

EDUCATION ASSESSMENT AND ACCOUNTABILITY REVIEW SUBCOMMITTEE

Minutes

July 18, 2023

Call to Order and Roll Call

The July meeting of the Education Assessment and Accountability Review Subcommittee was held on July 18, 2023, at 8:00 a.m. in Room 131 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Scott Lewis, Co-Chair; Senator Stephen West, Co-Chair; Senator Matthew Deneen, Representative Kim Banta, Representative Tina Bojanowski, Representative Steve Riley.

Guests: Marcia Seiler, Deputy Director, Office of Education Accountability; Bryan Jones, Investigations Division Director; Dr. Bart Liguori, Research Division Manager; and Todd Allen, General Counsel, Kentucky Department of Education.

LRC Staff: Jo Carole Ellis, Lauren Busch, Joshua Collins, Yvette Perry, and Maurya Allen.

Approval of March 29, 2023, Minutes

Representative Banta made a motion, seconded by Senator Deneen to approve the minutes of the March 29, 2023, meeting. The motion passed by voice vote.

Office of Education Accountability Annual Report

Marcia Seiler, Deputy Director, Office of Education Accountability (OEA); Bryan Jones, Investigations Division Director, OEA; and Dr. Bart Liguori, Research Division Director, OEA, were in attendance to present the OEA Annual Report. Mr. Jones said the OEA has investigative authority for education related concerns in Kentucky. There are five full-time investigators on staff and investigate complaints ranging from local school board member eligibility, teacher certification, nepotism in hiring, and school governance. OEA does not investigate a complaint without a written report, however, these may be reported by anonymous sources. OEA does not interview students, but they do interview staff and personnel who may have knowledge in a case. Following a preliminary report, the appropriate parties have an opportunity to review and dispute findings before the final report is made. The primary remedies are recommendations for policy and training improvements, not punitive action, however some cases may be referred to outside agencies for further investigation or legal action.

To date this year, the division has received approximately 390 written complaints, a significant rise in the number of complaints for the department from previous years. If trends continue the agency will receive an all-time high of over 800 complaints. It should be noted, that not all complaints result in an investigation. Discrimination and special education complaints are frequently referred to the US Department of Education or Kentucky Department of Education (KDE) as appropriate. Criminal activity is referred to law enforcement, as are complaints that

allege student abuse or neglect. Most of the complaints concern school governance such as issues with elections for site-based decision making (SBDM) councils and school board eligibility concerns. There are also investigations into financial mismanagement and these frequently require additional training requirements as a corrective action.

Dr. Liguori briefly described the structure of the research division and highlighted recent reports, which have received National Conference of State Legislatures (NCSL) notable document and certificate of impact awards. The reports published last year included the Kentucky District Data Profiles School Year 2020-2021, A Review of School Funding and Adequacy, and Credit Recovery in Kentucky: Advantages and Drawbacks. There are three reports slated for 2023, the annual District Data Profiles, a study of classified and certified staffing shortages, and a review of effectiveness and efficiency of school districts on students' postsecondary outcomes.

In response to a question from Representative Lewis, Mr. Jones said he does not know what has caused the rise in complaints apart from a general heightened awareness of school governance following the pandemic. There appear to be more complaints regarding special education and bullying, which are referred to specialists at KDE and unfortunately need to be addressed at a local level. Ms. Seiler said if a district is experiencing a significant distressing event, that will result in a flood of complaints about that specific district. Currently there are a few districts experiencing such events.

Responding to questions from Chair West, Mr. Jones said there have also been increased complaints regarding certification and concerns that someone is not appropriately following an alternative certification pathway. It is possible that more individuals are becoming aware of the OEA and that word-of-mouth referral process is resulting in more complaints, especially in terms of the complaint application process being shared on social media or in local news media.

Chair West requested that when reports from OEA are finalized, if bound copies could be provided to members for their reference, in addition to being published online.

In response to a question from Chair West, Dr. Liguori said the division has just completed data acquisition regarding staffing shortages and has begun analyzing it, so no insights are available at this time. The full report is on track to be presented at the October meeting.

Chair West made a motion to accept the annual report as presented. Representative Banta seconded the motion and it passed by voice vote.

Office of Education Accountability District Data Profiles

Dr. Bart Liguori presented the District Data Profiles School Year 2021-2022. This is the 16th year of the report, but some metrics have changed during this time and caution should be taken when comparing the current report to previous reports.

The print version of the district data profiles includes a data dictionary, the 171 district profiles, a state profile, interstate comparisons, and appendices on selected measures. Each profile has two pages, the first has demographic data and the second has financial and student performance data.

New this year, the comparisons section displays 1-, 5-, and 10-year data for trend analysis as opposed to simply the last three years' worth of data. Full year-to-year comparisons can be made using the online version of the report.

