

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 5th Meeting of the 2019 Interim

October 2, 2019

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Education was held on Wednesday, October 2, 2019, at 1:05 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 Jimmy Higdon, Reginald Thomas, Stephen West, and Mike Wilson; Representatives Tina Bojanowski, R. Travis Brenda, Randy Bridges, John Bam Carney, Jeffery Donohue, Scott Lewis, Mary Lou Marzian, C. Ed Massey, Bobby McCool, Reginald Meeks, Charles Miller, Attica Scott, John Sims Jr, Russell Webber, and Lisa Willner.

Guests: James Bauman, District Facilities Branch Project Manager, Kentucky Department of Education; John Gilbert, District Facilities Branch Project Manager, Kentucky Department of Education; and George Hruby, Executive Director, Collaborative Center for Literacy Development, University of Kentucky.

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

Approval of Minutes – September 11, 2019

Following introduction of special guests by Chair Huff, Senator Wise made a motion to approve the minutes. The motion was seconded by Senator Wilson and passed by voice vote.

Construction Management-At-Risk

Representative Massey was present to discuss his bill proposal for using Construction Management-At-Risk (CMAR) to streamline school construction projects. Present with him were Jim Ruhland, Senior Associate, M.B. Kahn Construction, and Chuck Saylor, Vice President, M.B. Kahn Construction who are familiar with the CMAR delivery method.

Mr. Saylor spoke in his capacity as a parent and school board member as well as a construction professional to the many ways that school construction projects would benefit

from the CMAR delivery method. The current method is design-bid-build, which often results in many change orders and can result in higher costs. There is a Construction Agency method where a construction agency partners with a school to oversee things on the ground, but this method may still result in higher costs through frequent change orders. During the CMAR process, there is a guaranteed maximum cost set by the owner. Any overages are covered by the construction manager, but any savings are returned to the owner and can be used for other needs. In the case of a school, those savings could be used for improved school safety measures. Mr. Saylor said in his experience, CMAR lowers the financial risk of the contracting body, provides more control during the procurement process, and can reduce change orders.

Another positive aspect to using the CMAR method is there are limitations on contractors performing work themselves, which typically results in the hiring of local agents to perform the work. This supports local construction companies and economies. There is an assurance that the construction contract is written to industry standards and that the contractor has necessary experience. The use of this method would be another tool for schools to use to make the best use of their funds and to get the best final project. Representative Massey spoke to his experience trying to use the CMAR method for a new school in his district through the use of a waiver from the Kentucky Department of Education (KDE). KDE is receptive to using this methodology, but in the specific instance of Boone County's school, there were timing issues that prohibited the use of CMAR.

Responding to a question from Chair Huff, Mr. Saylor said the CMAR method has been employed by his company for several decades. His company constructs between \$5 million and \$6 million worth of projects each year in several states in the southeast and roughly half use the CMAR method.

In response to a question from Senator Higdon, Mr. Saylor said the design-build delivery method is used extensively throughout the southeast. In that method, the building is designed and built simultaneously. Using either of these methods saves time and results in a significant cost savings. He spoke to reducing a 12-year long school construction plan for building 100 schools for \$2 billion to a four-year plan and a savings of \$1 billion through the use of different delivery methods.

Responding to a question from Representative McCool, Mr. Saylor said using CMAR would actually expand opportunity for school districts. He also stated that this would only be one tool available to schools as it would not prohibit them from using currently existing design-bid-build or design-build methods.

Responding to a question from Representative Marzian, Mr. Saylor said he had not seen any negative impact from prevailing wage laws, and in his experience they were still able to get sufficient qualified workers for their projects.

Arts in Education

Jane Dewey, Director of Arts Education, Danville Public Schools was present with Dr. John Stroube, Executive Director, Kentucky Music Educators Association and Tanya Bromley, Kentucky Music Educators Association. Ms. Dewey said the proposed Art Education Equity Act can be viewed as a fulfillment of the promise of the Kentucky Education Reform Act (KERA). Students benefit from the arts in various ways including building artistic literacy, building independence, developing creative thinking skills, and supporting college and career readiness. Arts celebrate multiple perspectives, help children say what cannot be said, and raise social and emotional learning. She quoted from a study where 72 percent of business leaders surveyed said creativity was something they looked for in employees, and more than 90 percent of superintendents surveyed said various visual and performing arts courses help develop that creativity.

The crux of the Art Education Equity Act is to ensure equity of opportunity so that all students, regardless of their academic or socioeconomic status, have equal access to a quality, standards-based, sequenced visual and performing arts education as mandated in the capacities and goals set forth by the Commonwealth. Evidence shows that students who are most economically disadvantaged and most in need of academic remediation are also those who are least able to access arts education. There are robust gains among all students when there are strong arts education programs available in schools. The bill would also include a simple to use checklist to evaluate arts education in schools and provide a way for benchmark arts education programs to be made available to all schools. With access to these tools, even geographically remote schools would have tools available to them to make small changes and see gains in as little as three to five months.

