

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 3rd Meeting of the 2021 Interim

August 3, 2021

Call to Order and Roll Call

The 3rd meeting of the Interim Joint Committee on Education was held on Tuesday, August 3, 2021, at 11:05 a.m., in Room 149 of the Capitol Annex. Senator Max Wise, 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 Danny Carroll, David P. Givens, Denise Harper Angel, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Adrienne Southworth, Robert Stivers, Reginald Thomas, Stephen West, and Mike Wilson; Representatives Shane Baker, Kim Banta, Tina Bojanowski, Jennifer Decker, Jeffery Donohue, Myron Dossett, Scott Lewis, C. Ed Massey, Bobby McCool, Charles Miller, Melinda Gibbons Prunty, Steve Riley, Killian Timoney, James Tipton, Russell Webber, Richard White, and Lisa Willner.

Guests: Karen Lukasile, American Family Association; Matthew Singleton, American Family Association; Ruth Ann Shumate-Reed, American Family Association.

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

Approval of Minutes

Following the welcome of special guests, including Representative Decker's sister and brother-in-law, Senator Meredith made a motion to approve the minutes of the July 6, 2021, meeting. Senator Wilson seconded the motion and it passed by voice vote.

Curriculum: Public Engagement, Authority, and Decision-Making

A. Preparing Students of all Races to Achieve Greatness

Mr. Ian Rowe, Resident Fellow, American Enterprise Institute, was present remotely to speak about a different approach to student achievement. As an educator, he founded a public charter elementary school network in New York City and network of International Baccalaureate high schools. His focus has largely been on low-income black and Hispanic students whose parents wanted their children to achieve the American Dream. Many families have faced racial discrimination and challenges but believe that a great education will open doors. He shared data from the National Assessment for Educational Progress (NAEP) Data Explorer, specifically the scores of Kentucky 8th graders in reading proficiency, which illustrated that less than 40 percent of Kentucky's white students scored

proficient. The achievement gap for black and Hispanic students has remained the same for nearly two decades. However, over the same span of time all educational reform organizations have had closing the achievement gap as a key element of their objectives. This obsession with closing gaps has failed to close any gaps and has not substantially improved overall achievement levels. He illustrated nearly 27,000 white students, nearly 2,700 Hispanic students, and nearly 4,700 black students did not read at proficient levels according to the NAEP exams. Even accounting for the fact that white students make up a much larger segment of the population, it is important to look at actual student counts. These raw numbers underscore the collective failure to teach literacy and build verbal proficiency across all races.

He argued that this proves there is not just one cause for low proficiency rates for black and Hispanic students since systemic racism is unlikely to be the cause of low performance among white students. The multi-decade obsession with closing achievement gaps for minority students has brought in a mono-causal mode of thinking, which has crowded out the ability to identify solutions across categories. Focus on topics such as critical race theory (CRT) has become a distraction from focus on the genuine literacy crisis faced by all students. To begin his brief discussion of CRT, he quoted the definition he uses, pulled from the original source material: “Unlike traditional civil rights which embraces incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order including equality theory, legal reasoning, enlightenment rationalism and neutral principles of constitutional law.” He said he was opposed to any ideology that by definition questions equality theory, which encompasses equal rights, equal protection under the law, and equality of opportunity. In education, approaches that force faculty into professional development and encourage students to identify as oppressor or oppressed are problematic. Instead of the race-based approaches, Mr. Rowe introduced his “Distance to 100” approach.

The Distance to 100 model emphasizes the gap between 100 percent proficiency and current performance for all students. This calls into question why less than one-third of students across the United States are failing to achieve reading proficiency. There is significant overlap among the reasons why even white children are not achieving proficiency and why the gaps for minority students remain. Mr. Rowe also spoke about the importance of school choice and teaching teachers how to teach content rich curriculum. He said it is critically important for kids to know they live in a good country that is not hostile to their dreams. Schools should promote family ideals and move from persecution to prosperity. There are incredible stories of resilience in the history of the United States, which the 1776 Unites organization proposes are more important and valuable than the historical perspective offered in the 1619 Project curriculum. The 1776 Unites curriculum features Rosenwald Schools and other lessons on those who were born into slavery and became millionaires. Mr. Rowe said this curriculum is widely used to support character formation for children. It teaches not only about the legacy of slavery and Jim Crow but also the progress made to move past those times. This curriculum is also used to improve

literacy. In his opinion, CRT is a major distraction from real progress in literacy. Schools need to change their strategies from closing the gaps to a focus on raising overall achievement levels. Focus on literacy will prepare all students to aim high and set ambitious goals for our country.

