

2023 OEA Annual Report

KRS 7.410(2)(c)8. requires the Office of Education Accountability (OEA) to prepare and submit an annual report, including a summary of the status and results of the annual research agenda and a summary of completed investigative activity, to the Education Assessment and Accountability Review Subcommittee (EAARS).

Since 1990 OEA has carried out duties codified in KRS 7.410(2)(c). The statute sets out various duties to carry out under the direction and oversight of EAARS. Two main responsibilities include the original directive of investigation and later added duties related to research. The statute in part reads “Investigate allegations of wrongdoing of any person or agency, including but not limited to waste, duplication, mismanagement, political influence, and illegal activity at the state, regional, or school district level;...” and “Upon and under the direction of the Education Assessment and Accountability Review Subcommittee, conduct studies, analyze, verify, and validate the state assessment program...”

Chapter 1

Investigations

Since 1990, under KRS 7.410(2)(c)4. and through an Investigations Division, OEA has carried out investigative duties. A division manager oversees all investigations. The division has five full-time and one part-time investigators.

OEA investigates a broad range of allegations, but some such as board member eligibility matters and issues related to hiring, are more common.

OEA conducts investigations after receiving written complaints. While complaints are submitted by mail, email, and fax, a majority of the complaints are submitted using OEA’s online complaint form. With the help of the Office of Computing and Information Technology (OCIT), OEA maintains the online complaint form and also operates a toll-free hotline.

Complaints come from multiple sources including state agencies, local school board members, superintendents, principals, teachers, classified and certified employees, parents, and citizens. Often, the complainants identify themselves and provide sufficient information to allow investigators to discuss the allegations. Some complainants request confidentiality, and others are anonymous.

Although the number of complaints fluctuates over time, OEA receives daily communications expressing concerns or seeking information about local and state educational issues. Resolution may require only helping the individual get in touch with the appropriate state or local authority. OEA staff attempts to resolve concerns without the filing of a formal complaint. Often, though, the communication contains an allegation that Kentucky education law has been violated, and the complainant requests more involved participation or intervention by OEA. That individual is then instructed to submit a formal complaint in writing, providing as much information about the

alleged wrongdoing as possible, to determine if an investigation should be initiated.

OEA received 805 written complaints in 2023 (401 of these were anonymous). In 2022, OEA received 478 written complaints. OEA has received 429 written complaints in the first half of 2024. Throughout the year, OEA reports to EAARS, as required by statute, an ongoing summary of the cases under investigation. Table 1.1 summarizes the investigative work conducted by staff during 2023.

Table 1.1
2023 Investigations

	Opened	Closed	Pending
Investigative	18	23	16
SBDM	10	7	7
Total	28	30	23

Note: SBDM is School-based Decision Making.

Statutory Duty to Investigate

KRS 7.410(2)(c)4. requires that OEA:

- Investigate allegations of wrongdoing of any person or agency, including but not limited to allegations of waste, duplication, mismanagement, political influence, and illegal activity at the state, regional, or school district level;
- Make appropriate referrals to other agencies with jurisdiction over those allegations. For example:
 - KRS 620.030 requires that suspected child dependency, neglect, or abuse be immediately reported to the appropriate authorities;
 - Under KRS 156.132, the Commissioner of the Department of Education (KDE) and the Kentucky Board of Education (KBE) are empowered to discipline, suspend, and remove district personnel under sufficiently serious circumstances. The 2021 General Assembly removed this KBE authority as to local board of education members;
 - A local board member who is ineligible for office under KRS 160.180 due to such violations as nepotism, conflict of interest, or holding incompatible offices may be referred to the Office of the Attorney General for possible removal under KRS 415.050 and KRS 415.060; and
 - OEA may refer a certified employee, such as a teacher or administrator, to the Education Professional Standards Board (EPSB) for possible disciplinary action and revocation of certification under KRS 161.120;
- Make recommendations for legislative action to EAARS. Upon approval of EAARS, recommendations for legislative action shall be forwarded to LRC; and
- Submit to EAARS, for each of its regular meetings, a report that summarizes investigative activity. The subcommittee may consider each report as it determines and in its discretion. Each report, and the consideration thereof by EAARS, is exempt from the open records and open meetings requirements contained in KRS Chapter 61.

KRS 7.410(2)(g) states that any state agency that receives a complaint or information which if accurate may indicate a violation of KERA is required to forward that complaint or information to OEA. This provision makes OEA a state clearinghouse for education-related complaints. However, Sections 27 and 28 of Kentucky's Constitution separate the powers of the legislative branch (including OEA) and of the executive branch (KBE, KDE, and EPSB.) Enforcement of the laws is an executive function.

KRS 7.420 requires that as part of any investigation pursuant to KRS 7.410, OEA must attempt to gather all relevant information before reaching conclusions or making public any findings. This must include providing the opportunity for the subject school district, agency, or individual to provide responsive information.

KRS 160.345(9)(b) provides that an affected party who believes a violation regarding school-based decision making has occurred may file a written complaint with OEA. OEA is to investigate the complaint and resolve the conflict, if possible, or forward the matter to KBE.

Receipt and Review of Complaints

A written complaint is necessary to ensure that there is a reliable record of the issues that OEA is being asked to investigate. Once an issue is reduced to writing, the manager of the Investigations Division evaluates the situation before becoming involved. Part of the evaluation process requires a review of OEA files for any prior related cases or complaints. The division manager can also compare the complaint to past communications that were received and evaluated, but determined to be insufficient to independently justify an investigation.

OEA decides whether an allegation warrants inquiry or investigation only after reviewing and considering several factors, such as

- Seriousness of situation alleged
- Specificity of the information provided
- Whether the complainant has firsthand knowledge or is repeating rumor or hearsay
- Whether there are other or similar complaints regarding the same issues in the same district
- Possible outcomes and possible corrective action
- Ability to prove the facts alleged
- Whether the allegation falls within the jurisdiction of another agency or organization
- Availability of willing witnesses

Past investigations have revealed a concern of complainants that they or someone close to them will suffer retaliation or negative repercussions if it is known they provided information to OEA. The identity of the complainant is therefore shielded. However, it is not possible to guarantee confidentiality. Frequently, especially if the complaint is focused on a specific situation and the complainant has addressed the situation with the district previously, the source of the complaint may be quite obvious. However, under no circumstance does OEA staff release or verify the source of a complaint. Just as other investigative agencies rely on anonymous information and tips about violations of law and protect the identity of sources, OEA believes that the use of anonymously provided information and the protection against disclosure of a complainant's

identity are worthwhile and necessary practices.

