

**Kentucky Board of Education Regular Meeting
June 3, 2020 9:00 AM
Kentucky Department of Education, 300 Sower Boulevard
Frankfort, KY 40601
Video Teleconference Meeting**

Minutes

The Kentucky Board of Education (KBE) held its regular meeting on June 3, 2020. Pursuant to Executive Order 2020-243 and a memorandum issued by the Finance and Administration Cabinet dated March 16, 2020, and in an effort to prevent the spread of the novel coronavirus (COVID-19), the KBE met utilizing a video teleconference. Members of the public were not be permitted to attend the meeting in person, but were encouraged to view the meeting on the Kentucky Department of Education's (KDE) Media Portal. The board conducted the following business:

I. Call to Order

Chair Young welcomed everyone and called the meeting to order at 9:00 a.m. ET. Chair Young reminded members that the meeting still must comply with the requirements of the Open Meeting Act. Additionally, Chair Young stated that for any items that required a vote, a roll call vote was necessary to record the vote of each board member.

II. Roll Call

Chair Young asked for a roll call of members. The following members were present: JoAnn Adams, Claire Batt, Holly Bloodworth, Mike Bowling, Alvis Johnson, Cody Pauley Johnson, Patrice McCrary, Sharon Porter Robinson, Lee Todd, Lu Young, Lt. Governor Jacqueline Coleman, CPE President Dr. Aaron Thompson and Allison Slone.

All members were present.

KBE Executive Director Jennifer Fraker stated a quorum was present.

III. Internal Board Business

A. Nomination and Election of Kentucky Board of Education Vice-Chair

Chair Young announced that nominations were in order for the office of Vice-Chair of the KBE. The Chair nominated Sharon Porter Robinson for the office of Vice Chair. Chair Young asked if there were any other nominations from members. Seeing none, Chair Young asked for a motion to nominate Sharon Porter Robinson as the KBE Vice-Chair.

The motion was made by Patrice McCrary and seconded by Holly Bloodworth. The motion passed by a unanimous roll call vote.

B. Approval of Recipient of the Grissom Award for Innovation in Special Education

On behalf of the Awards Committee, Committee Chair Patrice McCrary asked for a motion to approve the committee's recommendation for the Grissom Award for Innovation in Special Education. McCrary shared that this award is given each year to a Kentuckian or a Kentucky organization to honor outstanding dedication to improving achievement for students with disabilities. The awards committee met May 27, 2020 and determined that the recommended candidate demonstrated the characteristics set forth by the award's criteria. McCrary asked for a motion to recognize the candidate at the board's August regular meeting.

The motion was made by Mike Bowling and seconded by Claire Batt. The motion passed by a unanimous roll call vote.

IV. Approval of Summary Minutes for April 9, 2020 Regular Meeting, May 7, 2020 Special Meeting and May 27, 2020 Special Awards Committee Meeting

The Chair asked if there were any corrections to any of these minutes. No corrections were offered.

The motion for approval of the minutes was made by Alvis Johnson and seconded by Sharon Porter Robison. The motion passed by unanimous roll call vote.

V. Action to Suspend Standing Committee Meetings (Action/Discussion Item)

Chair Young announced that the board needed to take action to suspend standing committees as they are established in the KBE Policy Manual. Committee meetings needed to be suspended during this meeting due to teleconferencing limitations and for efficiency.

Holly Bloodworth made a motion to suspend standing committee meetings. Patrice McCrary seconded the motion. The motion passed by a unanimous roll call vote.

VI. Good News Items

Chair Young shared information about Kentucky School for the Deaf graduation and Kentucky's Tribute to the 2020 Graduates. Vice-Chair Sharon Porter Robinson shared the 2020 United States Presidential Scholars. Claire Batt shared that Jeanne Crowe was the recipient of the 2020 Priority Award. Lee Todd shared about the 2020 Student Technology Leadership Program's Championship. Alvis Johnson announced the 2020 Alternative Programs of Distinction. Mike Bowling talked about feeding programs in Union and Clinton counties and Middlesboro Independent.

