series Language Talk: KWLA. Her presentations and publications are numerous ranging from methods for increasing student communication to helping teachers build language programs. For her contributions to education, she has been featured in the University of Kentucky Alumni Magazine and *Kentucky Teacher*. Join me in congratulating Laura on this tremendous honor!

X. Full Board Item - Strategic Priority: Next Generation Learners
X.A. AdvanceKentucky Update (Review Item) - Associate Commissioner Amanda Ellis and Joanne Lang, Executive Director - 30-minute presentation/discussion

Coming forward for this agenda item were Associate Commissioner Amanda Ellis, AdvanceKentucky Executive Director Joanne Lang and AdvanceKentucky Director of Education Services Anthony Mires. Ms. Ellis introduced the personnel from AdvanceKentucky and then asked Ms. Lang to make the presentation.

Lang used a PowerPoint presentation found on the board's online materials site to make the following points:

- The purpose of the presentation is to make the announcement of the new schools in Cohort 9 and to provide the annual update on the program.
- The program supports improvements in earning qualifying scores on national AP math, science and English exams, which may earn college credit.
- The high schools for Cohort 9 are Boyd County, Campbellsville Independent, Central (Jefferson County), Elizabethtown Independent, Fleming County, Mason County, Nelson County and Thomas Nelson (Nelson County).
- The total number of high schools involved in the program is 109 in 79 districts.
- By the seventh year of open enrollment, AdvanceKentucky schools stand to generate nearly $10 million in tuition value, in one year.
- Specific data on number of AP qualifying scores in math, science and English was presented for all students, low-income students, and minority students as well as trend data on growth.
- From 2008 to 2015, U.S. Scholars increased by 80% while the total Kentucky Scholars increased by 159%.

David Karem expressed that AdvanceKentucky has been one of the tremendous successes that has occurred during his tenure as a board member.

Commissioner Pruitt stated that collecting the kind of data that was included in today's presentation is not easy and he emphasized that AdvanceKentucky is to be commended for this.

X.B. Teach for America Update (Review Item) - Associate Commissioner Amanda Ellis and Will Nash, Executive Director - 30-minute presentation/discussion

Associate Commissioner Amanda Ellis and Teach for America Executive Director Will Nash came forward for this agenda item. Mr. Nash used a PowerPoint to highlight the following:

- The Education Professional Standards Board issues temporary, provisional certificates to Teach for America candidates as part of an alternative certification pilot program.
- The program has partnerships with 21 districts with 52 corp members working in the state. 70% are in secondary STEM and foreign language and the remaining 30% are spread among all other subjects.
- 130 Teach for America (TFA) alumni exist across Kentucky and 66% of them continue to work in education.
- On the annual Principal Survey, 93% of principals rated corp members as good, very good or excellent in terms of knowledge of their subject matter; 100% of principals agreed/strongly agreed that they are satisfied with their TFA corp members; 100% of principals agreed/strongly agreed that TFA corp members make a positive difference in their school; and 85% of principals agreed/strongly agreed that TFA teachers have a greater impact on student achievement than other beginning teachers.
- The General Assembly included funding of $500,000 for TFA in the FY 2015-16 budget bill. To receive the funding, TFA agreed to bring in a total of 60 additional teachers for the 2014-15 and 2015-16 school years, expand services to at least five new counties and match the public funding with a 3:1 ratio with private funding.
- Funding is to be used for recruitment of teachers to come to Appalachia, the initial training of new teachers before they begin teaching and on-going support, training and coaching of teachers during their two-year commitment and beyond if they decide to stay.
- TFA Appalachia is currently the highest performing rural region within the organization; the demand for teachers during 2015-16 was double the supply and the General Assembly was asked to renew the $500,000 appropriation for use in 2017 and 2018.

Sam Hinkle inquired about the program's plans for the future.

Mr. Nash replied that the program will try to sustain its growth with the present funding level.