Preserving the confidentiality of sources is consistent with and contemplated by OEA's enabling legislation. KRS 7.410(3) provides that OEA investigations, records, and work products are privileged and confidential during the course of an investigation and until released by OEA. The Kentucky Office of the Attorney General has concluded that OEA has "virtually unfettered discretion" in maintaining confidentiality under this statute. OAG 98-ORD-149. KRS 7.410(3) provides the authorization for maintaining the confidentiality of sources and information. OEA exercises its statutory discretion and releases final versions of its investigative reports. However, OEA does not release the sources of complaints or other records.

Declining or Referring Complaints

The manager of the Investigations Division receives and reviews complaints, and helps to determine the scope of OEA involvement. OEA considers the subject and content of the complaint to determine what action may be required.

OEA may choose to not open an investigation. Such a decision may be based on the conclusion that the complainant is unreliable, that the issue would be more appropriately reviewed by another agency, or that the facts in the complaint are vague or do not state a violation of law. If contact information has been provided, OEA notifies the complainant that no further action will be taken on the matter, but OEA keeps the complaint.

If the facts recited in the complaint support a claim of violations of the law but the allegation is more appropriately handled by another agency, OEA contacts the complainant (if possible) and refers them to the appropriate authority or requests permission to forward the complaint. Several situations generally require an automatic transfer:

- Concerns over accountability testing violations are referred to KDE under KRS 158.6453.
- Special education issues are usually referred to KDE, as its Office of Special Education and Early Learning is better suited to deal with such matters. KDE facilitates three separate processes (mediation; a formal written complaint; or a due process hearing) that may resolve special education disputes.
- Allegations of discrimination based on race, gender, or disability status are usually referred to the Kentucky Commission on Human Rights or the United States Department of Education Office of Civil Rights.
- Complaints of violations of the state's open meetings and open records laws are often referred to the Kentucky Office of the Attorney General per KRS 61.800 through 61.884.
- Charges of criminal activity are usually referred to an appropriate law enforcement agency, such as local police, county sheriff, Kentucky State Police, or the Office of the Attorney General.
- Complaints of fiscal misconduct may be referred to the Kentucky State Auditor.
- KRS 620.030 requires that suspected child dependency, neglect, or abuse be immediately reported to the appropriate authorities. OEA does not interview students, and would not normally acquire firsthand knowledge of suspected mistreatment of a child.

On occasion, an allegation that is referred to another agency may be intertwined with educational concerns that OEA would normally address. In such an instance, OEA may conduct inquiry into the education-related topic and refer the remainder of the issue to the appropriate agency.

Occasionally, OEA receives a complaint addressing a matter that is already under consideration by another agency. If an agency with jurisdiction over the matter is taking action, OEA usually declines to open a case. This practice prevents the duplication of effort and waste of taxpayer dollars that can occur when two organizations perform the same work. For example, if OEA receives a complaint regarding a certified educator who is already subject to an inquiry by EPSB on the same issue, OEA would decline to open a case. OEA also avoids participation in matters that are being investigated by law enforcement, so as not to duplicate effort and to avoid interfering with an ongoing criminal investigation.

Finally, OEA will refer a complaint to the local superintendent or principal if the issue appears best handled by the local district. At times, OEA may request that a district superintendent look into a complaint, handle the matter in the superintendent's sound discretion, and advise OEA after the matter is resolved at the local level. In such an instance the facts, except the identity of the complainant, are forwarded to the district.

Sometimes OEA is contacted by a complainant who has a lawyer and is about to file or has filed a lawsuit regarding the subject matter of the complaint. OEA declines to become involved when litigation is underway. Whatever OEA might do by way of resolution in such a case would be overridden by the decision of a judge, jury, or administrative body. OEA does not investigate or resolve matters for the benefit of litigants.

OEA also declines to open a case if the complainant is seriously contemplating litigation. If legal action appears imminent, OEA avoids the matter for the same reasons it declines involvement when litigation is already underway. Sometimes a complainant will be represented by a lawyer who is guiding the complainant through the resolution of the complaint, but litigation is not contemplated. In those circumstances, OEA may open a case, since litigation is not planned and does not seem likely. There is no way to guarantee that any given complainant will not file a lawsuit after an OEA inquiry, but OEA attempts to stay out of matters that are, or appear to be, headed for court.

OEA also refrains from involvement if various other formal proceedings, short of a lawsuit, are pending. For example, if a grievance is pending in the school district, OEA does not open a case. Appropriate review of the matter will occur through that proceeding.

Opening and Investigating a Case

Formal cases are opened as either a "school-based decision making (SBDM)" matter, which deals with issues associated with KRS 160.345, or an "investigative" matter, which deals with non-SBDM issues, including but not limited to local school board issues, financial matters, and various teacher and student topics. It is possible for multiple issues in a complaint to be of both varieties, in which case the file will be categorized by the most predominant grievance. If deemed necessary, the complaint may also be split into two files.

Once opened, a case is normally assigned to two investigators, with one being designated as the primary or lead investigator. A more complex case or a case with numerous or more difficult issues may require the attention of more than two investigators.

In most matters, OEA investigators conduct an onsite visit to the school district. This practice was suspended due to COVID concerns, forcing OEA to work cases remotely by telephone during the pandemic. However, OEA was cleared to resume onsite visits in 2021. Any local district concerns with masking and social distancing will still be respected.

OEA staff interview persons with knowledge about the complaint, and those may include superintendents, board members, central office staff, principals, teachers, parents, SBDM council members, and classified employees. OEA does not interview students. When OEA investigators conduct onsite visits, reasonable notice is provided to make sure that specific individuals will be present in the district for interviews upon their arrival. Districts are usually notified three days in advance. The subject matter of the visit is usually not disclosed; however, at times it is necessary to reveal some basic facts to arrange the necessary interviews. This type of notice and the provision of limited detail strike the necessary balance between being courteous to the interviewees and ensuring their availability for interviews without having a potentially detrimental effect on the investigation. Following a visit, supplemental information can be gathered by telephone contact or through the mail. If necessary, an additional onsite contact with the district will be made.

Final Reports and Recommendations

Following an onsite visit and consideration of all relevant information, a preliminary investigative report is sent to the individuals who are the subjects of the inquiry and to the district superintendent. This allows those who were investigated to review OEA's preliminary findings, conclusions, and proposed resolutions of the matter. Generally, a two-week period is given for any reply to the preliminary report. The reply is optional, and additional time is granted upon request. Any additional input received is considered before OEA issues a final investigative report. Final investigative reports are again sent to the individuals who are the subjects of the inquiry and to the superintendent. Complainants, if known, are notified that a final report has been issued and a copy may be obtained through an Open Records Request to OEA. If OEA does not substantiate any or all of the complaint, the report explicitly notes that finding.