VII. Report from the Secretary of the Education and Workforce Development Cabinet

Lt. Governor Jacqueline Coleman highlighted the innovative ideas she saw districts use to have high school graduation ceremonies. She complimented districts for what they have done for high school seniors around the state. Lt. Governor Coleman also highlighted a resource that the

Governor's Office of Early Childhood shared with parents; the feedback from parents indicated that these resources were needed and parents were very complimentary. The Lt. Governor also shared that the Governor's Emergency Education Relief (GEER) funds are being used to support K-12 and higher education, specifically support for food service and distance learning.

Coleman also proposed three initiative for the KBE to undertake. First, the addition of a student ex-officio member to the state board of education. She advised that this member could be a rising junior from the Commissioner's Student Advisory Council. Second, Coleman proposed that the KDE partner with school districts to create and implement implicit bias training statewide. Third, Coleman expressed the need to develop a workforce of teachers reflective of the population of Kentucky. She acknowledged that partnerships with higher education are important to realize this goal and highlighted the work of Kentucky State and Simmons College. She mentioned the Kentucky Academy on Equity in Teaching Program has been in place, but suggested more education career pathways are needed.

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

CPE President Aaron Thompson expressed support for the proposals of the Lt. Governor. He stated that the CPE has a student voting member and the experience of having the student perspective represented has been beneficial. President Thompson shared that colleges and universities continued to be operate; the CPE provided them with a reopening plan template to welcome students back to campus. Additionally, most colleges and universities had submitted their plans to the CPE; the Southern Regional Education Board (SREB) has been a partner in making sure higher education is doing reopening correctly.

President Thompson thanked the Lt. Governor for the GEER funding coming to higher education and said they are using those funds to improve the digital learning experience for students. Dr. Thompson also encouraged the KBE to help increase the college going rate in Kentucky, which was now 51%. He also shared that a recent study showed that Kentucky is going to need more engineers and that, thankfully, Kentucky now employs more engineers than it loses to other states. An upcoming study will look at the health care sector.

IX. Report from the Interim Commissioner of Education

KDE Interim Commissioner Kevin Brown shared updates on the impacts of the COVID-19 pandemic. Brown also gave brief updates related to the KDE's employment report, new staff announcements, the Kentucky School for the Deaf (KSD), Kentucky School for the Blind (KSB) and Area Technology Centers (ATCs).

X. Coronavirus Discussion of PreK-12 Implications and Next Steps (Information Item)

Interim Commissioner Brown expressed his gratitude to the KDE staff for their work during the COVID-19 pandemic. Toni Konz Tatman, KDE Interim Director of Communications provided an update on communications that have gone out to various stakeholders

X.A. COVID-19 Project Management Update (Student/Family Supports, Student Interventions and Coursework Completion)

KDE Chief Performance Officer Karen Dodd provided a COVID-19 project management update.

X.B. Reopening Schools for the 2020-2021 School Year

KDE Associate Commissioner Kelly Foster provided an update on guidance shared related to reopening schools for the 2020-2021 school year.

X.C. Communications Updates

KDE Interim Director of Communications Toni Konz Tatman provided an update on communications that were published and disseminated to various stakeholders

XI. Update on Jefferson County Public Schools (Review Item)

Superintendent Marty Pollio presented an update on the JCPS' Corrective Action Plan (CAP) including information on the progress since the time of the audit. Dr. Pollio shared information on the challenges, improvement strategies and summary of evidence related to the area of school finance. Similarly, Dr. Pollio also gave updates on the challenges, improvement strategies and summary of evidence related to the area of safe crisis monitoring.

XII. 30 Minute Recess (No business to be conducted)

The KBE took a 30-minute recess. No business was conducted and live streaming was suspended temporarily during the recess.