X.C. Process for Developing a New Accountability System (Review Item) - Associate Commissioner Rhonda Sims and Commissioner Stephen L. Pruitt - 30-minute presentation/discussion

Commissioner Stephen Pruitt and Associate Commissioner Rhonda Sims were the presenters for this item. Using a PowerPoint presentation posted on the board's online materials site, Dr. Pruitt explained the main elements of the new Every Student Succeeds Act and what the new accountability system will have to address. Sims reported on the Town Hall Meetings including main themes that are emerging from the feedback as well as conversing on the timeline for the development of the new system and a description of the current system. The board gave the following feedback relative to the new system:

- Testing time is a concern.
- The new system needs to prevent the hiding of students who are not doing well.

- The current system should be examined for what parts of it are working and what parts are not working.
- Make sure all of the different constituent groups are consulted and their input is considered.
- Assessment and instruction must be connected.
- Some good exists when competition occurs.

XI. Full Board Item - Strategic Priority: KDE Support and Guiding Processes
XI.A. 2016-2018 Biennial Budget Update and Update on Pending Elementary and Secondary Legislation Before the Kentucky General Assembly (Review Item) - Associate Commissioners Robin Kinney and Kevin Brown and Legislative Liaison Tracy Herman - 30-minute presentation/discussion

Associate Commissioner/General Counsel Kevin Brown, Associate Commissioner Robin Kinney and Legislative Liaison Tracy Herman came forward for the presentation on legislation and budget. Kinney began by going through the budget handout found on the board's online materials site. She noted that both chambers agreed that P-12 funding should not be subject to reductions. Kinney pointed out that she is hearing higher education funding is a sticking point in the budget negotiations. She also shared that the attorney general has filed a suit on the question of whether any sitting governor can make a reduction when there is not deficit.

Roger Marcum asked if there can be line item vetoes to the budget and Brown responded that this is a possibility.

Bill Twyman then inquired as to what happens if an agreement cannot be reached.

Brown responded that the Governor has said he will not call a special session. He stated that case law would have to be consulted if that scenario plays out.

At this point, Mary Gwen Wheeler asked what the department would do if the four and one-half percent cut gets implemented.

Commissioner Pruitt replied that the department has a plan for addressing this and dollars were held back in the event the cut is implemented.

Next, Tracy Herman went through the legislative handout found on the board's online materials site summarizing what bills had passed during the 2016 session.

XII. Public Comment Segment

No individuals signed up to speak during the Public Comment segment.

XIII. Hearing Officer's Report

General Counsel Kevin Brown referred the board members to the written report on the board's online materials site. He stated that on January 4, 2016, 702 KAR 1:170, School district data

security and breach procedures, became effective. Brown also noted that no other regulations had been filed because the board has been in the process of repealing several regulations.

XIV. Board Member Sharing

Chair Marcum asked if any members had items to share.

Bill Twyman thanked the board for allowing him to attend the policy makers' conference in Washington, D.C.

Roger Marcum then explained the membership situation relative to Sarah Ford's and Susan Edington's board seats.

XV. Information Items
XV.A. KDE Employment Report (All offices except Career and Technical Education)

No questions came forward on this report.

XV.B. KDE Employment Report (Office of Career and Technical Education only)

Mary Gwen Wheeler expressed that the level of minority employment for career and technical education is still not acceptable. She urged staff to keep up the recruiting efforts.

XVI. Presentation of the Kevin M. Noland Award

Chair Roger Marcum shared that the Kentucky Board of Education established the Kevin M. Noland Award in 2008. He noted that it was established to honor former Interim Commissioner, Deputy Commissioner, Associate Commissioner and General Counsel Kevin M. Noland, who served the Department of Education for approximately 18 years. Marcum explained that the award was established to recognize a KDE employee for significant service to Kentucky's public schools and for providing inspiration for education. He commented that Kevin Noland was present and asked him to stand and be recognized.