Any complaints that are substantiated are specifically detailed and a resolution calling for corrective measures is contained in the final investigative report. Resolutions of substantiated complaints include requiring additional training in particular areas of education law, amending or changing district or school policies, and supplying information to OEA in the future for the purpose of monitoring compliance with the law. Sections 27 and 28 of Kentucky's Constitution separate the powers of the legislative branch (including OEA) and of the executive branch (KBE, KDE, and EPSB). Enforcement is an executive function. However, under KRS 160.345, OEA is to resolve conflicts, if possible, and the vast majority of matters are resolved through training and other compliance activities.

OEA attempts to resolve all substantiated complaints by advising school districts and personnel

of the appropriate action required to comply with the law. In circumstances where there is a demonstrated pattern of conduct that is detrimental to the implementation and functioning of SBDM law, that pattern constitutes a violation. This violation gives OEA the authority to make a referral to KBE for possible reprimand. A second pattern of conduct constituting a second violation of SBDM law makes the individual subject to referral to KBE and also subject to possible removal or dismissal. KRS 160.345(9)(a) and (d).

In non-SBDM cases where serious violations have been substantiated, OEA has the option to make a referral to an agency with jurisdiction to take appropriate remedial or punitive action. Under KRS 156.132, the commissioner of education and KBE are empowered to discipline, suspend, and remove district personnel under sufficiently serious circumstances. A local board member who is ineligible for office under KRS 160.180 due to such violations as nepotism, conflict of interest, or holding incompatible offices may be referred to the Office of the Attorney General for possible removal under KRS 415.050 and KRS 415.060. OEA may refer a certified employee, such as a teacher or administrator, to EPSB for possible disciplinary action and revocation of certification pursuant to KRS 161.120.

School-based Decision Making and Investigative Cases

As previously noted, OEA separates the complaints it receives and the cases it opens into two broad categories: SBDM and investigative cases. Following is a discussion of the most commonly made and investigated complaints received and handled by OEA.

School-based Decision Making Cases

As of 1996, every public school in the state was required to operate with a SBDM council, unless exempted pursuant to statute. The overwhelming majority of schools have a SBDM council. KRS 160.345 governs the operations of school councils, which are usually composed of the school principal, three teachers, and two parents of children who attend the school. Under specific circumstances, extra members may be elected to the council or the council may have a larger regular membership. Councils have been mandated by law for 30 years and council members are required to undergo training to serve, but OEA receives frequent complaints that deal with the operation of councils.

Elections. KRS 160.345(2)(b)1 provides that teacher representatives be elected by a majority of the teachers. Parents are chosen in elections conducted by the school's parent-teacher organization or by the largest group formed for the purpose of electing parent members. If no minority member is chosen by the teachers or by the parents, the school principal has the responsibility to ensure the election of minority members if the school has 8 percent or more minority enrollment as of the previous October.

OEA receives various complaints about elections, including concerns that principals are participating in teacher and parent elections. As stated above, principals are to play no role in parent elections, but the law is not specific with regard to teacher elections. It is OEA's and KDE's position that it is best for principals to refrain from involvement in the teacher elections, so as to allow the teachers the opportunity to select their representatives in their own process. Having the teachers conduct their own elections also protects the principal from allegations of

overreaching or trying to influence the outcome of the teacher elections.

Personnel. OEA receives a steady stream of complaints related to school personnel issues and alleging that school council prerogatives are infringed upon by principals and superintendents.

Consultation Before Hiring. KRS 160.345(2)(h) requires that the school principal consult with the school council before filling personnel vacancies, except for the filling of a vacancy in the principal position. OEA often receives complaints that school staff (certified and classified) are hired by the principal or by the superintendent without the council being consulted. This consultation is a bedrock aspect of the Kentucky Education Reform Act. Failure to consult with the council is among the most frequent complaints OEA receives. When faced with a substantiated lack of consultation which has resulted in the hiring of an employee in violation of the law, OEA informs the relevant parties in the district about the requirements of the law. OEA often then requires the district or school to provide documentation of compliance, such as correcting council policy to comply with the statute and copies of vacancy postings and minutes of council meetings that refer to the consultation process in hiring.

Effective July 14, 2022, councils no longer hired principals, as that hiring is done by the superintendent, after consulting with the council. KRS 160.345(2)(i)1 contains a description of meaningful consultation between the school council and the principal. The same consultation characteristics (meetings, timelines, review of applications, interviews), should apply to consultation between the superintendent and the council.

Policies. KRS 160.345(2)(i) provides that councils must adopt policies to be implemented by the principal in eleven important areas of school operation. The required policies include, but are not limited to, assignment of staff and students, school scheduling, school space, discipline, extracurricular activities, alignment with state standards, and consultation in hiring. OEA receives complaints that school councils do not have policies in these areas, policies exist but are ignored, or that policies exist but are deficient and incomplete. If these complaints are substantiated, OEA informs the district and the council about the statute; refers them to resources for suggested policies; and requires that the school forward newly enacted, revised, or amended policies to OEA for review.

Effective July 14, 2022, councils no longer had a curriculum determination and development policy, as the superintendent is empowered to select school curriculum after consulting with the local school board, principal, and school council. However, the council will still have a policy regarding responsibility for school writing policy pursuant to KRS 160.345(2)(i)1 and KRS 158.6453(19).

Budget. KRS 160.345(3)(a) empowers school councils to make decisions that have budgetary impact. Councils are to determine the number of persons to be hired in each job classification, be consulted regarding textbooks and instructional materials, and establish committees. The statute also requires that councils enact policies to deal with essential aspects of school functioning, as detailed above in the discussion of policies. In order to implement SBDM, the council must have influence over the school budget after money is allocated to the school by the board of education. OEA commonly receives complaints alleging that school councils are not participating in budget

matters and recording council actions in their meeting minutes. When such complaints are substantiated, OEA informs the district and the school and, to ensure compliance, seeks future documentation of the council activity.

Open Meetings And Open Records. As public agencies, the documents and activities of local school boards of education, central offices, schools, and school councils and committees are subject to the open meeting and open record provisions of KRS 61.800 through KRS 61.884. Open meeting and open record violations are sometimes reported to OEA.

