

2025 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 perform under the direction and oversight of EAARS. Two main responsibilities include investigation and 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 under the oversight of a division manager. The division currently has four full-time investigators. A fifth investigator will be hired to begin work in July.

OEA conducts investigations only 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, 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.

OEA receives phone calls 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, as OEA staff attempts to resolve concerns without the filing of a formal complaint. If the communication contains an allegation that Kentucky education law has been violated, that individual is then instructed to submit a formal complaint in writing, providing as much information about the alleged wrongdoing as possible so OEA can determine if an investigation should be initiated.

OEA received 660 written complaints in 2025 (324 of these were anonymous). In 2024, OEA received 738 written complaints. OEA has received 515 written complaints in the first half of

2026. 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 2025.

Table 1.1
2025 Investigations

	Opened	Closed	Pending
Investigative	31	24	29
SBDM	5	3	6
Total	36	27	35

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 receiving accurate information that may indicate a violation of KERA is required to forward that information to OEA. This provision makes OEA a state clearinghouse for education-related complaints.

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 Investigations Division manager evaluates the situation before opening a case. 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. OEA staff does not 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” to withhold its records 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 Investigations Division manager 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 retains the complaint.

If the facts recited in the complaint support a claim of violation 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 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 multiple 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, 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 over 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. KRS 160.345(2)(b)2.

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)11 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)(g), (3)7. 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)(d), (3)7. 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)(e), (3)(a)1. 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), (3)(a)2. 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 2024, 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, 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. FERPA complaints may be referred to the U.S. Department of Education, as there is a federal FERPA statute.

Chapter 2

Research Overview

KRS 7.410 requires the Education Assessment and Accountability Review Subcommittee (EAARS) to adopt an annual research agenda for the Office of Education Accountability (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. In 2025, OEA completed three research studies, described below .

In addition, OEA conducts short information requests for legislators or legislative staff and generally monitors reports and data put out by the Kentucky Department of Education (KDE). In 2025, OEA research staff provided data in response to 13 legislative requests.

In 2026, the OEA Research Division consists of one research manager, four research analysts, and one graduate fellow. In addition, OEA staff collaborate with staff from the Office of Computing and Information Technology in maintenance of the OEA database and annual production of the District Data Profiles.

In 2025, OEA was awarded a National Legislative Program Evaluation Society (NLPES) Certificate of Impact Award for OEA's 2023, *Kentucky Public School Employee Staffing Shortages* report. The panel of judges determined that the report resulted in documented public policy changes, program improvements, cost savings, or other public impacts. OEA was recognized at the 2025 NLPES Professional Development Seminar in Helena, Montana.

Research Studies

In 2025, OEA completed two reports that were published and can be found on the LRC publications website: *Kentucky District Data Profiles School Year 2024* and *Kentucky Early Childhood Regional Training Centers* reports. In addition, OEA presented its *Analysis Of Student Discipline Data In Kentucky Schools And Challenges Associated With Addressing Persistent Or Severe Behaviors* report at the November, 2025 EAARS committee meeting. That report will be presented for approval in 2026, with some minor updates that reflect statutory changes following the 2026 legislative session.^a

Following is a summary of all studies completed in 2025:

Kentucky District Data Profiles School Year 2024; Research Report No. 497

This report provided a comprehensive overview of all public school districts operating in the state during 2024. The report included longitudinal data covering district trends, finance,

^a In RS 2026, SB 101 amended KRS 158.150 to require expulsion for students in grades 6-12 who intentionally cause or attempt to cause physical injury to a school district employee. The statute also permits alternative placement within a district in lieu of expulsion.

staffing, and school performance from fiscal years 2015 to 2024. Much of the data included in the report were calculated by OEA staff from districts' annual financial reports, professional staff data, and certified staff data. In addition, the report included data compiled by OEA from information available on the Kentucky Department of Education school report card or on its website.

The Overview and Trends section contained district data on school membership, end of year adjusted average daily attendance, student demographics, educational attainment, and school discipline. The Staffing Data section reported district data on certified and classified staff, and full-time equivalent teachers. Additional data on average salaries, years of teaching experience, and rank were provided. The Finance section covered per-pupil current expenditures and revenues by source, Support Education Excellence in Kentucky (SEEK) funding, and taxes levied. Each district's fund balance percentage and end of year general fund balance were reported. The Performance section presented 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 compared 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 included an interactive feature to allow users to view and download interactive maps and charts that are of specific interest to them. The interactive feature was comprised of three distinct data visualizations:

- 2024 Data
- Interactive Heat Maps
- 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 2024 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 Compendium Of State Education Data allows users to view rankings of Kentucky and all 50 states on selected variables.