Marcum continued by announcing that the individual selected by the internal selection committee as the 2016 Kevin M. Noland Award winner was Laura Arnold, Associate Commissioner of the Office of Career and Technical Education. He said that she graduated from the University of Kentucky with master's degrees and a bachelor's degree and taught family and consumer sciences in Mercer County as well as served as principal at the Marion County ATC before coming to the Kentucky Department of Education in 2011. Other information about Laura that he shared was:

- At KDE, Laura has served as program manager, policy advisor, division director and now associate commissioner within the Office of Career and Technical Education.
- She oversees the work of the 42 KDE staff members that make up the two divisions for the Frankfort CTE office and the 600 plus staff of the 53 Area Technology Centers.
- Matt Chaliff, who nominated Laura, said that "her greatest achievement has been building ties between career and technical education and groups such as the Kentucky Career and Technical College System, the state Chamber of Commerce, the Kentucky Workforce

Innovation Board and hundreds of business and industry partners. These relationships have helped to better connect the work of career and technical education teachers and KDE's Office of Career and Technical Education with the needs of industry. Students are leaving better prepared for the world of work because of her work to make these kinds of connections.

- Additionally, the nomination form stated that "during her time at KDE, Laura has worked tirelessly to advance student learning and achievement among career and technical education students in Kentucky. Student learning and student achievement are the driving forces behind every decision she makes. Her leadership has impacted school districts through strong support for local programs at the state level.
- Laura exemplifies strong customer service and always goes the extra mile to be responsive quickly to those who need assistance.

Chair Marcum offered his congratulations to Laura Arnold for the outstanding work that has resulted in being chosen to receive the Kevin M. Noland Award, and asked her to come forward to receive it!

XVII. Lunch - 12:00 Noon - 1:00 p.m. ET (Lunch provided for KBE members, invited guests and commissioner's planning committee members only)

The board recessed for lunch in honor of Laura Arnold, the Kevin M. Noland Award winner.

XVIII. Kentucky School for the Deaf Signing Choir Performance

The Kentucky Board of Education was privileged to have the Kentucky School for the Deaf Signing Choir perform several selections.

XIX. Curriculum, Instruction and Assessment Committee Meeting

Committee Chair Mary Gwen Wheeler called the meeting to order. All members were present.

XIX.A. Action/Consent Items
XIX.A.1. Carl D. Perkins Career and Technical Education Act of 2006 - Rights, Responsibilities and Liabilities and Kentucky State Plan for FY17 (Strategic Priority: Next Generation Schools and Districts)

Associate Commissioner Laura Arnold and Branch Manager Carla Tipton came forward for this agenda item. Arnold noted three things about the plan: it calls for a 51/49% split in funding; a definition change is made for CTE concentrator and only one goal was not met from last year's plan (the secondary non-traditional completion goal). She indicated that staff is asking for approval of the plan.

At this point, Chair Wheeler asked for a motion, second and vote to approve the Kentucky State Plan for FY17.

Leo Calderon moved to approve the Kentucky State Plan for FY17 and Susan Edington seconded the motion. It carried.

XIX.B. Action/Discussion Items
XIX.B.1. 704 KAR 3:471, Repeal of 704 KAR 3:470, Ranking of Certified School Personnel (Second Reading) (Strategic Priority: Next Generation Learners)

Assistant General Counsel Todd Allen came forward for this item. He reminded the committee that the regulation is coming forward for a second reading and said no changes occurred since the first reading of the regulation in February.

Chair Wheeler then asked for a motion, second and vote to approve 704 KAR 3:471, Repeal of 704 KAR 3:470, Ranking of Certified School Personnel.

Nawanna Privett moved approval of 704 KAR 3:471 and Susan Edington seconded the motion. It carried.

