

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 1st Meeting of the 2022 Interim

June 7, 2022

Call to Order and Roll Call

The 1st meeting of the Interim Joint Committee on Education was held on Tuesday, June 7, 2022, at 11:00 a.m., in Room 154 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 Danny Carroll, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Reginald Thomas, Stephen West, and Mike Wilson; Representatives Shane Baker, Kim Banta, Tina Bojanowski, Jeffery Donohue, Myron Dossett, Mark Hart, Scott Lewis, C. Ed Massey, Bobby McCool, Chad McCoy, Charles Miller, Felicia Rabourn, Steve Riley, Killian Timoney, James Tipton, and Russell Webber.

Guests: Beau Barnes, Deputy Executive Secretary of Operations and General Counsel, Teachers' Retirement System; Dr. Jason Glass, Commissioner, Kentucky Department of Education; Dr. George Hruby, Executive Director, Collaborative Center for Literacy Development; and Dr. Melinda Harmon, Director, Reading Recovery, Collaborative Center for Literacy Development.

LRC Staff: Jo Carole Ellis and Maurya Allen.

Recent Changes for Rehiring Retired Teachers

Beau Barnes, Deputy Executive Secretary of Operations and General Counsel, Teachers' Retirement System (TRS), was present to discuss the changes to the retirement system with the implementation of recent legislation allowing the rehiring of retired teachers.

KRS 161.605 allows retirees to help schools meet needs but has several provisions to make retirement less attractive and maintain compliance with federal tax law. There is a provision which limits retirees returning as full-time teachers to three percent of teachers working in a district, but there is also a procedure to allow districts to borrow slots from other districts if they get close to that threshold. However, as the overwhelming majority of retired teachers are returning as substitutes, there are no districts currently in danger of needing to use that provision. Before 2002, teachers could retire at 27 years, go back into the classroom for 100 days, and receive their full salary. This was problematic for the

Education Professional Standards Board (EPSB) and TRS because there was an exponential increase in early retirees coming back part-time and receiving full pay. This prompted the changes to statute that limit days, limit earnings, and require breaks in service.

Mr. Barnes said there are two sets of rules for return to work – one is permanent and the other is an emergency set of rules to address current critical teaching shortages. The option to allow teachers to return to work, including which program is used, is at the employer's discretion. Non-codified language in Senate Bill 1 of the 2021 Special Session was used to assist districts that were struggling during the pandemic. This relaxed aspect of the return to work program was set to sunset on January 15, 2022, with all rules returning to normal. Eligibility was limited to TRS retirees returning to a teaching position with a local school district who retired on or before August 1, 2021.

Other recent statutory changes included Senate Bill 25 of the 2022 Regular Session, which had the same provisions as the special session legislation but extended the sunset date to June 30, 2022, and extended the provisions to classified staff. This allowed, for example, retired teachers to return as bus drivers. Also, in the 2022 Regular Session, House Bill 1 provided temporary changes for local school districts to address staffing concerns by relaxing certain aspects of return to work with a sunset date of June 30, 2024.

Mr. Barnes illustrated how many schools are utilizing the critical shortage positions and the percentage used of both the permanent and temporary critical shortage positions available in the state. He also discussed provisions of the return to work program that did not change, including the prohibition for any member to have an agreement before retirement to return to work for any position, whether certified or classified. Breaks in service with reciprocal systems must also be observed, as well as contributions to health and other insurance programs. In closing, he said that there are 73,198 current members, and of those 8,890 are eligible to retire today or roughly 12 percent. Approximately 11 percent of the 7,700 K-12 teachers are eligible to retire, but most would not receive full retirement (they would be young retirees and be penalized). This percentage has remained stable since the first return to work provisions went into effect in 2002.

Chair Huff thanked Mr. Barnes for his presentation. In response to questions about a measureable effect of members leaving to other professions, Mr. Barnes said numbers were relatively stable, with 2020 being an outlier. The numbers coming in during 2022 have been strong for an overall stable membership.

In response to questions from Representative Donohue, Mr. Barnes said it is critically important for potential retirees who want to return to consult with their insurance experts to make sure they can get back on the proper health insurance plan.

Responding to questions from Senator Higdon, Mr. Barnes said the sick leave and COLA payments were made and invested to benefit the system and its members.

Teacher Shortage Issues: Recruitment and Retention

Dr. Jason Glass, Commissioner, Kentucky Department of Education (KDE), was present with Brian Perry, Director of Governmental Relations, KDE; Dr. Byron Darnall, Associate Commissioner, Office of Educator Licensure and Effectiveness, KDE; and Veda Stewart, Director, Division of Educator Recruitment and Development, KDE.

