

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 1st Meeting of the 2019 Interim

June 5, 2019

Call to Order and Roll Call

The 1st meeting of the Interim Joint Committee on Education was held on Wednesday, June 5, 2019, at 1:00 p.m., in Room 149 of the Capitol Annex. Representative Regina Huff, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Regina Huff, Co-Chair; Senators David P. Givens, Stephen Meredith, Gerald Neal, Dan "Malano" Seum, Reginald Thomas, Johnny Ray Turner, Stephen West, and Mike Wilson; Representatives John Bam Carney, Jeffery Donohue, Jim Glenn, Mark Hart, Scott Lewis, Mary Lou Marzian, C. Ed Massey, Bobby McCool, Reginald Meeks, Kimberly Poore Moser, Melinda Gibbons Prunty, Steve Riley, Attica Scott, John Sims Jr, James Tipton, Russell Webber, and Lisa Willner.

Guests: Donnie Wilkerson, social studies teacher; A.C. Donahue, Christian Home Educators of Kentucky; Richard Innes, Bluegrass Institute; and Melissa Banks, Department for Community Based Services.

LRC Staff: Lauren Busch, Joshua Collins, and Maurya Allen.

Chair Huff welcomed everyone to the first Interim Joint Committee on Education meeting of the 2019 Interim and introduced her co-chair, Senator Wise. Representative Marzian welcomed retired school teachers who were attending the meeting and thanked them for their work.

Approval of Minutes

Representative Marzian made a motion to approve the minutes as written, which was seconded by Representative Glenn. The motion passed by voice vote.

Early Childhood Education

Linda Hampton, Executive Director, Governor's Office of Early Childhood, and Erin Mitchell, Communications Director, Governor's Office of Early Childhood gave an overview of early childhood education in Kentucky.

Ms. Hampton said there are 21,276 children enrolled in public preschool programs and 25,660 children in child care. These numbers include children in head start programs. The Early Childhood Advisory Council (ECAC) is required by statute but it has been many years since the program had an active strategic plan. In the last two years, ECAC has been developing a strategic plan for early childhood education in the Commonwealth. At the last meeting of the 15 member council, a new strategic plan was debuted and encompasses the entire early childhood education program which includes public preschool, head start, early head start, and licensed childcare centers. The plan also includes a revised vision statement and mission statement. The most critical piece of the mission statement is the word “comprehensive.” All of the supports for children, families, instructors, and everyone who works with them are included in this. There will be an increased focus on care for children in the prenatal stage (care for the mother) and very early childhood care.

Goals for ECAC in the upcoming year, based on the new strategic plan, include comprehensive early care and education through strategic messaging, strengthening the early care and education workforce by providing a career pathway for advancement and professional learning, increasing coordination, program quality, and service delivery by fostering collaboration between agencies and stakeholders, promoting a comprehensive framework to effectively partner with families, informing funding and resource allocations, policy recommendations, and programming by consistently applying data driven systems and processes, and securing new, diverse funding while utilizing existing resources more effectively.

Kentucky received an Every Student Succeeds Act (ESSA) Preschool Development Grant providing \$10.62 million to strengthen early childhood system alignment, coordination, efficiency, and develop best practices that will benefit the health and development of young children in Kentucky. This is a one-year grant operating from January 1, 2019 to December 31, 2019. There is an opportunity for three additional years of renewal funding through a competitive application, a process which begins in August. Several agencies, including the Kentucky Department of Education, Cabinet for Health and Family Services, Education and Workforce Development Cabinet, Kentucky Head Start Association, Community Early Childhood Councils, and the Kentucky Center for Statistics are working with the Governor’s Office of Early Childhood and ECAC to determine the best allocation of these funds. Because of its unique situation, Kentucky should be poised to make a strong application for renewal.