- **Meeting Times and Notice.** Complaints often allege that regular school council meeting times are not established, that meeting times or council elections are held at times not convenient for the public, and that special called meetings are not conducted with the required special notice to members and the public. The statute provides that violations may be challenged through the Office of the Attorney General and the courts. OEA does not get involved in those proceedings. However, when OEA is made aware of and substantiates violations, the district and the school are informed about compliance with the law and are required to document that the statutes are followed in the future. Involvement by OEA is made necessary because council meetings without proper and lawful notice to members and the public impair the transparent operation of the council.
- **Closed Meetings.** Allegations are sometimes made that during a meeting the council moves into closed or executive session away from the public. KRS 61.810 authorizes such non-public sessions, but only under the circumstances specified in that statute. Substantiated complaints of this nature are followed by notification and the requirement of evidence of future compliance with the law.
- **Meeting Minutes.** KRS 61.835 requires that public agencies keep accurate minutes of votes and actions and that the minutes be available to the public by the next meeting time. Since boards of education and school councils cannot effectively function without accurate minutes to provide a reliable record of actions regarding consultation, budget, and numerous other important school and district matters, OEA investigates complaints of inaccurate minutes and the failure to keep minutes. Substantiated violations are described and the board of education or school council is required to document future compliance.

Investigative Cases

Complaints involving non-SBDM issues are categorized as investigative and include a variety of topics such as local board of education member eligibility, financial improprieties, teacher certification, and substitute teacher issues.

Board Of Education

- **Member Eligibility.** KRS 160.180 provides the qualifications for local school board of education members. OEA often receives complaints that a candidate, a board member-elect, or a current board member has violated this statute. According to KRS 160.180(3), the Kentucky Office of the Attorney General has the authority under KRS 415.050 and 415.060 to file court actions to remove usurpers of a local school board office. A usurper

is one who illegally holds such an office, whether ineligible to seek or hold the position or disqualified after assuming the post.

- **Nepotism.** Complaints regarding board membership may allege the employment by the school district of a relative of the board member, which is prohibited by KRS 160.180(2)(i). A relative is defined as the father, mother, brother, sister, husband, wife, son, and daughter of the board member. KRS 160.180(1). OEA investigates such complaints and then makes a referral to the Attorney General regarding any ouster proceeding against the board member. This is consistent with KRS 7.410(2)(c)4., the authority of OEA to investigate wrongdoing in the schools, and KRS 415.050 and 415.060, regarding power of the Office of the Attorney General to seek removal of usurpers. The ultimate decision to file or to not file a removal action rests with the Attorney General.
- **Incompatible Offices.** A complaint may charge that a board member holds a position that is incompatible with school board membership and that therefore disqualifies the member pursuant to KRS 160.180(2)(f). The list of incompatible offices is further described by KRS 61.080 and Kentucky Constitution Sections 165 and 237. If it is substantiated that a local school board member, who is considered a state officer, simultaneously serves as a city or county officer or employee, the board member is subject to removal by the Office of the Attorney General. Following a referral of such a matter by OEA, the Attorney General then decides whether to seek ouster of the board member.
- **Financial Conflicts Of Interest.** OEA receives complaints that board members have financial conflicts of interest, which are prohibited by KRS 160.180(2)(g) and (3). Should OEA substantiate that a board member has an inappropriate direct or indirect interest or benefit in a matter for which board funds are expended, referral to the Office of the Attorney General for removal is possible. Kentucky case law and Opinions of the Attorney General have further defined these provisions of the law, creating some inclusions and some exceptions under the statute. Financial conflict cases are highly fact specific and require careful analysis.
- **Residency.** Complaints that board members are ineligible because they live outside of the school district division they represent are not rare. Such cases require investigation and analysis under state law regarding eligibility to vote, as board members are required by KRS 160.180(2)(b) to be voters in the district they represent. Investigative findings are forwarded to the Office of the Attorney General for possible removal proceedings under KRS 415.050 and KRS 415.060.
- **Influencing or Attempting To Influence District Hiring.** Until this year, KRS 160.170 and KRS 160.180 prohibited a board member from influencing or attempting to influence the *hiring or appointment* of any school employee, other than the superintendent and board attorney. Effective July 2024, pursuant to HB 449, a BOE member may not attempt to influence the *employment* of any school employee, other than the superintendent and board counsel. This change made it clear that improper BOE member activity to affect the hiring, firing, or status of an employee, other than the superintendent and board attorney, is impermissible. Complaints charging a board member with involvement in personnel matters sometimes rise to the level of alleging improper attempts to influence or actually influencing hiring through board member contact with the superintendent,

principal, or council members. Investigative findings may be referred to the Office of the Attorney General for review and disposition.

- **Financial Improprieties.** Complaints that schools funds are not handled appropriately include charges of carelessness and failure to follow proper procedures, up to and including allegations of outright theft. Such cases are handled carefully since OEA could uncover indications of criminal activity, which might in turn lead to a criminal investigation and prosecution by an appropriate law enforcement agency.
- **Outside Activity Funds.** Allegations of carelessness and failing to follow procedures often deal with the manner in which booster clubs handle money. 702 KAR 3:130, which includes accounting procedures commonly known as “the Redbook,” requires booster organizations to provide the school district with a proposed annual budget, a summary of expenditures at the end of the year, and a list of officers. OEA has limited authority over a booster club that maintains its money in a separate account outside the school system, but OEA can insist that the club obey the Redbook requirements. Sales profits at schools are often earmarked for a particular club or activity and can be a significant source of revenue. Accounts must be audited carefully to ensure that the proceeds reach the intended beneficiary. However, in cases where the procedure is not followed but funds are appropriately spent and accounted for, OEA seeks to secure compliance from boosters and those with access to the funds. Substantiated complaints of this nature are followed by notification and the requirement of evidence of future compliance with the law.
- **Travel Expenses.** OEA investigates irregularities in the reimbursement of travel expenses. Problems may include incomplete or wholly absent documentation, unclear reimbursement policies and credit card procedures, and reimbursement of spousal and other family member expenses.
- **Failure to Exercise Financial Oversight.** OEA has received complaints of local boards failing to approve all board expenditures at each monthly meeting. Failure of the board to exercise proper oversight over district finances can lead to inappropriate spending of district funds. Further, failing to review expenditures is an abdication by board members of the obligation to do their best to ensure the solvency and sound financial status of the school district. Board members in such cases are instructed to exercise better stewardship over the large sums of public money that they control.
- **Surplus Property.** OEA receives complaints alleging the failure to declare outdated and unused district property as surplus and to dispose of it according to law in the best interest of the district. Empty buildings that serve no purpose except to cost the district liability insurance premiums may sit unoccupied for years without any plan for revitalization and use or disposal. Buildings and lots can be assessed for value and then sold at auction, through bidding and even private sale. Property located in small towns or rural areas may not have great commercial or residential value, but the sale of such properties may at least relieve the district from the burden of maintenance and insurance. OEA works with the school district to achieve compliance with the law in these circumstances.