Chair Wise thanked Mr. Rowe for his testimony and asked where schools can find the 1776 Unites curriculum. Mr. Rowe said it is available on their website and has two components, a historical portion and a portion looking to the future.

Representative Bojanowski said a score of proficient on the NAEP assessment does not necessarily equate to reading at grade level; it is actually a significantly higher level of reading ability. However, she agrees that the focus on closing gaps is problematic, especially when combined with the emphasis on high stakes testing. There needs to be a shift in pedagogy toward a deeper learning situation that engages all students. Mr. Rowe agreed that the NAEP assessment is problematic but does provide a baseline of comparison among states. There is a legacy from No Child Left Behind that all students should read and do math at grade level that unfortunately resulted in a loss of content rich curriculum, especially in social studies and science. Obsession about exams led to an idea that content does not matter. We know now that is not the case, and better early literacy initiatives are necessary. He discussed briefly a program that implemented home-based literacy programs for 18 month olds and their caregivers to build skills not just for the child but for the caregiver as an in-home reading coach.

Responding to questions from Representative Willner, Mr. Rowe said most charter schools in his area are publicly funded and supported by non-profit networks. The funding is similar to a traditional model with per-pupil allocations. Private donations have helped to close funding gaps between state funds and the actual needs to educate students well. Part of his goal in founding his schools was demonstrating that the same children from the same environment in inner city New York City could achieve better outcomes with less money.

Responding to questions from Senator Thomas, Mr. Rowe agreed there should be dialogue and debate to get to resolution for all. When there is disparity based on race, class, or gender, it should be investigated but the reason for that disparity may not be because of a single factor. These issues are very complex. Mono-causal thinking presumes that because there is disparity among groups, it must be because of that difference. In the entire country, there has never been a majority of even white students to achieve reading proficiency. If we hone in on that, we can find some overlap. This is not to say race is not an issue, it is saying there may be more than one cause and we need to address them all to advance as a country.

In response to a question from Representative Banta, he said the cost per pupil in New York incorporates teacher salaries, unlike how per-pupil allocations are typically reported in Kentucky.

Responding to questions from Representative Decker, Mr. Rowe said that in terms of things that concern him about schools, children being taught CRT comes close to the bottom of his list. Any time there is a proposal to ban topics it is highly problematic. It is worse than compelled speech which requires teachers to include specific elements in their classrooms. It is much better to expose ideas that are problematic and allow debate. Banning is a slippery slope, and America is based on free expression of ideas. He would much rather look at literacy and teaching a rich history in the early grades to give students a foundation for success. Representative Decker commented that having schools focus on CRT is a distraction, but the legislature can work to remove that distraction.

Responding to a question from Senator Southworth, Mr. Rowe said one of the challenges with CRT is the number of definitions being used. Different individuals and groups change their position on the theory based on these definitions. Starting with the definition given earlier, it is a sophisticated legal theory that is more appropriately debated at the higher education level. He encouraged the members to nail down the definition before prohibiting anything. School history curriculum should not focus exclusively on the good or bad aspects of history, and a shifting definition that would apply to robust teaching of history in 1st grade would be problematic.

B. Student Assignments and Public Input

Parent representatives Beanie Geoghegan and Miranda Stovall were present to give their perspectives on student assignments and public input on curriculum. Ms. Geoghegan said her family has been part of the school system for many years. Her students had a wealth of quality education in elementary but struggled in magnet middle school. She said there was a troubling lack of quality reading materials used in middle school. There also appeared to be a lot of classroom discussion spent on topics that did not appear to meet standards. Social justice topics do not prepare students for their future. Students should be educated, not indoctrinated. She claimed this is a widespread problem across the state where parents find a lack of transparency with their schools and a lack of curriculum standardization. She feels that discussion of white supremacy is problematic in advanced English classes. There also appears to be no opportunity for students to present opposing points of view. She expressed concern about not knowing who approved these classroom topics and wants to know why the principles woven in our founding documents are not being spoken in schools.

Ms. Stovall expressed her concerns about the lessons being taught in school and who approves them. She said this information should be readily and easily found for parents, but currently it is not. She also expressed concern about assignments during non-traditional instruction conducted during the pandemic closures such as a “Race Card”

project assigned to her student. When she had questions about curriculum there were no answers on the school or district website. In site-based decision making (SBDM) committee minutes there is a lack of transparency regarding curriculum decision making. There are no notes on what was discussed or approved. Racial equity policies for elementary schools mention project-based learning experiences embedding social justice, and she is troubled to see pages with the same narrative regarding social justice and no opposing viewpoints. Parents should be notified before these assignments are given and have complete control over how discussions regarding certain current events are had with their students. She also opposes the indoctrination of students with theories and ideologies and wants to know what happens behind the closed school doors. Lack of communication from the district will result in parents moving away from schools. Her local school board appeared to have zero concern with what parents have to say. She reiterated that parents simply want transparency and for school boards to include parents in curriculum decisions.

