

# **INTERIM JOINT COMMITTEE ON EDUCATION**

## **Minutes of the 1st Meeting of the 2020 Interim**

**June 2, 2020**

### **Call to Order and Roll Call**

The 1st meeting of the Interim Joint Committee on Education was held on Tuesday, June 2, 2020, at 10:30 a.m., in Room 171 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 Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Michael J. Nemes, Robert Stivers II, Reginald Thomas, Johnny Ray Turner, Stephen West, and Mike Wilson; Representatives Kim Banta, Tina Bojanowski, R. Travis Brenda, Randy Bridges, Jeffery Donohue, Jim Glenn, Mark Hart, Scott Lewis, Mary Lou Marzian, C. Ed Massey, Bobby McCool, Kimberly Poore Moser, Melinda Gibbons Prunty, Steve Riley, Attica Scott, John Sims Jr, James Tipton, Russell Webber, Richard White, and Lisa Willner.

LRC Staff: Jo Carole Ellis, Yvette Perry, and Maurya Allen.

Chair Huff welcomed everyone to the meeting, both in person and those attending via videoconference. She also thanked staff for their efforts to make the meeting as normal as possible under these new circumstances.

### **Superintendent Concerns Related to COVID-19**

Mr. Greg Schultz, Superintendent, Oldham County Schools, spoke briefly regarding the concerns that many superintendents have about reopening schools during the ongoing COVID-19 pandemic. Health and safety is critical when students return to the classroom, but the education loss and increase in achievement gaps due to inequity is a major concern. Guidance from the Kentucky Department of Education (KDE) and health officials has created a very high ceiling that is going to be difficult to reach for any school. Realistic application of safety measures will likely not look like the ideal recommendations. For example, regarding transportation, it is not feasible to have one student every other seat on a school bus and accomplish timely and cost-effective busing of all students. It will also be very difficult to have elementary school students wear masks all day.

Proposals for accommodating students doing remote learning while others are in the classroom are also highly problematic as there is not sufficient staffing or time for teachers to both instruct in-class and via remote learning technology. Concerns for alternate

schedules do not address the funding mechanisms of SEEK and other performance based measures which only take into account in-classroom attendance.

On behalf of superintendents, he asked that KDE, the Governor, and members of the General Assembly continue to be agile in response to the relief needs of schools. He thanked them for their swift attention to the non-traditional instruction (NTI) procedures and changes to required instructional days. Further changes may be necessary to address the pandemic going forward, especially in order to function during outbreaks. Flexibility is going to be key for all parties.

Additionally, he spoke of the increased workload on teachers as they take on not only the task of planning for a return to NTI and remote learning but also being health coordinators for their students. The teacher shortage is real and is only made worse as they fear for the safety of their students and themselves. Classified staff, such as bus drivers, are also highly vulnerable because they are predominantly over age 60 and have existing health concerns making them more at-risk from COVID-19.

He urged that policy makers take rationality into account for future outbreaks and closures. An outbreak in Lexington may not warrant a shutdown for his school system in Oldham County, because they are not close to one another. Everyone may need to stay in contact to track transmission and work toward containment and keeping as many schools open as possible. While schools are not strictly childcare, parents do not go to work when they have to stay home with their school-aged children. This has a ripple effect for businesses and communities. Schools are a critical part of the economy and want to stay open. Regulations must be practical, and there needs to be consistent and timely support for schools, both financially and practically.

Chair Huff agreed with Mr. Schultz's concerns and echoed the need to look at existing procedures to make the changes needed to address the times we are living in today.

Responding to questions from Senate President Stivers, Mr. Schultz said the last day of school for Oldham County was March 12, 2020. Their use of NTI was largely successful thanks to individual check-ins with students performed by teachers. However, the teachers expressed significant concerns about equity. Mr. Schultz believes that summative assessments performed in the fall will likely illustrate those gaps very starkly. Right now, it is too early to know how much academic progress has been lost. The start of the school year will be a critical period.

In response to questions from Representative Riley, Mr. Schultz admitted there were significant differences among different age groups in their success with NTI. Preschool and other very young children simply do not learn well virtually and even older children require significant amounts of parental support to accomplish virtual learning. He acknowledged that students' mental health was also deteriorating quickly with the loss of

socialization with friends and school personnel. However, there does not seem to be a ready solution to these concerns.

