

**Kentucky Board of Education Retreat  
October 7, 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 October 7, 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:

**1. Call the meeting to order**

Chair Young welcomed everyone and called the meeting to order at 9:01 a.m. ET. Chair Young reminded members that the meeting still must comply with the requirements of the Open Meeting Act. Chair Young also stated that for any items that required a vote, a roll call vote was necessary to record the vote of each board member. She welcomed Commissioner Glass to his first meeting and both the chair and Dr. Glass made brief remarks. The Chair welcomed the two new members, Dr. Randy Poe who is an at-large member and Miss Solyana Mesfin who is the board's first student member. The addition of a Miss Mesfin makes Kentucky the 23<sup>rd</sup> state board with a student member. The chair expressed the board's excitement to join the ranks of those boards before Kentucky and looks forward to having this unique perspective be more prominent on the board. Additionally, Chair Young shared the vision of the board's July 10 resolution and reminded members that it solidified its commitment to focus on students' equitable access to excellent educators, on closing achievement gaps and creating inclusive school climates, and on helping students and educators learn how to deal with racial trauma.

**2. 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, Randy Poe, Sharon Porter Robinson, Lee Todd, Lu Young, Lt. Governor Jacqueline Coleman, Amanda Ellis on behalf of CPE President Dr. Aaron Thompson, Solyana Mesfin and Allison Slone.

All members were present.

KBE Executive Director Jennifer Fraker stated a quorum was present.

**3. Internal Board Business**

**A. Swearing In of New Board Members**

In assuming the duties of office of KBE member, two new members, Dr. Randy Poe and Solyana Mesfin, took the official oath. Ms. Leah Sharpe administered the constitutional oath.

## **B. Introduction of New Board Members**

Chair Young welcomed Dr. Poe and Miss Mesfin and congratulated them on their appointments. Both shared information about themselves.

## **C. Recognition of Special Guest and Adoption of Resolution**

Chair Young welcomed former Interim Commissioner of Education Kevin C. Brown back for another board meeting. The chair acknowledged that when this board called on him to serve as our Interim Commissioner last December, never did we anticipate a global pandemic, additional budget cuts or even a flood on the 5<sup>th</sup> floor of the Sower Building, but he always stood ready and without hesitation to serve. On behalf of the board, she publicly thanked Mr. Brown for his continued service to the Commonwealth and, in doing so, the chair asked the board to consider adoption of a resolution to honor his service. The proposed resolution was read:

WHEREAS, the Kentucky Department of Education's (KDE) mission is to partner with districts, schools, and education stakeholders to provide service, support and leadership to ensure success for each and every student.

WHEREAS, Kevin C. Brown dedicated his personal and professional time, at great sacrifice, from 2004 to 2018 realizing this mission. Most recently Brown served as the Interim Commissioner of Education from December 2019 to September 2020.

WHEREAS, Brown accepted the call to serve as Interim Commissioner before the onset of a global pandemic that would close schools to in-person learning for extended periods of time and pose a very real threat to the health and safety of Kentucky's citizens of all ages while wreaking havoc on the Commonwealth's economy.

WHEREAS, Through turbulent times caused by the global health pandemic, Brown demonstrated capable, empathetic leadership with an unwavering commitment to fulfilling KDE's mission on behalf of each and every student and educator.

NOW, THEREFORE, BE IT RESOLVED, by the Kentucky Board of Education to recognize and extend its sincere gratitude to Kevin C. Brown for his tireless service to the children of the Commonwealth during his time as Interim Commissioner of Education.

A motion to approve the resolution honoring Kevin Brown was made by Sharon Robinson and seconded by Mike Bowling. The motion passed by a unanimous roll call vote.

Kevin C. Brown was presented with an award again recognizing his service with the department.

**D. Discussion and Approval of the KBE 2020 Priority Award Title, Topic and Criteria for Award (Action/Discussion)**

Patrice McCrary, on behalf of the Awards Committee, moved approval of revisions to the KBE Priority Award to permanently rename the award, as well as approve this year's topic and criteria. She informed the board that the Awards Committee met on Friday, October 2 and decided it was most fitting to rename the award in recognition of Kevin C. Brown's time as Interim Commissioner as his service exemplified the need to focus on strategic areas affecting current educational needs. The proposed new name of the award would be the Kevin C. Brown Strategic Priority Award. In keeping with this, the committee also brought forward a recommendation that this year's award topic seeks to recognize a person, group, organization, district, school or postsecondary institution who, through policy, practice, fundraising or philanthropy, has provided targeted efforts to educate, feed or support students throughout the COVID-19 pandemic. Accordingly, the committee asked the chair for the board's approval of the permanent name change of the award and description, and also of this year's award topic and criteria.

Chair Young asked for a motion for approval of changes to this annual KBE award. Patrice McCrary made the motion and Randy Poe seconded the motion. The motion passed by a unanimous roll call vote.