Ms. Hampton pointed out that the most highly vulnerable early childhood populations are the rural populations, but there are significant differences in the needs of rural children in western Kentucky versus eastern Kentucky. There are childcare deserts in the state, meaning there are families with no reliable childcare or early childhood education opportunities. One of the priority uses of the grant funding will be developing a model for starting in-home child care in order to educate willing individuals who want to start childcare centers in their own homes. This would be a way to not only address childcare

needs in struggling regions of the state, but also provide economic security for individuals who may not have other employment opportunities.

Early childhood councils across the state are a vital partner of the ECAC and are comprised of teachers, librarians, city council members, and other who are building systems to improve school readiness. Meetings of these councils with stakeholders, called School Readiness Summits, will continue, funded by tobacco settlement dollars and other grant funds. These summits are led by local superintendents and foster collaboration among schools, local head start directors, and local childcare directors. These summits have been critical ways for stakeholders to understand each other's roles and plan the best way to leverage each of their own skill sets to best prepare children. There are 75 teams meeting across the state and applying for other grant funds, which could potentially total \$1.3 million in funds for children in their areas. This kind of collaboration also allows for setting unified goals throughout counties so everyone is working toward a common goal.

From parent surveys, it was determined that a top priority for families is finding quality childcare close to where they work. This is especially important for rural and low-income parents who already struggle with transportation and household budgets. Part of the outreach of ECAC will be educating parents on what to look for in a quality childcare provider. Combined with that, in order to improve the quality of childcare programs, the ECAC will continue to promote tools for childcare providers, including access to strong curriculum and training from curricula authors for the highest level of authenticity.

Kentucky also received funds from a National Governor's Association Grant (NGA) which will be used to develop standards for prenatal through age 5 that will align with K-12 standards, with a focus on social and emotional development. The first 1,000 day period of a child's life is a critical time for development and lays a foundation that will be carried not only into school, but into adulthood and the workforce.

Ms. Hampton discussed the Early Childhood Institute 2019 which will be held June 19-21 at the Galt House in Louisville. This conference is designed to empower professionals who impact and shape Kentucky's youngest children and their families. It focuses on providing high-quality professional development, as that is the pathway to high-quality early care and education. Scholarships were available to ensure that this opportunity was accessible even to those who might otherwise struggle to come to Louisville for the conference.

In response to a question from Representative Scott, Ms. Hampton said the strategic plan is still in revision, but following its final approval at the June 19, 2019, ECAC meeting it will be available to the public online. She will also send a copy to committee members so they will have it readily available.

Following a question from Senator Thomas, Ms. Hampton said unification is key to providing comprehensive early care and education. A uniform system of standards at the early childhood level that align with K-12 standards will go a long way towards addressing the education gaps in early school grades.

Representative Moser inquired about school readiness teams, which Ms. Hampton answered saying the Erlanger-Elsmere team was utilized as a model for the School Readiness Summit teams because they do a phenomenal job at pulling together partners to do the most good for children.

In response to a question from Representative Tipton, Ms. Hampton said she would have to get the most current numbers of students who are not enrolled in childcare, because the work is currently ongoing to collect those data. There is a desire to reduce duplication in the data, especially regarding children who are in more than one program. Representative Tipton also inquired into the tobacco settlement funds. Ms. Hampton reported a funding level of \$28.8 million in 2018-2019 and in 2019-2020 there was an overall funding level of \$27.9 million. She explained that current fiscal mapping was performed in response to the ECAC wanting a better understanding of where these funds are being spent. The levels have remained the same to various programs for many years and it was time to give a fresh look at where the money was expended, even though 25 percent of tobacco monies must be spent on early care and education.

Responding to a question from Senator Meredith, Ms. Hampton clarified that Kentucky was one of six states that received the highest level of funding in the grant. Forty states were awarded funds, but Kentucky's application was one of the strongest resulting in the highest level of funding. Among the unique elements in the application was the desire to individually identify students in order to understand at a fine-detail level how much is spent per child. Kentucky will be able to measure success with a significant improvement in test scores and when all stakeholders understand what it takes for a child to excel. It is more than a child in a classroom, it includes the holistic care and wrap-around services, which support the whole child and family unit. Within a year there should be a wealth of data reflected in readiness scores and other areas.