In presenting the data at the July, 2025 EAARS meeting, OEA highlighted the following data trends from 2015 to 2024:

- Average adjusted average daily attendance (AADA) decreased by 6.4 percent statewide, though trends varied among districts: AADA decreased by 5 percent or more in 105 districts and increased by 5 percent or more in 20 districts.
- The percentage of students identified with a disability that qualified them for special education services increased from 13 percent to 16 percent; the majority of the increase was comprised by students identified with a moderate disability.

In addition, the presentation noted a broad range of starting teacher salaries among districts in 2024, from \$35,150 in Jackson Independent to \$49,555 in Fayette County. As shown in the

compendium section of the profiles, Kentucky is ranked 48th among states in average starting teacher salary but is close to the national average when salaries are adjusted for differences in national labor markets.

Kentucky Early Childhood Regional Training Centers; Research Report No. 498

Kentucky's five early childhood regional training centers (RTCs), required by KRS 157.318 since 1990, provide training, technical assistance, and resources to support preschool personnel serving children with disabilities and those at risk. Operated by four school districts and one educational cooperative, RTCs are funded entirely through the federal Individuals with Disabilities Education Act (IDEA), Part B, preschool set-aside funds. In FY 2024, the Kentucky Department of Education allocated approximately \$2.26 million of these funds to RTCs.

The study, requested by EAARS in 2024, examined RTC funding, operations, populations served, and alignment with state and federal requirements. Data were drawn from KDE contracts, financial and staffing reports, enrollment data, and staff interviews.

RTCs are the primary mechanism for providing no-cost professional development and support to preschool personnel statewide. In 2024, training and support addressed behavioral interventions, inclusive instructional practices, compliance with IDEA requirements, and transition to kindergarten. While children with disabilities represent the primary target population (39 percent of preschool enrollment), many services also benefit at-risk and other preschool students.

The report identified a number of issues that merit increased attention from KDE. Significant disparities exist in funding distribution. For example, per-student allocations in 2024 ranged from \$117 for the Anderson RTC to \$427 for the Ashland RTC. OEA's summary review of RTCs' contracts and expenditures identified a number of concerns suggesting the need for additional oversight by KDE. These concerns included inconsistent expenditure coding, potential mingling of district and RTC resources, and limitations in the data reported by RTCs related to contractual goals for program participation and impact.

RTCs employ small staffs—typically one director and one or two consultants. While expenditures on salaries and benefits average 62 percent and are the majority of expenditures in all RTCs, spending in other categories varies substantially, suggesting differences in services and materials available across regions.

The study concluded that while RTCs provide valuable training and resources, greater oversight by KDE is necessary to maximize equity, fiscal accountability, and program effectiveness. In addition, given advances in technology and alternative service delivery models since RTCs were established, OEA recommended that KDE evaluate whether the current five-center structure remains the most efficient method for statewide support of staff who assist preschool students with disabilities and those who are at risk. Because KRS 158.318 requires that KDE use federal funding to support these centers, statutory changes would be necessary to permit alternative use of federal funds.

The report included the following recommendations:

Recommendation 1

The Kentucky Department of Education should review regional training centers' district service areas and allocation of grant funding to ensure equitable access to regional training centers' resources and services by participating districts.

Recommendation 2

The Kentucky Department of Education should ensure that regional training centers apply correct and uniform coding practices for both expenditures and staffing classifications. For example, the Kentucky Department of Education should require that regional training centers' financial accounts be established as agency funds rather than district funds.

Recommendation 3

The Kentucky Department of Education should review regional training centers' budgets and expenditures to ensure they are consistent with contractual requirements and state guidelines. These requirements include, but are not limited to, indirect and direct cost rates and exclusive use of regional training centers' grant funding to support regional training centers' activities.

Recommendation 4

The Kentucky Department of Education should conduct an evaluation of the current structure of the early childhood regional training centers to assess whether the existing model effectively and efficiently delivers support services to school districts. This evaluation should include a cost comparison between the current regional model and an alternative model in which staff are employed directly by the Kentucky Department of Education.

Findings should be shared with the Education Assessment and Accountability Review Subcommittee and the Interim Joint Committee on Education. Based on findings of the report, the General Assembly may wish to consider amending or removing requirements of KRS 157.318 related to early childhood regional training centers.