XIX.B.2. Districts of Innovation, Cohort 3 (Strategic Priority: Next Generation Schools and Districts)

Associate Commissioner Kelly Foster and Division Director David Cook presented this item. Foster indicated that three districts are asking for approval as a District of Innovation: Boone County, Corbin Independent and Metcalfe County.

David Cook then gave an overview of each district's plan that was submitted requesting Division of Innovation status.

Commissioner Pruitt added that good things have been done as part of this program but said he felt some changes to the program itself are needed to make it more powerful and robust.

Then, Sam Hinkle asked about how quality control is determined when visits are made and how the waivers granted to the districts have produced success.

Commissioner Pruitt responded that with great flexibility comes great accountability. He stated that staff would be looking at different ways to reflect indicators of success.

At this point, Chair Wheeler asked for a motion, second and vote to approve these three districts as Districts of Innovation.

Nawanna Privett moved to approve the three districts in Cohort 3 as Districts of Innovation and Leo Calderon seconded the motion. It carried.

XIX.B.3. 780 KAR 4:031, Repeal of 780 KAR 4:030, Standards for Secondary Programs (Second Reading) and 780 KAR 7:071, Repeal of 780 KAR 7:070, Equipment Insurance (Second Reading) (Strategic Priority: KDE Support and Guiding Processes)

Coming forward for this item were Chase Bannister, Laura Arnold and Leslie Slaughter. Slaughter indicated this to be the second reading of the regulations and reminded the committee that staff is requesting the repeal of two regulations that are no longer needed.

Chair Wheeler asked for a motion, second and vote to approve the repeal of the two regulations.

Leo Calderon moved to approve 780 KAR 4:031 and 780 KAR 7:071. Susan Edington seconded the motion and it carried.

XIX.B.4. 780 KAR 7:060, Equipment Inventory (Second Reading) (Strategic Priority: KDE Support and Guiding Processes)

Chase Bannister, Laura Arnold and Leslie Slaughter remained at the table for this item. Slaughter explained that this regulation is being amended with some of the language that was necessary to keep from one of the previously discussed regulations that was just repealed. She noted this to be the second reading and reminded the committee had previously seen it in February for the first reading.

Committee Chair Wheeler then asked for a motion, second and vote to approve 780 KAR 7:060.

Leo Calderon moved approval of 780 KAR 7:060 and Susan Edington seconded the motion. It carried.

XIX.C. Review Items
XIX.C.1. 704 KAR 4:041, Repeal of 703 KAR 4:040, Interim Methods for Verifying Successful Completion of the Primary Program (First Reading) (Strategic Priority: Next Generation Learners)

Todd Allen and Amanda Ellis came forward to present this item. Allen explained to the committee that this was an interim regulation that is no longer needed because there is a more permanent regulation in place. Thus, he shared that staff is recommending that it be repealed. He stated that this is the first reading of the repealer regulation and explained it would come back for final approval in June.

Committee Chair Wheeler commented that no action is necessary on this regulation right now.

XIX.C.2. 704 KAR 3:342, Repeal of 704 KAR 3:340, Commonwealth Diploma Program (First Reading) (Strategic Priority: Next Generation Learners)

Todd Allen and Amanda Ellis remained at the table for this item. Allen explained that this program had already sunset and repealing the regulation would get it off the books. Ellis pointed out that the

Local Superintendents Advisory Council expressed support for the repeal of the regulation but did express a desire for some type of program to be created to provide a recognition to replace this one.

Chair Wheeler noted that this regulation would come back in June for action.

XX. Management Committee Meeting

Committee Chair Bill Twyman called the meeting to order. All members were present.

XX.A. Action/Consent Items
XX.A.1. New District Facility Plan: Laurel County (Strategic Priority: KDE Support and Guiding Processes)

Donna Duncan, Robin Kinney and Greg Dunbar came forward for this item. Duncan indicated that the Laurel County Facility Plan was approved locally by the required bodies and met the requirements found in 702 KAR 4:180. She stated that staff recommends approval of the plan.

