

# **INTERIM JOINT COMMITTEE ON EDUCATION**

## **Minutes of the 4th Meeting of the 2020 Interim**

**September 15, 2020**

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

The 4th meeting of the Interim Joint Committee on Education was held on Tuesday, September 15, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and staff 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, Stephen West, and Mike Wilson; Representatives Kim Banta, Tina Bojanowski, R. Travis Brenda, Randy Bridges, Jeffery Donohue, 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 Christal White.

### **Approval of Minutes – August 18, 2020.**

On a motion by Senator Wilson and a second by Representative Moser, the minutes of the August 16, 2020, minutes were approved by voice vote.

### **Student Transportation Guidelines for Extracurricular Activities**

Robin Kinney, Associate Commissioner, Kentucky Department of Education (KDE) and Dr. Connie White, Deputy Commissioner, Kentucky Department for Public Health (KDPH) presented student transportation guidelines for extracurricular activities.

Ms. Kinney said the Centers for Disease Control (CDC) recommends social distancing on school buses. Social distancing recommendations are balanced with the ability of the districts to provide students access to education. KDE and KDPH provided compromises and deviated from the CDC requirements after considering operations, logistics, and fiscal impact challenges. They agreed changes were needed to ensure timely and efficient transportation of students while utilizing mitigating strategies to reduce the spread of COVID-19. Mitigation strategies for student transportation include wearing masks, loading students from the back of the bus to the front, temperature checks, the use of hand sanitizer, and rigorous cleaning between routes.

Extracurricular activity transportation guidance was released. With districts facing diverse challenges, KDE and KDPH encourages districts to use a good faith effort for social distancing when feasible and practical. For extracurricular activities, schools are balancing the use of the regular mitigation strategies with assigned seating and capacity charts. Logistics and fiscal impact are less burdensome with fewer students being transported. Neither KDE nor KDPH will police transportation but rely on the good faith efforts of districts based on each district's unique circumstances. Districts are encouraged to use existing resources to achieve the best result for their district.

In response to a question from Senator Wise, Ms. Kinney said KDE and KDPH have been working with Commissioner Tackett of the Kentucky High School Athletic Association (KHSAA) in determining the transportation guidance. Prior to KHSAA's final vote for sports participation, specific guidance for extracurricular transportation was not included in the initial transportation documentation. With the onset of questions, KDE, KDPH, and KHSAA amended the original document to include a guidance plan for student transportation to include extracurricular activities.

Responding to a question from Senator Meredith, Ms. Kinney said CDC guideline recommendations include one student every other seat on alternating rows. Because the recommendation was challenging for some districts, each district is given leeway in determining the feasibility and practicality with existing resources. Responding to a follow-up question, Ms. Kinney said districts have the flexibility to achieve some level of social distancing when full social distancing is unachievable. Ms. Kinney said KDE provided updated guidance along with a webcast presentation to all districts.

Representative Tipton expressed concern about changing mandates and recommendations released to local school districts and asked KDE to provide clear mandates and expectations going forward. Ms. Kinney said KDE provides a superintendent webcast from 2-4 every Tuesday as a communication tool and invites districts to participate. She said the flagship document, Healthy at Schools, provides expectations for districts. The recommendations are procedures districts may implement for additional protection. She said concessions were made since social distancing impacts transportation. Responding to another follow-up question, Dr. White said five requirements encompassing public health concerns include wearing masks, practicing social distancing, performing temperature checks, using hand sanitizer, and participating in contact tracing. She said "hands, face, and space" are the three most important requirements to practice.

Responding to a concern by Representative Willner as to whether parents and students will be informed that bus transportation does not meet CDC guidelines, Dr. White said a portion of the flagship document provided to districts includes the importance of communicating the content to parents and students. Ms. Kinney said communication to the parents is a local requirement since they can provide the best information based on the unique circumstances within each district.

In response to a question by Senator West, Ms. Kinney said districts unable to follow social distancing guidelines within their existing budget have access to use CARES funds and existing general funds but cautioned districts to prioritize and operate within the confines of their budget, given these uncertain times. In a follow-up question, Ms. Kinney said \$193 million of elementary and secondary funding is available to all school districts. While some districts have opted to use the funds, some are thoughtful about expenditures to support current efforts as the end of the virus is unknown.

