

The Kentucky Board of Education (KBE) held its regular meeting on October 12, 2022. The KBE met virtually and in-person at the Logan County Career and Technical Center, 2400 Bowling Green Road, Russellville, KY. Members of the public were permitted to attend the meeting in person although 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 to the meeting.

II. Roll Call

Chair Young asked for a roll call of members. The following members were present: JoAnn Adams, Holly Bloodworth, Patrice McCrary, Randy Poe, Sharon Porter Robinson, Lee Todd, Steve Trimble (virtual), Lu Young, Joanna Stevens, Joud Dahleh, and Amanda Ellis.

III. Good News

• **Crittenden County's Mandy Perez named 2023 Kentucky Teacher of the Year**

Randy Poe shared the announcement on Crittenden County's Mandy Perez being named 2023 Kentucky Teacher of the Year.

• **Kentucky schools, districts recognized for best practices at Continuous Improvement Summit**

Sharon Robinson announced the Kentucky schools, districts recognized for best practices at Continuous Improvement Summit.

• **Five Kentucky public schools chosen as 2022 Blue Ribbon winners**

JoAnn Adams shared the announcement of Five Kentucky public schools chosen as 2022 Blue Ribbon winners.

• **43 Kentucky high schools recognized with the national College Success Award**

Joud Dahleh announced the 43 Kentucky high schools recognized with the national College Success Award.

• **Owensboro Independent finds success with its Grow-Your-Own efforts**

Holly Bloodworth shared the news that Owensboro Independent finds success with Grow-Your-Own efforts.

• **Warren County's Rob Clayton is Kentucky's 2023 Superintendent of the Year**

Patrice McCrary announced that Warren County's Rob Clayton is Kentucky's 2023 Superintendent of the Year

IV. Report from the President of the Council of Postsecondary Education

Dr. Amanda Ellis reported about recent updates and progress at the Council for Postsecondary Education.

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

Lu Young gave Lieutenant Governor Jacqueline Coleman's report on the current work of the Education and Workforce Development Cabinet.

VI. Report from the Commissioner of Education

First, Dr. Glass took a few moments to reflect on his evaluation and gave appreciation to the board members for the kind words and recognition of his work as Commissioner of the Kentucky Department of Education. Dr. Glass then updated the Kentucky Board of Education on the current work and vision happening at the Kentucky Department of Education and public schools in Kentucky

VII. Presentation of the 2022 Kelly Award for Business and Education Partnership - Commissioner Jason E. Glass, Ed.D. and KBE Chair Lu S. Young, Ed.D.

Dr. Glass presented the 2022 Kelly Award for Business and Education Partnership to Mike Hesketh. The board celebrated with Mr. Hesketh and spoke highly of his dedicated partnership to students and schools.

VIII. Action/ Discussion Items

A. Approval of CSI Turnaround Vendor List

Kelly Foster, KDE Associate Commissioner and Matthew Courtney, KDE Policy Advisor presented and explained the proposed vendor list.

Chair Young asked for a motion to be made on the Approval of CSI Turnaround Vendor List. The motion was made by Lee Todd; seconded by Randy Poe. The motion passed by a unanimous voice vote.

Charter School Regulations

Chair Lu Young began the discussion by acknowledging that the Charter School Regulations are controversial, both in our state and at the national level. She shared that as a board, KBE is constantly engaged in policy discussions on how we improve both opportunities and outcomes for all kids in Kentucky. With that rich conversation comes excitement to act in ways that the KBE believes are in the best interest of kids. However, part of the board's role as state-level policy makers is also to acknowledge its authority and role in a three-branch system of government. She acknowledged that some of the members may not support charter schools in Kentucky. Or may not support the specific governance and funding structures set forth in these regulations. But the KBE must remember that it is the legislative branch that makes the law. The Kentucky General Assembly passed HB 9 during the last legislative session and now the executive branch, here the KBE, must implement the law. Unfortunately, HB 9 was very prescriptive and leaves little to be decided by the education policy experts on this board, at KDE, and throughout the state. The Commissioner has drafted proposed regulations for consideration that fulfill the obligation in HB 9 to promulgate regulations consistent with the legislation. While Chair Young believes there are constitutional uncertainties with HB 9, the Kentucky Supreme Court has consistently held that statutes are generally afforded the presumption of constitutionality until determined otherwise by a court. That is, it will be up to the judicial branch to determine whether HB 9

is constitutional, not this board.