Committee Chair Bill Twyman then asked for a motion, second and vote to approve the plan.

David Karem moved to approve the Laurel County Facility Plan and Debbie Cook seconded the motion. It carried.

XX.A.2. District Facility Plan Amendment: Hardin County (Strategic Priority: KDE Support and Guiding Processes)

Robin Kinney, Donna Duncan and Greg Dunbar remained at the table for this item. Ms. Duncan stated that this facility plan amendment had been approved locally by the required bodies and followed the requirements of 702 KAR 4:180. She indicated that staff recommends approval of the Hardin County Facility Plan Amendment.

Committee Chair Twyman asked for a motion, second and vote on the amendment.

Debbie Cook moved to approve the Hardin County Facility Plan Amendment and Sarah Ford seconded the motion. It carried.

XX.A.3. Request from the Fort Thomas Independent School District for Waiver of 702 KAR 5:060, Section 6(2) (Strategic Priority: KDE Support and Guiding Processes)

Donna Duncan explained that the Fort Thomas Independent School District has asked for this waiver for seven years. She noted that it has to do with use of certified common carriers and the district's desire to make the request only once since they are such a small district. Duncan explained that the actual request was for a continuing waiver but after discussing this with legal staff, she shared it is recommended to stay with the one year waiver that has been granted in the past.

Committee Chair Twyman asked for a motion, second and vote to approve a one year waiver of 702 KAR 5:060, Section 6(2).

Grayson Boyd so moved and Sarah Ford seconded the motion. It carried.

XX.A.4. Waiver Request from Pike County School District of Section 305 of the Kentucky Facility Programming and Construction Criteria, as Incorporated by Reference into 702 KAR 4:180 (Strategic Priority: KDE Support and Guiding Processes)

Donna Duncan addressed the waiver request from Pike County that would allow them to move ahead with renovation of an elementary school even though it does not meet the current square footage allotment for modern buildings. She stated that this is an old building with a large gym and if you discounted the space of the gym, the renovation would be within current limits. Duncan said the district has a reasonable plan for the renovation and staff supports the request.

Committee Chair Twyman then asked for a motion, second and vote to approve the waiver request from Pike County of Section 305 of the Kentucky Facility Programming and Construction Criteria.

Debbie Cook so moved and David Karem seconded the motion. It carried.

XX.A.5. Acquisition and Site Development Costs Request from the Martin County School District (Strategic Priority: KDE Support and Guiding Processes)

Greg Dunbar explained that the board had dealt with this site last October in relation to a waiver request for forbearance agreements. He noted that now the site is coming back again to the board with a request for approval because 702 KAR 4:050 requires the board to approve any site where the acquisition and development costs exceed 10% of the project budget. Dunbar said that staff recommends approval of the request.

Committee Chair Twyman then asked for a motion, second and vote to approve the acquisition and site development costs request from the Martin County School District.

Grayson Boyd so moved and Debbie Cook seconded the motion. It carried.

XX.A.6. Waiver Request of 702 KAR 5:030, Section 22, Relating to the Purchase of "No Fault" School Bus Insurance Coverage from the Jefferson County Public Schools (Strategic Priority: KDE Support and Guiding Processes)

Donna Duncan pointed out that this is the second year that Jefferson County has requested a waiver of 702 KAR 5:030, Section 22, relating to the purchase of "No Fault" school bus insurance coverage. She explained that the district is asking the board to waive the $20,000 per passenger coverage and allow them to carry a $10,000 per passenger coverage. Duncan said the district reported that it would save $660,000 in premiums and they have indicated they would negotiate any claims as needed. She also shared that the district would like to have a continuous waiver instead of having to bring this forward every year; however, Duncan commented that upon the advice of legal staff, the recommendation of staff is to grant it for one year only.

Debbie Cook asked if others had requested this waiver and Ms. Duncan replied that they had not.

