

# **INTERIM JOINT COMMITTEE ON EDUCATION**

## **Minutes of the 3rd Meeting of the 2020 Interim**

**August 18, 2020**

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

The 3rd meeting of the Interim Joint Committee on Education was held on Tuesday, August 18, 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 David P. Givens, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Michael J. Nemes, Reginald Thomas, Johnny Ray Turner, and Stephen West; 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.

Guests:

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

### **Approval of the Minutes – July 7, 2020**

Following introduction of special guests, Representative Tipton made a motion to approve the minutes. The motion was seconded by Representative Bridges and passed by voice vote.

### **Introductory Remarks from New KDE Commissioner**

Newly appointed Kentucky Department of Education (KDE) Commissioner Jason Glass joined the committee via teleconference to share his vision for KDE in his new capacity. He spoke of the unprecedented challenges that face schools during the current pandemic and said that schools, administrators, and government need to work together to surmount them. Looking toward the future, there is no way to know what to expect, and schools need to be flexible and extend grace to teachers, administrators, students, and parents. In addition to facing the challenge of COVID-19, schools also will be advancing the work of anti-racism efforts and providing better educational equity to all students. Budget shortfalls will have a real impact on schools, and he hopes to work with the legislature to address those concerns in the upcoming sessions. Overall, he said he is

excited to begin having conversations about what school can be and creating an educational environment for all students to achieve the American dream.

### **Coping with COVID: Importance of Engaging Students, Educators, and Families for Education Excellence in a Changing World**

Brigitte Blom Ramsey, President/CEO, Prichard Committee for Academic Excellence, spoke briefly about a survey conducted by the student members of the Prichard Student Voice Team. The survey was performed in May and was directly assessing student perspectives on non-traditional instruction used at the beginning of the novel coronavirus pandemic. An additional survey of parents and educators was conducted and results should be available in the coming weeks.

Gabriella Staykova, Grade 12, Paul Laurence Dunbar High School, and Krupa Hegde, Grade 12, Gatton Academy/Ryle High School, spoke as representatives of the Prichard Committee Student Voice team. The team is comprised of over 100 self-selected students in high school and college who are interested in increasing student involvement and equity in education. They explained that the survey was designed in collaboration with students and faculty at the University of Kentucky and was comprised of two parts. The first part was a large general questionnaire, which garnered over 9,000 meaningful responses. This was followed with approximately 50 in-depth personal interviews. They were proud to say that the questionnaire portion had covered all 120 counties and almost every school district, so the answers were robust and representative of the whole state.

They were able to categorize their results into several themes. The first of which was education environment. One aspect which was particularly highlighted was that of teacher/student communication. Over the course of the shutdown, communication waned and became more task-based. Less frequent communication lowered motivation, and students expressed a desire for more meaningful communication. As the shutdown of schools persisted, there was less meaningful feedback for students from teachers and that resulted in a decreased manageability of school work. Another theme highlighted from the survey results were the impacts on the home environment. Regarding basic needs and security, one-third of respondents reported one or both parents had lost a job or experienced reduced hours/pay during the pandemic shutdowns. Many students reported they had taken on additional hours in their part-time jobs, or gotten part-time jobs, in order to support their households. Lower income students had heightened concerns about food security and had less access to reliable internet necessary to participate in virtual instruction. The students of the Prichard Student Voice Team recommended that going forward, schools adopt more flexible attendance policies to help accommodate these students and remove other barriers to low income students' participation and overall needs security. Students must have their basic needs met in order for learning to happen, and that includes psychological safety.

The third theme was that of physical and mental wellness. One of the primary understandings from the survey was that students' emotional experiences are intimately

connected to their academic success. The survey illustrated that meaningful work led to more engagement and leads to more positive outcomes, including less anxiety for students. Between one and five hours of schoolwork daily achieved the maximum amount of productivity and engagement for students. Less than that amount was seen to be pointless, while more than five hours of work proved a struggle for students to remain engaged and focused in the home environment. There was also a 50 percent increase in those who wanted mental health services, but there was not a corresponding increase in access. Additionally, those students who had been receiving mental health support services from their schools lost access during the shutdown. High risk families and students faced the greatest challenges. They will need more robust mental health supports than what was available before the pandemic crisis.