Homeschooling

David Wickersham, Deputy Director, Office of Education Accountability (OEA); Dr. Bart Liguori, Research Division Manager, OEA; and Dr. Deborah Nelson, Research Analyst, OEA, shared research performed by OEA on homeschooling in Kentucky last year at the request of the Education Assessment and Accountability Review Subcommittee. The report was presented to, and accepted by, the subcommittee in September of 2018.

Dr. Nelson stated that homeschool rates have risen in the nation and in Kentucky. Additionally, Kentucky's homeschool rate slightly exceeds the national average. Outcome data are limited in Kentucky and nationwide, but what is available suggests that outcomes

are good. Kentucky requirements for homeschools are higher than in some states, but lower than others. There are also many challenges to enforcing Kentucky's homeschool laws. Public school officials express concern that some students reported as being homeschooled are not. There is potential for greater clarification under current law.

Homeschools are not defined in law, but are defined by the Kentucky Department of Education as private, unaccredited schools operated by a child's parent or guardian. Homeschools receive no state assistance or financial support. Because homeschools are not accredited, diplomas do not necessarily carry the same legal status as those from accredited public or private schools. Families choose to homeschool for a variety of reasons including a desire for specific religious education, increased flexibility, or concerns about school safety. Models range from those conducted entirely in their own homes, to those that combine home education with online learning, tutors, or homeschool cooperatives.

Data sources included an OEA survey of Directors of Pupil Personnel (DPPs), staff review of homeschool laws in other states, previous enrollment information from the Kentucky Department of Education, postsecondary enrollment information from the Council on Postsecondary Education, and interviews with school districts, Cabinet for Health and Family Services personnel, Administrative Office of the Courts personnel, and homeschool parents. Even with these diverse sources, data available on students were limited.

In 2017, over 26,500 school-aged children were reported as being homeschooled, which is slightly higher than the national average. Homeschool enrollment has increased across the nation since the 1970s, but exact trend numbers are unavailable. Available source information indicates that enrollment remains relatively stable across all age groups, with a slight increase at the beginning of high school grades. Independent districts tend to have lower homeschool rates, but aside from that, there does not seem to be any correlation between the number of students being homeschooled and socioeconomic status or geography.

Dr. Nelson said knowledge of outcomes for homeschool students is very limited, and outcomes reported in this report and any report on homeschooling will be based on a very small number of students, therefore, it is not likely to be representative of all homeschool students. Most data in this study come from students who enroll in Kentucky postsecondary institutions, either as college students or in dual credit. Homeschool students out-perform their public and other school peers in higher GPA ranges and have lower percentages scoring "C" or below. Parents of homeschool students interviewed for this study reported that their children are actively recruited by colleges because they are known to be academically prepared and have good work ethic. Homeschool students enroll in college at about half the rate of public school peers so these results are not likely to be representative of all homeschool students. The full report also includes information regarding homeschool student performance on the ACT and in dual credit coursework.

To enroll a child in a homeschool, a parent must notify the school district that the child is being homeschooled. The parent must keep attendance and scholarship reports subject to monitoring by the DPP. There is no minimum education requirement for Kentucky parents to open a homeschool, unlike in other states, and there is no routine reporting requirement. There is little guidance in the law for what information must be kept in reports, especially scholarship reports. The full OEA research report includes more detailed comparisons of Kentucky's homeschool laws with bordering states, and nationwide. However, it is very difficult to make any direct comparisons due to the wide variation in homeschool laws.

There was a substantial lack of data from the homeschool community, so there is greater reliance on data provided by public officials. DPPs generally expressed high regard for the education provided by parents who homeschool out of conviction about the best interests of the child. However, almost half of DPPs reported concern about parents who appear to transfer their children to homeschools to avoid legal consequences for habitual truancy. While Kentucky law requires DPPs to monitor homeschool attendance and scholarship reports, many DPPs surveyed expressed concerns regarding the content of reports. They also reported lack of parental education and lack of computers, books, and other instructional materials in the homes during required home visits for truant students prior to transfer to homeschool. When students transfer to homeschools, there is no longer any direct monitoring under the law.

