

EDUCATION ASSESSMENT AND ACCOUNTABILITY REVIEW SUBCOMMITTEE

Minutes of the 1st Meeting of the 2019 Interim

June 18, 2019

Call to Order and Roll Call

The Education Assessment and Accountability Review Subcommittee meeting was held on Tuesday, June 18, 2019, at 1:00 p.m., in Room 129 of the Capitol Annex. Representative Brandon Reed, Chair, called the meeting to order and the secretary called the roll.

Present were:

Members: Representative Brandon Reed, Co-Chair; Senators Alice Forgy Kerr and Mike Wilson; Representatives Tina Bojanowski, Regina Huff, and Steve Riley.

LRC Staff: Joshua Collins, Lauren Busch, and Christal White.

Approval of April 15, 2019 Minutes

On a motion by Representative Riley and a second by Representative Huff, the minutes of the April 15, 2019 meeting were approved by voice vote.

Office of Education Accountability Annual Report

David Wickersham, Deputy Director for the Office of Education Accountability (OEA) introduced Dr. Bart Ligouri, Research Division Manager, Bryan Jones, Investigations Division Director, Ryan Brown, Graduate Fellow, Research, and Stephen Pulliam, Accountability Investigator.

Mr. Wickersham gave an overview of OEA's duties. OEA conducts educational research, performs monitoring functions, and conducts investigations on behalf of the General Assembly. Complaints are submitted by mail, email, phone calls to a toll-free hotline, or an online complaint form. Complaints can come from various sources including state agencies, local school board members, superintendents, principals, teachers, classified and certified employees, parents, and citizens. OEA provides a non-adversarial, solution-focused response to constituent complaints rather than focusing on penalties for districts who have difficulties complying with the law.

OEA does not write legislation, make education policy, publish investigative reports, release interviews, investigate crimes, interview students, resolve labor disputes,

or litigate cases. Consistent with the Kentucky Constitution and the Separation of Powers doctrine, OEA has no enforcement or executive authority against a school district.

OEA provides a summary of the general status and nature of the monthly investigative work to the subcommittee, who has authority to request a closed session regarding a specific investigative report.

OEA investigates allegations of waste, duplication, mismanagement, political and illegal activity at the state, regional, or district level. While most complaints are based on individual school districts, others may come from the Kentucky Education Cabinet, another state agency, or the regional level.

Mr. Wickersham outlined the investigations conducted by OEA over the past year. In 2018, in addition to telephone complaints, OEA received 584 written complaints of which 53 cases were opened. Thirty two of those cases were closed and 65 cases are actively pending district investigations. Complaints are divided into two broad categories of Site-Based Decision Making (SBDM) cases and Investigative Cases.

A written complaint is necessary before an investigation is opened and considered. OEA staff evaluates every complaint and determines if an allegation warrants inquiry or investigation only after reviewing and considering several factors. OEA may determine the inquiry should be conducted by a different agency or level. At that time, a referral would be made to superintendents, law enforcement agencies, the Kentucky Department of Education (KDE), or the Educational Professional Standards Board (EPSB). Complaints that fail to violate a state law or policy are declined. A legitimate complaint is assigned to two investigators.

Complainants often request anonymity due to retaliation concerns. While the identity of the complainant is shielded, confidentiality cannot be guaranteed. Frequently, the source of the complaint may be quite obvious due to previous verbal complaints. Under no circumstance does OEA staff release or verify the source of a complaint.

Following an onsite visit and consideration of all relevant information, a preliminary investigative report is sent to the subject of the complaint for an opportunity to review, object to any fact finding, provide additional information, or contest any legal findings. All responses to the preliminary report are considered before the final investigative report is issued. OEA sends the report to the subjects of the inquiry, the complaining party (if known), and the board of education or superintendent. In rare circumstances with substantial law violations, OEA may make a referral to the EPSB, KDE, or the Office of the Attorney General.

All substantiated complaints are specifically detailed and a resolution of corrective measures are 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.

Mr. Wickersham said although OEA provides a suggested research agenda topic list, members of the subcommittee make the final decision. In 2018, the subcommittee approved several reports: 2017 District Data Profiles; Homeschooling in Kentucky; Textbooks and Instructional Materials; and State and Local Funds Distributed to Higher Poverty Schools.

The 2017 District Data Profile Report, presented in 2018, is a comprehensive overview of 173 school districts from 2014-2017. The report conveyed longitudinal data about district demographics, finances, staffing, and school performance.

In September 2018, the subcommittee accepted the OEA Report on Homeschooling in Kentucky Study. This study noted the absence of regulation in the state. The report explained that the law is vague in that KDE is permitted but not required to clarify homeschool requirements or take a role in inspecting attendance and scholarship reports. OEA discussed the “1997 Best Practices Documents,” which gave guidance to Directors of Pupil Personnel and other interested parties about how the law worked; however, many are unaware or confused about the document’s authority. OEA also identified hurdles the Cabinet for Health and Family Services and local courts have faced in making determinations about educational neglect due to the lack of guidance in decision making.

In October 2018, the subcommittee accepted the “Report on Textbooks and Instructional Materials.” The State Textbook Commission, established in KRS 156.405, has a specific annual meeting schedule; however, the commission last met in June, 2015. In terms of influence and impact on public education, OEA reported an increase in technology devices, a reduction in device to student ratios, and updated operating systems statewide from 2014-2017. While data showed districts acquired the technology and tools needed to carry out educational goals, OEA was unable to determine the effects on student learning and outcomes.

