

EDUCATION ASSESSMENT AND ACCOUNTABILITY REVIEW SUBCOMMITTEE

Minutes of November 15, 2021 Meeting

Call to Order and Roll Call

A meeting of the Education Assessment and Accountability Review Subcommittee was held on Monday, November 15, 2021, at 3:00 PM, in Room 129 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Brandon Reed, Co-Chair; Senators Gerald A. Neal and Mike Wilson; Representatives Tina Bojanowski and Steve Riley.

LRC Staff: Lauren Busch and Christal White.

On a motion by Representative Reed and a second by Senator Wise, the minutes of the October 5, 2021 meeting were approved by voice vote.

Presentation from Snow-Bound Pilot to Statewide Implementation: Lessons Learned from Kentucky's Nontraditional (Remote) Instruction Program. 2012-2021

Dr. Bart Liguori, Dr. Deborah Nelson, and Chris Riley of the Office of Education Accountability (OEA) were present to discuss the OEA report on Kentucky's Non-Traditional Instruction (NTI) program. The report compares the NTI program as it was originally implemented (PRE-COVID NTI) to the program as modified during the COVID-19 pandemic (COVID-19 era NTI).

Dr. Deborah Nelson began the presentation by stating that NTI began as an innovative program that was effective in achieving key program goals with no apparent impact on student achievement. Dr. Nelson noted that prior to the COVID-19 pandemic, the NTI program was limited to up to 10 days per year. However, during the COVID-19 pandemic the NTI program was temporarily expanded to permit unlimited remote learning. The extended remote learning permitted during this time was associated with negative academic outcomes in 2021. Dr. Nelson cautioned that the effects of remote learning, versus other factors impacting students during the COVID -19 pandemic, are unclear.

Dr. Nelson briefly outlined the history of the NTI program. The General Assembly created the NTI program in 2011. Several districts entered the program during subsequent years due to frequent weather interruptions. Eventually, the General Assembly extended program eligibility to all districts. In 2018 the General Assembly added oversight and reporting requirements for NTI instruction. In 2020, due to the COVID-19 pandemic, all

districts were permitted to enter the NTI program with an unlimited extension. However, in 2021 the 10-day limit that existed prior to the COVID-19 pandemic was reinstated.

Dr. Nelson stated that it is the recommendation of OEA that the General Assembly consider amending KRS 158.070 (9) to allow for continuation of learning for students in individual schools or other units that are closed for in-person instruction because of health or safety reasons on days when it is not necessary to close the entire district. Statute requires that NTI be provided only when the entire district is closed for health or safety reasons. COVID-era NTI allowed closure in individual schools versus district closures. This flexibility offers potential advantages in the future, as districts lack the authority to require remote learning when individual schools are closed. For that reason, OEA recommends the General Assembly consider permitting NTI for individual schools when other schools within the district remain open.

Dr. Nelson presented that Illinois, Indiana, Ohio, and West Virginia used NTI-like programs prior to the COVID-19 pandemic. As in Kentucky, those states required state approval of district plans. With the exception of Indiana, Kentucky allowed a greater number of NTI days than surrounding states. However, Kentucky was the only state that requires additional oversight beyond approval of plans. In Kentucky, districts must submit documentation for each NTI day as it is taken. This documentation includes district-level teacher and student participation data. KDE approves each day one at a time. Additional documentation must be collected and may be required for review during district audits.

Chris Riley continued the presentation with a section that discussed weather closures for the 2011 to 2019 school years. This portion of the report compared NTI districts to districts that did not participate in the NTI program as of 2019. The report included a map that provides perspectives on weather closures by district. Twenty-three Eastern Kentucky districts had the highest average weather closures during that time period, with an average of 13 to 20 weather closures per school year. While NTI districts

are in all regions of the state, some high-weather districts had not yet joined the NTI program as of 2019, when some lower weather districts entered the program. NTI districts used a mixture of weather and NTI days each year to meet annual instructional hour requirements. On average, NTI districts used 5.4 of the 10 NTI days permitted per year between 2011 and 2019.

Chris Riley summarized the impact of the COVID-19 pandemic on districts' participation in the NTI program. When all districts required closure and entered the NTI program, hybrid days allowed some students to continue in-person learning while other students learned remotely. The percent of instructional days for each district were reported and individual students learned remotely at both lower and higher rates. An average of 68 percent of instructional days were remote and remote instruction rates ranged broadly from a low of 10 percent to a high of 93 percent. Districts with higher remote rates included many rural districts in addition to Jefferson County. The average percentage of students living in poverty was greater in urban versus remote districts.

Mr. Riley shifted the presentation to a discussion on attendance and student participation. Student participation data for NTI days is substituted for normal attendance. Student participation is measured by performance-based metrics, such as student work or software log in. The participation rate for the 2021 school year was 93 percent compared with an attendance rate of 94 for the 2019 school year. The chronic absenteeism rate was 19 percent in the 2019 school year for all students and increased slightly to 22 percent for the 2021 school year. However, chronic absenteeism rates nearly doubled from 2019 to 2021 for black, Hispanic, and Limited English Proficiency (LEP) students. The highest poverty schools also experienced disproportionate impacts on student achievement in 2021 because student-level participation data revealed important patterns not evident in aggregate data. Each district uses its own method and software to record and report student

participation data. OEA recommends standardizing the method of measuring student participation so that districts can be accurately compared.

