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April 5, 2024

Ms. Amanda Deaton, Chair
Nelson County Board of Education
288 Wildcat Lane
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VIA EMAIL: Amanda.Deaton@nelson.kyschools.us

Mr. Wesley Bradley, Superintendent
Nelson County Board of Education
288 Wildcat Lane
Bardstown, KY 40004

VIA EMAIL: Wes.Bradley@nelson.kyschools.us

RE: Removal of Superintendent Wesley Bradley, Nelson County Schools

Chair Deaton and Superintendent Bradley:

By letter dated March 5, 2024, the Hon. Jake Thompson, attorney for the Nelson County Board of Education (the Board), provided notice to the Commissioner of the Kentucky Department of Education (KDE) of the Board's action taken on March 4, 2024 to remove Mr. Wesley Bradley (Bradley) as superintendent of Nelson County Schools. With this notice, on behalf of the Board, documents were submitted to support the Board's action. Upon a vote of at least four-fifths of the board to remove the superintendent, KRS 160.350(3) provides that "the commissioner of education shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during the superintendent's appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, the commissioner of education shall either approve or reject the board's request." Pursuant to this statutory provision, and on behalf of the Board, Mr. Thompson requested my approval to proceed with Bradley's removal for cause.

Pursuant to KRS 160.350, a local school district superintendent is hired, evaluated, and continued or dismissed in employment by the employing local board of education. The Board is the employer, and Bradley is the employee of the Board. Local boards of education are vested with discretion in removing superintendents "when any legal cause is charged and supported by any evidence of a substantial nature."¹ KRS 160.350(3) provides for removal "for cause." "The word 'cause' in this context has been defined as a 'legal' cause, that is, 'a cause relating to and affecting the administration of the office and

¹ *Smith v. Board of Education of Ludlow*, 94 S.W.2d 321, 325 (Ky. 1936).

restricted to something of a substantial nature directly affecting the rights and interests of the public.”²
“One ground for removal, if supported by competent and relevant evidence, is sufficient to justify removal.”³

Pursuant to KRS 160.350, the KDE investigated the charges for removal set forth by the Board. KDE staff from the Office of Legal Services (OLS) interviewed Amanda Deaton, Board Chair; Tracy Bowling, Board member; Diane Berry, Board member and former Board Chair; and Bradley. Having reviewed the charges and related information, and having investigated the matter, I conclude that the board has not set forth competent and relevant evidence of a substantial nature supporting at least one ground for removal of Bradley. Below, I will address the accuracy of the allegations and charges made by the Board and the other statutory requirements.

ACCURACY OF THE ALLEGATIONS MADE BY THE BOARD

Although the Board listed six charges against Bradley, it submitted evidence regarding a litany of allegations, some of which was purported to support multiple charges.⁴ Further, the categories set forth in the six charges are often overlapping and duplicative. Therefore, each of the allegations will be addressed separately below, and an analysis set forth as to whether the allegations support any of the charges provided by the Board.

The six charges set forth by the Board are as follows:

1. Neglect of Duty;
2. Academic and Educational Neglect resulting in extremely low academic performance;
3. Failure of Leadership;
4. Failing to act as the professional advisor to the Board pursuant to KRS 160.370;
5. Engaging in conduct that has created and promoted division and dissension within the District such that trust and working relationships have been severely, and irreparably damaged;
6. Engaging in conduct which has resulted in a majority of the Board losing trust in Bradley.

The allegations made by the Board are set forth below, along with investigative findings in response to each allegation.

1. *Poor academic performance of district students as measured by the Kentucky Summative Assessment (KSA) and iReady assessments.*

The Board argues that Nelson County students performed poorly on the KSA and iReady assessments during the 2021-22 and 2022-23 academic years. The Board alleged that iReady scores in those two years showed that high percentages of district students were not reading or performing math “on grade level.” It must be noted that iReady is a program that is purchased by the district and is not a state

² *Bell v. Board of Education of McCreary County*, 450 S.W.2d 229 (Ky. 1970), quoting *Smith v. Board of Education of Ludlow*, 94 S.W.2d 321, 325 (Ky. 1936).

