

**Kentucky Board of Education Regular Meeting
August 6, 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 August 6, 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 Chair and Vice-Chair

Chair Young announced that nominations were in order for the office of Chair and Vice-Chair of the KBE. The Chair offered that she and Sharon Porter Robinson would be happy to continue to serve, which was permissible under KBE policy, for the office of Chair and Vice Chair. Chair Young asked if there were any other nominations from members. Board members shared appreciation of the Chair and Vice Chair's leadership. Seeing no other nominations, Chair Young asked for a motion to nominate herself as the KBE Chair and Sharon Porter Robinson as the KBE Vice-Chair.

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

B. Approval of Recipient of the Kelly Award for Business and Education Partnership

On behalf of the Awards Committee, Committee Chair Patrice McCrary asked for a motion to approve the committee's recommendation for the Kelly Award for Business and Education Partnership. McCrary shared that this award is given each year to a Kentucky businessperson or business who has partnered with a public school or district to provide outstanding leadership that promotes school improvement and student success. The awards committee met July 28, 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 Lee Todd and seconded by Alvis Johnson. The motion passed by a unanimous roll call vote.

IV. Approval of Summary Minutes for June 3, 2020 Regular Meeting, June 4, 2020 Special Meeting, June 11, 2020 Special Meeting, June 12, 2020 Special Meeting, June 25, 2020 Special Meeting, July 6, 2020 Special Meeting, July 7, 2020 Special Meeting, July 10, 2020 Special Meeting, July 15, 2020 Special Meeting and July 28, 2020 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 Patrice McCrary and seconded by Holly Bloodworth. 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. JoAnn Adams seconded the motion. The motion passed by a unanimous roll call vote.

VI. Good News Items

JoAnn Adams shared information about Oldham County Schools' social media campaign #maskupTeamOldham. Cody Pauley Johnson recognized the work of Career and Technical Education Student Organizations. Allison Slone congratulated those students in this year's National Braille Challenge Competition. Chair Young recognized KDE Office of Education Technology Digital Learning Coach Laura Raganas for being named as the 2020 Kentucky Society of Technology in Education "Making It Happen" award recipient.

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

Lt. Governor Jacqueline Coleman shared education-related updates on the Cabinet's efforts to assist schools and districts with reopening in the 2020-2021 school year. The Lt. Governor discussed topics such as the availability of implicit bias training to all Kentucky public schools and flexibilities being afforded to districts.

VIII. Report from the Interim Commissioner of Education

KDE Interim Commissioner Kevin Brown shared updates on KDE efforts to develop and disseminate training and resources related to racial equity and implicit bias. Brown also gave brief updates related to the KDE's new staff announcements, the Kentucky School for the Deaf (KSD), Kentucky School for the Blind (KSB), Area Technology Centers (ATCs), COVID communications-related efforts and commissioner transition. Lastly, Brown shared financial concerns facing the department, schools and districts with a call to action on the part of the board to continue to seek additional funding.

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

CPE President Aaron Thompson shared agreement with the board's commitment to racial equity and shared efforts the council's efforts around implicit bias, equity and diversity. Dr. Thompson shared efforts to align the P-20 education system to drive post-secondary and career-related success. Thompson also provided highlights from labor studies that indicated trends in the healthcare industry.

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 and Communications Update (Student/Family Supports, Student Interventions and Coursework Completion)

KDE Chief Performance Officer Karen Dodd and KDE Interim Chief Communications Officer provided a COVID-19 project management and communications-related update.

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

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

X.C. Reopening the Kentucky School for the Blind and Kentucky School for the Deaf

KDE Associate Commissioner Gretta Hylton provided an update on reopening plans for the KSB and KSD.

X.D. Reopening Area Technology Centers

KDE Associate Commissioner David Horseman and Director Tom Thompson provided an update on reopening plans for the state-operated ATCs.

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 career and technical education. Similarly, Dr. Pollio also gave updates on the challenges, improvement strategies and summary of evidence related to the area of instructional management.

XII. Presentation of the Grissom Award for Innovation in Special Education

Chair Young presented the annual Grissom Award for Innovation in Special Education to Dr. Mark Martin of Meade County Schools in honor of his outstanding dedication to improving student achievement for students with disabilities.

XIII. 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.

XIV. Public Comment Segment

Chair Young reminded the public that public expression was solicited via the meeting's news release. However, no public feedback was submitted.

XV. Presentation from the Prichard Committee Student Voice Team (Information Item)

Prichard Committee Student Voice Team Director Rachel Belin and students will share a presentation on the importance of student voice in a policy-making setting. The students also will share highlights of a recent report on how COVID-19 impacted students last school year.

XVI. Impact of Senate Bill 158 (2020) on Accountability, Graduation Requirements and School Improvement (Review Item)

KDE Associate Commissioner Rhonda Sims, KDE Associate Commissioner Kelly Foster, KDE Division Director Jennifer Stafford and KDE Policy Advisor Micki Ray will discuss the impact to accountability, graduation requirements and school improvement resulting from the enactment of Senate Bill (SB) 158 (2020).