Analysis Of Student Discipline Data In Kentucky Schools And Challenges Associated With Addressing Persistent Or Severe Behaviors

Previous OEA reports have described the many actions taken by schools and districts across the commonwealth to create positive school cultures and ensure safe, orderly environments for teaching and learning. OEA has also documented challenges faced by local leaders attempting to build these cultures, including difficulties addressing persistent or severe student behaviors. While principals and other local leaders can take many important steps to address persistent or severe behavior challenges, their efforts can sometimes be impeded by barriers outside of their control. Schools with persistent or severe student behavior challenges have difficulty attracting

and retaining teachers and providing classroom environments in which students can be successful.¹

This report sought to understand:

- variation in behavior-related challenges experienced by schools in the commonwealth;
- the degree to which persistent, severe, or dangerous behaviors are affecting teaching and learning, staff morale, or school safety;
- the degree to which Kentucky statutes intended to address persistent and severe behaviors, once they occur, are being implemented;
- and barriers experienced by schools in addressing persistent or severe behaviors.^b

Data. The report combined three sources of KDE data from the 2024 school year in order to understand the range and prevalence of behavior-related challenges in the commonwealth: “safe schools” student behavior data that districts are statutorily directed to enter into the information system; educator working conditions survey data; and student climate and safety survey data. To further understand the nature and prevalence of student behavior-related challenges, the report included data from a 2025 OEA principal survey, and OEA site visits to 12 schools across the commonwealth for which data indicated behavioral challenges. In addition, staff conducted interviews with officials from the Kentucky Department of Education and Kentucky Center for School Safety.

Summary Of Findings. Overall, the report found that student behavior presented at least moderate challenges to teaching, learning and staff morale in about one third of Kentucky schools and classrooms. The degree to which these challenges were major or extreme depended on whether they were being reported by principals or teachers, but all sources of data suggested that major or extreme challenges existed in at least nine percent of schools.

The General Assembly has directed local boards to require consequences, up to and including expulsion, for dangerous behaviors and to permit principals to develop policies addressing students who chronically disrupt classrooms. Implementation of these statutes varied across the state.

The report identified two state-level actions that can be taken to address barriers identified by principals in addressing persistent or severe behaviors:

- identification of promising practices related to school-based instructional settings or alternative programs for students who are experiencing difficulties in the regular classroom, leading to behavior that interrupts their learning or the learning of others, with special attention to elementary schools; and

^b The report focuses on metrics and challenges of traditional (A1) schools and does not specifically address issues that occur in alternative schools, career and technical centers, or while students are being transported.

- KDE action to understand the challenges experienced by districts and schools in addressing persistent or severe behaviors for students with disabilities and to develop training and guidance to address these challenges.

In addition, the report noted the potential to clarify statutes that direct local boards to develop and implement policies addressing unlawful weapons, threats that pose a danger, and recording of violence against staff and students in the student information system.

While the report focused on challenges that are faced by a substantial minority of schools, it is important to note that the overwhelming majority of principals and the majority of teachers did not report major challenges or frequent disruptions from student behavior related to teaching and learning. School safety was a strong concern for a very small minority of principals and teachers.

Prevalence Of Behavior Challenges

Statewide, 14 percent of students had one or more behavior events recorded in the student information system in 2024. Students who were economically disadvantaged, male, black, or have an Individualized Educational Program (IEP) experienced behavior events at higher rates than their peers. In addition, behavior-related events were disproportionately high in the middle grades.

The rate of behavior events varied substantially among districts and schools. At the district level, the percentage of students with one or more behavior events ranged from a low of 2 percent to a high of 37 percent. At the school level, behavior event rates ranged from a low of 0 percent to a high of 71 percent.

Principal and teacher survey data suggested that major or extreme behavior challenges exist in about one tenth of schools and up to one third of classrooms. Overall, however, student behavior was not creating major or extreme challenges to teaching and learning, staff morale, or safety in the majority of schools and classrooms in the commonwealth. In the typical Kentucky school, the behaviors that presented the greatest challenge were attendance-related issues (such as tardiness or skipping class), student apathy/disengagement, and—in high schools—e-cigarettes (vapes) and cell phones.[°]

Student behavior was presenting at least moderate challenges to teaching and learning and staff morale in about one third of Kentucky schools and classrooms. Seven percent of Kentucky principals reported major challenges to teaching and learning and 9 percent reported major challenges for staff morale. One third of Kentucky teachers reported that student misconduct frequently disrupts the learning environment. Almost 4 in 10 principals reported major or extreme challenges that affected their schools in particular situations, even if those challenges were not great enough to disrupt the entire school.