³ *Id.*

⁴ See page 16 of the documents submitted by Mr. Thompson on March 5, 2024.

required assessment. It has not been evaluated by KDE to determine whether it aligns with Kentucky Academic Standards (KAS). Further, the district iReady scores have improved since the 2021-22 and 2022-23 scores provided by the Board.

The Board also points to the fact that two district schools, Foster Heights Elementary School and The New Haven School, were identified for Continuous Support and Improvement (CSI) in the Fall of 2022. Federal law requires the KDE to identify “at least once every three school years[,] one statewide category of schools for comprehensive support and improvement[,] which shall include [...] not less than the lowest-performing 5 percent of all schools[.]”⁵ KRS 160.346(3) provides that “every three (3) years[,] a school shall be identified by the department for comprehensive support and improvement if the school is: (a) In the lowest-performing five percent (5%) of all schools in its level based on the school's performance in the state accountability system.”

Pursuant to KRS 160.346(6), a school designated as CSI, as well as its district office, must undergo an audit to diagnose the causes of the school’s low performance. This process, called a Diagnostic Review, is performed by a mixed team of in-state and out-of-state experts who conduct interviews, classroom observations, and artifact reviews in order to identify systemic problems that lead to persistently low performance. The findings of the Diagnostic Review are aligned to evidence-based Performance Standards maintained by Cognia, a KDE vendor.

The District Diagnostic Review report issued in February 2023, states: “It is the consensus of the Diagnostic Review Team that the Nelson County Schools district requires intensive support in order to successfully manage the intervention in each school identified for CSI.” This statement is not reflective of any one individual and instead reflects on the collective leadership of the district, including the Board and district administrators. The Board outlined various findings from the Diagnostic Review report that addressed district leadership in general and the need for intensive support. Specifically, the Board alleged the superintendent “failed to support and prioritize instruction.” The KDE recognizes the diagnostic review conducted in consultation with Cognia as valid and reliable and has found the methodology and implementation of findings to be successful in turnaround efforts for local school districts in Kentucky to exit CSI status. Furthermore, KDE encourages all districts to implement the findings of a diagnostic review towards continuous school improvement. However, a district is not required to implement the recommendations of a diagnostic review report. Additionally, it must be noted that the Diagnostic Review report was a snapshot in time, and the district has since taken steps that have improved test scores and allowed the two schools identified for CSI in 2022 to exit that status.

Bradley responded to the Board allegations that, under his leadership, instruction has remained focused on state academic standards with the implementation of project-based learning in the district. The Diagnostic Review report findings have been considered however, it must be noted that there has been no evidence presented to indicate the Board attempted to remove the superintendent at the time the report was issued, nor did it issue any written communication, corrective actions or reprimands to Bradley to provide him notice of future Board expectations related to the Diagnostic Review report findings, implementation of the recommendations for improvement, or district test scores.

⁵ Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Sec. 1111(c)(4)(D)

While it is apparent that KSA test scores have been less than desirable (i.e., below the state average) for a number of years in the district, the Board failed to show that there is any applicable statutory or regulatory requirement, contract provision, Board policy, or specific written instruction(s) from the Board related to instruction in the district that Bradley disregarded.⁶ During her interview, Board Chair Deaton indicated the fact that two schools were identified for CSI is not the issue. Instead, Deaton indicates the Board takes issue with Bradley's reaction to the schools' identification for CSI. Yet, if the Board provided Bradley any instruction, directive, or warning regarding improving student performance on assessments, it was not in written form and provided to KDE. Further, the district test scores (both KSA and iReady) have improved since Spring 2022. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

2. *Record of undermining the authority and expertise of KDE and criticizing Kentucky's System of Accountability.*