Dr. Nelson cautioned that while the data support a high degree of absenteeism among students who transferred to homeschools in the last year, the larger majority of students being homeschooled last year had never been enrolled in public schools and therefore there is little to no information regarding their absentee rates. While there is an increase in students withdrawing to homeschool in the middle and high school grades, she noted that a high number of absences does not necessarily indicate a lack of commitment to education by students or their parents. Some students transfer to homeschool due to anxiety or fear for school safety, and these reasons are also associated with a high rate of absenteeism. However, there is a sharp increase in students transferring to homeschool in high school following the statewide decision to move the dropout age from 16 to 18. Many DPPs report that, following their district sending written truancy notices, there is a corresponding wave of parents enrolling students in homeschools.

DPPs feel powerless to address this situation and report not having the practical ability to enforce laws to ensure students being homeschooled are actually being educated. Their clear authority is limited to requesting enrollment information and reports, which vary widely in their content. There is also no guidance in the law regarding when and how to request these reports. The lack of minimum requirements in the reports is a source of great frustration, as that is the only evidence that teaching and learning is occurring in a homeschool. DPPs report some homeschool parents keep large portfolios of student work,

while others only produce a single sheet of paper with handwritten letter grades. While this meets legal requirements for a scholarship report, it provides a very low level of accountability. DPPS have no legal authority to require changes in a homeschool that does not appear to be educating, but can report a family for educational neglect.

In practice, this leaves accountability for homeschools who are not educating with the Cabinet for Health and Family Services or the courts. If an individual is concerned about a homeschool child not being educated, there are separate laws pertaining to educational neglect. However, less than one-third of DPPs report high confidence that a homeschool who is not educating will face consequences from the cabinet or the courts unless there is also physical abuse or neglect occurring. Factors complicating the work of the courts and the cabinet include high caseloads, more urgent cases, and lack of clarity on what constitutes educational neglect. There is hesitance to make judgement about what constitutes an acceptable attendance or scholarship report given lack of guidance in the law. Homeschool advocates interviewed for this study felt there was adequate accountability in current law, and noted that higher requirements, such as what exists in other states, would place undue burden on families already educating children at great personal expense.

Homeschool groups also point to their efforts to work with KDE and public school officials to develop a best practices document in 1997. The document has been revised since then and attempts to clarify roles and responsibilities for homeschool parents and DPPs while also explaining and interpreting the law. Several DPPs expressed concern with the document, though, because they do not know if it constitutes law or informal guidance. It also sometimes conflicts with information from other sources. All of the findings in the OEA research report concern the potential for greater clarity and guidance under existing laws, especially those in KRS 159.040. That statute authorizes, but does not require, roles not currently played by the Kentucky Board of Education or KDE. There are no Kentucky laws pertaining specifically to homeschools, but because they are considered unaccredited private schools they have been considered subject to the laws addressing those schools. Dr. Nelson discussed the specifics in the law and mentioned how these are difficult to apply to homeschools.

In response to questions from Representative Scott, Dr. Nelson said the data are not broken down by age or ethnicity because those metrics are not reported. And regarding legal requirements, Kentucky is about average. There is no statute that specifically governs homeschools, so the General Assembly would have to first address the existing private and parochial school statute. The Kentucky Constitution protects parents' ability to educate according to their conscience, so unless the statute is addressed, there is little the General Assembly can do.

Responding to Representative Carney's questions, Dr. Nelson said there is no apparent correlation between region and homeschool rates. Some factors such as active

homeschool associations or high population of Amish and Mennonite families seem to be better indicators of which districts will have more homeschooled students. Representative Carney said looking at the number of students transferring out during a given school year would be critical to the members' consideration. Those who were committed to homeschooling and had been homeschooling continuously are less likely to be a concern.