[°] OEA principal survey data indicating challenges with cell phones was based on student behavior in the 2024-2025 school year. HB 208 of RS 2025, which required local boards to ban use of cell phones during instructional time had not yet gone into effect.

Concerns about the safety of students or staff, while less common, had at least a moderate presence in 17 percent of schools. A very small minority of principals and teachers reported major concerns with school safety, however. Weapons, drugs, and student-to-student violence is a major concern for a very small minority of principals at any level.

Nineteen percent of Kentucky principals reported that student behavior presented a major or extreme challenge in the resources required to address them and an additional 34 percent reported moderate challenges associated with school resources.

Elementary schools, in particular, were facing challenges with students as young as pre-kindergartners who caused classroom disruptions due to difficulty regulating extreme behavior such as screaming, throwing objects, and overturning furniture. Seventeen percent of elementary principals described these challenges as major or extreme. Seventy-two percent of elementary principals reported incidents in which it was necessary to require a regular classroom teacher and all but the disruptive student(s) to evacuate the classroom, due to this extreme behavior. Thirty-two percent of elementary principals reported that individual students caused classrooms to be cleared five or more times. In these classrooms, student learning, teacher morale, and students' and staffs' sense of safety can be severely impacted. Twenty percent of elementary school principals reported at least moderate challenges with student-to-staff violence; of these, 5 percent reported major or extreme challenges.

Implementation Of Statutory Provisions For Addressing Persistent And Serious Behaviors

Consequences For Dangerous Or Serious Behaviors. KRS 158.150(2)(a) requires that local boards establish a policy that requires a 12-month expulsion, or removal to an alternative setting within the district, for students who have been determined by the local board to present dangerous threats to students, faculty, or staff or who bring unlawful weapons to school.^d It also requires local boards to establish consequences, up to expulsion for assaults, drug sales, and other offenses. Data analyzed for this report showed that the minority of weapons and threats violations—including handguns—resulted in expulsion or alternative placement. It is unclear, however, from the data (with the exception of guns) what proportion of the events analyzed would meet the criteria for expulsion identified in statute.

Recommendation 3.1

If it is the intent of the General Assembly that districts receive direct guidance related to weapons that are considered to be unlawful, it may consider amending KRS 158.150 to require the Kentucky Department of Education to collaborate with the Kentucky Center for School Safety and other relevant organizations to identify “unlawful weapons” that require expulsion as relevant to KRS 158.150. These definitions should be included in the Kentucky Department of Education’s model discipline policies.

^d Data in the report are analyzed based on requirements of KRS 158.150 that were in effect in the 2025 school year. In RS 2026, SB 101 amended the statute to require expulsion for students in grades 6-12 who intentionally cause or attempt to cause physical injury to a school district employee. The statute also permits alternative placement within a district in lieu of expulsion.

Recommendation 3.2

If it is the intent of the General Assembly that districts receive direct guidance related to threats that are considered dangerous, it may consider amending KRS 158.150 to require the Kentucky Department of Education to collaborate with the Kentucky Center for School Safety and other relevant organizations to identify conditions under which threats pose a danger and require expulsion or alternative placement. Guidance should be included in KDE discipline guidelines.

The report also showed that the small minority of assaults—even the most dangerous—and cases of drug possession for sale or distribution resulted in expulsion or alternative placement.

Data were not entered into the student information system with sufficient detail to determine the exact number, nature and severity of assaults and other incidents of violence against staff versus students.

Recommendation 3.3

If it is the intent of the General Assembly that incidents of violence against staff, students, or other groups be specifically identified, it may consider amending KRS 158.444 to specify required groups be identified as victims in safe schools data reporting.

Chronic Disruption. KRS 158.150 requires local school boards to have policies that permit principals to establish procedures for removing chronically disruptive students from classrooms from which they have been removed three times within a 30-day period and place those students in another classroom or an alternative program setting, including a virtual setting.

The report found that policies and practices for chronically disruptive students were being implemented in about one-third of schools.^e Schools used a variety of options to remove chronically disruptive students from classrooms. While suspension was used most often, placement in virtual or in-person alternative settings was also common.