Information provided by the Board includes an editorial written by Bradley titled *Uniting for Student Success* published in the local newspaper.⁷ The Board has provided no evidence that Bradley was prohibited from publishing this article. Bradley's contract with the Board dated July 20, 2021, provides that Bradley may "engage in writing activities." The Board failed to provide any information that Bradley violated any statute, regulation, contract provision, specific written instruction(s) from the Board, or Board policy by publishing this article. Furthermore, the Board points to the fact that Bradley stated the state testing system is "a bureaucratic system of controls . . . [placing] burdensome bureaucratic demands on educators." Assessment and accountability are state and federal legal requirements. Expression of disagreement with these laws from an education policy perspective, standing alone, simply presents the writer's viewpoint. Thus, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

3. *Bradley failed to assist with board meetings or establish order and usurped the Board Chair's authority in one instance.*

To support this allegation, the Board included a USB drive with video clips from Board meetings, which the Board alleged showed inappropriate comments made by district staff and "conduct detrimental to the culture of the district."⁸ The Board failed to show that Bradley violated any statute, regulation, contract provision, specific written instruction from the Board, or Board policy by failing to assist with board meetings or establish order. Nelson County Board of Education policy 01.411 provides "[t]he chairperson of the Board shall preside at meetings." Bradley is not the chairperson of the Board and

⁶ Further, the district test scores were below the state average in most content areas and school levels at the time Bradley's initial contract was finalized in 2018 and again when his contract was renewed in 2021.

⁷ The Board did not state when this article was published. However, an online version exists at: <https://www.nelson.kyschools.us/news/news-details/~board/district-news-board/post/student-success> and is dated October 10, 2022.

⁸ Although pursuant to KRS 160.390, the superintendent is responsible for all personnel actions, the information provided by the Board relates to control of the public meeting rather than the failure of Mr. Bradley to pursue any necessary personnel actions.

therefore is not responsible for supervising public meetings.⁹ District employees enjoy the same right to attend meetings of the local board of education on their personal time as any other citizen and are subject to the rules of order established by the Board and enforced by the Board Chair. Ironically, the Board also conversely alleged that Bradley usurped the Board Chair's authority in one instance by stopping a guest speaker. During an interview with KDE staff, Bradley stated he was simply attempting to assist with the enforcement of a thirty-minute limit for guest comments implemented by the Board Chair. This serves as evidence that Bradley, although not required to do so, tried to assist the Board with meetings and establishing order pursuant to Board procedures. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

4. The superintendent not being supportive of the Board and creating/exacerbating division and dissension in the community and failing to pursue common goals with the Board related to facilities planning.

The Board alleges that Bradley failed to “bring [the Board] together to pursue common goals” and “has not created a shared vision as it relates to implementing facilities solutions to support the goals of the district.” The Board further alleges that Bradley “has made no effort over the past 13 months to bring Board members together in support of common priorities. In fact, he has exploited the presence of diverging opinions allowing the furtherance of community division which could have been curtailed had he tried to find common ground and develop it.” Ironically, KDE has offered to provide a district facilities presentation to the Board and its community since October 2023. However, such an offer has been postponed by the Board and has yet to take place. In interviews with KDE staff, Board Chair Deaton, Berry, Bowling, and Bradley all confirmed that more recently Bradley brought nine (9) different facilities options aligned with the District Facilities Plan to the Board for consideration, but all were rejected. The Board failed to show that there is any applicable statutory or regulatory requirement, contract provision, Board policy, or specific written instruction(s) from the Board that Bradley disregarded. Therefore, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