### **Access to Area Technology Centers during COVID-19**

Ms. Kinney said Kentucky has 51 Area Technology Centers (ATC) supported by KDE. A guidance document, COVID-19 Considerations for Reopening Schools: Welcoming Students for Orientation and Targeted Services, provides the best practices for bringing small groups of students into the building. ATC is working with the KDPH to have flexibility to bring small groups in to address specific needs because many ATC classes require hands on instruction. Ms. Kinney said ATCs began in-person instruction with small groups of 10 for a limited duration of two hours with one teacher/instructor and eventually increased to 15 students per class. Some ATCs allow no more than 15 students in the building for short orientation periods or to provide targeted services. While some ATCs allow groups of students on site, others are providing take-home kits to support virtual learning.

Leslie Slaughter, KDE, said eight ATCs have taken advantage of small groups for in-person guidance over the last several weeks and allow small targeted groups in a variety of programs into the classrooms. She said seven other ATCs have finalized an implementation plan.

In response to a question by Senator Wise, Ms. Slaughter said locally operated career and technical centers (called LAVECS) are not under the same directives to limit in-person participation. The 51 ATCs that make up the Kentucky Tech District are operating under the NTI plan at the Governor's recommendation. In response to a follow-up question, Ms. Slaughter said the treatment of the state-controlled ATCs as one district provides consistency and continuity but has created a disparity in access between ATCs and LAVECS; however, KDE has great relationships with the ATC feeder districts, which have allowed the small group development. Senator Wise stressed the importance of in-person instruction in specific pathways.

Mr. David Horseman, Associate Commissioner, KDE, said in a typical year ATC students complete safety and other training through videos during the first two or three weeks at the beginning of each semester. Given the times, students have virtually completed that portion of their curriculum and have been provided with hands-on experience kits. He said they are working closely with districts, understand the hardships,

and are trying to best ensure students have access to the needed tools until in-person instruction is recommended.

Responding to a question by Senator Higdon, Mr. Horseman said eight centers have been taking advantage of in-person learning for more than a week and seven more are scheduled to begin next week. In response to a follow-up question, Mr. Horseman said three districts have applied to move from state to local control. Two of the processes have been completed and the third ATC decided against moving to local control.

In response to a question by Senator Givens, Mr. Horseman said KDE is working with local districts for returning to in-person instruction. Senator Givens stressed the need for students to return to critical paths to certification.

Responding to a question by Senator Wise, Dr. White said metrics presented (regarding in-person learning) during the 9-14-20 press conference by Dr. Stack and the Governor included a great amount of input from stakeholders, shareholders, and the education community. KDE provided guidance at the request of superintendents.

In response to a comment from Representative Gibbons Prunty regarding the ability to obtain insurance, Ms. Kinney said insurance carriers and providers view policies differently regarding COVID-19. Variances depend on the carrier, the policy in place, and the practicality of the activity involved. She said the goal of KDE is to provide flexibility for local school districts, to provide all students with safe transportation, and to maintain balance with the goals of public health in trying to mitigate the spread of COVID-19.

Responding to a concern by Senator Meredith regarding contingency plans if a district is not allowed to embrace in-person learning on September 28, Mr. Horseman said KCTCS staff will open labs as needed for small groups to allow for the completion of industry certifications and dual credit courses. He admitted classes requiring apprenticeships have suffered due to COVID-19, but KDE is doing everything possible to meet those needs should the recommended date be changed. In response to a follow-up question, Mr. Horseman said small groups will be allowed to receive hands-on experience in addition to virtual learning.

In response to a question by Representative Bojanowski, Dr. White said the county incidence map is located on the COVID-19 ([kycovid19.ky.gov](https://kycovid19.ky.gov)) website. She referred to the map titled COVID-19 Current Incidence Rate in Kentucky on which more detailed information can be found. Dr. White said the K-12 School Public Health Report accumulates contact tracing work done by the local health departments and another chart gives the same information for colleges and universities.

### **Addressing Racial Inequities in Jefferson County Public Schools**

Presenters included Dr. Marty Pollio, Superintendent; Dr. John Marshall, Chief Equity Officer; and Abby Piper, Executive Administrator of Government and Community Relations.

Ms. Piper said it is important to frame the conversation with the happenings across the country and throughout Kentucky districts to showcase the work and admit there is room to grow. There are significant challenges in educating students in Jefferson County. Students come from across the state to go to JCPS because of the services provided for students with significant needs. JCPS has 125 languages spoken in their schools, proving it is not a matter of racial equity but about a full-scale approach to ensure students have the necessary tools to succeed. She said last year JCPS had more than \$100 million college scholarships awarded to JCPS students.