Ms. Bromley next discussed the 1989 Rose decision which declared that there is a fundamental right to arts education for every student provided by the Kentucky constitution. In KERA, the General Assembly incorporated seven capacities outlined by the Rose decision, including sufficient grounding in the arts to enable each student to appreciate his or her cultural heritage. That foundation further established the state's responsibility to ensure access for all students to an arts education. The assessment and accountability system was also explicitly noted as necessary to measure progress towards achieving these goals.

As an arts educator, Ms. Dewey said she is proud of how Kentucky has approached visual and performing arts assessments in schools. But understanding the problems of program reviews, the Art Education Equity Act proposes a non-punitive checklist to better evaluate arts education in schools. Ms. Bromley said a result of Senate Bill 1 of the 2017 Regular Session was to provide a better way to evaluate arts education. It mandated visual and performing arts standards, and provided that KDE would distribute guidelines for visual and performing arts education. KDE would also have the ability to develop program standards. However, in 2019 arts education was not included in the new state assessment

program aside from protecting a single hour of arts instruction in high school as part of graduation requirements.

In order to keep things simple, Ms. Bromley said this bill would remedy that by creating accountability through protected time for all students to receive arts education. All students would have equal access and opportunity during the school day through protected time of 120 minutes per week in elementary for the study of the arts and increased access to art courses in middle school. Additionally, the bill would prohibit arts instructional time from being used for other remediation or from access being denied as a form of punishment. The bill would also direct KDE to develop arts program standards and resources for helping schools improve their arts programs, identify strong arts programs as models, and develop an easy-to-use standards checklist for reporting program data to the school profile. A critical piece would also be to include that data in the school report card. A yearly report on the status of arts education to the Interim Joint Committee on Education is also recommended.

Libby Hale, a student at Danville High School, testified about her experience of attending speech and drama courses in order to address a speech impediment in middle school. Within weeks her speech impairment was gone, and she found a passion for drama and performance. She has since gone on to participate in the Governor's School for the Arts resulting in a scholarship offer beyond her wildest dreams. She advocated strongly for the protection of access to arts education for all students.

Responding to a question from Representative Bojanowski, Ms. Dewey said the 120 minutes in elementary education could be incorporated into general education courses such as using drama in English courses or using dance in physical education courses. Ms. Bromley said they would encourage addressing the standards for both subjects instead of just having a student draw a picture and calling that arts education.

In response to questions from Chair Huff, Mr. Stroube said that the primary goal was equity across the schools throughout Kentucky. Some schools will find it easy to report 120 minutes of arts education, while others will need to make adjustments because they are not protecting that educational requirement at this time.

Responding to questions from Representative Willner, Mr. Stroube said they had spoken with Commissioner Lewis and Representative Hart in the development of the bill who advised them on portions specifically in relation to middle school. It was his impression that Commissioner Lewis was in favor of the bill.

In response to questions from Senator West, Ms. Dewey said with the changes in accountability there has been some data collected in the school report card regarding facilities and the number of minutes of arts education. But as of right now, there is no way to pull out specific and comparable data. She has been able to determine, however, that

there are many school districts providing no arts education time and they are not aware it is a requirement to provide time in arts education. Mr. Stroube said they spoke with a representative of the Kentucky School Boards Association, and there has not been any large push back from superintendents at this time. Senator West advised that they take the time to speak with superintendents and ensure that everyone is on the same page regarding accountability. Ms. Bromley said Representative Hart has indicated that there will be some changes to the prefiled version of the bill to address many of the comments they have gotten during the interim.

Responding to questions from Senator Thomas, Ms. Hale said mandated time for middle school was initially a portion of the bill but that was eliminated at the recommendation of KDE. She said it made sense because many middle schoolers have already made a decision about whether arts education was of interest to them. When pressed, she said maybe 60 minutes of dedicated time would be beneficial to all students in middle school.

Dataseam – Education and Workforce Development Efforts

Brian Gupton, CEO, Dataseam, Parker Smith, CIO, Williamsburg Independent Schools, Samuel “Blake” McCullah, Dataseam IT apprentice, Whitley County Schools, and Elizabeth “Paige” Hart, Dataseam Scholar – Caldwell County, University of Louisville Medical School were present to speak about the implementation of the Dataseam program. It was initially designed in 2005 as a way for the University of Louisville to carry out cancer research while simultaneously providing schools with computers for students. With the Dataseam grid, local school districts are creating many enrichment opportunities around the high end Apple computers they have received through the program. Also, allocating funds to Dataseam from the general fund rather than coal severance funds opened up the opportunity for schools outside of coal producing counties to take advantage of a partnership with Dataseam.