5. Nelson County resident students are leaving the district.

The Board states that the “academic failings, brought on by the deficiencies of [the] Superintendent [...] have caused tremendous financial hardship to the district due to the loss of students whose families have chosen to send their children to other schools. In Spring of 2023, over 800 students districted to Nelson County were enrolled in Bardstown City Schools. Neighboring Spencer County and the local parochial school system and likely others have also been the recipients of our students who have made other choices.” The Board provided no data to show why students leave the district. That is, there has been no comprehensive survey, data or evidence provided to gather the specific reasons parents choose to send their students to other schools. During an interview with the Board Chair, she acknowledged that it is unknown why these students left the district. The information submitted by the Board does not include information on the academic performance of the students that have left the district. Students may choose to leave a district for various reasons. Additionally, KRS 157.350 was amended to allow school districts

⁹ The Board acknowledges in the documents it submitted on March 5, 2024, that “the board chair has control over meetings[.]”

to accept non-resident students and collect state funding for those students, beginning July 1, 2022, without an agreement from the students' resident district as was previously required. Further, Bradley stated that many students residing in Bardstown Independent district attend Nelson district schools. Information provided by the Board does not establish that students are leaving the district because of any specific wrongdoing of Bradley. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

6. Staff/teacher protests in October 2023.

The Board submitted an email sent by Bradley to the Nelson County Schools community on October 19, 2023, regarding an unplanned school closure caused by teachers and staff not reporting to work following a Board meeting. The Board alleges the email was “an inflammatory communication and antagonistic toward the Board – voicing to parents' distrust in the Board’s decision-making.” The Board also alleges that Bradley failed to “bring leadership and unity to this situation . . . failed to ensure that there was a climate among the district’s employees of confidence in the district leadership and school board’s commitment to working together to move the district forward.” The board also alleges that Bradley did not encourage district employees “that were concerned with the decisions of the school board to use existing avenues of communication to voice their concerns” and instead “allowed the disruption of instruction for two full days due to ‘teacher walkouts[.]’” The Board alleges that this is failure in leadership.

The October 19, 2023, email from Bradley does not appear on its face to be improper. The Board provided no evidence to suggest that Bradley encouraged or suggested that teachers and staff not report to work. The email message provided that: “[r]ecent NCS Board decisions have changed course from the original 2021-2022 facility plan to evaluate a path that could potentially consolidate our two high schools into one. No formal decision has been made at this time.” Bradley additionally stated that: “[w]e encourage you to stay engaged with our school district and trust that our staff and administrators will come to a clear resolution in the days ahead.” Not only did Bradley encourage families to continue to stay involved, but he apologized for any disruption this decision may have caused the community. What the Board considered inflammatory language in the email seems to be merely reciting facts confirming that the Board changed course and for the public to know that no formal decisions had yet been made. Further, the Board has not shown that Bradley violated any statute, regulation, specific written instruction(s) from the Board, or Board policy regarding this allegation. Therefore, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

7. Student protests in February 2024.

The Board alleges that “on Monday, February 12 and Tuesday, February 13, 2024, hundreds of students at a few select schools were absent” in protest of a Board decision and the Board submitted attendance summary reports for these days. The Board states “had the Superintendent shown leadership during this process, getting behind the direction and decisions of his Board, there would not have been this disruption of instruction and general escalation of negative feelings within the community.” The Board submitted no evidence to show that Bradley was responsible for the student absences. Information submitted by the Board does not show that Bradley encouraged or suggested students, or their parents, to be absent. It is mere conjecture on the part of the Board that Bradley’s actions or attitude caused student

protests. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

8. High teacher turnover, low teacher salaries, and high principal salaries in the district.

Information provided by the Board indicates that teacher turnover in Nelson County is higher than the state average and that Nelson County has more inexperienced staff than the state average. The Kentucky School Report Card provides that for the school year 2022-2023 Nelson County had a higher percentage of teacher turnover and inexperienced teachers than the state average. The Board submitted several affidavits from former district employees that had left the district. During Bradley's interview he described a majority of these employees as "disgruntled" and not representative of the majority of district employees. Further, Bradley alleged that some of the individuals who provided affidavits were plaintiffs in a lawsuit against the Board, friends with the Board Chair and another Board member, clients of the Board Chair's legal practice, etc. Six out of ten of the affidavits presented are notarized by the Board Chair. The Board fails to include in its analysis that it is near a high paying labor market for teachers (e.g., Jefferson County) which may impact its recruitment and retention efforts. The Board failed to provide any compelling evidence that teacher turnover in the district is a direct result of some action or inaction by Bradley. Thus, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