Responding to questions about possible ‘catch-up’ interventions, Mr. Schultz said his district was looking to implement some things over the summer but were waiting to see what happened following the re-opening of childcare on June 15th and maintenance of Healthy at Work guidelines throughout the community.

Senator Wise commented that there were some relief measures already available to schools wishing to use instructional hours versus days from Senate Bill 50 of the 2017 Regular Session. That bill allowed schools to waive the 170-day requirement if the school calendar begins after August 26th. Mr. Schultz acknowledged that option but said currently his school was considering an August 12th start date, making them ineligible for that exemption option.

Representative Bojanowski said, in her experiences as a teacher, there had been significant discrepancies in parental involvement during NTI. Also, she discussed that many students thrived with project-based learning remotely. However, while students are learning during this time, it may simply not be measurable with standards-based tools.

### **Update on COVID-19 Issues Pertaining to K-12 Schools**

Interim Commissioner Kevin Brown, KDE, was present with Associate Commissioners Amanda Ellis, Kelly Foster, and Robin Kinney, to update the committee on responses to COVID-19 made by KDE in March and the department’s work toward a successful reopening of schools in the fall. He thanked legislators for their timely attention to these concerns with the passage of Senate Bill 177 during the 2020 Regular Session. The legislation provided relief by allowing KDE to assist districts with getting through the end of the school year, especially with emergency provisions for NTI. A goal of 1,062 instructional hours was explicitly requested, and all districts achieved that target by June 1st with the use of NTI. While other states simply cancelled their school years, including NTI, because it was too hard, Kentucky stayed the course and achieved a great deal. Interim Commissioner Brown acknowledged that NTI is not a perfect delivery method and was not designed to substitute for in-classroom instruction for extended periods, but it ensured students were given the best instruction possible given the circumstances.

Changes have been made to the KDE website to streamline access to COVID-19 resources for districts and families, and there will be continuing improvements going forward. Work by KDE has been guided by three principles - educate, feed, and support. Acknowledging that feeding students is a major role performed by schools, the summer feeding program was started at the same time that NTI was implemented in March. Utilizing waivers provided by the United States Department of Agriculture, Kentucky schools were able to continue to serve meals even where NTI was being carried out using remote instruction. In March, over 4 million meals and snacks were served to an average

daily population of 238,981 students. In April, efforts expanded and over 11 million meals and snacks were provided for an average daily population of 303,936 students. Interim Commissioner Brown said this truly illustrates the dedication of school communities to caring and providing even the most basic necessities to children of the Commonwealth.

Reopening guidance has just begun, and Interim Commissioner Brown wholeheartedly agreed with Mr. Schultz that there are needed refinements, which should be coming soon. Ms. Kelly Foster, Associate Commissioner, Office of Continuous Improvement and Support, spoke to the challenges of NTI. In mid-March, all districts voluntarily closed to in-person classes at the recommendation of the Governor and the Department of Public Health (DPH), but it took slightly longer for large districts to begin NTI because of the necessary planning and roll-out work. NTI was originally begun in 2011 as a pilot program, which went statewide in the 2014-15 school year. Through the 2018-19 school year, more than 1,500 instructional days were saved for Kentucky school districts, including a record 510 instructional days in the 2017-18 school year and 399 days in the 2018-19 school year. Provisions of Senate Bill 177 include an unlimited number of NTI days, which may include virtual or distance learning. A blanket waiver was granted regarding NTI regulation by the Kentucky Board of Education in March so districts not currently participating in the NTI program could go through an abbreviated application to implement quality, non-traditional instruction for the remainder of the 2019-20 school year.

Instruction was delivered in various ways including handouts, virtual instruction via live meetings, and recorded lessons. However, NTI was never designed to be a long-term substitute for in-classroom instruction, and much has been learned about the most effective methods and strategies. These lessons will inform improvements made for the upcoming school year, and all districts are assessing the possibility of having to return to NTI at some point if a spike in COVID-19 cases occurs this fall or next year causing closures.

Ms. Robin Kinney, Associate Commissioner, Office of Finance and Operations, spoke to the school feeding program. Access to food is critical to support learning goals during NTI. She reiterated that waivers had been provided by the federal government to receive and distribute food as if schools were not closed, largely based on the concurrent utilization of NTI. Different schools used different models for food delivery based on their own needs and staffing availability. The waivers were created with this need for flexibility in mind, sometimes even providing for multiple meals to be distributed at once to make the process as practical as possible. This support has been vital to families also struggling under the weight of unemployment during the pandemic shutdown. School districts have gone above and beyond, especially the non-certified personnel working in lunch rooms, driving buses, and staffing pick-up locations, who have worked tirelessly to distribute meals. They are now transitioning into the traditional summer feeding program. Supplemental monetary assistance is also available to families through SNAP to help during this summer reflecting the impact of COVID-19. Families can visit their district's website or social media to learn more about meal availability in their area.