Boundaries and Residency. When it is unclear which school district has the responsibility to educate a child who resides in an area where there is a question about the boundaries, OEA will try to assist the interested parties. This has occurred in rural and independent district areas where

the line between districts is unclear. Each district may claim that the child lives in the neighboring district and that it is the responsibility of the neighboring district to educate that child. Questions may also arise about the residency of a child for education purposes when the child of divorced or separated parents actually splits living time between the parents and different school districts. In all of these matters, OEA attempts to determine the district in which the child resides and to have the child enrolled in the appropriate school system.

Certification. OEA receives allegations that districts are hiring emergency certified or alternatively certified teachers instead of hiring fully certified teachers. While emergency certified individuals may be hired to teach, they may be employed only upon a showing that there were no other qualified teachers available. If OEA substantiates that an emergency certified applicant has been inappropriately hired over a fully certified person, the district or school is notified about proper hiring practices and required to provide evidence of future compliance with the law.

No violation has occurred if the person hired over a fully certified teacher is alternatively certified. Alternatively certified individuals are often those who simultaneously have a commitment from a school district for employment and acceptance into a college alternative program for certification in the area in which the person will teach. The EPSB considers alternatively certified persons to be of equal status with regularly certified teachers, and OEA follows that protocol. Since a district is not required to state that no certified teachers were available before hiring an alternatively certified individual, districts are free to employ alternatively certified individuals instead of certified teachers without violating state law.

OEA frequently utilizes the expertise of EPSB when analyzing complaints concerning certification.

Improper Political Activity

While school district employees certainly have First Amendment rights that must be respected, OEA receives complaints that staff participate in political activities that can be detrimental to the educational process. Complaints are made that personnel engage in partisan activities on school time and with school resources, which violates KRS 161.164 and local board of education policies. OEA carefully examines such allegations and balances appropriate citizen participation against the need to prevent interference with the efficient and smooth operation of the schools.

Privacy and Confidentiality

OEA has received complaints that confidential student and employee information has been released to the public. This may violate the Kentucky Family Education Rights and Privacy Act (FERPA) beginning at KRS 160.700. Since such data and records may have already been released by the time the complaint reaches OEA, the office may become involved to minimize damage and prevent such violations from happening in the future.

Chapter 2

Research

KRS 7.410 requires EAARS to adopt an annual research agenda for OEA. The agenda is assigned and carried out under the direction of EAARS. The process involves discussion of possible topics between OEA staff and members of EAARS. Once the topics have been narrowed, a summary of the suggested topics is presented to EAARS for consideration and adoption. OEA staff conducts research throughout the year and reports studies to EAARS when the studies are completed. OEA's Research Division consists of a manager and five full-time research analysts. In 2023, OEA was awarded a Certificate of Impact by NCSL for its 2021 report and interactive feature "Funding Kentucky Public Education: An Analysis Of Education Funding Through The SEEK Formula." In 2023, OEA was also awarded a NCSL Notable Document Award for its 2023 report "Credit Recovery in Kentucky: Advantages and Drawbacks."

In 2023, OEA completed the following studies. Each has been published and can be found on the LRC publications website.

Kentucky District Data Profiles School Year 2022; Research Report No. 482

This report provides a comprehensive overview of all public school districts operating in the state during 2022. The report includes longitudinal data covering district trends, finance, staffing, and school performance from fiscal years 2013 to 2022. The Overview and Trends section contains district data on school membership, end of year adjusted average daily attendance, student demographics, educational attainment, and school discipline. The Staffing Data section reports district data on certified and classified staff, and full-time equivalent teachers. Additional data on average salaries, years of teaching experience, and rank are provided. The Finance section covers per-pupil current expenditures and revenues by source, SEEK funding, and taxes levied. Each district's fund balance percentage and end of year general fund balance are reported. The Performance section presents data from the Kentucky Summative Assessments; ACT exams; and components of the accountability system, including rates of postsecondary readiness for different components of academic and career readiness. The Kentucky Interstate Comparisons section compares Kentucky with all 50 states and the District of Columbia on several key education metrics including demographics, teacher data, finance, ACT scores, graduation rates, and the National Assessment of Educational Progress.

The District Data Profiles also include an interactive feature to allow users to view and download interactive maps and charts that are of specific interest to them. The interactive feature is comprised of four distinct data visualizations:

- 2022 Data
- Interactive Heat Maps
- 10-Year Trend Data
- Compendium Of State Education Data

The charts and maps allow stakeholders to review one district at a time, compare districts to one another, or compare districts to the state averages. The visualization that contains the 2022 data mimics the feel and scope of the print edition. The Interactive Heat Maps allow users to examine selected variables and view regional differences instantly. The 10-Year Trend Data allows users to view longitudinal data for selected variables. The Compendium Of State Education Data allows users to view rankings of Kentucky and all 50 states on selected variables.

Effectiveness And Efficiency Of Kentucky School Districts; Research Report No. 485

This study used lessons learned from existing research on effectiveness and efficiency in education to analyze differences in educational spending and outcomes among Kentucky's 171 school districts, as well as differences between Kentucky and the nation.

Among other questions, the study examines

- how Kentucky's education spending and outcomes compare with the nation,
- which factors explain spending differences among Kentucky districts,
- the relationship between district spending and student outcomes, and
- characteristics of districts that are more or less effective at affecting student outcomes.

The report compares Kentucky and national spending and reading and mathematics achievement over time and in 2022. The Kentucky district analysis uses reading and mathematics data from school years 2018, 2019, and 2022 to analyze district effectiveness and its relationship with spending.^a District effectiveness is calculated based on "impact" scores that compare the performance of students in each district with demographically similar students across the state.^b

In addition to district effectiveness and spending, the report analyzes characteristics of more and less effective districts using data available for all districts in areas such as district size, district geographic dispersion, labor markets, salaries, teacher working conditions, and numbers of certified and classified staff.

Findings of the report based on district effectiveness as measured by impact are also true for district effectiveness as determined by actual, unadjusted reading and mathematics scores.

Summary Of Findings

Overall, the report found that Kentucky's spending and student outcomes make it neither much more nor much less efficient and effective, on average, than other states. Among Kentucky districts, OEA found that per-pupil spending was associated with efficiency challenges such as high percentages of higher-need students or small district size but overall was not associated with districts' effectiveness at affecting student reading and mathematics achievement. Among

^a Due to the COVID-19 pandemic, no assessment data were available for school year 2020 year, and assessment data for school year 2021 were incomplete.