The Board also alleges that the average teacher salary in Nelson County is less than the state average while the principal salary is above the state average. Nelson County Board of Education policy 02.12 provides that the superintendent shall prepare the salary schedules. However, teacher and principal salaries are ultimately set by the Board, not Bradley. If the Board desires higher teacher pay in the district, it has the authority to consider the overall district budget and amend the district salary schedule to increase teachers' pay. Therefore, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

9. The superintendent bringing matters before the Board that were within his decision-making authority.

Information provided by the Board alleges that Bradley brought matters before the Board that should have been handled solely by Bradley and not by the Board. In support of this allegation, the Board provides one specific example which is related to middle school football programs and equipment funding, but the Board did not provide any supporting documentation such that it can be determined that Bradley acted improperly in this situation. Nelson County Board of Education Policy 04.31 provides that "[e]xpenditures from any District fund shall be made in accordance with the budgets approved by the Board." No documentation was provided by the Board regarding whether or not the funding request was in accordance with the budget already approved by the Board. In addition, Nelson County Board of Education policy 01.45 provides that the "[a]genda for all Board meetings shall be prepared by the Superintendent at the direction of, and subject to the approval of, the Chairperson." Policy 01.45 also provides "[a]ny member of the Board may submit items for the agenda through the Chairperson or the Superintendent. The agenda shall be closed to Board members ten (10) calendar days preceding the scheduled regular meeting unless the addition of a late item is approved by the Chairperson or by a request of three (3) Board members." This policy also includes an exception which appears to provide

that the Superintendent can add items for immediate action after the printing of the regular Board meeting agenda without approval from the Board Chair. Therefore, unless this exception applies, the board members, not Bradley, determine what will be brought before the Board for discussion. Bradley stated in his interview with KDE staff that one of the Board members put the matter related to middle school football programs and equipment funding on the agenda for Board discussion. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

10. The Board losing trust in the superintendent.

The Notice of Charges submitted by the Board states “for all of the reasons set out herein, a majority of the Board has lost trust in the superintendent.” The Board alleges that “[w]hen trust is lost between the Board and the Board’s statutory agent, moving forward together is nearly impossible.” The Board Chair stated that “the Superintendent serves at the pleasure of the Board.” That is, it appears the Board perceives Bradley as an at-will employee who can be dismissed without legal cause.¹⁰ The Board did not show that Bradley violated any statute, regulation, specific written instruction(s) from the Board, or Board policy causing the Board to lose trust in Bradley. Merely stating the Board has “lost trust” in Bradley, standing alone, is subjective. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

11. Failing to act as the professional advisor to the Board pursuant to KRS 160.370.

The Board alleged Bradley failed to act as the professional advisor to the Board pursuant to KRS 160.370. The Board relies upon all of the alleged instances of “lack of leadership” noted by the Board in its Notice of Charges and “what the Board believes to have been inaccurate and ill-advised advice throughout his term as Superintendent” in support of this charge. The Board provided no evidence that Bradley provided “inaccurate and ill-advised advice.” All other allegations are addressed separately, herein. Therefore, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

12. Supporting documentation submitted by the Board.

The Board submitted many affidavits from former district employees and documents purportedly supporting its allegations. Many of the affidavits paint Bradley as a superintendent that is not focused on academic standards. One claimed that once Bradley became superintendent that “the culture of the entire school system was turned upside down... the focus shifted from students to systems.” Another mentioned a “focus on workforce and not academic achievement.” However, the Board did not provide any evidence that it conducted its own investigation into any of the claims raised by these individuals. Bradley was directly questioned about these specific allegations, and he disputed their accuracy. He described many of these former employees as “disgruntled” and asserted some of them are plaintiffs in the litigation against the Board, clients of the Board Chair’s legal practice, friends of Board members, etc. Again, six out of ten of the affidavits are notarized by the Board Chair from the few days leading up