Commissioner Glass covered some of the teacher data available, including retention as reflected by turnover. The 2020-2021 teacher turnover rate was 16.2 percent, and this is near the national average of about 17 percent. The impact of COVID on the data has been significant but not enough to cause great deviation from the national average. Impacts of COVID were illustrated through posted and filled positions, but the gap between filled and open positions remained steady even with COVID. The number of certifications issued over time illustrates that while more new certifications are being issued, the number of shortages in specific areas has remained steady. Additionally, KDE has found it difficult to get new teachers graduating from in-state credentialing programs to apply for and accept positions teaching in Kentucky. All of this has combined to mean that more emergency certifications are being used to fill positions than have been used in previous years.

Commissioner Glass highlighted the numbers at risk of leaving the profession based on those that are eligible to retire, those who have less than five years' experience and are more vulnerable to leaving, and those who are retired and have returned to work. This data indicates that approximately 72 percent of full-time teachers in Kentucky are at risk of leaving the profession.

Commissioner Glass also covered the various pathways that bring teachers into the profession. Currently, the traditional program still trains and certifies 80 percent of the full-time teachers and this is where impacts will be most felt. He introduced the GoTeach KY program, started by the previous KDE commissioner, which encourages more young people into the profession. The program borrows from the career and technical education model by inviting high school students to consider teaching as a career and increases access to the teaching and learning career pathways in high schools. This program elevates the prestige of the profession, provides supports, and also includes ways to support new teachers and keep them in the classroom.

Another program is the Educators Rising program which helps create scholarships to reduce barriers to high school students going into college education programs. Other ways that the legislature can support and elevate the teaching profession's appeal is to increase efforts to raise the wage of teachers and improve the retirement system, because while they go into the profession for altruistic reasons, teachers need a livable wage and a sound retirement. This will take significant financial contributions, but modest investment

in the right places will have real impact. Commissioner Glass closed by suggesting potential strategies that could be used to increase teacher recruitment and retention. He said these proposals are simply suggestions, but he encouraged members to consider them and the ways that the legislature can support their implementation.

Responding to questions from Representative Bojanowski, Dr. Darnall said it was true the General Assembly's investment in Teach for America does not seem to be paying off for the state and there may be other ways to spend those dollars that would be more effective. Dr. Glass agreed that alternative pathways are valuable, but we may need to do something different. Representative Bojanowski said the Go Teach KY model has been very successful in recruiting teachers, particularly in STEM, from out-of-state and it could be expanded.

Responding to comments from Representative Banta, Commissioner Glass thanked her for the suggestions of ways to incorporate substitute teaching into the student teaching program. He also said he supports not filling front office positions before filling teaching positions because that can damage individual schools. Regarding the EPSB and barriers to certification, specifically the pathway to teaching special education, he supports alternative pathways but does not want to lower standards, especially for those that work with the most vulnerable special needs students.

In response to questions from Senator Thomas, Commissioner Glass said there are things that Kentucky is doing right in education. The relationship that school districts have with their communities is powerful and creates a sense of place. Secondly, Kentucky has worked hard to lift teaching up as a profession. Not everyone can or should do it, because it requires a lengthy education and a lifetime of work to be really successful. Finally, people remember the KERA legislation because it was one of the most influential education reform measures. He reminded members that Kentucky has a history of doing big, impactful things, and we are being asked to do that again.

Responding to questions from Representative Timoney, Commissioner Glass agreed that the PRAXIS serves as a gateway toward certification, but it does not measure the things that are really important. We need a way to make the profession strong, but perhaps something different would better serve the purpose.

In response to questions from Representative Miller, Dr. Darnall said there are several alternative pathways to certification, and 'option nine' recently created by legislation addresses ways to provide resources to individuals already working in schools who wish to become fully certified teachers.

Responding to questions from Senator Meredith, Commissioner Glass agreed that the work-life balance is certainly something that needs to be addressed. Also, the additional duties and responsibilities that are required, the erosion of planning time, and other barriers

make it harder for individuals to see themselves in the profession long-term without burn out.

In response to questions from Senator Carroll, Commissioner Glass said the legislature has significantly funded education through SEEK and TRS funding, and that needs to continue because inflation continues to rise. In many regards, this shortage is a labor market challenge, and it indicates that salaries and the whole package are not currently strong enough to attract new teachers. There are also problems from the pandemic and the hyper-partisan environment where teachers feel they are asked to solve the world's problems or are being blamed as the cause of all societal problems.