Mr. Brown was asked to consider attending KBE meeting annually to present the award to future recipients.

**E. Approval of the 2021 NASBE Membership Dues (Action/Discussion Item)**

The board was informed of the need to consider renewal of membership with the National Association of State Boards of Education (NASBE) for the upcoming year.

Chair Young ask for a motion to approve membership to NASBE for 2021 in the amount of \$27, 655.00. Mike Bowling made the motion and JoAnn Adams seconded the motion. The motion passed by a unanimous roll call vote.

**F. Approval of the Kentucky Board of Education Members to Attend the 2020 Virtual NASBE Conference to be held October 20-23, 2020 (Action/Discussion Item)**

Chair Young shared that this year, NASBE's annual conference would take place virtually from October 20-23. As this year's new member institute was canceled due to the pandemic, the chair recommended that the board consider allowing five members to attend the annual conference as the fees are drastically reduced and there will be no travel expense.

Chair Young asked for a motion to approve Claire Batt, Lt. Governor Jacqueline Coleman and Sharon Porter Robinson to attend NASBE's 2020 virtual conference on October 20-23. Alvis Johnson made the motion and Lee Todd seconded the motion. The motion passed by a unanimous roll call vote.

**G. Approval of Summary Minutes for August 6, 2020 Regular Meeting, August 28, Special Meeting and October 2, 2020 Awards Committee Meeting (Action/Discussion Item)**

Chair Young shared that the minutes for August 6, 2020 Regular Meeting, August 28, 2020 Special Meeting and October 2, 2020 Awards Committee Meeting were distributed to members in advance. The chair asked for any corrections to any of these minutes.

Chair Young asked for a motion to approve the minutes and Mike Bowling made the motion. Patrice McCrary seconded the motion. The motion passed with a majority roll call vote and Randy Poe abstained on the basis he was not a board member during the time of those meetings in reference.

**4. 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. Claire Batt seconded the motion. The motion passed by a unanimous roll call vote.

**5. Good News Items (Review Item)**

Sharon Porter Robinson shared information about the Paraprofessional of the Year. Allison Slone shared information about the 2020 Mary May Wyman Outstanding Kentucky Council for Exceptional Children (KYCEC) Member of the Year Recipient. JoAnn Adams expressed appreciation for School Nurses. Lt. Governor Jacqueline Coleman highlighted schools who are working diligently to protect their students, teachers and staff as they transition to in-person instruction and ensure they follow the healthy at sports guidance.

**6. Report from the President of the Council on Postsecondary Education**

CPE Associate Vice President Dr. Amanda Ellis presented brief remarks on the importance of P-20 aligned initiatives.

**7. Report from the Secretary of the Education and Workforce Development Cabinet**

Lt. Governor Coleman presented brief remarks on the importance of focusing on cradle-to-grave initiatives.

## **8. Report from the Commissioner of Education**

Dr. Glass shared brief updates on his transition; implicit bias training; COVID-related updates; updates from the Kentucky School for the Blind, Kentucky School for the Deaf and Area Technology Centers.

## **9. Preliminary Discussions and Initial Guidance for Amendment of 703 KAR 5:270, Kentucky's Accountability System (Review Item)**

KDE Office of Assessment and Accountability Associate Commissioner Rhonda Sims, KDE Division Directors Jennifer Stafford and Kevin Hill and Brian Gong, Senior Associate with the National Center for the Improvement of Educational Assessment, Inc. discussed the impact to Kentucky's accountability system resulting from the enactment of Senate Bill (SB) 158 (2020). This was a preliminary discussion to seek initial guidance from the board for future amendments of 703 KAR 5:270, Kentucky's accountability system.

## **10. Public Comment Segment – Public Expression Will Be Accepted Via Email Only and Limited to 30 Minutes.**

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

## **11. Approval of Consent Agenda (Approved as a Group)**

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:

### **A. Action Consent Items**

1. Approval of New District Facility Plans for the Erlanger-Elsmere Independent, Livingston County and Williamstown Independent School Districts - KDE Associate Commissioner Robin Kinney and KDE Division Director Chay Ritter (Family/Community Involvement)
2. Approval of the 2020-2021 Local District Tax Rates Levied - KDE Associate Commissioner Robin Kinney and KDE Division Director Chay Ritter (Family/Community Involvement)
3. Approval of Request from the Fayette County School District for Site Acquisition Approval That Exceeds Ten Percent of the Maximum Budget per 702 KAR 4:050 - KDE Associate Commissioner Robin Kinney and KDE Division Director Chay Ritter (Family/Community Involvement)
4. New Regulation 704 KAR 8:100, Kentucky Academic Standards (KAS) for Library Media Elective (Second Reading) - KDE Associate Commissioner David Couch, KDE Chief Digital Officer Marty Park and KDE School Library Lead