Responding to a question from Chair Wise, Ms. Geoghegan said she emailed teachers throughout the year, always remaining polite and respectful. However, her concerns were never addressed regarding why classics were not part of the language arts curriculum her student was receiving. She did not reach out to the SBDM, but she also did not understand where the breakdown of communication occurred. She wants more transparency from the school and more parent representation in curriculum discussions.

Representative Bojanowski commented that as an educator, she wants students to think critically, as do all educators. It is troubling to hear parents use the term indoctrination which implies a lack of critical thinking. Fostering critical thinking is one of an educator's primary goals and is a critical skill needed in today's workforce.

Senator Givens commented that he would like more information about the processes by which parents can make concerns known in order to get their concerns and questions addressed.

C. Curriculum Authority and Decision-Making

Marcia Seiler, Acting LRC Deputy Director, Office of Education Accountability, and Bryan Jones, Investigations Division Manager, Office of Education Accountability, were present to discuss the statutory authority granted to different parties regarding curriculum decision making.

Ms. Seiler began with KRS 158.645 which, combined with KRS 158.6451, was part of the 1990 Kentucky Education Reform Act (KERA). KERA was a significant overhaul to education in the state and curriculum decision-making was designated to the local level. KRS 158.645 sets out the eight capacities students should acquire through public education and KRS 158.6451 further outlines seven tenants that schools should emphasis in curriculum and work toward with students. This includes such tenants as “apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social

studies, and practical living studies to situations they will encounter throughout their lives.” In subsection two of that same statute, it states that “the Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and KRS 158.6453.” She shared with members the KDE website address where the model curriculum framework required by statute can be found. She said it is a very thorough but interesting document and includes a description of the topics discussed earlier. Kentucky Academic Standards (KAS) contain the minimum requirements of what students should know at the end of each grade level. These two documents form a foundational framework of what should be learned in public schools. Curriculum connects the work of classroom teachers to the standards and sets up what will happen in the classroom during the school year. Some documents and instructional materials which can be used in the classroom are also laid out in the framework.

In KRS 156.160, KDE is given the responsibility to promulgate regulations to establish the KAS, and in KRS 160.345, the SBDM statute, schools are tasked with creating SBDM committees. There are approximately 1,100 schools in Kentucky and approximately 800 SBDMs. This discrepancy is because some schools do not need a SBDM. Each SBDM consists of two parents elected by parents in the school, three teachers elected by the teachers, and the principal or another administrator who sits as chair of the committee. Each member serves a one-year term. By statute, if the school has 8 percent or greater minority population, there shall be an election for a minority member. Further, in subsection two of the SBDM statute, the school council shall adopt 11 policies to be implemented by the principal. The determination of curriculum is one of those policies, as is the planning and resolution of issues regarding instructional practices. In paragraph (g), the school council is tasked with selection of instructional materials and texts and in paragraph (j), there are specifics regarding the desegregation of data by demographic.

Ms. Seiler also provided members with the website links to training and guidance materials provided to members of SBDMs. Members are required to have training and that guidance largely comes from KDE or from the Kentucky Association of School Councils (KASC). KRS 158.6453 outlines the policy for the review of standards and assessments. Beginning in the 2017-18 school year, KDE is required to implement the process for review of standards and perform the review every 6 years thereafter. This process ensures the assessments align with the KAS. The review process is open and transparent to allow all Kentuckians to participate because the General Assembly recognized how critically important transparency is to this process.

Next, Ms. Seiler directed members’ attention to the website address for the KAS where members can find the model framework, broken down by grade and subject, as well as a link to the timeline for standards review. Currently, the standards for science are in process, with arts and humanities set to begin the process in December 2021. The standards

for reading, writing, and math completed review and went into effect in March 2019. The next review on those standards will be in 2025. The regulation containing the social studies standards went into effect in July 2019 and also will be reviewed again in 2025. The process for how the standards are reviewed, including who is involved and when, can also be found online in the document “KDE Standards Implementation Guideline.” Broadly, three groups are developed to perform the standards review: Advisory Panels, Standards Review Committees, and the Overall Standards and Assessments Process Review Committee. The membership of these groups can also be found online.

