

# Kentucky Department of Education

## Update on COVID-19: SEEK and Attendance

Kentucky General Assembly  
Interim Joint Committee on Education  
July 7, 2020



# COVID-19 and P-12 Education

The Governor's Executive Orders, the General Assembly through [Senate Bill 177](#), and the Kentucky Board of Education (KBE) have worked to provide the support and relief necessary for local school districts to marshal resources to meet the needs of our students, their families, local district staff, and communities across the Commonwealth.



# Senate Bill 177 (2020 Regular Session)

Senate Bill 177 (Sen. Kerr) provided emergency relief for school districts during the state of emergency declared in response to COVID-19 for the 2019-2020 school year.

- ▶ Provided an unlimited number of nontraditional instruction (NTI) days, which allowed virtual or distance learning.
- ▶ Required that students receive a minimum of 1,062 instructional hours, less the amount of instructional time that could be waived.
- ▶ Allowed a school district to reach 1,062 instructional hours by adding time to the day.
  - A day could not exceed seven hours of instructional time unless the district submitted and received approval from the Commissioner of Education for an innovative alternative calendar.
  - A school district could schedule instructional days on Saturdays.
  - A local board of education could submit a plan to the Kentucky Department of Education (KDE) demonstrating how 1,062 instructional hours would be completed.



# Senate Bill 177 (2020 Regular Session)

Senate Bill 177 also set forth alternate attendance provisions that local school districts could use when calculating their average daily attendance used in SEEK fund determinations for the 2019-2020 school year.

“Notwithstanding any other statute or regulation to the contrary, for school year 2019-2020, school districts may, when submitting the Superintendent's Annual Attendance Report, substitute attendance data for school year 2018-2019 for attendance data for school year 2019-2020. If a school district submits data for school year 2018-2019, this data shall be utilized to calculate the average daily attendance that will be used in calculating Support Education Excellence in Kentucky funds and any other state funding based in whole or in part on average daily attendance for the district.”



## Attendance and Funding Goals for the 2020-2021 School Year

Unfortunately, as no one could predict how this ever changing and unprecedented pandemic would unfold, Senate Bill 177 only applied to the 2019-2020 school year.



# Attendance and Funding Goals for the 2020-2021 School Year

- ▶ With the General Assembly out of session and the provisions of Senate Bill 177 only applicable to the 2019-2020 school year, KDE relied on funding provisions outlined in Senate Bill 177 to create the funding structure for the 2020-2021 school year.
- ▶ This allows the funding structure to be:
  - Temporary
  - Explainable
  - Flexible
  - Predictable
  - Verifiable
  - Familiar
- ▶ Does not incentivize or discourage decisions for in-person or remote instruction.



## Attendance and Funding Goals for the 2020-2021 School Year

- ▶ Allows KDE to work with the General Assembly during the 2021 Regular Session to tweak or modify – as needed – the provisions in Senate Bill 177 moving forward.





**Pre-COVID-19 –**

**How is SEEK calculated  
and how is attendance collected?**



# SEEK

- ▶ The Support Education Excellence in Kentucky (SEEK) funding formula is a foundation/base funding formula.
- ▶ In Kentucky, this starts with a **Base Per Pupil Guarantee** (set at \$4,000 per the current executive branch budget) that is multiplied by the **Average Daily Attendance (ADA)** which is the end-of-year average.
- ▶ Local districts are required to generate tax revenues in support of school districts. The **required local effort** is the amount of locally-generated tax revenue produced. Each district must levy a minimum equivalent tax rate of 30 cents per \$100 in assessed value of property and motor vehicles in order to receive state SEEK funds.