B. 701 KAR 8:010E, Charter school student application, lottery, and enrollment

C. Amendments to 701 KAR 8:010, Charter school student application, lottery, and enrollment

D. 701 KAR 8:020E, Evaluation of charter school authorizers

E. Amendments to 701 KAR 8:020: Evaluation of charter school authorizers

F. 701 KAR 8:030E, Charter school appeal process

G. Amendments to 701 KAR 8:030: Charter school appeal process

H. 701 KAR 8:040E, Conversion charter school petition, conversion, and operation

I. Amendments to 701 KAR 8:040, Conversion charter school petition, conversion, and operation

KDE Association Commissioner Kelly Foster and KDE Policy Advisor Matthew Courtney provided the overview of the proposed regulations.

After questions and comments made by various board members. Chair Lu Young asked the board to entertain a motion to approve the emergency regulations 701 KAR 8:010E, 701 KAR 8:020E; 701 KAR 8:030E; and 701 KAR 040E and the proposed amendments to 701 KAR 8:010; 701 KAR 8:020, 701 KAR 8:030, and 701 KAR 8:040. The motion was made by Sharon Robinson; seconded by Holly Bloodworth. The motion passed by a unanimous voice vote. Randy Poe explained his vote as a responsibility as a member of the Kentucky Board of Education, however he does not agree with the constitutionality of the regulations for the Commonwealth. Meredith Brewer then requested a roll call vote to be taken in which Chair Young agreed. The roll call vote also passed unanimously, however the following board members explained their vote JoAnn Adams, Lee Todd and Steve Trimble voted yes, but only as a responsibility of the Kentucky Board of Education, as well as the membership to the Kentucky Board of Education. They do not think this regulation is best for our schools or the Commonwealth.

J. 701 KAR 8:050E, Charter School Funding

K. 701 KAR 8:050, Charter School Funding

KDE Associate Commissioner Robin Kinney and KDE Executive Advisor Matt Ross provided an overview of the proposed regulations of 701 KAR 8:050E and 701 KAR 8:050.

After many questions and comments made by various board members. Chair Lu Young asked the board to entertain a motion to approve 701 KAR 8:050E and 701 KAR 8:050. The motion was made by Sharon Robinson; seconded by Patrice McCrary.

KBE Chair Young made the following statement explaining her vote. "I approve these funding regulations because I feel it is my duty to do so, however I have great concerns about the constitutionality, as well as feasibility of these regulations as a matter of practical implementation especially as they relate to funding. I am also concerned about opening this board, our Commissioner and Department to potential litigation upon approval of these regulations because of the weaknesses we have wrestled with today,

but as we have discussed I believe that any such litigation would really be a challenge to House Bill 9 not the actions of this board.”

Chair Young concluded that the motion passed by a unanimous roll call vote.

IX. Public Comment Session

Chair Young stated that the Public Comment Session is limited to 10 speakers at maximum of three minutes each, but there was not anyone who signed up to speak at the meeting today. We did receive one email from Dr. Kelly Wessel, Dentist. Dr. Wessel writes to question the number of doctor notes that a student can have as an excused absence from school. Dr. Wessel notes how important dental health is to the overall well-being of children and urges us not to limit the number of excuses to a family as a barrier for good dental care. Chair Young responded that the board does not have such restrictions or regulations to limit the number of doctor notes or doctor visits that a school district will allow. We appreciate the input from Dr. Wessel.

X. Board Member Sharing

Randy Poe asked for an update on building and construction requirements and statutes for the next two years. KDE Division Director Chay Ritter provided a brief update. Chair Young has asked the Office of Finance and Operations give the board an update on this topic during the December Regular Meeting.

Lee Todd visited with Commissioner Glass a fourth-grade class in Waco, KY who were a part of an 8-million-dollar grant to bring new teaching techniques into the classroom. A little girl in the class wanted to meet Dr. Todd who told him that she wanted to be an engineer and entrepreneur. She wanted to invent a wheelchair. The little girl also came up with a coaster invention and she made \$20 off that. Dr. Todd was very impressed with this classroom teacher. Dr. Todd had a great day at the Waco, KY school!

Patrice McCrary shared an update on the Whole School, Whole Child, Whole Community committee and reported on the presentation given by KY Shape on World Kindness Week which will be held on November 7-13, 2022.

Chair Young closed the meeting by thanking Joud Dahleh for being the KBE's representative at the next NASBE Conference in Phoenix, Arizona.

Chair Young would like to ask the board members to complete a board member self-assessment survey that was sent by Meredith Brewer. Chair Young hopes the survey will be a helpful growth experience for the board.

XI. Adjournment

Chair Young thanked everyone for a productive meeting, and for your attention to the difficult topics addressed. She also expressed thanks to the Logan County School District for hosting the board and especially to the Kentucky Department of Education staff who provided support. Chair Young asked for a motion to adjourn the meeting. The motion was made by JoAnn Adams; seconded by Holly Bloodworth. The meeting adjourned by unanimous voice vote.