XIII. Approval of Consent Agenda (Approved as a Group)

XIII.A. Action Consent Items

This item allowed the board to approve the consent agenda as a group in one action as opposed to hearing each individual agenda item. KDE staff identified these items as those that were non-controversial and routine in nature. The items contained in the consent agenda, were as follows:

1. Voluntary Certification of Non-Public Schools
2. Approval of New District Facility Plans for Carroll County, Pulaski County, Dayton Independent and Paducah Independent Schools
3. Approval of District Facility Plan Amendment for the Elliot County School District
4. Approval of Indirect Cost Rates
5. Approval of Request for the Jefferson County Public School District to Waive 702 KAR 4:050 Section (3) and Portions of 702 KAR 4:170 Related to Project Site Acquisition Size Requirements for a New Elementary School
6. Audit Update and Expense Reports for the KBE and Commissioner of Education
7. Approval of the 2020-2021 Preschool Grant Allocation System and Funding Rates

Sharon Porter Robinson made a motion to adopt and approve the consent agenda. Claire Batt seconded the motion. The motion passed by a unanimous roll call vote.

XIV. Action/Discussion Items

A. Action to Waive of Certain Statutory Requirements in Response to COVID-19 Pursuant to Executive Order 2020-243 (Action/Discussion Item)

KDE Interim General Counsel Todd G. Allen, Associate Commissioner Amanda Ellis and Policy Advisor Micki Ray presented two waivers for approval, related to the minimum high school graduation requirements contained in 704 KAR 3:305, the Commissioner recommended these waivers be granted for the remainder of the 2019-2020 school year as a result of school closures.

Chair Young asked the board to entertain a motion to conditionally approval Bourbon County's Application of Waiver of Administrative Regulations and waiver 704 KAR 3:305, Section 3(4)(h) for 12th grade students, as of March 6, 2020 and in accordance with the recommendation of the Interim Commissioner as articulated in the corresponding staff note.

Lee Todd made the motion and it was seconded by Alvis Johnson. The motion passed by a majority vote.

Chair Young asked the board to entertain a motion to conditionally approve Warren County's Application of Waiver of Administrative Regulations and waiver 704 KAR 3:305, Section 3(4)(a) (2) and Section 3 (4)(c)(4) for students who were double-promoted to the class of 2020 this spring, who do not have the opportunity to take an assessment of college readiness in order to meet the CPE-required benchmarks and who have met all graduation requirements as articulated in the corresponding staff note.

Patrice McCrary made the motion and it was seconded by Holly Bloodworth. The motion passed by a unanimous roll call vote

B. New Regulation, 702 KAR 1:180, School Security Assessment Tool (Second Reading)

KDE Associate Commissioner Robin Kinney, KDE Policy Advisor Matt Ross, Kentucky Center for School Safety (KCSS) Executive Director Jon Akers and State School Security Marshall Ben Wilcox presented a proposed new regulation, 702 KAR 1:180, School Risk Assessment Tool, and the risk assessment tool incorporated by reference therein. Presenters shared the risk assessment tool was necessary as it was required to be used by compliance officers from the Office of the State School Security Marshall to collect school level information.

Mike Bowling made a motion to approve the new regulation, 702 KAR 1:180, and the risk assessment tool incorporated by reference. Holly Bloodworth seconded the motion and it passed by a unanimous roll call vote.

C. Amendment to 701 KAR 8:020 (First Reading)

KDE Associate Commissioner Kelly Foster and KDE Policy Advisor Whitney Crowe presented proposed amendments to 701 KAR 8:020, Evaluation of Charter School Authorizers. The proposed amendments were primarily in Section 3 (4) and amended the training requirements for charter school authorizers, which currently were the 172 local board of education in Kentucky, to alleviate hardships on school districts and local board of education members and would align with SB 158 (2020).

Sharon Porter Robinson made a motion to approve the amendment of 701 KAR 8:020 and Alvis Johnson seconded. The motion passed by a unanimous roll call vote.

D. Approval of the 2019 Report, 2019 Exceptions and 2021 Plan as Required by 702 KAR 1:115, Annual In-Service Training of District Board Members

KDE Interim General Counsel Todd G. Allen and the Kentucky School Boards Association (KSBA) Director of Board Team Development Laura Cole presented the 2019 Report, 2019 Exceptions and the 2021 Plan as required by 702 KAR 1:115, Annual Inservice Training of District Board Members.