- Digital Learning Coach James Allen (Student/Family Supports and Coursework Completion)
5. Adoption of Kentucky School for the Blind, Kentucky School for the Deaf and KY Tech Policies - KDE Associate Commissioner Gretta Hylton and KDE Associate Commissioner David Horseman (Strengthening Educators, Family/Community Involvement, Student/Family Supports and Student Interventions)
  6. Amendment to 704 KAR 3:035, Annual Professional Development Plan (Second Reading) - KDE Associate Commissioner Rhonda Sims and KDE Policy Advisor Micki Ray (Strengthening Educators)
  7. Amendment to 704 KAR 3:325, Effective Instructional Leadership Act (Second Reading) - KDE Associate Commissioner Rhonda Sims and KDE Policy Advisor Micki Ray (Strengthening Educators)
  8. Amendment to 704 KAR 3:305, Minimum Requirements for High School Graduation (Second Reading) - KDE Associate Commissioner Rhonda Sims and KDE Policy Advisor Micki Ray (Coursework Completion)
  9. Amendment to 701 KAR 5:150, Nontraditional Instruction Program (Second Reading) - KDE Associate Commissioner Kelly Foster and KDE Division Director David Cook (District Innovation)

The Chair reminded the board members the consent agenda was distributed to members in advance of the meeting to allow sufficient time for review. Chair Young asked if any member wished to have any of the consent agenda items moved to regular discussion items.

No items were moved off of the consent agenda. Chair Young asked for a motion to approve all items on the consent agenda. Lee Todd made the motion and Patrice McCrary seconded. The motion passed by a unanimous roll call vote.

## **12. 10-Minute Recess**

The board took a short recess and conducted no business.

## **13. Presentation of the Kelly Award for Business and Education Partnership**

Chair Young presented the Joseph W. Kelly Award to President and CEO of General Electric Appliances Kevin Nolan in honor of his partnership with the Jefferson County Public Schools which is focused on equity, inclusion and diversity.

## **14. Public Comment Segment – Public Expression Will Be Accepted Via Email Only and Limited to 30 Minutes.**

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

## **15. Action Discussion Items**

### **A. Action to Waive Certain Board of Education Regulatory Requirements In Response to COVID-19**

**A.1. Action to Approve the Request to Waive Section 2(2)(g) of 704 KAR 3:370, Kentucky Framework for Personnel Evaluation**

Office of Educator Licensure and Effectiveness (OELE) Associate Commissioner Rob Akers and Division Director Todd Davis provided a recommendation to temporarily waive the requirement in 704 KAR 3:370, Section 2(2)(g), that the evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first 30 calendar days of reporting for employment.

Chair Young asked the board to entertain a motion to approve the waiver of Section 2(2)(g) of 704 KAR 3:370, Kentucky Framework for Personnel Evaluation as articulated in the corresponding staff note. Alvis Johnson made the motion and Randy Poe seconded the motion. The motion passed by a unanimous roll call vote.

**16. Review Items**

**A. Update on State Assisted Districts**

KDE Associate Commissioner Dr. Kelly Foster, along with the district superintendents, presented updates relative to corrective action taken in Breathitt County and Menifee County school districts since the June 3, 2020 KBE meeting.

**B. AdvanceKentucky Update**

AdvanceKentucky Executive Director Anthony Mires presented an annual update on Advanced Placement, the middle school math program and computer science initiatives.

**10 Minute Recess:** The board took a short recess and conducted no business.

**C. Amendment to 703 KAR 5:280, School Improvement Procedures (First Reading)**

KDE Associate Commissioner Dr. Kelly Foster discussed proposed amendments to 703 KAR 5:280, School improvement procedures, which is being revised to align with the requirements of Senate Bill (SB) 158 (2020).

**17. Hearing Officer's Report**

General Counsel Todd Allen presented a review of regulations.

**A. Nonresident Student Agreement Appeal, Administrative Action No. 19-BOE-0019, Pineville Independent Board of Education v. Bell County Board of Education (Action/Discussion Item)**

General Counsel Todd Allen presented information on the nonresident student agreement appeal. KBE member Mike Bowling recused himself from the discussion and vote.

Chair Young asked for a motion to approve the Findings of Fact, Conclusions of Law, and Final Order in Administrative Action No. 19-BOE-0019, Pineville Independent Board of Education v. Bell County Board of Education. Sharon Robinson made the motion and Claire Batt seconded the motion. The motion passed by a majority roll call vote.

## **18. 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.

## **19. Board Member Sharing**

Board members used this time express sentiments of gratitude and also welcome Toni Konz Tatman officially to the KDE.

## **20. Adjournment**

Chair Young thanked the KBE members for another productive meeting. She then asked for a motion to adjourn the meeting. Randy Poe made the motion to adjourn and Mike Bowling seconded the motion. The motion passed with a unanimous roll call vote.

The meeting adjourned at 1:40 p.m.