# INTERIM JOINT COMMITTEE ON EDUCATION

## Minutes of the 1st Meeting of the 2023 Interim

## June 6, 2023

**Call to Order and Roll Call**
The 1st meeting of the Interim Joint Committee on Education was held on June 6, 2023, at 11:00 AM in Room 154 of the Capitol Annex. Representative James Tipton, Chair, called the meeting to order, and the secretary called the roll.

**Present were:**
Members: Representative James Tipton, Co-Chair; Senator Stephen West, Co-Chair; Senator Danny Carroll, Senator Shelley Funke Frommeyer, Senator David P. Givens, Senator Jimmy Higdon, Senator Stephen Meredith, Senator Gerald A. Neal, Senator Robert Stivers, Senator Reginald Thomas, Senator Lindsey Tichenor, Senator Gex Williams, Senator Mike Wilson, Senator Max Wise, Representative Shane Baker, Representative Jared Bauman, Representative Tina Bojanowski, Representative George Brown Jr., Representative Jennifer Decker, Representative Kevin Jackson, Representative Scott Lewis, Representative Candy Massaroni, Representative Bobby McCool, Representative Felicia Rabourn, Representative Steve Rawlings, Representative Josie Raymond, Representative Steve Riley, Representative Killian Timoney, Representative Timmy Truett, Representative Russell Webber, and Representative Lisa Willner.

Guests: Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents; Dr. Lu Young, Chair, Kentucky Board of Education; Rhonda Sims, Associate Commissioner, Office of Assessment and Accountability, KDE; Dr. Jennifer Stafford, Director, Division of Assessment and Accountability Support, KDE.

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

**KERA - Where We Started, Where We've Been, and Where We Can Go**
Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents, gave a brief presentation on the history of the Kentucky Education Reform Act (KERA), which was passed in 1990. The law held schools accountable for student performance through content and performance assessments while also striving to equalize funding across districts with the SEEK formula. Other focuses of the KERA legislation were local control through school-based decision making (SBDM) councils and locally-elected school boards. Dr. Flynn presented three major disruptors to KERA's reform efforts: the federal No Child Left Behind law, the 2008 recession, and the COVID-19 pandemic. He discussed the many iterations of high stakes assessment and accountability systems including the Kentucky Instructional Results Information System (KIRIS), the Commonwealth Accountability Testing System (CATS), Unbridled Learning, Kentucky Performance Rating for Educational Progress (KPREP), and the Kentucky Summative Assessments (KSA). This led to a discussion of policy barriers regarding assessment and accountability as identified by district personnel.

Dr. Flynn presented the approaches being taken by other states, which include replacing traditional graduation requirements with deeper forms of assessment such as capstones, portfolios, and learning defenses. This innovative assessment strategy is being used by some

districts in Kentucky already. Dr. Flynn proposed several recommendations for further consideration by the General Assembly including ways to reduce the state's summative assessment footprint within federal requirements, reexamining the state's approach to funding, reorienting educator preparation and professional development around student-centered learning, and the creation of innovative education resources to catalog and share best practices among districts.

Representative Bojanowski commented that one of the primary reasons she ran for office was to address the accountability system. There are three main challenges with the system as it currently exists. First, it doesn't reflect actual learning in the classroom because the results do not get back to the teachers until well after the students are moved on and teachers have no input on the questions being asked. Second, the tests are very expensive with over $10 million spent on the process, plus being costly in time spent to administer and score the assessments. Finally, analysis has shown that district scores can be predicted based on the community's education and poverty levels. In addition to the required state testing, many districts give mid-year tests to determine how well students will do on the state tests which just compounds the amount of time spent on testing versus education. She sincerely hoped the discussion today would lead to the General Assembly taking action to reform the assessment system.

Senator Stivers reflected on the legacy of KIRIS, which he said was very expensive and flawed. In his opinion, high stakes accountability, with an appropriate assessment, is the right way to go. However, there is yet to be an appropriate tool for assessment. Dr. Flynn said the inception of KERA and high stakes accountability did jump start our educational system and moved Kentucky from the bottom of rankings to the middle of the pack. Superintendents don't shy away from assessments and accountability, but we now have an opportunity to look at an integrated approach to state assessments that measure what we value and include more comprehensive instruction. He stressed the importance of a local component but said more data is needed for broad evaluations of the return on investment.

**Assessment and Accountability Overview**

Rhonda Sims, Associate Commissioner, Office of Assessment and Accountability, Kentucky Department of Education (KDE) began the presentation on Kentucky's assessment and accountability system with an overview of the changes in the system from 2018 to the present. A handout given to members compared the federal and state assessment requirements to illustrate how the state has crafted the system, detailed in KRS 158.6453, to comply with the federal requirements of the Every Student Succeeds Act. The Kentucky assessments align with federal requirements apart from a college admissions exam, which Kentucky requires of all 11th grade students. Ms. Sims explained that the assessments given to students must meet certain federal technical benchmarks in order to be accepted.