The demographic profile includes free/reduced price lunch status (as a proxy for low-income status), limited English proficiency, exceptional children, race/ethnicity, and new this year students in foster care. There is also a new breakout section on exceptional children, which notes the number of students receiving speech service, and those classified as moderate and severe. These metrics are used in SEEK formula calculations and are therefore valuable for making comparisons between districts in terms of funding. The section on attainment and discipline includes a section on bullying/harassment and the number of students transferring into/out of districts. This has been significantly impacted by 2021 House Bill 563 that allows free movement of students between districts, without the previously required agreements between districts, and for SEEK money to follow the student.

State and district salary schedules and full-time equivalent (FTE) administrators are provided in the staffing section, as are pupil/teacher ratio and pupil/counselor ratio, an important metric for gauging compliance with the requirements of 2019 Senate Bill 1. The online version shows all the yearly data as well as interactive graphs that allow comparison of districts to one another as well as to the state. SEEK analysis was displayed differently this year for ease of reading and levied school facility nickel taxes have been moved to an appendix at the back of the report. This is also the first year that career and technical education achievement has been included in the report. Accountability system information has been included and will include both status and change scores, in keeping with recent legislative changes to the reporting requirements for district accountability data. The online, interactive portion of the report includes all the data found in the written report, but allows for greater number of visualizations including statewide heat map illustrations of various data metrics.

Dr. Liguori gave a brief demonstration of the online portion of the report and informed the committee where the online report can be found on the LRC webpage. The layout of the online portion has been significantly changed from past years to make it more user friendly. One of the new features which is very valuable for legislators is the ability to compare Kentucky to nearby states as well as to the national data and state rankings.

In response to a question from Representative Bojanowski, Sabrina Cummins, Research Analyst, OEA, said that the data regarding FTE administrators is based on what the district codes and reports to NCES, and some districts are not coding appropriately or provide inaccurate data. Ms. Cummins said she would look more closely into the data for Jefferson County Public Schools (JCPS) and provide those handouts to the members.

Responding to a question from Chair West, Dr. Liguori illustrated where all the data is located on the LRC webpage. Both the printed version and the interactive version can be accessed from the LRC webpage. OEA staff also assured the members that if they ever needed additional copies or assistance accessing the information, they are free to reach out to staff.

In response to a question from Senator Deneen, Dr. Liguori said that KDE sets the standard for how data is reported and helps districts get the correct information reported. During the process of gathering data for the report, OEA staff sometimes notices outliers or possible discrepancies and can make recommendations to KDE for follow-up to get the data corrected.

Representative Bojanowski stated she did not intend to accuse anyone of purposefully obfuscating data, but hopefully this can lead to clarification.

Representative Lewis said this information is very important and is useful for members to address the myriad of questions they receive regarding school districts. It is also critically important as a foundation for any legislation that may address issues in schools.

Chair West said he intends to have the OEA present to the Interim Joint Committee on Education, regarding the data in the District Data Profiles report as well as the other services available from OEA to the General Assembly.

Representative Banta made a motion to accept the report, seconded by Representative Riley. The motion passed by voice vote.

Review of Administrative Regulation

Todd Allen, General Counsel, KDE; Rhonda Sims, Associate Commissioner, Office of Assessment and Accountability, KDE; and Regan Satterwhite, Policy Advisor, Office of Career and Technical Education, KDE, were present to respond to questions from the committee regarding changes to 703 KAR 005:270 – Kentucky’s Accountability System. The proposed regulation incorporates required changes from 2022 Senate Bill 59 and 2023 Senate Bill 25. These incorporate work-based learning programs into the accountability system so schools receive credit for student completion of those programs.

In response to a question from Chair West, Mr. Allen said that this regulation does not go through the Administrative Regulations Review Subcommittee, but instead is reviewed solely by the Education Assessment and Accountability Review Subcommittee.

No action was required on this item.

Other Business: Discussion of OEA Study Topic for 2024

Chair West presented a proposed research topic for 2024 to the committee for consideration. Typically, the committee would present their requested research topics in October or November and all topics would be voted on as a slate. The Senate has chosen to propose this topic early to give additional research time for OEA staff. The topic is a review of current school district governance models across the nation, considering range of district configurations, district size and setting, school choice opportunities, and population characteristics. The study will also review state intervention models and results.

With no further questions about the proposal, Chair West made a motion to add the topic to the 2024 research agenda. Representative Banta seconded the motion and it passed by voice vote.

Chair West gave an overview of the schedule for the committee for the remainder of the interim. As mentioned earlier, the staffing shortages report will be presented in October and in November OEA will present the report on effectiveness and efficiency of schools on postsecondary outcomes. Also, during the November meeting, the committee will consider and approve any additional research agenda items for 2024.

Adjournment

With no further business to come before the committee, the meeting adjourned at 9:10 a.m.