

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 3rd Meeting of the 2024 Interim

August 20, 2024

Call to Order and Roll Call

The third meeting of the Interim Joint Committee on Education was held on August 20, 2024, at 11:00 AM in Room 154 of the Capitol Annex. Representative James Tipton, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West Co-Chair; Representative James Tipton Co-Chair; Senators Danny Carroll, Shelley Funke Frommeyer, David P. Givens, Stephen Meredith, Lindsey Tichenor, Gex Williams, Mike Wilson, and Max Wise; Representatives Shane Baker, Tina Bojanowski, George Brown Jr., Emily Callaway, Josh Calloway, Jennifer Decker, Steven Doan, Kevin Jackson, Scott Lewis, Candy Massaroni, Bobby McCool, Marianne Proctor, Felicia Rabourn, Steve Rawlings, Josie Raymond, Steve Riley, Killian Timoney, Timmy Truett, and Lisa Willner.

Guests: Dr. Robbie Fletcher, Commissioner, Kentucky Department of Education; Representative Matt Lockett; Demetrus Liggins, Superintendent, Fayette County Public Schools; Todd Allen, General Counsel, Kentucky Department of Education; Eddie Campbell, President, Kentucky Education Association; Amanda Butler, Chief Academic Officer, Spencer County School District; Patricia Kennedy, 8th Grade Teacher, Spencer County Middle School; Eunice Montfort, citizen; Travis Powell, General Counsel, Council on Postsecondary Education.

LRC Staff: Yvette Perry, Lauren Busch, Joshua Collins, Emily Wiley, and Maurya Allen.

Moment of Silence and Recognitions

Chair Tipton led a moment of silence in memory of the tragic loss of a 4th grade student who collapsed and died at school last week. Representative Bojanowski congratulated Jefferson County Public Schools for a strong start to school, especially in addressing transportation challenges. Representative Timoney recognized Kentuckians who excelled at the 2024 Olympic Summer Games.

New Commissioner Introduction and Priorities

Dr. Robbie Fletcher, Commissioner, Kentucky Department of Education shared about himself and introduced his priorities as the new commissioner of the KDE. He presented on the Kentucky United We Learn (KUWL) Council as they reimagine the assessment and accountability system to create one that is meaningful and useful for all learners. He spoke to how he looks forward to building relationships with stakeholders across the state and legislators.

In response to a question from Representative Rawlings, Dr. Fletcher said it may appear that there has been a distraction from fundamentals of reading and mathematics, but the legislature has recently passed legislation, followed by an investment from KDE, to address specifically literacy and numeracy. However, if the students' emotional needs are not being met, they cannot achieve success.

In response to a question from Senator Williams, Dr. Fletcher said the KUWL Council is waiting to get input from stakeholders to create the model for assessment and accountability that focuses on growth.

Responding to a question from Representative Massaroni, Dr. Fletcher said there are parent representatives on the KUWL Council and local districts are encouraged to include parent input in addressing the questions submitted to districts and in creating local assessment and accountability models. When the KUWL Council reaches a final model, they will reach out for parent feedback before final implementation.

In response to a question from Representative Callaway, Dr. Fletcher said there will be less testing time in a proposed through-course model, giving more time to teachers in the classroom for direct instruction.

Responding to a question from Representative Jackson, Dr. Fletcher said that it is not fair to penalize a child who comes in with limited English and be tested at grade level, when they need customized assessments that meet them where they are and allow for growth.

Approval of Minutes

Senator Funke Frommeyer made a motion, seconded by Representative Truett, to approve the minutes. The motion passed by voice vote.

Public School Restrooms

Representative Matt Lockett gave a presentation on his proposed legislation, Bill Request 23 for the 2025 Regular Session, addressing public school restrooms. He began

work on this bill when he learned that there were proposals to include experimental gender-neutral bathrooms, with shared sinks and mirrors, in new school construction in his district. He said the third most likely location for a behavior event to take place is in a school restroom, especially for students in grades 6-9. He testified that the design would put all students at risk and result in the removal of gender from schools. Representative Lockett testified that he believed that the proposal was an attempt to circumvent the legislature's intent to ensure that schools not allow students to use the restroom assigned for the opposite gender than what was assigned at birth.

Dr. Demetrus Liggins, Superintendent, Fayette County Public Schools, and Abby Piper, attorney, Piper Smith, were present to speak about Fayette County Public Schools and new bathroom construction. Dr. Liggins focused on the recent implementation of additional nickel taxes in the district dedicated to funding construction of new school buildings and additional security measures for all school facilities in the district. Living Lab Teams were created, consisting of the prospective students, teachers, and parent populations who will be using the new school buildings, to provide input on the design of the new construction. He spoke to the challenges the district has faced in terms of vandalism, behavior problems, and use of tobacco products in school restrooms which the new design hopes to address. The single-stall restroom layout allows for more supervision while maintaining privacy for individual students.