¹⁰ See page 1 herein regarding “legal cause.” See also Bradley’s contract with the Board dated July 20, 2021, which provides the “contract may be terminated by . . . Discharge for cause.”

to the Board's removal of Bradley. Further, the Board failed to present any affidavits from current district employees.¹¹ Securing affidavits against a superintendent from a handful of disgruntled individuals may be easily accomplished in any school district. In fact, the KDE has received numerous emails, phone calls and written communication from interested parties on both sides of this controversy. It is sufficient to state that this matter has caused great interest from the staff, students, and community at large. The Board fails to provide any evidence that it conducted an objective investigation as a result of these affidavits and found that Bradley violated any statute, regulation, board policy, contract provision, or written instruction of the Board. Similarly, the Board does not cite any legal proceeding where Bradley was found to have violated any statute, regulation, or board policy. Accordingly, in this allegation, the Board does not provide competent and relevant evidence to support any charge for removal.

COMMISSIONER'S RESPONSE TO CHARGES

Charge 1. Neglect of Duty:

Although neglect of duty could constitute a legal cause for removal, the Board failed to provide competent and relevant evidence to support this charge as discussed above in the underlying allegations. Based upon the information provided by the Board, it cannot be said that this charge states a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

Charge 2. Academic and Educational Neglect resulting in extremely low academic performance:

It seems that this charge should fall within Charge 1. Nevertheless, this charge, as well, could constitute legal cause for removal, yet, the Board has again failed to provide competent and relevant evidence to support this charge as discussed above in the underlying allegations. This charge also fails to state a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

Charge 3. Failure of Leadership:

This charge could constitute legal cause for removal. However, as discussed above in the underlying allegations, the Board has again failed to provide competent and relevant evidence to support this charge. As such, this charge also fails to state a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

Charge 4. Failing to act as the professional advisor to the Board pursuant to KRS 160.370:

This charge could also constitute legal cause for removal. However, as discussed above in the underlying allegations, the Board has again failed to provide competent and relevant evidence to support this charge. Accordingly, this charge fails to state a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

¹¹ The results of the 2023-24 Impact Kentucky Working Conditions Survey from current district employees were overall positive: [District Summary](#) | [Nelson County](#) | [Panorama Education](#).

Charge 5. Engaging in conduct that has created and promoted division and dissension within the District such that trust and working relationships have been severely, and irreparably damaged:

If the Board could point to a statute, policy, procedure, or written directive regarding personnel management that Bradley failed to follow, this is a charge that could arise to the level of legal cause. However, the Board has failed to provide competent and relevant evidence to support the underlying allegations. Accordingly, this charge fails to state a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

Charge 6. Engaging in conduct which has resulted in a majority of the Board losing trust in him:

Additionally, it does not appear that this is a charge that could arise to the level of legal cause, and even if it did, the Board has failed to provide competent and relevant evidence to support the underlying allegations. Therefore, this charge fails to state a cause for removal which is substantial in nature or relating to and affecting the administration of Bradley's office.

With that said, it is readily apparent that the relationship between Bradley and a majority of the members of the Board is strained and has been strained for some time. There should be a concerted effort by the superintendent and the board in their actions and words to work together more cooperatively for the benefit of students and staff.