Interim Commissioner Brown said waivers releasing schools from participation in the statewide assessment were very popular but acknowledged that these tests are a critical part of the accountability system. However, this was obviously the time to take advantage of relief from testing during a pandemic disease outbreak. The ACT was still administered, not as part of the accountability system, but to assist students pursuing a postsecondary program. Some ACT make-up days are being rescheduled, but a majority of sites were able to proceed through use of social distancing measures. Discussion continues at the federal level regarding assessments next year, and at this time it is unclear what that will look like and if there will be another exemption waiver. At this time, all federal ratings and supports will remain the same, as will the list of schools qualifying for Comprehensive Support and Improvement (CSI) and Additional Targeted Support and Improvement (ATSI).

Regarding end-of-year procedures, many schools have already coordinated pick-up programs for students to collect their personal belongings, return items, and participate in virtual or modified graduation ceremonies. Each school was granted significant flexibility to accomplish this by taking into account their own populations and school layouts while meeting safety standards. There were also some changes made to the ways students could meet graduation requirements. Ms. Amanda Ellis, Associate Commissioner, Office of Teaching and Learning, said one of these was the suspension of the requirement for graduates to pass a civics test as this test is only available online so there were connectivity concerns for some students. This waiver was made based on the authority granted under Executive Order 2020-243 to cabinet secretaries and agency heads to suspend or waive statutes related to the current state of emergency. Early graduation was also allowed previously using end-of-course exams; however, some students had not had opportunity to take them before schools were closed. These students were allowed to substitute ACT benchmark scores in order to continue on track for early graduation. The requirements will remain in effect for high school freshmen and sophomores who have elected or will elect to participate in the early graduation program.

There were also a variety of ways that districts created alternative graduation ceremonies to celebrate their senior classes. Working with students and families, the best solution was reached for students and included virtual ceremonies and drive-in ceremonies. Safety guidelines were provided by KDE, and Interim Commissioner Brown said the ceremonies have all been moving and, while certainly not perfect or how these students envisioned them, have been an excellent way to recognize the achievements of the class of 2020. A statewide tribute to the class of 2020 was also created by KDE and is available online. It includes photographs from every district in the state, video messages from the Education Committee co-chairs Representative Huff and Senator Wise, work from artists, and special music from the Kentucky State University Choir. He encouraged everyone to view it because it truly is a touching testament to these students and what they have overcome and will go on to accomplish.

Going forward, the KDE has sought input from a variety of stakeholders and has formed the Education Continuation Taskforce to serve as a guiding coalition for delivery of services during the current period of school closures. This task force meets at least once a week to discuss issues facing school districts at this time. It includes representatives of Kentucky's educational cooperatives, educational partner organizations, Kentucky Educational Television (KET), the Southern Regional Education Board (SREB), and other relevant partners. The primary goal of the task force at this time is providing timely information, research, and instructional resources to schools and districts. Interim Commissioner Brown has also been having regular meetings with the Local Superintendent Advisory Committee to create guidance documents for back-to-school and social distancing. He has also continued weekly webcasts for district staff personnel. Attendance at these webcast meetings has risen dramatically to over 500 attendees on a regular basis. While these webcasts were useful before COVID-19, they are an absolutely critical line of communication right now.

Regarding federal financial assistance, Ms. Kinney said there were significant funds provided to schools through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Kentucky will receive approximately \$223 million for K-12 education, roughly 4 percent of Kentucky's annual education budget. \$193.2 million will be provided to local education agencies for emergency relief addressing the impact of COVID-19 on elementary and secondary schools. An additional \$30 million of the \$43.8 million provided to Kentucky through the Governor's Emergency Education Relief Fund (GEERF) will also be applied to K-12 and higher education needs. The CARES funds have a very broad application by design, allowing for flexibility to cover ESSA expenditures, IDEA, needs for dealing with coronavirus prevention (such as purchase of personal protective equipment for school personnel), cleaning, and mental health supports. Money from the GEERF will largely be used for supporting feeding programs and enhancing remote learning supports. While this is a more targeted allocation, there is still significant flexibility for KDE and districts to use these funds as needed. District-by-district distribution of relief monies is available to view online. Also, KDE has expanded their Teachers Helping Teachers resource from the Office of Education Licensure and Effectiveness to directly connect experienced educators with other teachers to provide virtual coaching and support to help with the stresses of the COVID-19 crisis, not only in regards to remote instruction concerns but also for help dealing with students returning to the classroom with mental health and trauma impacts.