Ms. Duncan went on to say that staff did an informal survey of districts to see if there are others interested in this type of waiver. She reported that only about 34% of the districts responded and noted the majority of them were not interested. Duncan went on to say that only about one third of the 34% expressed any interest in such a waiver. Then, she said staff recommends considering these on a case by case basis.

Sam Hinkle asked if this item could be pulled out of the action/consent items considered as a block by the full board and Board Chair Marcum responded affirmatively.

Next, Committee Chair Twyman asked for a motion, second and vote to approve the waiver request of 702 KAR 5:030, Section 22, relating to the purchase of "No Fault" school bus insurance coverage from the Jefferson County Public Schools. Debbie Cook so moved but no second came forward. Thus, the motion died from lack of a second and would not be forwarded to the full board for approval.

XX.B. Action/Discussion Items
XX.B.1. Kentucky High School Athletic Association Board of Control At-Large Appointment (Strategic Priority: KDE Support and Guiding Processes)

Kevin Brown and David Couch came forward for this item. Brown explained that applications were received from persons interested in the appointment and then a committee considered those applications against the selection criteria. He said the committee felt that a representative was needed from Eastern Kentucky and that need along with the person's qualifications resulted in the recommendation to appoint Darrell Billings.

Committee Chair Twyman then asked for a motion, second and vote to approve Darrel Billings' appointment to the KHSAA Board of Control.

Grayson Boyd so moved and Debbie Cook seconded the motion. It carried.

XX.B.2. Waiver Request from Boone County School District of the Requirements of Documents Related to Construction Management as Adviser Incorporated by Reference into 702 KAR 4:160, Capital Construction Process (Strategic Priority: KDE Support and Guiding Processes)

Associate Commissioner Robin Kinney indicated that Boone County is requesting to use an alternative delivery method for construction and she asked Greg Dunbar to explain this.

Mr. Dunbar stated that 702 KAR 4:160, the capital construction regulation, contains two methods for new construction, general construction (traditional method) and the construction manager. He continued that actually under the construction manager approach within the regulation there is construction manager as advisor where each of the various trades bid packages and then those bidders have a prime contract with the owner. However, Dunbar explained there is another approach called construction manager as constructor where the packages are bid and the

construction manager assumes the role of a general contractor. He said Boone County wants to use the general construction approach for the preconstruction phase and then the construction manager as constructor during the actual construction phase. Dunbar stated that staff recommends approval of the waiver request and noted this would give the state a test case to see how well this approach works for future consideration.

The local superintendent and board chair were present and were asked why they wanted to use this approach. The superintendent stated that the district had done research on this method and feels the district will save considerable dollars using the approach. He commented that this is used in other states successfully.

David Karem added that the Waterfront Development Corporation uses this process and has found it to be very successful.

At this point, Committee Chair Twyman asked for a motion, second and vote to approve the waiver request from the Boone County School District of the requirements of documents related to construction manager as adviser.

Sarah Ford so moved and David Karem seconded the motion. It carried.

XX.C. Review Items
XX.C.1. April Audit Update and Kentucky Board of Education's and Commissioner of Education's Expense Reports (Strategic Priority: KDE Support and Guiding Processes)

Associate Commissioner Robin Kinney and Division Director Charlie Harman came forward for this item. Harman did an overview of the status of audits that the department is undergoing as well as summarized the status of the commissioner's and board's expenses.

Committee Chair Twyman noted this to be a review item with no action necessary.

XX.C.2. Status Update on State Assistance in Fleming and Robertson Counties and Caverna Independent (Strategic Priority: KDE Support and Guiding Processes)

Jim Hamm, Robin Kinney and Kelly Foster came forward for this report on state assistance in Fleming County, Robertson County and Caverna Independent. Ms. Foster noted that two weeks from now another review will take place in Robertson County. Hamm added that staff feels the college and career readiness numbers should vastly improve in Robertson. As to Fleming County, Mr. Hamm said the superintendent is doing a very good job. He shared that there is now an AP wing in the high school and a college and career emphasis instead of just career and technical education. Hamm felt that the new principal has made a difference and the education recovery leader is excellent. For Caverna Independent, Hamm reported they have a $1 million contingency and are maintaining this.