Past testimony to the General Assembly by Dataseam has been about the cancer research they have helped facilitate; however, the focus of today’s presentation was on the workforce development advantages that Dataseam has brought to schools. Scholarships and local investments have been used to create opportunities outside the original scope of Dataseam and use funds not appropriated by the General Assembly. Mr. Gupton said his focus would be on increasing certification for IT professionals in relation to maintaining the Dataseam grid in schools, investments made by the University of Louisville and Morehead State University to the Dataseam Scholars program, and the newest initiative to encourage and prepare students for careers in information technology.

The investments made by Dataseam and their partners have driven Kentucky forward and increased opportunities for students. As an authorized training center for Apple technologies, they have been able to grow in-house technicians among students who are able to take those skills out of the schools into the workforce upon graduation. They

also have encouraged professional development for adults wishing to work in the IT field, creating highly skilled individuals to fill local school CIO positions. Mr. Smith testified that he had an interest in technology as a student, but there were limited opportunities for him to pursue that interest even in college. It was not until his school became a partner with Dataseam that he was able to achieve his dream of being an IT professional. He spoke of the comradery he has developed with others through the Dataseam project and those that he has connected with since. Because of his certifications, he was able to apply for and receive the CIO position at Williamsburg. He looks forward to using his new position to bring more technology into his school and help students get the introduction to technology that he did not have as a student. Mr. Gupton next introduced the many members of the Dataseam team who were with him in the audience as the largest concentration of Apple systems engineers in the United States. They are an asset to the Dataseam program, their schools and communities, and Kentucky's continually growing next generation workforce.

Mr. Gupton then spoke about the Dataseam scholars program, which provides scholarships to students in STEM fields. Ms. Hart said she vividly remembered working in the Mac lab at her school in Princeton, Kentucky, and learning to do graphic design there. She described the experience of growing up in a very rural part of Kentucky and how this shaped her as much as working on the computers in the lab. As a Dataseam scholar, she received a scholarship covering her tuition to the University of Louisville to pursue a career in a STEM field, medicine. It had always been her dream to attend medical school, but it was a gift to be able to accomplish that without worrying about the high cost of tuition. Dataseam values postsecondary education and helps students stay in-state to better their home communities. Ms. Hart looks forward to the full-circle moment when, as a medical doctor, she can make use of cancer drugs developed using the computing power of Dataseam, which harnesses the very same Mac computers from her high school that continue to inspire other students to pursue a STEM career.

Mr. Gupton next spoke about the paid Dataseam apprenticeship program, which trains students for careers in information technology. Mr. McCullah spoke about his apprenticeship with Dataseam where he first experienced getting a paying job. This was also an opportunity for a career, not just a summer job. He learned about computer and system maintenance. He also has learned more than just information technology skills, but also other workforce skills from his peers and mentors in the Whitley County IT Department. Dataseam education is important and helps students achieve. He looks forward to graduating and pursuing a career in radiology where he can apply some of the many skills he has gained through the apprenticeship program. Mr. Gupton also recognized Connor Wilson and Morgan McKiddy from Whitley County as other Dataseam apprentices who worked over the summer to make sure the computers at their schools were ready for their teachers and peers when school started in August.

Morehead State University (MSU) is one of five universities offering a degree in space systems engineering and is a strong supporter of the Dataseam program and its

workforce development initiatives. Recently, MSU sponsored a Dataseam day, which welcomed students and parents from across the state to visit their Space Science Center. During that event, Dataseam participants, all of whom came from outside of MSU's service area, were exposed to technology that is unique in the world and inspired those present to pursue careers in space science. Mr. Gupton thanked the General Assembly for their support of this endeavor and looked forward to a bright future with continued growth.

In response to questions from Chair Huff, Mr. Gupton said word of mouth has helped spread the knowledge about Dataseam to schools outside of the original coal counties. As technicians and superintendents who have participated with the program have moved to other districts, they have approached Dataseam to bring more schools into the project. He also said he views the Dataseam scholarships as workforce development funds and wants to keep these individuals in the state whenever possible and will discuss with the university partners the potential of adding that stipulation to the scholarship.

Responding to Representative Willner, Mr. Gupton said he hopes to have some Jefferson County success stories very soon. Workstations have been placed in computer science and aerospace magnet schools right now to create a pipeline of space science students to MSU. There will also be opportunities for urban-rural exchange through the Challenger school exchange program between Shawnee High School and Hazard County.

In response to a question from Representative Miller, Mr. Gupton said he was referring to middle schools as feeder schools, but he hopes to continue to provide awareness to students outside of the magnet schools to encourage their participation in information technology. When students see this as an opportunity to them in Kentucky, they will run to it. The five schools were selected by JCPS as those that would benefit most from the technology based on the STEM focus of Dataseam.

Representative Lewis said the Dataseam project has been one of the best programs currently being used in his schools. Seeing children interact and make use of the Apple computers in his rural school was so meaningful. Additionally, there is untold benefit from the cancer research that the computers perform at night.

With no further business to come before the committee, the meeting adjourned at 2:38 p.m. The next meeting of the committee will be November 20, 2019, at 1 p.m. in Annex Room 149.