Students also expressed concerns about postsecondary options due to the impact of the shutdown on their grades and extracurricular activities. There was a high amount of uncertainty among high school juniors and seniors who saw their grades falter because of schools closing or whose families lost income and might not be able to afford college. This has led to a large amount of cynicism about the future, with students reporting feeling they have ‘lost their future’ as they can no longer qualify for top choice postsecondary schools or programs. The Prichard Student Voice Team recommended that schools and administrators address these concerns with robust postsecondary advising that is tailored to the changes in the postsecondary landscape as a result of the pandemic in order to help students allay fear and achieve postsecondary success. The students closed their presentation by thanking the Prichard Committee for its support and the University of Kentucky who helped with development of the survey. They also thanked their financial sponsors National Geographic, Pathway 2 Tomorrow, Teach for America, Project Aware, and the Woodrow Wilson National Fellowship Foundation. Finally, they thanked the Kentucky Student Council Association and the Kentucky YMCA for their assistance in distributing the survey.

Chair Huff thanked the students and said their perspective on the mental health aspects was especially helpful. Representative Bojanowski remarked that their presentation was very impressive saying it was difficult to remember they were high school students. Representative Scott said the students had provided an excellent presentation. Representative Willner agreed and thanked them for their presentation. She remarked it was so valuable to have student voices and perspective on the issue of education.

### **Responses to the Governor’s Recommendation Regarding Reopening of Schools**

Eric Kennedy, Director of Governmental Relations, Kentucky School Boards Association, spoke to how shocked and frustrated school board members are regarding the changes schools have endured in the face of the novel coronavirus. He admitted that the situation itself is frustrating and that all schools are trying to mitigate the situation while providing the necessary education and other supports that students rely on schools to

provide. The situation is constantly evolving and change is stressful, but in the end, this is about children so everyone wants to make sure it is done right. However, many things are being said to board members and teachers that are extreme, stressful, and unhelpful. He urged everyone to remember that there is a great deal of diversity in the Commonwealth and a 'one-size-fits-all' approach will not be helpful or appropriate. Some of the main recommendations to combat the spread of COVID-19 are regarding facilities and differently designed buildings in each district are a local issue. Most schools have performed a local survey of parent opinions and want to have the ability to address these local concerns and needs. Different communities will have different priorities and want to be given the authority to address them through prioritization of local control.

He said the Department of Public Health (DPH) has been participating in weekly webinars with school personnel to provide guidance and the main question from schools has been 'what single metric can we use to determine if it is safe to open/stay open?' Unfortunately, there is not one metric that can be applied statewide, according to health experts. This situation cannot be treated in the same way the annual flu season is addressed. He suggested it be compared more to the local discretion exercised for snow day closures, with schools assessing their local risks and monitoring outbreaks, much the same as schools assess local topography and weather patterns during the winter. Many students are raised by their grandparents, and that is a risk that must be considered, but erring on the side of in-person instruction as safely as possible will provide better education than virtual instruction alone. Schools and local communities need to mitigate as much risk as possible so that education, and the affiliated supports offered by schools such as meals and mental health assistance, can be provided. Public education is essential, it is constitutionally mandated in this state, and needs to be supported as such.

Healthy at School guidelines are well thought out and address the best way to mitigate risk and return to school. They include required masking, which is widely regarded as necessary to curb the spread of the novel coronavirus. Student input has been vital, but schools need more clarity on requirements versus recommendations from the state to address critical liability concerns. In closing, he urged for clarity on discretionary options for school boards and for everyone to support their local schools as we face the unprecedented challenges of the upcoming school year.

Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents, said he had been listening carefully to recommendations, because safety is paramount for students and the adults who care for and teach them. There is a significant amount of risk to kids staying at home, based on statements by the Department of Public Health and CDC. Also, based on their recommendations, he believes that with local school control, there are options available to provide in-person instruction safely. Parents should be allowed to choose whether to keep their students home or assume the risk of sending them in-person. There has been mixed advice and not a single solution that will make everyone happy in every way. Virtual instruction is more likely for all schools as the winter

cold and flu season begins, but it is hard for local communities to understand why they are not allowed to open when local COVID-19 case numbers are low. He urged that local control provides the most agility when combined with accurate and reliable data provided by the state. Local groups will be able to make informed decisions in the best interests of as many students as possible. In reality, the virus is not predictable, and the state may need to intervene again if cases continue to rise. In that event, an order from the Governor or DPH would be welcome. But until then, he strongly advocated for local control and to allow schools to implement the plans they have spent all summer developing.