^b This approach is standard among efficiency researchers and has been used by organizations representing a variety of education policy perspectives.

districts with similar spending, effectiveness varied greatly. In the data available for this report, OEA found that teacher working conditions and teacher turnover were critical factors associated with district effectiveness. The report also found that small districts experience challenges related to efficiencies of scale that are beyond administrators' control and may negatively affect student achievement.^c

Kentucky Public School Employee Staffing Shortages; Research Report No. 486

The report includes various indicators of classified and certified staffing shortages during recent years and what districts have done historically to recruit and retain classified and certified staff and what Kentucky and other states have done to recruit and retain employees and address possible shortages in developing career pathways.

The study found that teacher shortages have long existed in Kentucky, but their magnitude has increased since 2019, the last time OEA studied them. The number of open teaching positions has increased since 2019. Salary has always been a critical consideration for the teacher workforce, and many districts have raised salaries to remain competitive in recent years. Working conditions have long been known to affect teacher recruitment and retention. Post-pandemic concerns about student behavior and other job-related stress are major factors in increased turnover. In addition, acute classified staffing shortages exist for custodians, bus drivers, food service workers, and substitutes. Over the last 5 years, local boards have increased pay by up to 19 percent; however, classified staff leaving the workforce appear to be earning as much as 115 percent more in the private sector than in their school jobs.

This report reviews indicators of teacher shortages and concludes that some subject areas have severe shortages, including physics, chemistry, high school math, world languages, biology, and English as a second language (ESL). This report also analyzes alternative and emergency certificates and finds that although the numbers have increased, alternative certificates and emergency certificates as a percentage of total certificates remain low. Causes of teacher shortages include fewer completers of teacher preparation programs, particularly in severe shortage areas, and characteristics of schools with high teacher turnover that affect working conditions.

Teacher Turnover And Shortages

From school year SY 2014 to SY 2023, teacher turnover increased at the school, district, and state level. In SY 2023, 10.9 percent of teachers statewide did not return to teaching in Kentucky; 16.7 percent of teachers did not return to teaching in their districts; and 20.0 percent of teachers did not return to teaching in their schools. These figures were the highest amounts in the 10-year observation period. It has become more difficult for principals to recruit and retain quality applicants when compared to 2019.

^c For analytic purposes, this report considers small districts to be those with 1,000 students or fewer, but many Kentucky districts above that threshold would still be considered small by national standards.

Teacher Certification And Pipeline

Most teachers complete traditional teacher preparation programs; however, there has been an increase in the number of teachers pursuing alternative routes to certification and receiving emergency certifications. The number of teacher preparation program completers has decreased in every subject area over time. Physics, chemistry, high school math, exceptional children, and world languages were areas where principals reported difficulty finding applicants—were also areas that had relatively fewer teacher preparation program completers.

As of 2023, there are nine alternative certification options in Kentucky. Option 6 was the most common type of alternative certificate, accounting for 78.7 percent of alternative certificates between SY 2020 and 2023.^d There were nearly twice as many Option 6 alternative certificates in 2023 (3,101 certificates) as in SY 2020 (1,608 certificates).

Option 9, which is the latest alternative certificate pathway created, allows school districts to partner with a college or university to develop a program for teaching candidates to attain an initial teacher certification and a bachelor's degree while working at a school or district in a non-teaching classified position. As of September 20 2023, there were 20 partnerships between universities and local districts to create approved Option 9 programs.

Emergency certificates have doubled between SY 2020 and 2023; however, emergency certificates represent less than 1 percent of certificates between SY 2020 and 2023.

Quality And Supply Of Teacher Applicants

Lack of qualified candidates in general and in particular subjects was considered the greatest barrier to teacher recruitment by both principals and superintendents. Nearly all superintendents (93.5 percent) and most principals (75.5 percent) reported that a lack of qualified candidates in general was an extreme or moderate barrier to teacher recruitment while 75.6 percent of principals reported that a lack of qualified candidates in particular subjects was an extreme or moderate barrier on the 2023 OEA survey. More than 50 percent of principals reported no available applicants or no satisfactory applicant for physics (81.7 percent), chemistry (73.6 percent), high school math (68.7 percent), world languages (58.3 percent), earth science (55.8 percent), middle school science (55.3 percent), biology (53.1 percent), and information technology (52.2 percent) in 2023

The Kentucky Educator Placement Services (KEPS) website lists available certified positions in Kentucky schools, including teaching positions. Analysis of KEPS data revealed 277 open teacher positions for the start of the 2023 school year, an increase of 260 percent over the 77 positions that were posted and remained open at the start of the 2019 school year; however, determining unfilled positions versus open positions is difficult with the information available on the KEPS website. Currently there is no information provided on KEPS to explain the

^d Option 6 allows a person with a bachelor's degree or graduate degree to teach while enrolled in a postbaccalaureate program to earn a full professional teaching certificate.

process of position postings or the differences between an unfilled position and an open position. Because of this OEA made the following recommendation:

Recommendation 2.1:

The Kentucky Department of Education should develop a method of determining the number of teacher vacancies at any given time.

Possible Underlying Causes Of Teacher Shortages

In looking at the causes of teacher shortages, many superintendents and principals cited lower pay, benefits, and quality of life for teachers. Teacher turnover was also linked to teacher working conditions as measured by the Kentucky Impact survey.

Over half of principals and approximately three-fourths of superintendents reported that teacher salary and benefits are insufficient compared to the private industry was a barrier to teacher recruitment and retention. From 2014 to 2023, districts have increased starting salaries between 3 percent and 22 percent. The lowest teacher starting salary in a district in 2023 was \$34,004 and the highest starting salary was \$45,772. While superintendents report that teachers are leaving the teaching profession for better pay, OEA staff analyzed wage data for individual teachers who left the teaching profession for the private sector. Using data from KYSTATS, OEA found that 65 percent of teachers who left the teaching profession in 2019 were earning approximately \$5,000 less in the private sector in 2022.^e

Lack of respect for teachers from society (45.7 percent), from parents (38.1 percent), and from the local community (24.4 percent) were reported by principals as barriers to teacher recruitment on the OEA principal survey. Student behavior was considered a barrier to teacher recruitment and retention by approximately one-third of principals and one-fourth of superintendents

Efforts To Reduce Teacher Shortages

There have been many efforts to mitigate teacher shortages at the federal, state, and local levels. These include adding new teacher pathways, developing supports for new teachers, innovative recruitment strategies, increasing pay for teachers, and scholarships for aspiring teachers. Most superintendents reported attending career fairs, working with local universities, and using recruiting platforms, such as Indeed, ZipRecruiter, and LinkedIn. In addition, districts used their webpage and social media platforms, and advertised with their local newspapers. Several superintendents reported that their districts' "grow-your-own" strategies are helping. Superintendents were asked on the OEA survey to estimate how many certified staff members their district retained for the 2022-2023 school year that would have otherwise been terminated or non-renewed in prior years due to poor performance. Seventy-nine districts reported retaining certified staff that would have been non-renewed or terminated due to poor performance in previous years, totaling 307 positions. The Kentucky Higher Education Assistance Authority

^e Wage data analyzed included only individuals working in all four quarters in 2022.