Summer learning support has been added to the website to assist districts and parents and will continue to be used to inform the reopening process. It is important for students to remain engaged with learning through summer reading and mathematics to prevent significant academic loss and best prepare them for the fall. While much is still unknown about reopening, Ms. Foster said KDE is encouraging districts to develop three contingency plans for the start of the school year: an early opening, a traditional opening, and a late opening plan. Reopening will be based on information from the DPH. KDE's

guidance currently exists as a checklist focusing on how to ensure the health and safety of everyone, how to maintain quality teaching and learning, how to support exceptional learners, and how to continue school and district operations. KDE is also encouraging school districts to remain in contact and partnership with their local health departments to stay alert to changes in COVID-19 spread.

In closing, Interim Commissioner Brown said social, emotional, and mental health has been a focus throughout all the reopening discussions. KDE will be releasing more guidance as available regarding assessing students both academically and emotionally when they return to the classrooms. These recommendations are being informed by many partners in education and healthcare from within the state and from around the nation. Other subject matter guidance documents to be released in the next six weeks include those for exceptional learners, alternative learning models, transportation, career and tech, emergency drills and social distancing, performance based instruction, and teaching and learning - stages one and two.

Responding to questions from Senator Wise, Interim Commissioner Brown said there were no directives in the initial guidance documents as they were intended only to start the conversation. Depending on data, there may be significant changes about what schools will be required to do to safely reopen. Currently, KDE is encouraging school districts to create a 'playbook' with multiple different strategies for different scenarios. There is a plan to give more direction in the guidance documents following discussions with DPH this week. It appears there are two camps of superintendents — those that want the greatest amount of flexibility and those that want strict rules that they can just implement.

In response to a question from Senator West, Interim Commissioner Brown said he was unsure if it would be required to follow CDC guidelines in order to receive federal funds, but he would certainly make sure all efforts were made to maintain funding. Senator West stressed a desire for ultimate flexibility rather than a one-size-fits-all approach.

Representative Willner said it was a great presentation and wanted to pass her thanks on to the Interim Commissioner and KDE staff. Representative Sims asked on behalf of his superintendents for flexibility in SEEK funding formulas regarding daily attendance counts.

Interim Commissioner Brown acknowledged these concerns, as well as those of Mr. Schultz, and said they are looking at creating hybrid options for students who are immune compromised or live with someone who is. They may be attending virtually and that will impact attendance counts for the SEEK formula. It may be necessary to implement a waiver for those situations, perhaps mirroring existing statutes regarding home and hospital instruction.

Responding to comments from Senate President Stivers, Interim Commissioner Brown said there was a 92-94 percent participation rate for NTI, which is in line with NTI participation from previous years. However, NTI participation is not the same as traditional daily attendance. Written packets are not adequate for long-term NTI use, and assessments will also need to be reconsidered. There may be a way to use MAP testing in the fall to fulfill some federal requirements, but the attendance issue remains unclear.

Responding to questions about achievement gaps from Senator Thomas, Interim Commissioner Brown said there will unfortunately be a widening of achievement gaps as a result of COVID-19 related closures. Even though teachers are doing tremendous work, NTI is not a substitute for in-person instruction. All the supports a school provides are not available at home, and there are differences that cannot be accounted for. Things will be missed, but there are stories of exceptional connections being made between students and teachers. Only time will tell what kind of gaps will exist when MAP testing and other assessments can be performed.

A final comment was submitted by remote attendee Representative Brenda. He said he had a pre-engineering student who only had a tablet capable of word processing. His courses rely heavily on technology, and Representative Brenda hopes that it will be possible to get students back into the classroom as soon as possible. He appreciated the information given in the presentation and looks forward to more guidance.

With no further business to come before the committee, the meeting adjourned at 12:00 p.m. The next meeting of the committee will be July 7, 2020, at 10:30 a.m.