Chuck Adams, Superintendent, Spencer County Schools, said there is great diversity in Kentucky. Spencer County and Jefferson County are neighbors, but the counties cannot react in the same way to the challenges created by the novel coronavirus. He echoed the necessity of allowing local control. Planning has been a critical element of the summer for teachers and 82 percent of parents have requested in-person classes with social distancing. He stated that the Governor's recommendation was not actually a 'recommendation' once all of the consequences for non-compliance were known. Parents assumed the decisions to delay school were local decisions, and local board members faced incredibly negative backlash. In the end, he asked for leaders to be as forthright as possible because right now there is simply too much confusion.

Representative White introduced his constituent and guest, Dennis Buschman, concerned parent and JROTC instructor, who was representing himself and fellow parents, not the school district (Rowan County). Mr. Bushman said he has served in the army 20 years, and between his military service and JROTC instruction, he believes that once you have been in combat when an enemy is trying to kill you, your worldview changes. His faith in Jesus has also changed him. As a country of liberty and federalism, after six months of lockdown, we now have a good idea of what we are facing and can assume the risks head-on. He cited statistics that in the state of Kentucky there have been 11,000 positive cases of COVID-19 for individuals aged 0-29 years old, but only one death. This results in a 0.0009 percent chance of death for the 0-29 age group. More children died of the flu in 2018. For the age group containing most educators, COVID-19 has a death rate of 0.01 percent. He asked why schools are closed if children have such a high survival rate for this disease. He also likened it to the inherent risks of driving, stating that more young people are killed in car accidents and yet we still let them ride in cars. He agreed that some families with higher risk should be allowed to stay home, but the mandate should not come from the government. As a parent, he feels completely comfortable sending his children back without masks and without social distancing. If school sports can resume, so can classroom instruction. Also, he claimed that facemasks would be detrimental to learning for students and difficult for educators to enforce. It is time for everyone to stop living in fear and let kids go back to school.

Representative Massey commented that the Governor's Scholars Program had allowed scholars to attend in-person activities over the summer and it was completely

successful. He wondered if perhaps schools could look at what had been done during that program and possibly implement some of those protocols.

Representative Marzian expressed concern for family members at home who may get the virus from a child, regardless of how low the rate of severe illness or death is for the child. She said that if you are the parent of the 1 in 1000 students who gets seriously ill or dies from COVID-19 caught at school, you will not care that the others did not get sick. This could be a liability issue for schools. Mr. Buschman responded saying that the one-size-fits-all approach will not work. Local schools need to have options and parents need to assume individual responsibility. He said we can do better and conquer the enemy.

Senator Thomas said Kentucky has fared better than many other southern states with the lowest number of deaths, and we should be commended on this. And the science shows that young people can be asymptomatic and transmit the virus to others who are far more at risk of death. However, on August 10, 2020, there was a great spike in cases. In order to mitigate risk to schools, delay was requested. He asked what had been so harmful about a reasonable request to delay. Mr. Kennedy said that many different locations did not mind the request, and indeed, a majority of boards have heeded the advice and delayed. Mr. Buschman said his perspective is for “dangerous liberty over peaceful enslavement.”

Senator Wise expressed concerns about inconsistent messaging. He said schools had plans but were not given a chance to implement them. He asked if the recommendation was the problem or the consequences that were learned afterwards. Mr. Adams said the consequences were the deciding factor. Many were upset because it appeared the decision was a choice of local control, but the consequences to the district really made it a mandate. He said leadership needed to be straight with schools. Mr. Flynn said he did not know what the future would hold, but getting students into in-person classrooms to build relationships before remote instruction was mandatory was a key concern. He echoed that there had been mixed messages from the DPH and medical experts. Schools want to comply with safety protocols, but they need to know what is required versus optional. He said many schools were being creative with hybrid models and partnerships and using those to mitigate risk. In response to a follow up question, Mr. Flynn said schools would absolutely not hide positive cases because the stakes are too high. They would communicate quickly with local health officials because all parents and teachers need to know the risks in order to best protect themselves and their students.