Dr. Nelson continued the report by summarizing technological advances since the NTI program was implemented. NTI days, initially based primarily on paper packets, became predominantly digital in middle and high schools in 2020. Most elementary schools continued using paper packets. Many districts acquired learning management systems by 2020, web-based systems linking teachers and students with their assignments. The systems have become increasingly sophisticated in capturing and storing data on student work and engagement.

Dr. Nelson stated that students' lack of access to home internet remained a challenge. Eighty four percent of students statewide had strong internet access, an increase from the beginning of the NTI program; seven districts reported 90 to 96 percent of students had access; 12 districts reported 60 or fewer students without home internet access, and the majority of districts had at least 10 percent of students that lacked internet access. On average, internet and device access was lower in high poverty districts. During the COVID-19 crisis, districts received an unprecedented influx of federal funds to assist families with internet connection and mobile devices.

Dr. Nelson presented that KDE data indicates 98 percent of students had access at an internet location outside the school campus in 2021 but data on student home access was not collected during the same year. KDE began requiring systematic data collection this school year. OEA recommends that the department continue to require systematic data collection related to technology.

Dr. Nelson stated that the increase in student home access in the 2021 school year led to expansions and remote instructional options, especially synchronous instruction. Synchronous instruction was rare in NTI prior to the pandemic. However, in the 2021 school year, 94 percent of elementary students, 88 percent of middle school students, and 75 percent of high school students reported some amount of synchronous instruction. However, the amount of synchronous instruction offered varied greatly across the state. OEA recommended that KDE establish minimum recommendations for the amount of synchronous instruction that should be offered to students on NTI days.

Dr. Nelson stated that OEA recommends that KDE consider the requirement of an established guideline for minimum instructional hour equivalents for remote participation criteria, require daily verification of participation by certified school staff, and conduct annual participation data reviews in select districts. Future OEA considerations for KDE's oversight and district reporting requirement include: (1) a closer review of participation data which offers greater insights than the current process of reviewing aggregate district data for each NTI day; (2) quality of data that can't be evaluated in aggregate; and (3) take steps to address participation data issues by considering whether districts daily NTI-day documentation, submission, and KDE approval of individuals NTI is necessary. Dr. Nelson also stated that the General Assembly may consider amending KRS 158.070(9) to establish a standard number of instructional hours that can be granted for each NTI student attendance day.

Dr. Nelson shifted the presentation to academic outcomes. OEA staff analyzed 2018 reading and mathematics scores of students in NTI and non-NTI districts. This review accounted for prior performance, total numbers of weather days and NTI days, years in NTI participation, and a variety of student demographic characteristics. While the quality of PRE-COVID NTI days likely varied, overall, OEA found no significant and substantial

effects of NTI days on student performance. However, higher remote learning days were associated with drops in student performance during the 2021 school year.

Dr. Nelson stated that the overall conclusion is pre-COVID NTI achieved key program goals with no evidence of negative effects on student achievement. COVID-era NTI may offer important lessons on paying closer attention to participation data and sustaining availability of synchronous instruction.

On a question from Senator Wise, Dr. Nelson said rural areas face significant challenges of internet availability but also underprivileged students in urban areas often cannot afford the cost of connectivity. She said funds provided by the federal government during the pandemic to address this issue may be unavailable in the future.

Responding to Senator Wise's point, Representative Bojanowski said families with multiple children shared a single device, preventing simultaneous access to learning. As a teacher, she said staff was directed to count attendance based on a student turning in a document, logging into a google meet, or being responsive to texts. While in-person learning is crucial, she said clarification for student attendance calculations must be addressed should the need arise due for school closure due to pandemic reasons.

On a motion by Representative Reed and a second by Senator Wilson, the OEA report was accepted by voice vote.

Office of Education Accountability 2022 Research Agenda

Pursuant to KRS 7.410, the Education Assessment and Accountability Review Subcommittee (EAARS) adopts an annual research agenda for the Office of Education Accountability (OEA). The annual agenda may include studies, research, and investigations considered to be significant by the EAARS. In addition to the two studies

below, OEA shall also prepare the annual District Data Profiles, a one-stop source of comprehensive district-level education data, including comparative data for all districts.

2022 Approved Study Topics

Review of School Funding Adequacy Studies

This study will review the most recent studies measuring the cost of an adequate public education in Kentucky and similar states. It will focus on the methods used in those studies, the outcomes of those studies, and the costs associated with educating special student populations.

In addition to the study, OEA will produce a memorandum detailing which states use membership in their school funding calculations, the manner in which membership is determined, and the estimated costs of using membership in the SEEK calculation instead of average adjusted daily attendance. This memorandum will be submitted in writing to the EAARS by February 1, 2022.

Credit Recovery

This study will examine the use of credit recovery in Kentucky schools and districts and the extent to which credit recovery is used at the state, regional, and district level. This study will include an examination of the types of credit recovery methods used, the impact of credit recovery on graduation rates, and which students are most impacted by credit recovery.

On a motion by Representative Reed and a second by Representative Bojanowski, the OEA Study Agenda was adopted by voice vote.

There being no further business on today's agenda, the meeting was adjourned at 10:50 a.m.