SUPERINTENDENT'S OVERALL PERFORMANCE

KDE requested from the Board all performance evaluations for Bradley during his tenure as superintendent and any responses filed thereto.¹² Based upon the request of the Board Chair, on March 18, 2024, Bradley provided KDE with links to evaluations for 2019-2023. Mr. Thompson, on behalf of the Board, subsequently notified KDE that the Board had not seen the 2023 Evaluation and provided KDE with the minutes from the December 12, 2023, meeting where the Board evaluated Bradley.¹³ Mr. Walther, on behalf of Bradley, subsequently responded that the document at issue was Bradley's self-evaluation, which he shared with the Board on November 11, 2023, and again on December 12, 2023. Mr. Walther acknowledged that the "exemplary" ratings on page 2 should be "accomplished." Based upon a subsequent response from Mr. Thompson, the Board was presented with a version of this document, but that document was not formally approved by the Board. The December 12, 2023, meeting minutes show that the Board evaluated Bradley, but the minutes do not provide any description of the performance rating scale or specific comments on Bradley's performance.¹⁴

Bradley informed KDE staff during his interview that the Board did not provide him with written evaluations and noted that he created the documents he submitted to KDE. This is consistent with information provided by Ms. Deaton, Ms. Berry, and Ms. Bowling during their interviews with KDE

¹² See KRS 156.557, 704 KAR 3:370, and Nelson County Board of Education policy 02.14.

¹³ Mr. Thompson, on behalf of the Board, did not address whether or not the Board approved the 2019-2022 evaluation documents provided by Mr. Bradley.

¹⁴ The video of the Board meeting provides no additional insight. However, during an interview with Board member Ms. Berry, KDE staff were informed that the evaluations are done on a four-point scale, with exemplary being the highest rating. Berry indicated she never rates anyone exemplary because everyone has room for improvement.

staff. Ms. Deaton acknowledged that the Board did not keep official written copies of the superintendent's performance evaluations; rather, she asserted the evaluations were discussed verbally in executive closed session and the final results or scores for pertinent categories were discussed when the regular session of the Board meeting resumed.¹⁵ Bradley stated the Board refused to discuss his performance evaluation in depth during the closed session of the December 12, 2023, Board meeting and seemed like they were trying to give him the lowest possible ratings.¹⁶ The Board has only "evaluated" Bradley by providing numbers on a scale of one to four. No comments whatsoever are provided by the Board regarding Bradley's performance or how they arrived at the numbers assigned. The Board has failed to provide any meaningful evaluation tool or feedback to Bradley regarding his performance. Therefore, I am unable to accurately evaluate the overall performance of Bradley as determined by the Board.

EDUCATIONAL PERFORMANCE OF THE STUDENTS

On the Kentucky Performance Rating for Educational Progress (KPREP) assessment from 2018 to 2019, Nelson County elementary and middle school students performed lower than the state average in most content areas. During that same period, Nelson County high schools performed higher than the state average in most content areas. Nelson County KPREP scores in most content areas dropped in 2019 compared to 2018 for all school levels. In 2021, Nelson County performed lower than the state average in most content areas for all school levels. For the Kentucky Summative Assessment (KSA) from 2022 to 2023, Nelson County performed lower than the state average in most content areas for all school levels.

From 2018 to 2020, Nelson County students scored similar to the state average on the ACT but dropped to below the state average from 2021 to 2023, with the state ACT composite score at 18.5 compared to Nelson County's at 17.4. Nelson County's ACT composite score decreased from 19.3 in 2018 to 17.4 in 2023. The state ACT composite score was 19.3 in 2019 but has increased in the last two years. In 2023, the state ACT composite score was 18.5.

Nelson County's graduation rates have been consistently higher than the state average from 2018 to 2023 with the most recent rate of 96.1 compared to 91.4 for the state.

As stated above, the two Nelson County schools identified for CSI in 2022, Foster Heights Elementary and The New Haven School, have since exited CSI status; however, one of the schools (Foster Heights Elementary School) is now identified for Targeted Support and Improvement (TSI). Of the eleven

¹⁵ The employment contract between the Board and Mr. Bradley dated July 20, 2021, provides that the Board shall evaluate and assess in writing the performance of Mr. Bradley every year. The contract further provides that if "the Board determines that the performance of SUPERINTENDENT is unsatisfactory in any respect, it shall describe in writing, in reasonable detail, specific instances of unsatisfactory performance. The evaluation shall include recommendations as to areas of improvement in all instances where the Board deems performance to be unsatisfactory. A copy of the written evaluation shall be delivered to SUPERINTENDENT. SUPERINTENDENT shall have the right to make a written reaction or response to the evaluation. This response shall become a permanent attachment to the personnel file of SUPERINTENDENT. Within thirty days of the delivery of the written evaluation to SUPERINTENDENT, the Board shall meet with SUPERINTENDENT to discuss the evaluation."