Site visit and survey data indicated that principals in some schools with behavior challenges do not feel that they have the practical option to implement chronic disruption policies, in part because of lack of direct district support for implementation. A substantial minority of principals and teachers (about 15 percent) expressed desire for greater administrative support in ensuring that the district code of conduct was enforced in schools and classrooms. In some schools, lack of alternative placement settings was likely a barrier to implementing this policy.

Challenges Addressing Persistent Or Severe Behaviors

The challenges most commonly cited by principals in addressing persistent or severe behaviors were lack of alternative settings in which students who experience behavioral challenges in the regular classroom can receive instruction and legal restrictions, based in federal law, on the total number of accumulated days (10) that students with disabilities can be subject to disciplinary

^e KRS 158.150 (5)(b)(2) identifies a chronically disruptive student as one who is “removed from the same classroom three times within a thirty day period.”

removals unless it is determined that the behavior that led to the disciplinary action is not a manifestation of their disability.^f In addition, many principals desired greater flexibility in the options permitted to provide educational or behavioral supports outside the regular classroom without documenting a disciplinary removal. Principals also reported a need for mental health support for students and greater accountability for parents in ensuring their students followed the school's code of conduct.

Lack Of Alternative Settings. A lack of instructional settings as alternatives for students who are struggling to be successful in a traditional classroom was reported as a major or extreme barrier to addressing behavior concerns by 41 percent of elementary school principals, 31 percent of middle school principals, and 14 percent of high school principals. Elementary schools were less likely than middle and high schools to have alternative instructional settings outside of the regular classroom, though many middle schools also lack options. Site visit interviewees noted a need for school-based alternative learning environments that are not designed as punishments but as environments better tailored to a student's needs than the traditional classroom. Such programs might prevent behavior problems rather than being a consequence of them. Many site visit interviewees noted that exclusionary discipline such as suspension does not address the difficulties that students may be experiencing in traditional classrooms that lead to misbehavior.

Recommendation 4.1

The Kentucky Department of Education should collaborate with the Kentucky Center for School Safety and other relevant organizations to identify promising practices in Kentucky schools or nationally related to school-based instructional settings or alternative programs for students who are experiencing difficulties in the regular classroom, leading to behavior that interrupts their learning or the learning of others. Special attention should be paid to programs for elementary school students who experience difficulty regulating extreme behavior.

Flexibility In Options Available To Instruct Students With Disabilities With Persistent Or Severe Behavior Challenges In The Regular Classroom

The report described concerns of principals related to challenges in addressing the small minority of students with disabilities who have persistent or severe behavior challenges. The report noted that the overwhelming majority of students with disabilities do not have any behavioral events entered into the student information system. Thirty-nine percent of Kentucky principals reported major or extreme challenges in addressing persistent or severe student behaviors due to legal restrictions on disciplinary removals for students with disabilities, with almost as many (37 percent) reporting challenges with lack of flexibility in options permitted for instructing or supporting students with disabilities outside of the regular classroom without documenting a disciplinary removal. As described in Chapter 1, these legal restrictions originate in federal law.

^f Additional disciplinary removals may be permitted pending results of a "manifestation determination" meeting by which the school district must ensure that students have been provided the necessary supports and the behavior that prompted the disciplinary removals was not a manifestation of the child's disability. Reference to this process was not included in the survey question to principals. Based on site visits to 12 schools, OEA believes that principals understand that this process exists.

Survey and site visit data indicated strong sentiments of many principals and other school staff related to unintended consequences of federal thresholds for disciplinary actions that can be taken for students with disabilities. These included extreme disruptions to classroom learning and sometimes unsafe conditions caused by behavior of a small minority of students with disabilities. While the majority of Kentucky principals reported at least moderate challenges associated with federal law, reports varied across the state, and a little over one fifth of principals reported little or no challenge in this area.

From the data collected for this study, it was not possible to isolate the factors contributing to challenges experienced by principals and the extent to which these challenges stemmed from federal law itself or the way it was being implemented. The report did note, however, that lack of flexibility related to IEP and disciplinary removals was associated within the principal survey data with lack of alternative placement options generally. This may indicate that some schools lack the full continuum of alternative placement options that are required by federal law. Other factors influencing differences among principals' perceptions about options available under the law included orientation against alternative placement in some districts; the degree to which the threat of lawsuits affect different schools or districts; and confusion among some administrators about what KDE may determine to be compliant with federal law related to disciplinary removals if it carries out a review or audit, as required by the federal government.