(KHEAA) wholly or partially administers 16 state-funded teacher grant or scholarship programs and reports on teacher scholarships annually. These programs include:

- Teacher Scholarship Program
- Early Childhood Development Scholarship
- Federal TEACH grant program
- Federal Perkins Loan Teacher Cancellation Program

The Work Ready Kentucky Scholarship Program was established by KRS 164.787 and is administered by KHEAA. The scholarship offers Kentucky students free tuition for up to 60 hours of credit towards an associate's degree in Kentucky's high demand workforce sectors, including health care, advanced manufacturing, transportation/logistics, business services/IT, and construction, for students who do not already have an associate's degree or higher. Despite there being a teacher shortage, students looking to pursue teaching do not qualify for the Kentucky Work ready Scholarship Program. Because of this, OEA makes the following recommendation.

Recommendation 2.2:

The General Assembly may consider including pre-education programs that lead to teacher certification in the eligible programs of study for the Work Ready Kentucky Scholarship Program established in KRS 164.787.

Classified Staffing Shortages

Classified staff comprise approximately 46 percent of the workforce in local school districts. In Kentucky, classified staff include employees that do not require a teaching certificate. Some classified staff may be required to hold certain degrees, for example a school nurse, electrician, finance officer, while others may not require a high school diploma like food service workers, custodians, and school bus monitors. In 2023, the four classified job classifications with the most staff were instructional, transportation, food service, and operations. Approximately 30 percent of classified staff, worked in an instructional role; transportation staff comprised 19 percent; food service staff comprised 15%; and operations staff comprised 10% of classified staff. School districts in Kentucky and around the nation are having difficulty employing certain classified staff.¹

Data Related To Classified Staff Shortages

There were fewer classified staff in SY 2023 when compared to SY 2019. There were certain areas that had more marked declines in staffing than others. There were also other areas that saw increases in classified staff. There were 817 fewer classified staff in SY 2023 than in SY 2019. While there were staffing increases in some classified job classifications, there were decreases in

the number of staff in other classified job classifications. The areas where there were declines in classified staff include transportation, operations and food service.^f In SY 2023, there were

- 1,255 fewer transportation staff (a 12.9 percent decrease),
- 356 fewer operations staff (a 7.3 percent decrease),
- 262 fewer food service staff (a 3.7 percent decrease), and
- 100 fewer clerical staff (a 2.4 percent decrease) than there were in SY 2019.

While there were 817 fewer total classified staff in SY 2023 than in SY 2019, there were some staffing areas that showed growth in this time period. In SY 2023, there were

- 284 more health staff (a 22.2 percent increase),
- 241 more management staff (a 21.9 percent increase), and
- 191 (a 1.8 percent increase) more instructional staff than there were in SY 2019.

While there was an increase in classified instructional staff, superintendents stated that there approximately 800 open instructional aide positions at the beginning of the 2023 school year. Superintendents were asked on the OEA survey if due to shortages, they retained classified staff that in previous years would have been terminated due to poor performance. There were 70 superintendents that indicated that due to staffing shortages, they retained staff that that they would have terminated in previous years due to poor performance.

Issues Affecting Classified Staff Shortages

Part of the reason districts have trouble hiring and retaining classified staff is that some of these jobs require less than 8 hours per day and are only needed when school is in session. Superintendents also cited pay, geography, and qualifications as barriers to recruiting and retaining classified staff.

On the OEA survey, most superintendents reported that salaries that are insufficient compared to the private industry make it difficult to recruit and retain classified staff. From SY 2019 to SY 2023 average salaries for classified staff increased 12 to 18 percent depending on their job classification. Using data from KYSTATS, OEA examined the 2022 wages of classified employees who left their school district employment in 2021. OEA then compared that to the average wages for classified staff in 2022 and found that wages for those who left were

- 115 percent higher for transportation workers,
- 96 percent higher for food service workers,
- 31 percent higher for secretarial/clerical workers, and
- 30 percent higher for operations workers.

Of the superintendents who responded to the OEA survey, the percentage of superintendents

^f Operations staff include custodians and groundskeepers.

reporting geographic location as a barrier to recruiting classified staff was more than 30 percentage points higher in rural districts than for superintendents in metropolitan districts.^g In 2023, classified staff earned approximately \$9,000 less in rural districts than in metropolitan districts.²

According to the Every Student Succeeds Act (ESSA), any instructional aide without an associate's degree or higher and works in a Title I school must have a high school diploma or a GED and pass an exam that demonstrates competency.^h Due to this federal requirement, KDE requires instructional assistants who work in Title I school to pass the Kentucky Paraeducators Assessment (KPA), if the aide does not have an associate's degree or 2 years of study at an institution of higher education. Federal law allows for an alternative form of assessment or demonstration of knowledge which would help, but KDE only accepts KPA. Superintendents have noted the KPA as a barrier to recruiting instructional aides. Because of this and some other issues related to regulations, OEA makes the following recommendation.

Recommendation 3.3

The Kentucky Board of Education should promulgate administrative regulations that govern the qualifications and minimum requirements of instructional aides in accordance with KRS 161.044, which refers to them as teachers' aides. KDE staff should also evaluate other assessment options for instructional aides in Title 1 schools, in addition to the Kentucky Paraeducator Assessment (KPA).

Other Issues Impacting Staffing

In addition to local school districts being faced with staffing shortages, some are also dealing with a loss in funding though the Support Education Excellence in Kentucky (SEEK) program and the federal Elementary and Secondary School Emergency Relief (ESSER) Funds.

Federal Funding

All districts must spend ESSER funds by September 30, 2024. According to interviews and the superintendent survey, superintendents and local boards are currently budgeting for the loss of the boost in revenues that they experienced with ESSER

ESSER Positions. There were approximately 2,379 certified staffing positions and 1,511 classified positions that were funded using ESSER funds during the 2023 school year. Only half of these positions were newly created. On the OEA survey, Superintendents stated that they were only keeping a fraction or 20 percent of all newly created certified and classified positions when federal funding lapses.

^g Of the superintendents who responded to the survey, the percentage of superintendents reporting geographic location as a barrier to recruiting classified staff was 18 percent greater in rural districts than metropolitan districts.

^h Candidates can also complete at least 2 years of study at an institute of higher education in lieu of an associate's degree.