Dr. Pollio said racial equity has been at the forefront of the JCPS board and administrative team for years but stressed the importance of closing the achievement gap and student achievement. He said the JCPS Board of Education adopted a racial equity policy and charged the district with implementation two years ago. JCPS was one of only 11 districts in the country to have passed such a policy at the time.

As a member of the Group of Great City Schools Task Force (GGCSTF), a collaborative group of the top 76 school districts in America based on enrollment, Dr. Pollio said JCPS is ranked in the top 30 for student enrollment. During the GGCSTF meeting on achievement for black males, superintendents from all over America were struggling with the same problem and were working to identify the problems and solutions. The conclusion on racial equity was to acknowledge the problem, specifically with disproportionality and achievement, which is common in other districts across the nation. The first step is acknowledging outside factors influence the achievement gap and the need to change the way things are done if different outcomes are expected. Secondly, there is a need to examine the way things are done. To get to the root of the problems, such as the achievement gaps in disproportionality, it is important to change and examine how kids are taught, the curriculum used, hiring practices, facilities, student assignment plans, and identifying gifted and talented students in every division and department. Finally, it must be done correctly and be sustainable for years.

Dr. Pollio hopes to have the plan implemented in 2021. If expected results are not achieved, needed changes will be determined during the summer for the school year 2021-2022. With continued improvement year after year, the outcomes will allow JCPS to become a model district.

After the board passed the racial equity policy, JCPS developed a racial equity plan within the district that was comprehensive in nature. The district is working to reduce disproportionality in academic achievement, access and opportunity to career and technical education (CTE), student discipline, and enrollment in Advanced Placement and gifted and

talented programs. He said it is necessary to ensure district policies are not exacerbating the problem.

Dr. Pollio said a comprehensive survey of parents, staff, and students has shown black students have a less sense of belonging than white students. Research shows a strong sense of belonging increases student achievement through CTE pathways, belonging in programs, having school choices, staffing of schools to reflect student population, increasing participation of minority-owned businesses, and instituting Black Student Unions at every middle and high school across the district to achieve a comprehensive approach. With racial tension mounting across the country in recent months, JCPS supports students and their sense of belonging. Two new district schools with an Afro-centric and gender-centric curriculum opened during the past three years, and JCPS has seen fantastic results for students. JCPS's goal of a comprehensive approach will improve student achievement.

Dr. Marshall said we need to make sure a racial equity analysis protocol is in place. He said staff is included in decision making regarding racial equity to ensure the issue is not marginalized, muted, or mistreated regarding student performance.

As work is being done, Dr. Marshall said communication with principals must ensure they are equipped and informed on what can be done, what cannot be done, or what needs to be done relating to racial equity. It is critical that conversation regarding racial tension be addressed and used as a teaching tool. He said JCPS has included certified staff in anti-racist training for each school, implicit bias training for all certified staff, and bi-annual equity institutes to discuss achievement, racial equity, cultural competency, anti-racism, and how to include this in the classroom so a school's culture and climate create a more conducive place for all students of color. JCPS has teacher recruitment and retention programs as well as partnerships with Simmons College and the University of Louisville (U of L).

In looking at the data, Dr. Marshall said suspensions continue to disproportionately impact black and brown students. As of March 13, black students were 2.9 times more likely to be suspended than white students. The winter 2019-2020 MAP test results show a 31-point achievement gap in projected proficiency rates between black and white students. In 2018, 51 percent of magnet enrollments were students of color and increased to 54 percent by 2020. Attrition rates for teachers of color reduced from 14 percent to 7 percent between 2018 and 2020. Dr. Marshall said while outcomes have improved, it is important to address the historical disproportionate and mismanagement issue and include a more honest, inclusive curriculum and course opportunity to explore black historical consciousness.

Dr. Marshall said improvement is needed in targeted recruitment, advancement, development, and equity in skilled trades. It is crucial to create a workforce mirroring the

student population and expanding the number of skilled tradespeople from under-served and under-represented populations. JCPS has been intentional in improving facility bids and awards for minority contractors.

Dr. Pollio said the impact on education and achievement is undervalued across the country, specifically with the achievement gap in black students. He said the 2020s will be marked by responding and being more intentional on the impact of COVID-19 on students over the next decade and specifically students of color. JCPS students will have greater needs than ever before for additional counselors, mental health professionals, and interventions in order to be successful in mitigating the students' time away from school and trauma created by the COVID-19 crisis. Student choice and family choice is an important part of the student assignment plan, and all JCPS families must be provided with that opportunity.