# Average Daily Attendance

## ► KRS 157.320(1)

- "Average daily attendance" means the aggregate days attended by pupils in a public school, adjusted for weather-related low attendance days if applicable, divided by the actual number of days the school is in session, after the five (5) days with the lowest attendance have been deducted.
- An example: A student has 95% attendance for the school year. The student's ADA would be .95



# Adjustments to ADA

- ▶ Overage/underage students (removed from ADA)
- ▶ Low attendance days related to weather (replaced with last year's ADA)
- ▶ Five lowest attendance days (removed from ADA)
- ▶ Non-contract students (removed from ADA)
- ▶ Suspension/Expulsion (attendance given to districts for certain time periods in each case)
- ▶ Virtual/Performance Based attendance (full attendance credited if the course is passed)





**During COVID-19 –**

**Student Participation, Attendance,**

**and Funding Calculations**

**for the 2019-2020 School Year**

# Three Different School Years

- ▶ A “normal” school year where Adjusted Average Daily Attendance (AADA) can be used (FY 2018-2019)
- ▶ A partially “normal” year + 30 - 40 NTI days due to COVID-19 (FY 2019-2020)
- ▶ An upcoming school year where there are still unknowns (FY 2020-2021)



# Three Different School Years

	2018-2019	2019-2020	2020-2021
<b>AADA</b>	Actual	District Option per SB 177	Prior Year's Choice per SB 177
<b>Home/Hospital</b>	Actual	District Option per SB 177	Prior Year's Choice per SB 177
<b>At Risk</b>	Actual	District Option per SB 177	Prior Year's Choice per SB 177
<b>Property Assessments</b>	Actual	Actual	Actual
<b>Exceptional Child</b>	Actual	Actual	Actual
<b>Limited English Proficiency</b>	Actual	Actual	Actual



# School Year 2019-2020

## Senate Bill 177 and COVID-19

- ▶ SB 177 provided that districts choose between 2018-2019 or 2019-2020 data to determine funding based in whole or in part on average daily attendance (ADA)
- ▶ 14 districts chose to use 19-20 data.
- ▶ All data was normalized.
- ▶ Districts are aware of how their specific numbers will impact their funding.





**During COVID-19 –**

**Student Participation**  
**and Funding Calculations**  
**for the 2020-2021 School Year**



# School Year 2020-2021

- ▶ Maintain the same AADA related data choices that districts made previously
- ▶ Mirrors provisions in SB 177 by temporarily decoupling attendance-driven funding to allow for participation
- ▶ District calendar/attendance decisions not impacted by funding



# School Year 2020-2021



**KENTUCKY DEPARTMENT OF EDUCATION**  
THE 300 BUILDING, 300 SOWER BLVD. 5<sup>TH</sup> FLOOR, FRANKFORT, KY 40601

## MEMORANDUM

TO: All School District Superintendents

FROM: Kevin C. Brown, Interim Commissioner of Education *Kevin C. Brown*

DATE: June 24, 2020

SUBJECT: STUDENT PARTICIPATION AND EMERGENCY FUNDING CALCULATIONS FOR THE 2020-21 SCHOOL YEAR

In response to the emergency situation in the Commonwealth of Kentucky created by the Novel Coronavirus (COVID-19), all school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Governor Beshear entered Executive Order (EO) 2020-243 which encouraged all Kentucky citizens to take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and Kentucky Department of Public Health. Furthermore, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. EO 2020-243 suspended statutes requiring physical presence of participants in meetings or interactions. Kentucky public schools remained closed to in-person classes for the remainder of the 2019-20 school year to prevent the spread of COVID-19.

As school districts prepare to begin the 2020-21 school year, they are planning for a variety of instructional delivery models to meet the needs of their students and communities in light of continued COVID-19 risks and prevention measures. These models include traditional in-person instructional days, periods of complete virtual learning through Non-Traditional Instruction (NTI), and days of blended in-person and NTI delivery. Kentucky's current structure for instructional delivery and corresponding funding never anticipated the type of global health pandemic we and the rest of the nation continue to experience. In order to provide school districts with the flexibility they need to implement the various instructional delivery models that are best for their students and communities as COVID-19 prevention measures evolve, suspension of certain statutes is necessary. Specifically, school districts are in need of flexibility to conduct more than ten (10) NTI days as provided in 158.070(9), and seek a funding mechanism that is predictable and does not risk the loss of substantial state educational funding based on average daily attendance (ADA).