State Funding

Kentucky schools get most of their funding through the Support Education Excellence in Kentucky (SEEK) formula. Many school districts will see a decline in SEEK revenues due to declines in their adjusted average daily attendance (AADA). AADA is impacted by school enrollment and the attendance of pupils. School districts have seen a decrease in attendance rates and an increase in chronic absenteeism since 2020. Superintendents reported the following potential mitigation strategies to cope with the loss of SEEK money:

- Cutting staff
- Reducing spending
- Use of contingency funds
- Use of ESSER funds
- Raising taxes
- Not raising salaries

Loss Of Average Daily Attendance. Due to the pandemic and related issues, districts were not required to track average daily attendance for students in school years 2021 and 2022. Districts were required to start calculating average daily attendance in the 2023 school year so that the SEEK funding calculation had accurate attendance data to calculate the 2024 SEEK funding. In 2023 the AADA of Kentucky schools was 582,472. In 2022, the AADA used to calculate SEEK was 609,855 a decline of approximately 27,000.

Chronic Absenteeism. A student is chronically absent if they miss more than 10 percent of class days. Only one district had a lower chronic absenteeism rate in 2022 than in 2018 and one district's chronic absenteeism increased by 31 percentage points

Attendance Rate. All 171 Kentucky school districts saw declines in their attendance rates in 2023 compared to 2019. Almost half (85 of 171) of Kentucky school districts had more than a 2-percentage point decline in attendance rates.

Instructional Funds Allocated To School Councils. 702 KAR 3:246 Sec. 6 requires that school councils receive a minimum allocation of three and one-half (3 1/2) percent of the statewide guaranteed base funding level for SEEK based on prior year final average daily attendance from their districts for instructional purposes. These are known as Section 6 funds. The General Assembly has allowed districts to deviate from fully funding Section 6 allocations since the passage of the 2010 Executive budget (HB 290) and changed the minimum to \$100 per pupil in average daily attendance. This language has allowed schools to receive a smaller allocation of Section 6 funds since 2010. Most superintendents stated their districts were giving schools \$100 per student, compared to 22 percent of districts that gave the 3.5 percent that is codified in 702 KAR 3:246 Sec. 6. If districts were required to allocate the full amount of Section 6 funding to schools, the quality of resources could improve, which may prevent teachers from having to spend their own money on classroom supplies. Because of this, OEA makes the following recommendation.

Recommendation 3.4:

The General Assembly may consider discontinuing budget language that allows school district to provide SBDM Councils less than the 3.5 percent of the SEEK guaranteed base amount for funds described in 702 KAR 3:246 Section 6.

OEA Recommendations Regarding Data

OEA made several recommendations regarding data collection and reporting to monitor staffing shortages.

Kentucky Impact Working Conditions Survey. While OEA's teacher survey did not receive a response rate from a sufficient number of teachers to draw reliable conclusions, the 2022 Kentucky Impact Working Conditions Survey had a response rate of more than 75 percent of all teachers. The Kentucky Impact Working Conditions Survey originated as the Teaching Empowering Leading and Learning (TELL) Survey, which included questions that addressed teachers' intention to stay in the teaching profession. Because some insightful and important questions from the TELL were omitted from the Kentucky Impact Working Conditions Survey, OEA makes the following recommendation:

Recommendation 1.1

When developing the Impact Kentucky Working Conditions Survey questions, Kentucky Department of Education staff may consider including discontinued survey questions from the 2017 Teaching, Empowering, Leading and Learning survey.

KRS 161.028(1)(i) and (j) require the Education Professional Standards Board (EPSB) to recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education (IJCE). It also requires the EPSB to submit reports to the governor and the Legislative Research Commission (LRC) and inform the public on the status of teaching in Kentucky. EPSB has not submitted any of these reports; however, KDE does produce the school report card annually which includes some teacher workforce data. In addition, KYSTATS, an executive branch agency, does produce the Kentucky Teacher Workforce Pipeline report annually. Based on these findings, OEA makes the following recommendation:

Recommendation 1.2:

Because the Education Professional Standards Board (EPSB) has not submitted any reports required by KRS 161.028(1)(i) and (j), the General Assembly may consider amending KRS 161.028 to require EPSB to submit reports to the Interim Joint Committee on Education and the Legislative Research Commission within a specific time frame. In addition, the General Assembly may specify data elements the reports should include.

KRS 161.011(2) required the commissioner of education to establish job classifications and minimum qualifications for district classified positions by January 1992. Most job descriptions for classified staff were established more than 30 years ago and have not been updated. Districts submit employment data, Professional Staffing Data and Classified Staffing Data (PSD and CSD) to KDE by October 1 each year on total number of full-time equivalent (FTE) positions in each job classification. KDE then reports this data to the U.S. Department of Education (ED) as part of their EdFacts data submission. OEA staff reviewed classified job descriptions and the EdFacts submission document on staffing specifications and have concerns on how KDE is reporting staff to ED. Because of this, OEA makes the following 2 recommendations:

Recommendation 3.1:

The Kentucky Department of Education should review and revise classified job descriptions established under KRS 161.011(2) to ensure they align with the duties and qualifications of current classified staff.

Recommendation 3.2:

The Kentucky Department of Education (KDE) should work with school districts to collect data on districts' contract staff annually. For the *EDFacts* data submission that is required by the US Department of Education, KDE should ensure it is complying with the *EDFacts* data standards. These standards include submitting the number of districts' full-time equivalent contract staff and the correct job classifications for district staff.

2024 Approved Study Topics

The annual District Data Profiles, a one-stop source of comprehensive district-level education data, including comparative data for all districts. OEA will also update the 2020 Interactive SEEK tool to include the most recent data SEEK available, which can be updated on the website as needed.

Characteristics of Higher- and Lower-Impact Schools – In Kentucky, as in the nation, academic performance is highly associated with student demographic characteristics such as economic disadvantage, limited English proficiency, and disability status. Students in some schools perform better than demographically similar students across the state on student assessments and other measures of student success. Using statistical techniques similar to OEA's 2023 student of Effectiveness and Efficiency of school districts, this study would identify the number of such schools and use available data to describe differences between these relatively higher-performing schools and others in the state. Elements reviewed will include, but not limited to, student assessment data, graduation rates, staffing and available resources taking into account student and district characteristics. This study may also include site visits and survey data.

Study of School District Governance Models and Interventions

1. Review of school district current governance models used across the US taking into account factors such as range of district configurations, district size, district setting (e.g., urban, rural), school choice opportunities, and population characteristics.
2. Review state intervention models considering reasons for intervention, models implemented, and results.

¹ Mark Lieberman. "Staff Shortages In Schools Are Here To Stay, Here's Why" *Education Week*. 2023. Web

² Staff Analysis of data from the Kentucky Department of Education Classified Staffing Data.