Dr. Pollio said JCPS has challenges ahead facing the condition of school buildings, with one in five nearing their end of life. Additionally, they are supporting students with 60,000 Chromebooks during NTI, providing more than 7,000 Wi-Fi Hotspots, advocating for an extension of USDA summer feeding programs, and supporting students experiencing trauma during 2020. JCPS provides one mental health practitioner per school, trauma-informed care, and wraparound supports through community partnerships.

In response to a question by Senator Thomas, Dr. Pollio said many JCPS students are faced with segregated housing issues beyond educators' control; however, early childhood education is an issue JCPS can impact. He said kindergarten-ready students are more likely to be proficient in reading, which is a key indicator for success. Students who are not reading proficiently by Grade 3 are at a great disadvantage and are likely to be behind the remainder of their educational career with an increased likelihood for dropouts and not attending college. Dr. Pollio said increased access to robust early childhood education and pre-school is critical. He said the Brigance kindergarten readiness model, based on 5 factors and reports from parents, is inadequate and not a true measure. Other kindergarten readiness models test 56 factors and predict at nearly 90 percent that kids will be prepared. Dr. Pollio said that while high-quality early childhood education costs nearly \$12,000 per child, a robust flagging system to recognize at-risk children and taking intentional steps to ensure young children are at a proficient reading level by Grade 3 is crucial.

Responding to a question by Representative Bojanowski, Dr. Pollio said the upcoming year will be challenging for school district budgets. He said last year mental health counseling was provided in every school but may have to be cut. JCPS is exploring ways to increase revenue, address instructional time, improve attendance, provide robust summer school opportunities, and focus on facilities and infrastructure. He said 2020 will be about making and attacking a plan around COVID-19.

Dr. Pollio applauded Fayette County Public Schools (FCPS) for adding a nickel tax and building 10 new schools within the last 10 years. JCPS, with two and one-half times the student population of FCPS, has built one school within the last decade. He said new schools are necessary for a major crisis to be avoided.

Responding to a question by Senator Meredith, Dr. Pollio said families in West Louisville should have choices and opportunities to attend schools close to their homes. JCPS has designed a “dual resides plan” for students to attend schools in their community or close to home. He said it is necessary to resource schools appropriately and to provide new schools to achieve this. With the last new high school in JCPS’s district being built in 1952, he is working with the JCPS school board on a proposal to build new schools and provide great facilities and opportunities in West Louisville. Dr. Pollio said changing student assignment and increasing taxes are part of the Corrective Action Plan. Students should have the option to attend schools that meet their needs.

In response to a question by Representative Tipton, Dr. Pollio said data indicates students of color perform better academically with teachers of color. He said JCPS employs 14 percent black teachers and 18 percent teachers of color, while students of color make up 35 percent of the enrollment. JCPS has an education pathway in their pathways model they are using to encourage students of color into the education profession. Over the last decade, teaching certificates have decreased drastically, leading to a potential national crisis. By partnering with Simmons College and U of L, JCPS has invested significantly in a teacher residency plan. Students who have earned a Bachelor’s Degree will work with mastered teachers to fulfill classroom hours and become a certified teacher. This year, JCPS has 50 candidates, including 34 African American students. Their goal is to have 100 candidates per year.

Responding to a question by Senator West, Dr. Pollio said lack of in-person instruction will impact all achievement, especially for English language learners, black, and special-education students. JCPS is intentional with support, intervention, re-opening schools safely, and assessing students immediately and taking immediate action to ensure they are on task. Failure to implement safety measures now will result in a future shutdown that will impact students and parents and exacerbate the situation greatly.

In response to a question by Senator Givens, Dr. Pollio said JCPS will embrace racial inequities through acknowledgement, examination, sustainment, and measurement. He said the parameters of measurement include reading and math proficiency, identifying gifted and talented students, providing additional instruction time, and addressing the digital divide, especially among minorities. Student outcome measurements are necessary for the success of a racial equity plan.

Responding to a question from Senator Nemes, Dr. Pollio said students need a sense of belonging to explore their interests. He said every family in JCPS, other than in West



Louisville, have the option to choose schools closer to their homes. Families in West Louisville do not have that option. If a student in that area applies for a magnet school but is not admitted, they cannot choose a school close to their home. JCPS is examining a school assignment plan for middle and high schools. He said every family should be provided the same choice.

**Other Business**

The next meeting of the IJCE will be October 20, 2020, at 10:30 a.m. in Room 171 of the Capitol Annex.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 12:40 P.M.