Mike Bowling made a motion to approve the 2019 Report, 2019 Exceptions and 2021 Plan as Required by 702 KAR 1:115, and Claire Batt seconded. The motion passed by a unanimous roll call vote.

E. Action to Waive Certain Requirements of 702 KAR 7:065 In Response to the COVID-19 Emergency

KDE Interim General Counsel Todd G. Allen and Kentucky High School Athletic Association (KHSAA) Commissioner Julian Tackett presented a waiver for approval related to the dead period for middle schools sports contained in 702 KAR 7:065, Section 4 (14), Designation of Agent to Manage middle and High School Interscholastic Athletics, the Commissioner recommended the dead period be waived for the June 25-July 9, 2020 dead period as a result of school closures.

Alvis Johnson made a motion to approve the waiver of 702 KAR 7:065, Section 4 (14) related to the 2020 dead period for middle school sports and Mike Bowling seconded. The motion passed by a unanimous roll call vote.

XV. Review Items

A. Amendment to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics (First Reading)

KDE Interim General Counsel Todd G. Allen and KHSAA Commissioner Julian Tackett presented amendments to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics, to incorporate revisions recommended by the Kentucky High School Athletic Association (KHSAA) Board of Control, including amendments to the KHSAA Bylaws.

B. Legislative and Budget Update

KDE Interim Director of Government Relations Tracy Goff-Herman, KDE Associate Commissioner Robin Kinney and KDE Division Director Charles Harman presented information on the Fiscal Year (FY) 2020-2021 Executive Budget and elementary and secondary education legislation enacted during the 2020 Regular Session of the Kentucky General Assembly.

C. Amendment to 702 KAR 4:090, Property Disposal (First Reading)

KDE Associate Commissioner Robin Kinney, KDE Division Director Donna Duncan and Branch Manager Greg Dunbar presented information on the proposed amendment to 702 KAR 4:090 which clarifies the process a school district must follow to dispose of real property through sale, lease or easement.

D. Amendment to 704 KAR 3:303, Required Academic Standards (First Reading)

KDE Chief Digital Officer Marty Park and KDE Division Director Krista Hall presented the proposed amendments to 704 KAR 3:303, Required Academic Standards, to meet the requirements of Senate Bill 1 (2017) which calls for the KDE to implement a process for reviewing and revising all academic standards; whereby, removing reference to the technology standards as they will be housed in a separate regulation.

E. New Regulation 704 KAR 8:090, Kentucky Academic Standards for Technology (First Reading)

KDE Chief Digital Officer Marty Park, KDE Division Director Krista Hall and KDE Digital Learning Coach Laura Raganas presented the proposed new administrative regulation, 704 KAR 8:090, which incorporate by reference the *Kentucky Academic Standards for Technology*.

F. Update on State Assisted Districts

KDE Associate Commissioner Kelly Foster presented updates on the status of corrective action being taken in the two state assisted school districts, Breathitt County and Menifee County.

XVI. Hearing Officer Report

KDE Interim General Counsel Todd G. Allen discussed the progress of KBE regulations in the regulatory process.

A. Action to Extend Time for Filing Recommended Order in 19-BOE-0019, Pineville Independent Board of Education v Bell County Board of Education

Interim General Counsel Todd Allen presented information on the post-hearing request for an extension to file a recommended order in 19-BOE-0019, Pineville Independent Board of Education v Bell County Board of Education, from June 8, 2020 to June 29, 2020.

Alvis Johnson made a motion to approve the extension and JoAnn Adams seconded. The motion passed by a majority vote with Mike Bowling recusing himself from the vote.

XVII. Litigation Report

KDE Interim General Counsel Todd Allen presented the litigation report which provided updates to the KBE on pending litigation involving the KBE and/or KDE.

XVIII. Board Member Sharing

Chair Young shared information obtained during a webcast at the Hunt Institute.

XIX. Adjournment

Sharon Porter Robinson made a motion to adjourn the meeting and Mike Bowling seconded. The motion passed by a unanimous roll call vote.

The meeting adjourned at 3:51 p.m. ET.