Responding to additional questions from Representative Banta, Commissioner Glass said the EPSB is a group of practicing teachers and instructors who are a decision-making group who can be tasked to look at gifted/talented programs and other areas. Requirements to becoming a teacher are also in statute and could be changed by the legislature directly. The PRAXIS has its challenges, specifically in terms of cost and reliability, and bears evaluation.

Chair Huff said that while she supports innovation and changing pathways, we need to keep in mind that this is a profession that requires high standards.

Reading Instruction Methods and Interventions

Dr. George Hruby, Executive Director, Collaborative Center for Literacy Development (CCLD), was present with Dr. Melinda Harmon, Director, Reading Recovery, CCLD, to discuss the research and strategies that are provided to teachers through professional development to aid in reading instruction improvement. The CCLD also provides advisory services and evaluates teaching strategies in order to recommend the best evidence-based models.

Dr. Hruby began by addressing the reading scores from recent KPrep testing and illustrated that if a student had one or more KY Reading Project teachers, they were significantly more likely to score distinguished and much less likely to score novice. This trend continues throughout the students' school career and illustrates that this program gets a lot of 'bang for your buck' in terms of investment. Additionally, underperforming students using Read to Achieve are able to close the gap on their peers through the intervention of qualified specialists and well-trained classroom teachers. His data also illustrated the 'summer slide' and how a community based approach to reading intervention is very effective. Every year since 1998, Kentucky's reading score has been above the national average, even though we are one of the poorest states in the nation. The one year that saw a significant drop was due to a drop specifically in early reading scores in Jefferson County Public Schools during that time.

Dr. Hruby explained that reading is a product of decoding and comprehension. Both must be strong for students to do well on end-of-year exams, and both can be taught and promoted to improve scores. He illustrated the different models of understanding that prove how students read and where struggling readers are struggling. He emphasized that there are no one size fits all models to help all students, but the models must be tailored for each struggling student. In closing, he provided members with a Science of Reading Fundamentals handout that explains the science behind reading and ways reading interventions can be implemented most effectively.

Dr. Harmon spoke to how the Reading Recovery model is an effective early intervention and in-service professional development program for teachers. Goals of Reading Recovery include reducing the number of first grade students who have extreme difficulty learning to read and write and the long-term cost of these learners to education systems. Reading Recovery develops children's reading and writing skills and strategies so they can make faster than average progress to catch up with their peers and work successfully in their regular classrooms. Because teacher knowledge and expertise is necessary to change the trajectory of students, quality professional development, such as that provided by Reading Recovery, are invaluable. Reading Recovery instruction provided by CCLD for teachers is equivalent to a year's graduate level instruction and prepares them to become teacher leaders in their schools.

In response to criticism and questions from Representative Bojanowski, Dr. Hruby said the two alternatives to Reading Recovery that are evidence-based and recommended by CCLD are early intervention and leveraged intervention. The CCLD does support other interventions, but Reading Recovery has always been part of the CCLD for administrative purposes and ensures continued funding. He agreed there is some inherent difficulty with using KPrep scores for reading because they use a different measure than MAPP tests.

In response to criticisms and questions from Representative Tipton, Dr. Hruby said the referenced study was not a peer reviewed study and statistics show that cognitive psychology measures different things and is unreliable at early grade levels. He agreed that there is a need for more evidence-based research and other models. Dr. Harmon said the students in the I3 study on Reading Recovery showed great advancement, but that study was not peer reviewed at the time of presentation. A peer reviewed study presented at the same time showed positive results for children in England through age 16. Aggregate meta-analysis proves the effectiveness of Reading Recovery but there is much more that teachers can be taught on how to meet individual learners where they are and get them back on target and into regular classroom instruction. Dr. Hruby also said that when students are 'good to go' upon completion of the Reading Recovery program, he meant they are ready to return to the classroom, but that does not necessarily mean they will be able to keep up because of other influences and barriers to learning.

In response to questions from Senator West, Dr. Hruby said the CCLD does not receive any funding from Reading Recovery. Dr. Hruby said he does not necessarily advocate for Reading Recovery but he does admire the data they have. There are other evidence-based methods, and if something is working for a district, whether or not recommended by CCLD, they should continue doing it. Regarding the startling drop in JCPS, it seems there may have been a change in what programs were available to teachers for professional development. Effective programs must incorporate a phonics component, but how to incorporate it and what other strategies to employ is a matter that needs more research.

With no further business to come before the committee, the meeting adjourned at 1:25 p.m.