In November 2018, the committee heard and accepted the study of State and Local Funds Distributed to Higher Poverty Schools. Kentucky uses the weighted student formula (WSF) to fund local school districts by granting additional funds, or “add-ons,” for certain student factors such as limited English proficiency (LEP) or special education. OEA said the WSF applies only at the district level, but not at the school level. A district may receive additional funds for specific students but may not pass those funds on to the student’s schools. OEA suggested this area may be a topic for the subcommittee and the General Assembly to consider more broadly.

As approved in the 2019 Research Agenda, Mr. Wickersham indicated that OEA is studying and reporting on career and technical education revenue and expenditures, career and technical education enrollment and subsequent employment by sector, and teacher shortages and supports for new teachers.

Additionally, during the 2019 Regular Session, SB 1 directed OEA to study the actual usage of guidance counselors' time spent in schools. The report will be presented to the Interim Joint Committee on Education (IJCE) no later than December 1, 2019.

Mr. Wickersham reported that in the 2016 Research Agenda, the subcommittee directed OEA to make a study of Kentucky's preschool program and full-day kindergarten. OEA has received a National Legislative Program Evaluation Society Award from the National Conference of State Legislators for that work.

Senator Wilson reported that in response to a question he had at a recent IJCE meeting concerning home schooling, an OEA staff member had clarified that districts may have co-enrollment if approved by the board.

Responding to a question by Representative Reed, Mr. Wickersham said the investigative totals reported were from the previous year. OEA makes every effort to complete the investigation and issue a final investigative report within a six-month timeline; however, issues often prevent that goal from being achieved and carryovers from previous years are common.

On a motion by Representative Riley and a second by Representative Huff, the annual report was accepted by voice vote.

OEA Report: 2018 District Data Profiles

Dr. Bart Ligouri introduced Albert Alexander, who presented the OEA 2018 Kentucky District Data Profiles, approved by this subcommittee as part of the 2019 Research Agenda. The publication received a Notable Documents Award in 2012 from the National Conference of State Legislators.

Mr. Alexander said profiles are a one-stop source of comprehensive district-level education data and an encyclopedia on the current state of districts in Kentucky. The profiles provide easy access to commonly used education data and is intended as a quick, reliable reference for comparative purposes for each district to the state as a whole and to other districts with similar characteristics. The profiles are a compilation of data from KDE and the Kentucky Center for Statistics. The primary data sources are school report cards; Infinite Campus; and MUNIS, the payroll and financial system used by school districts.

District Data Profiles contain a data dictionary for definitions and sources, 173 district profiles, a state profile, and tables on selected measures comparing districts and rankings. Each profile contains an overview of staffing information, student characteristics,

graduation and other attainment data, discipline data, and financial and student performance data.

The overview section of each profile shows the number of students in terms of membership, adjusted average daily attendance (ADA) and the number of A1 schools in the district. A1 schools are the number of schools under administrative control of a principal and are eligible to establish a SBDM Council. An A1 school is not a program operated by or as part of another school.

Mr. Alexander said the demographic profile provides demographics and membership by grade level for the current year and three prior years. This category includes students with free and reduced price lunch eligibility, LEP, exceptional children, and race/ethnicity. Other information provided includes graduation, retention, dropout rates, and disciplinary counts.

The staffing section includes the numbers of classified and certified personnel; pupil/teacher ratio; salary and benefits as a percentage of the General Fund expenditures; and teacher pay, rank, experience, and turnover. The state and district salary schedule by rank and years of experience is presented on a chart. The state profile displays averages of all district schedules while the district schedule shows contract teaching days, the number of base days a board of education has adopted to pay certified staff each year. The number of contract days for districts ranges from 185 to 188 days, but the majority of districts are at the 185-day level.

Student performance includes advanced placement, ACT 11th grade score, kindergarten readiness, dual credit, and selected components of the 2018 accountability system. Dual credit, allowing students to earn high school and college credits for the same course simultaneously, has been captured for three years. The second component includes levels of proficient and distinguished math and reading, gap, growth, transition, and the number of schools targeted for intervention within each level.

The state finance profile shows the number of districts by tax type, current per pupil expenditures, per pupil revenues by source and average SEEK distribution. The average per pupil property assessment statewide is \$414,351 and represents the value of local taxable property divided by the ADA. Taxable property is the largest source of local revenue. District per pupil property assessments experience a wide range from a high of \$1.3 Million to a low of just above \$100K. Each district profile shows dollars amounts or rates for the same district level data.

Also included are state and district current expenditure reports, which include the end of year fund balance as well as expenditures by function as a percentage of all expenditures. Fifty-nine percent of state current expenditures were spent on instruction.

Dr. Ligouri gave a detailed overview and instructions for using the interactive online components of the profiles found at bit.ly/oea-ddp2018. The visualizations serve as a supplement to the full report.

The three separate visualizations are Data From the 2017-2018 School Years, Heat Maps of Selected Variables, and 10-Year Trend Data. Each visualization is divided into five tabs including demographic profile, staffing data, finance, performance, and accountability. The visualizations allow viewing of the most recent available data and can be accessed by navigating to different parts of the report using the tabs at the top. The profiles can be manipulated by selecting the district, and the data can be sorted by clicking on the header titles. The data dictionary can be found in the full report.

On a motion by Senator Wilson and a second by Senator Kerr, the 2018 District Data Profiles report was accepted.

Adjournment

The next meeting is scheduled for September. Members will be notified if change is needed.

There being no further business, the meeting was adjourned at 2:00 p.m.