Representative Riley said there appeared to be a real need to balance public health and public education. He said approximately 20 percent of Fayette County students did not participate in NTI during the shutdown in the spring. Reports also show that students only covered one-third of the material they would normally cover in that time period. It is also difficult for teachers to get to know and teach students whom they have never met in person. They do not know their aptitude or personality in order to most effectively communicate with them. In response to his questions, Mr. Kennedy said there have been

many discussions about legal liability and other consequences among school board members. Liability concerns have been a deciding factor in many decisions to delay reopening.

Representative Gibbons Prunty expressed her strong desire for more local control on this issue and asked what the specific consequences were for schools if they chose not to heed the Governor's recommendation. Mr. Flynn said different groups have authority to close schools and those were outlined in conversations with Interim Commissioner Brown. Also, other superintendents and board members have been in conversations with representatives of KDE, which were supportive.

Senator West commented that everyone has asked for local control but that is not what has happened. He also stated that KRS 39A gives the Governor the authority to issue an executive order to provide liability coverage through sovereign immunity for schools and resolve those fears for schools. There are examples of in-person instruction being used all over the world to mitigate liability. He also disagreed with Mr. Buschman, stating that the only child who supposedly died from COVID-19 may have been a SIDS death, so that would reduce the death rate for ages 0-29 to zero. He said the negative effects of in-person instruction may not outweigh the negative effects of not having it. Mr. Kennedy said balance between negative effects of in-person versus virtual instruction had been addressed during many discussions. He also said that with Healthy at School guidelines it should be possible to achieve a proper balance of caring for the whole child. Senator West concluded saying we need strong leadership now, and the Governor needs to allow the local leaders to lead.

Senator Meredith said the leading cause of death for teenagers is motor vehicle accidents, and we could prevent those deaths by preventing teenagers from ever driving. But that is not realistic. The issue at hand is local control, and each district functions differently. There is no real reason not to allow local control. And this also represents a threat to public schools. Parents are looking to other educational services while schools stay closed, some of whom may never go back.

Representative Willner briefly said how important the student-teacher relationship is and expressed disappointment that there were no teacher perspectives on reopening provided in today's testimony. She said in all the discussions about liability, there was not a discussion of accountability. If the board makes a decision to reopen schools during a pandemic, would they not be assuming the consequences of that decision? Mr. Adams said he was glad that discussions between schools and state officials have taken on a better tone regarding reopening. The context in the beginning was not supportive and seemed to be more one of state officials trying to talk schools out of reopening if they chose to disregard the Governor's recommendation to delay in-person instruction until September 28<sup>th</sup>. There was a strong suggestion that administrative regulations or executive orders would be used should schools continue to pursue in-person instruction before the end of September.

Representative Bojanowski joined with Representative Willner's concerns about the lack of teacher perspectives, citing a poll of Jefferson County teachers where they voted 2 to 1 against in-person instruction. Teachers with high risk were especially concerned. And as a teacher for special needs students, she sympathized with the loss of critical supports for students when they are not in school, but it is critical that all members of the school community are considered. Chair Huff noted that the Kentucky Education Association had released a statement regarding teacher opinions on the Governor's recommendation, and today's meeting was to highlight different perspectives. Additionally, JCPS had already indicated they were opening with only virtual instruction prior to the Governor's recommendation to delay in-person instruction.

Senator Givens stressed that in-person instruction is critical for districts who feel it is right for them. He also said the Governor's use of the word "recommendation" has had different weight for different people. He asked that while the Governor makes the case for his recommendation, he additionally instructs KDE to wholly support those districts who feel in-person instruction is right for them. Allow COVID-19 support funds to flow to those districts unimpeded. As different districts open at different times, we can learn things and apply those best practices across the state. The Governor should lend a supportive tone to those who both agree and disagree with him.

Chair Huff thanked everyone for their presentations and comments during the discussion. She announced the next meeting of the committee will be September 15, 2020, at 10:30 a.m. With no further business to come before the committee, the meeting adjourned at 12:20 p.m.