¹⁶ Nelson County Board of Education policy No. 02.14 provides that "[t]he summative evaluation of the Superintendent shall be discussed and adopted in an open meeting of the Board and reflected in the minutes."

schools in Nelson County, five were identified for TSI in 2022: Bloomfield Middle School (disability group), Cox's Creek Elementary School (disability group), The New Haven School (economically disadvantaged group), Old Kentucky Home Middle School (disability group), and Thomas Nelson High School (economically disadvantaged group).

Four Nelson County schools were identified for TSI in 2023, all for the disability group at each school: Bloomfield Middle School, Cox's Creek Elementary School, Foster Heights Elementary School, and Old Kentucky Home Middle School, and they remain in TSI status as of March 2024.

In summary, there are acknowledged issues with the relatively low academic performance of students in the district. The superintendent is the instructional and curriculum leader of the district. However, the Board has failed to show that Bradley's actions or inactions have directly resulted in the students' low academic performance. Further, the academic performance of students in the district has improved since 2022. Therefore, the educational performance of the students in the district alone does not compel the approval of the Board's request to proceed with removal of Bradley.

CONCLUSION

I reject the Board's request to proceed with the removal of Bradley for cause. KDE's investigation indicates the Board failed to provide competent and relevant evidence supporting at least one charge for removal as more fully set forth above.

What is clear from the investigation is that there has been a tremendous amount of dysfunction and inability or unwillingness to communicate between the Board and Bradley in the leadership of the district in the last year. This has contributed to the animosity between the different factions in the Nelson County community. As elected officials, local board members are elected to hear from and represent the interests of all constituents and board meetings should allow opportunities for transparency and public input in a respectful and meaningful manner. Due to the discourse in the district, board meetings have not been productive or inviting.

The Board and Bradley have spent significant amounts of time and district resources embroiled in controversy which have resulted in distraction of the Board and Bradley from what should be the district's number one goal – improving the low academic performance of schools within the district. As such, I hereby order that KDE enter the district into its management improvement program pursuant to 703 KAR 3:205, which may lead to a district management audit. KRS 158.785(2) provides that “[w]hen a review of the data or of any other information [...] indicates the presence of critically ineffective or inefficient management, the chief state school officer shall order a management audit of the governance and administration of the district.” “If a management audit [...] indicates there is a pattern of a significant lack of efficiency and effectiveness in the governance or administration of a school district, the chief state school officer shall recommend the district to the Kentucky Board of Education either as a ‘state assisted district’ or a ‘state managed district.’”¹⁷ “If the state board designates a district a ‘state managed district’[,], all administrative, operational, financial, personnel, and instructional aspects of the management of the school district formerly exercised by the local school board and the superintendent

¹⁷ KRS 158.785(3)

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shall be exercised by the chief state school officer or his designee.”¹⁸ Dr. Kelly Foster, Associate Commissioner, will contact the district with further details regarding the management improvement program.

If you have any questions, please contact KDE’s Deputy Commissioner and General Counsel, Todd G. Allen, at Todd.Allen@education.ky.gov.

Respectfully,



Robin Fields Kinney

Interim Commissioner of Education

cc: Jeff Walther, Counsel for Wesley Bradley
Jake Thompson, Counsel for Nelson County Board of Education
Todd G. Allen, KDE Deputy Commissioner and General Counsel
Kelly Foster, KDE Associate Commissioner

¹⁸ KRS 158.785(7)