Recommended Steps By KDE To Assist Districts And Schools In Understanding Options And Responsibilities Related To Students With Disabilities Experiencing Behavior Challenges

KDE can play an important role in assisting districts and schools to address any challenges they are experiencing related to federal law by taking steps to understand those challenges and developing relevant guidance and training.

Recommendation 4.2

The Kentucky Department of Education should solicit data from educators about challenges they are experiencing under federal law as it relates to addressing persistent or severe behavior of students with disabilities. Data might include focus groups or surveys and should provide options for anonymous submissions. Data collection should address challenges associated with implementation of federal law, including manifestation determination reviews; provision of a continuum of alternative placements; threats of legal action; and any questions about what is strictly required by federal law related to what must be counted as a disciplinary removal and included in data collected to fulfill federal requirements.

Recommendation 4.3

By August 29, 2025, the Kentucky Department of Education should submit findings of its data collection to the Education Assessment and Accountability Review Subcommittee and the Interim Joint Committee on Education. Findings may include any observations of the department related to areas of confusion in the law and any training that should be provided to district or school administrators.

Recommendation 4.4

Based on findings of its data collection and any feedback from the General Assembly, the Kentucky Department of Education should develop guidance documents and training to assist educators in understanding their options and responsibilities under federal law to prevent and address persistent or severe behavior challenges of students with disabilities. Guidance should provide examples of continuum of placement options that are being implemented within the commonwealth as well as examples of disciplinary removals that may be carried out without counting towards the time accumulated towards a change of placement under federal law.

2026 Approved Study Topics

In October, 2025, EAARS approved the following topics for OEA's 2026 study agenda:

District Data Profiles, 2025

OEA's 2025 District Data Profiles will report financial, staffing, and performance data for Kentucky's 171 districts and the state as well as the most recently available national comparative data for Kentucky and its surrounding states. The profiles will include district data compiled by the Kentucky Department of Education as well as OEA's own calculations based on data submitted by school districts to KDE. Numbers of students moving from Kentucky districts to homeschools or private schools will be included as an appendix, as will any concerns identified by OEA during the course of the study related to the validity or reliability of data available.

Facilities Funding In Kentucky Public Schools

This study will analyze state policies and processes related to funding facility construction or upgrades in Kentucky public schools. It will look, in particular, at how facility projects are prioritized and funded at the state and district levels. The analysis will include any processes that exist to identify efficiencies that can be applied in school construction processes or in maximizing efficient distribution of students among existing schools. The report will summarize existing research on school construction or facility funding nationally and identify any methods that might address challenges identified in the commonwealth.

Kentucky Districts' Implementation Of Statutory Provisions For Early Literacy Grades K-3

KRS 158.305 requires Kentucky districts to implement multi-tiered systems of support (MTSS) for early literacy of students in grades K-3. These systems require state-approved comprehensive reading programs, universal screeners and diagnostic assessments; reading intervention teams, reading improvement plans, and supports for students who are not progressing towards meeting grade-level standards; and, beginning in the 2026-2027 school year, retention of first-grade students who have a reading improvement plan in the 2025-2026 school year and are determined by their school at the end of the 2025-2026 school year to be unprepared to be successful in the second grade. Schools may make this determination based on whether students meet grade-level

benchmarks in reading on the school’s universal screener or have mastered Kentucky’s academic standards in reading for first graders based on the school’s interim or formative assessments.

Based on an OEA survey of all Kentucky districts, the report will describe actions taken by districts to carry out provisions of the statute including reading programs, assessments, and support systems adopted in each district and specially certified staff employed to implement these systems. The study will also summarize reading performance of districts and schools and performance relative to peer districts or schools.

In addition, staff will solicit and compile information, by district and by student eligibility for an IEP for:

- percentages of students in kindergarten and first grade who met benchmarks at the end of the 2024-2025 school year; and
- percentages of students in each grade K-3 who mastered Kentucky’s grade level standards based on the districts interim or formative assessment

The study will include actions reported by districts in the 2025-2026 school year—including but not limited to grade retention—to ensure that students received instruction appropriate to their literacy skill levels.

Finally, the report will identify the number of districts that have adopted policies described in KRS 158.307 related to identification of and support for students with dyslexia and will summarize any data submitted by districts to KDE in connection with the statute.

¹ Kentucky Legislative Research Commission. Office of Education Accountability. *Student Achievement: Lessons Learned From Kentucky’s Relatively Highest-And Lowest-Performing Schools*. Research Report no., 2024