XX.C.3. Status Update on State Management in Breathitt and Menifee Counties (Strategic Priority: KDE Support and Guiding Processes)

Kelly Foster, Jim Hamm, Tim Spencer and Robin Kinney came forward for the item on state management. Ms. Foster noted that an audit will soon occur again in Menifee County. Tim Spencer added that education recovery staff are in each school. He said that the district is proud of the attendance rate, which is a little under 95%. Spencer also reported that he has been working with the state highway office to get property donated for a bus garage. He stated that the local board is being very cooperative and is receiving training from the Kentucky School Boards Association.

For Breathitt County, it was reported that a gain in ACT scores has occurred from 16.7 to 18.6. Kelly Foster said she was impressed with a local meeting that she attended where the focus was on school improvement. She said the school and district staff are embracing the state's help.

XXI. Approval of Action/Consent Items as a Block (Full Board Resumes)

Board Chair Roger Marcum asked if there was a motion, second and vote to approve the action/consent items as a block from the committees.

Bill Twyman explained that the Jefferson County waiver request with regard to No Fault insurance did not receive a second and should not be included in the approval of the action/consent items. Thus, Leo Calderon moved approval of all action/consent items (Laurel County Facility Plan, Hardin County Facility Plan Amendment, Request from Fort Thomas Independent for Waiver of 702 KAR 5:060, Section 6(2), Waiver Request from Pike County of Section 305 of the Kentucky Facility Programming and Construction Criteria, Acquisition and Site Development Costs Request from the Martin County School District, and Kentucky State Plan for FY17 as Related to the Carl D. Perkins and Technical Education Act) and Bill Twyman seconded the motion. It carried.

XXII. Report of the Management Committee on Action/Discussion Items

Board Chair Roger Marcum asked for a recommendation from the Management Committee on its action/discussion items.

Committee Chair Bill Twyman moved approval of the Kentucky High School Athletic Association Board of Control Appointment for Darrell Billings and the Waiver Request from Boone County of the Requirements of Documents Related to Construction Management as Adviser.

Chair Marcum said no second is necessary when the motion comes from a committee and asked for a vote on the motion. The motion carried.

XXIII. Report of the Curriculum, Instruction and Assessment Committee on Action/Discussion Items

Board Chair Marcum asked for a recommendation from the Curriculum, Instruction and Assessment Committee on its action/discussion items.

Committee Chair Mary Gwen Wheeler moved approval of 704 KAR 3:471, Repeal of 704 KAR 3:470, Ranking of Certified School Personnel, Cohort 3 of Districts of Innovation, 780 KAR 4:031, Repeal of 780 KAR 4:030, Standards for Secondary Programs and 780 KAR 7:071, Repeal of 780 KAR 7:070, Equipment Insurance, and 780 KAR 7;060, Equipment Inventory.

Chair Marcum said no second is needed when the motion comes from a committee and asked for a vote. The motion carried.

XXIV. Internal Board Business

The following items were discussed during Internal Board Business:

- A presentation on Teach Kentucky was requested at the June meeting.
- A Kentucky School for the Blind performance or presentation was requested in June.
- Kevin Brown asked to set a removal hearing for June 7.
- Chair Marcum announced that he had asked Grayson Boyd to assume the chair of the Management Committee since Bill Twyman is now vice chair of the board. He said Bill would be vice chair of the committee for now till new leadership is determined.

XXV. Litigation Report

No closed session on the Litigation Report was requested.

XXVI. Adjournment

David Karem moved to adjourn the meeting and Sam Hinkle seconded the motion. It carried.