In response to questions from Senator West, Dr. Nelson confirmed the information regarding college attendance was only collected from in-state institutions, so those attending out-of-state can further skew the data and show a lower college attendance rate for homeschool students than may be accurate. Dr. Nelson further explained data exist for students anytime they interact with public school, but after they leave, there is no way of knowing their outcomes. There is some information on students who enroll in public school following being enrolled in homeschool, but that is such a small number it is hard to draw any accurate inferences. In a given year, a relatively small percentage of overall homeschooled students transferred out in that year.

Responding to Representative Tipton, Dr. Nelson said the school records as well as attendance records of students who transfer out of public school were studied and show that these students tend to have lower achievement records. The data are included in an appendix to the OEA research report.

Following comments and questions from Representative Riley, Dr. Nelson said smaller counties where there is a close relationship between the county attorney, DPP, and Cabinet for Health and Family Services have a higher number of investigations and greater likelihood of follow-up. In areas without that relationship, DPPs are reluctant to intervene because they are unclear of their authority. Judges were not specifically interviewed, but there was a significant number of DPPs stating they felt reporting a homeschool for education neglect would not result in any significant investigation. Representative Riley stated an assumption that families who could not consistently get a student to school were also unlikely to be able to consistently or effectively educate them.

Representative Marzian asked about the criteria applied to homeschools in terms of certifications and educational requirements for homeschool parents. She feels that this may be an area that more legislation could be effective. Dr. Nelson said while there are reporting criteria required of homeschooling parents, there are no requirements for a certain level of education. She cautioned that any more stringent laws regarding curriculum, however, may eventually come into conflict with the constitutional right of parents to educate their children as they see fit.

In response to a question from Senator Wilson, Dr. Nelson said there are states that are very active in working with homeschools. Some of which provide access to online resources, but that is not something that appears to be prevalent in Kentucky. However, that was not an avenue of investigation pursued by OEA in researching this report.

Responding to another question from Representative Carney, Dr. Nelson said the numbers of students transferring out due to changes to the dropout age were relatively small, but she can get the raw data for members for further analysis.

Required Academic Standards for Social Studies

Donnie Wilkerson, 5th grade social studies teacher, Jamestown Elementary School, spoke regarding his concerns with an administrative regulation, 704 KAR 8:060, Required Academic Standards for Social Studies. Mr. Wilkerson expressed specific concern with the proposed C3 Framework which places greater emphasis on process than on content and with the reduction of scope from American history through the 20th century to only through adoption of the U.S. Constitution. He opposed the elimination of specific historical figures from the standards and the implied removal of Kentucky state history, as Kentucky did not become a state until two years after the adoption of the U.S. Constitution. Mr. Wilkerson stated he had shared these concerns with the Kentucky Department of Education during the public comment period for the regulation but feels his comments were not shared with the Board of Education. Kentucky students will be at a disadvantage on national and international placement tests as they are more content driven than allowed for in these standards. He encouraged the committee to find the regulation deficient due to these faults.

Richard Ennis, volunteer staff education analyst, Bluegrass Institute, spoke about the proposed social studies standards. His concern was that the social studies standards are not going to help improve the Kentucky adult populations' understanding and knowledge of history. Only four social studies disciplines of the 13 recognized by the National Council for the Social Studies are included as 'strands' in the standards. Additionally, history is being significantly depersonalized in the standards with the removal of key historic figures such as Dr. Martin Luther King, Jr. and Abraham Lincoln. Basic geographic content is also missing. The important role of Site-Based Decision Making Councils to take the standards and turn them into curriculum was considered very late in the process and not given enough support. Deficiencies in the standards set the assessment program up for legal challenges and leave teachers and test writers to make too many assumptions about what will be on assessments.

As the administrative regulation had not been formally referred to the committee, no action was taken on at this meeting. Senator Wise said that he was willing to speak with the presenters prior to the next Interim Joint Committee on Education meeting on July 10, 2019, when it might be possible to consider the regulation. With no further business to come before the committee, Representative Carney made a motion to adjourn. The motion was seconded by Representative Moser and passed by voice vote. The meeting was adjourned at 2:51 p.m.