In addition to statutes, there are also regulations of note for curriculum discussions including KAR 704 3:305 which establishes the minimum 22 credits required for high school graduation. Also of note is KRS 158.649, which defines achievement gaps and how schools use gap data to align curriculum. Administrative regulation KAR 704 3:540 is the uniform academic course codes, managed by KBE, which are used to create accurate data. Lastly, dual credit courses are established in KRS 164.098 and KRS 158.007, where a class gives high school and college credit. This statute allows for dual credit courses to be offered in person or online, by qualified teachers/faculty, during or outside the school day. There were also several examples given of the legislature requiring curriculum outside of the standards in various statutes, for example KRS 158.6450, which requires instruction in voter registration and election procedures.

Responding to questions from Representative Tipton, Ms. Seiler said if a school has a SBDM, they make the curriculum decisions for that school. If a school is struggling, there may be a process through which the local school board steps in to make those decisions. Mr. Jones said the SBDM meetings are public meetings and subject to open meeting laws. Ms. Seiler also explained that curriculum development training is statutorily required for SBDM members and KASC provides some of those training materials.

Representative Banta commented that while KAS are clearly laid out online, often local school boards also set policies that can sway what school councils decide. She wanted to remind everyone that school boards are an elected body, many of which are often re-elected without challenge. School Boards and SBDM are not mutually exclusive, but they do work together.

In response to a question from Representative Decker regarding KRS 156.445, Ms. Seiler said instructional resources are a separate issue, and KDE maintains the textbook list specified that statute. For questions about the penalty for using materials not on that list, members will need to ask a KDE representative.

Responding to a question from Representative Gibbons Prunty, Ms. Seiler said as a non-partisan staffer she could not offer any opinion or feedback on whether there was too heavy a focus on achievement gaps in schools.

In response to a question from Senator Southworth, Mr. Jones said the school councils approve curriculum, textbooks, and instructional materials. Ms. Seiler said the specificity of those policies vary greatly from school to school, even sometimes in the same district. There also seems to be variance between grades, with some schools being more proscriptive in elementary school and more flexible in their policies for high school. Data on these policies is not gathered by KDE for comparison between schools.

Responding to a question from Senator Givens, Ms. Seiler read KRS 160.345 (2)(g), “The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school’s needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the library media center and the purchase of instructional materials, information technology, and equipment.”

Kentucky Science Center

Mike Norman, Chief Executive Officer, Kentucky Science Center; Mellisa Blankenship, Director of Education, Kentucky Science Center; Amy Paris, Communications Manager, Kentucky Science Center; and Laura Owens, Senior Partner, JYB3Group, were present to share the story of the Kentucky Science Center in Louisville. Mr. Norman said the science center strives to not only encourage science literacy among children but to enhance lifelong learning for adults. He often hears that it is a place to go for families or school trips, but it is more than that. The work of doing science extends beyond their front door. Staff travel throughout the Commonwealth creating an impact in all counties through digital learning, camps, and other hands-on science presentations.

The Kentucky Science Center was founded as a cabinet of curiosities in 1871 and has grown to be the largest hands-on science center in the state. In 2002, the General Assembly named it the state’s science center and the name was changed in 2012 to honor its statewide focus. Today, they have a series of travel programs and educational outreach which offer off-site programming and impact 75,000 children annually. In 2020, there was increased need for digital programming because of the pandemic. The science center stepped up and created Science Youth Summits for high school students to expand and enrich their at-home learning with content created by science industry professionals. This expanded digital model greatly increased access for students all across the state. The science center continues to leverage partnerships with other organizations to extend programming, such as their work with the Kentucky Department of Libraries and Archives to bring “Science and Play To-Go” programs to local libraries. Outreach efforts such as this increases capacity for early childhood learning opportunities. With a wide array of careers in science, technology, engineering, arts, and math (STEAM) available to today’s youth, it is important to increase exposure to science through interaction with the science

center. Science matters and creates a prepared workforce because science is for all. He encouraged members to come see them in Louisville or to seek them out when they come into their districts to see first-hand what the Kentucky Science Center has to offer.

Chair Wise agreed that lifelong learning is critical to the Commonwealth today and into the future.

Representative Bojanowski said she has taken many school groups to the science center and it is always a great trip. It tricks kids into learning, and she thanked them for all their great work.

Administrative Regulation Review – 703 KAR 5:280

Chair Wise introduced the administrative regulation regarding school improvement procedures which had been referred to the committee following review by the Education Assessment and Accountability Review Subcommittee. Present to answer questions from the Kentucky Department of Education were Dr. Kelly Foster, Associate Commissioner, Office of Continuous Improvement and Support; Dr. Matthew Courtney, Policy Advisor, Office of Continuous Improvement and Support; and Todd Allen, General Counsel. There were no questions from the committee and no action was necessary.

Chair Wise announced the next meeting of the committee will be Tuesday, September 7, 2021, at 11:00 a.m. in Annex Room 149. With no further business to come before the committee, the meeting adjourned at 12:56 p.m.