XVII. Impact Kentucky Survey Results Update (Review Item)

KDE Associate Commissioner Rob Akers and Division Director Meredith Brewer will present an overview of the 2020 Impact Kentucky working conditions data release including preview of the survey website, review of user guides, professional learning plan and state-level highlights

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

XVIII.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. Approval of New District Facility Plans for the Corbin Independent School District
2. Approval of District Facility Plan Amendment for the Fayette County School District
3. Amendment to 702 KAR 4:090, Property Disposal
4. Approval of KY Tech Policies and Procedures
5. Adoption of Kentucky School for the Blind and Kentucky School for the Deaf Policies
6. Amendment to 707 KAR 1:340, Procedural Safeguards
7. SB 175 (2019) Alignment Adjustments of Assessments Revision
8. Amendment to 704 KAR 3:035, Annual Professional Development Plan
9. Amendment to 704 KAR 3:325, Effective Instructional Leadership
11. Amendment to 704 KAR 3:303, Required Academic Standards

Lee Todd made a motion to adopt and approve the consent agenda. Holly Bloodworth seconded the motion. The motion passed by a unanimous roll call vote.

XIV. Action/Discussion Items

A. Action to Waive Certain Board of Education Regulatory Requirements in Response to COVID-19 Emergency

1. Action to Approve 2020-2021 Kindergarten Screener Waiver for Administration Dates and Reporting

KDE Associate Commissioner Rhonda Sims and KDE Division Director Jennifer Stafford and KDE Program Consultant Jennifer Larkins asked the KBE to waive the timeframe for administration and reporting requirements set forth in 704 KAR 5:070, Common kindergarten entry screener.

Patrice McCrary made a motion to adopt and approve the waiver for administration dates and reporting for 2020-2021 kindergarten screener. Alvis Johnson seconded the motion. The motion passed by a unanimous roll call vote.

2. Action to Approve State Funded Preschool Program Waivers

KDE Associate Commissioner Gretta Hylton and KDE Division Director Veronica Sullivan asked the KBE to approve a temporary waiver of deadlines and specific regulatory requirements related to locally-designed preschool classrooms, parent volunteers in preschool classrooms, home visits, child development and health screening and Kentucky Preschool All STARS.

Alvis Johnson made a motion to adopt and approve the waiver related to state-funded preschool for the 2020-2021 school year. Holly Bloodworth seconded the motion. The motion passed by a unanimous roll call vote.

B. New Emergency Regulation 702 KAR 1:190E, District Employee Emergency Leave (First Reading)

KDE Interim General Counsel Todd G. Allen and KDE Associate Commissioner Robin Kinney presented 702 KAR 1:190E. This regulation will permit local school districts the ability to provide additional emergency leave for school district employees to use for COVID-19 related employee leave.

Sharon Robinson made a motion to approve 702 KAR 1:190E. Lu Young seconded the motion. The motion passed by a unanimous roll call vote; however, some members expressed hesitancy due to school districts having final say over granting the leave. Since this is an emergency regulation, a second reading is not required.

C. Emergency Amendment to 702 KAR 7:140, School Calendar (First Reading)

KDE General Counsel Todd G. Allen and KDE Associate Commissioner Robin Kinney presented the amendment to 702 KAR 7:140. This amendment permits an additional maximum of 30 minutes to be counted towards the required 1,062 instructional hours each year for activities conducted by local districts each year related to COVID-19.

Alvis Johnson made a motion to adopt and approve the amendment to 702 KAR 7:140. Holly Bloodworth seconded the motion. The motion passed by a unanimous roll call vote. Since this is an emergency regulation, a second reading is not required.

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

KDE Interim General Counsel Todd G. Allen and Kentucky High School Athletic Association (KHSAA) Commissioner Julian Tackett presented the proposed amendments to 702 KAR 7:065, including amendments to the documents incorporated by reference.

Alvis Johnson made a motion to approve the proposed amendments to 702 KAR 7:065, including amendments to the documents incorporated by reference. Patrice McCrary seconded the motion. The motion passed by a unanimous roll call vote.

E. Approval of the Kentucky Education Technology System (KETS) Operational Plan for School Year 2020-2021

KDE Associate Commissioner David Couch presented the KETS Operation Plan for school year 2020-2021.

Lee Todd made a motion to approve the KETS Operational Plan for School Year 2020-2021 school year and in accordance with KRS 157.665(3) to help address the KY K-12 education technology operational management needs. Patrice McCrary seconded the motion. The motion passed by a unanimous roll call vote.

XV. Review Items

A. Amendment to 701 KAR 5:150, Nontraditional Instruction Program (First Reading)

KDE Associate Commissioner Kelly Foster and KDE Division Director David Cook presented the proposed amendments to 701 KAR 5:150.

B. New Regulation 704 KAR 8:100, Kentucky Academic Standards (KAS) for Library Media Elective

KDE Associate Commissioner David Couch, KDE Chief Digital Officer Marty Park and KDE School Library Lead Digital Learning Coach James Allen presented the proposed new administrative regulation 704 KAR 8:100, Kentucky Academic Standards (KAS) for Library Media Elective.

C. Amendment to 704 KAR 3:305, Minimum Requirements for High School Graduation (First Reading)

KDE Associate Commissioner Rhonda Sims and KDE Policy Advisor Micki Ray presented the proposed amendments to 704 KAR 3:305, Minimum Requirements for High School Graduation.

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 (Action/D Discussion Item)

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 Sharon Robinson 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

Board members did not share any information at this time.

XIX. Adjournment

Holly Bloodworth made a motion to adjourn the meeting and Patrice McCrary seconded. The motion passed by a unanimous roll call vote.

The meeting adjourned at 4:54 p.m. ET.