Eunice Montfort, citizen, spoke about the rise in transgender individuals and how the requirement that students use the restroom that corresponds to their gender assigned at birth seems reasonable.

In response to a question from Representative Massaroni, Dr. Liggins said this was not a reaction to legislation, but a recognition that when students are supervised the number of behavioral incidents declines.

Responding to a question from Representative Calloway, Dr. Liggins said he was not aware that there was a non-binary gender ideology included in the Fayette County facility plan. Ms. Piper said the language was intended to be compliant with statute.

Representative Bojanowski spoke as a current elementary school teacher who knows that the students are not supervised in the bathrooms because the teacher is not in the room with the stalls. As an educator she applauds the design, because teachers can provide necessary supervision.

In response to a statement from Senator Williams, Dr. Liggins said they are investing in vape detection in the bathrooms. He will submit more information regarding the plan to the members to address other specific questions.

Responding to a question from Senator Tichenor, Dr. Liggins said they are all toilets, not urinals. Senator Tichenor added that she did not believe that the stalls were private and that they presented a cleanliness issue.

In response to a question from Representative Baker, Dr. Liggins said they do not teach any curriculum pertaining to gender ideology.

In response to a question from Representative Timoney, Representative Lockett said he is open to changing the language in his bill draft to address any concerns. Rep. Lockett said the outrage is not fabricated; parents did not know about this issue until it was under construction, but when they learned about it, they brought it to his attention.

Chair Tipton said that public charter schools must abide by the same rules for health and safety as public schools. Dr. Liggins said that there would be separate locations for male and female restrooms. Parents are bringing him concerns about restrooms, as are teachers, and the priority in this new construction was to make everyone feel safe.

Title IX

Todd Allen, General Counsel, Kentucky Department of Education, presented an update on the 2024 Title IX administrative regulations promulgated by the US Department of Education. Title IX prohibits discrimination on the basis of sex, as well as preventing harassment on the basis of sex. The updated regulations extend protections for individuals who need reasonable accommodations for lactation and pregnancy. There were also changes to reporting requirements for sexual harassment and discrimination. In June, there was an injunction to prevent the updated regulation from going into effect. As of today, this remains in place. KDE has provided updates regarding these regulations and the recent court rulings to districts for their information.

Red Tape Reduction

Eddie Campbell, President, Kentucky Education Association; Amanda Butler, Chief Academic Officer, Spencer County School District; and Patricia Kennedy, 8th Grade Teacher, Spencer County Middle School, shared their perspectives as educators on concerns they have with administrative burdens. Mr. Campbell said there are some issues that the legislature cannot reduce, including federal reporting requirements for special education and local district regulations. He said there are some non-instructional requirements that could be addressed, especially those that impact educator time. He

advocated for protections for teacher planning time, and expressed his appreciation for the legislature taking steps to increase the number of substitute teachers.

Mr. Campbell recommended an audit of required professional development to assess if every training needs to be completed every year. He addressed the application process for teachers, which is burdensome and unwieldy. The statute which requires streamlining the process needs to be funded and implemented. Ms. Kennedy said that in her experience there has been a continuous decline in the amount of time for teachers to do their jobs well. Protection of teacher planning periods has been positively culture changing in her school. Ms. Butler said teachers want to do the work, but there simply is not enough time for them to spend on the foundational skills that students need, especially once they are behind.

In response to a question from Senator West, Ms. Butler said so many of the required reports that she spends time on seem to have little bearing on actually teaching kids. Teachers also assess more than they can teach. Assessments need to be more targeted to foundations and returned timelier to help teachers plan.

Responding to a question from Representative Willner, Mr. Campbell said a single source of all required professional development would be incredibly useful for schools as well as legislators. It would allow for everyone to see the full scope, especially before any changes or additions are made.

Consideration of Referred Administrative Regulations

In response to a question from Representative Decker regarding 13 KAR 2:120 E, Chair Tipton said emergency regulations go into effect as soon as they are filed. Travis Powell, General Counsel, Council on Postsecondary Education, said that the regulation is codifying the existing practice as directed by legislation, prior to the ordinary regulation which is working through the process with the mandated work group. The work group is meeting in September and a new regulation will be filed following the group's recommendations.

Responding to questions from Representative Calloway regarding 13 KAR 2:120 E, Mr. Powell said the meeting schedule for the work group has not been set in full. However, they are public meetings and there are legislative members in the group. He will provide the meeting schedule to the IJCE members when it is available.

In response to a question from Representative Bojanowski regarding 13 KAR 2:130 E, Mr. Powell said the work group changed their definitions for credentials to align with the economic needs of the state and improve clarity.

No action was required on these items and the regulations will go into effect upon adjournment of the meeting.

Adjournment

With no further business to come before the committee, the meeting adjourned at 1:23 p.m. The next meeting of the committee will be September 17, 2024 at 11:00 a.m.