Pursuant to the authority set forth in EO 2020-243, KRS 158.070(9) is hereby suspended for the 2020-21 school year. As Commissioner of Education, I will recommend an emergency administrative regulation to the Kentucky Board of Education (KBE) for adoption that will allow the Commissioner to grant an unlimited number of student instructional days for school districts that have an NTI plan approved by the Commissioner.

Compulsory attendance as required by KRS Chapter 159 remains in force. School districts will work with their students and families to engage each student and promote participation in accordance with KRS





## Non-Traditional Instruction (NTI)

# Non-Traditional Instruction (NTI)

Districts utilized the Non-Traditional Instruction program. The program began as a pilot in 2011, then went statewide in the 2014-2015 school year.

[Senate Bill 177](#) provided an unlimited number of NTI days, which included virtual or distance learning.

At a special meeting of the Kentucky Board of Education (KBE) on March 18, KBE granted a blanket waiver to the NTI regulation so districts not currently participating in the NTI program could go through an abbreviated application process and explain how they would deliver quality, non-traditional instruction for the remainder of the 2019-2020 year.

[KDE's Emergency NTI Guidance for Schools/Districts](#)



# Pre-COVID-19 – NTI

- ▶ Prior to the COVID-19 emergency, districts used NTI for more traditional health and safety concerns, such as weather or flu. NTI was capped at 10 NTI days per school year.
- ▶ NTI days use a substituted ADA from the prior year.
- ▶ Districts were required to apply for NTI in the spring (120 days prior to the school year approved).
- ▶ During 2019-2020, we had 83 school districts using “regular” NTI prior to the COVID-19 emergency.
- ▶ In a regular NTI year, NTI saves around 500 days of instruction that would be lost due to closure.



# Pre-COVID-19 – NTI Participation

- ▶ Since its inception in 2011, NTI has used the concept of participation to identify which students are engaged in instruction during NTI days.
- ▶ Participation measures the interactions between teachers and students in the same way their presence is measured in the traditional classroom. It is the way we “see” children who are in NTI.
- ▶ Participation doesn’t replace grading, it measures if students are participating in instruction. The quality of their participation is found in the grading, just as it is for students seated in the classroom.



# COVID-19 and School Year 2019-2020

## NTI

- ▶ In the spring of 2020, the General Assembly passed SB177 allowing for, among other things, districts to use unlimited NTI days during the spring of 2020. SB177 did not extend past the spring of 2020.
- ▶ In addition, the Kentucky Board of Education waived the application deadline requirement, allowing all 172 districts to participate in NTI with an approved application.
- ▶ During the COVID-19 closure, 6,240 NTI days were used to provide instruction to students.





# COVID-19 and School Year 2019-2020 – NTI Participation

- ▶ During the COVID-19 emergency in the spring of 2020, districts collected and submitted weekly district-level participation information to KDE based on participation information submitted by teachers at the local level.
- ▶ Participation rates were above 90% for the spring 2020 closure.





# COVID-19 and School Year 2020-2021 NTI

- ▶ For the 2020-2021 school year ALL Kentucky public school districts have been approved for the NTI program.
- ▶ It is also worth noting that in their 2020-2021 applications, many districts shifted their primary NTI delivery approach from paper-based to a digital delivery.
- ▶ Many districts are using federal funds from the CARES Act to provide more devices and hot spots to students who need access.



# COVID-19 and School Year 2020-2021 Participation

- ▶ Participation will be used as the measure for ALL students during the 2020-2021 school year, not just for NTI.
- ▶ Students who are in-person will have their physical presence count as their participation.
- ▶ Students who are in NTI situations, whether part-time or full-time, will have participation recorded by teachers using a variety of types of interactions, included, but not limited to:
  - One-on-one video chats or phone calls between teacher and student (or teacher and parent with smaller children or students with special needs).
  - Group chats between teacher and whole class or groups of students within a class.
  - Student time spent on learning management system (e.g. Google Classroom) completing assignments.
  - Submission of instructional packets for paper-based students.



# Questions or Comments



**Kevin C. Brown**

Interim Commissioner of Education  
Office of the Commissioner  
(502) 564-3141