Dr. Jennifer Stafford, Director, Division of Assessment and Accountability Support, KDE, explained how multiple indicators for school success are required to be measured to meet federal standards. KDE is currently working with US Dept of Education to get full approval of the consolidated state plan, but there have been difficulties with how the change component is calculated regarding the state assessment of mathematics. KDE has implemented some revision to the measures used for graduation rate to better align with federal requirements. Academic indicators must have more weight than non-academic indicators (such as school safety and environment) although these are still valuable to assess and include on school performance reports. Dr. Stafford explained that among the federal requirements, schools

scoring below set percentage points must be identified for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI). Kentucky reports performance, status, and change results at various levels. The reporting system is still in development and will be published online so that parents, educators, legislators, and the general public will have easy access to the information.

Ms. Sims shared some data from before and after the COVID-19 pandemic to illustrate the impact of the pandemic, as well as how schools appear to be recovering as illustrated in a rebound in ACT scores in all subjects except mathematics. The percentage of students performing at proficient/distinguished levels in all subjects was discussed.

In response to a question from Chair Tipton, Ms. Sims said that weights for each indicator are 51 percent for reading and math scores in elementary and middle schools combined with the scores for English language learning performance for elementary and middle schools. The weight is also 51 percent for those scores combined with graduation rate for high schools. The federal focus is on reading and mathematics, while the KERA view had been broader.

Chair Tipton expressed concern about the impact of students who intentionally rate the school badly on the school safety and climate assessment or leading of students by administrators to improve their scores in that assessment. Ms. Sims responded that the weight for that assessment is four percent, and it would be completely inappropriate for administrators to lead students. If anyone believes that that kind of behavior has occurred, she encouraged them to report it to KDE legal counsel. Additionally, the items asked of students are publicly posted and results are aggregated and de-identified before returned to schools.

Responding to questions from Representative Bojanowski, Ms. Sims said the assessments have been on computer for several years now, although the option is available for special needs students to choose a paper exam and students with the most severe disabilities are given only paper assessments. Rep. Bojanowski is grateful that as some students needing accommodation do not do well on the computer assessments because of the need to scroll and transcribe their work, especially in mathematics. Regarding Georgia's state plan, Ms. Sims answered that their system is still being evaluated by the US Department of Education, but Kentucky is watching closely to see the results.

Representative Bojanowski commented that it is impossible to meet a goal for every student to be proficient and distinguished if the tests are designed to have a bell curve. Ms. Sims said the assessment is criterion referenced so theoretically the cut scores are established to allow for even below average students to achieve progress toward proficiency. Dr. Stafford added that the cut scores will theoretically allow for students to achieve proficiency, or demonstrate progress, in a way that a norm referenced test would not.

In response to a question from Representative Willner, Ms. Sims said the current testing plan does not require anything that is not required by state or federal law, and the state statutes are evolutions of what was put in place under KERA and the desire to have a well-rounded student. At one time, practical living and art were included in state assessments but are no longer because they are not required by federal guidelines.

In response to a question from Representative Truett, Ms. Sims described proficiency as performance on grade level in specific content areas. Descriptions of what is proficiency are in

the state standards and not necessarily directly related to national percentiles because the tests are not norm referenced. The only time the data is converted to percentiles is when scoring whole school districts and aggregating scores. Representative Truett thanked her for that explanation but also wanted to be sure it was clarified that in many cases proficiency is the 70th percentile and that is intentionally hard to attain. In response to a follow-up question, Ms. Sims said the change in terminology from "growth" to "change" in the indicators was a direct result of Senate Bill 158 (2020 Regular Session) defining change as the difference between the prior year and the current year status score.

Responding to a question from Representative Rabourn, Ms. Sims said state assessment data for 2020 and 2021 was not included in the slides as they were not comparable with other scores due to the lack of testing during the pandemic. However, the data that was able to be collected has been made publicly available and can be provided to the members. In response to a follow-up question, Ms. Sims said as educators, the staff at KDE want all students to be successful, and data on the number of students being promoted with failing scores would come from the Office of Teaching and Learning.

In response to a question from Senator Givens, Ms. Sims said the impact of the pandemic was very evident and recovery has taken longer in some subjects versus others. Additionally, the standards for science were in place longer, while others were much newer and teachers need additional support to get students caught up while also implementing relatively new standards and assessments. Senator Givens stated that these scores are a barometer letting us know that we need to keep a weather eye on things to make sure we are moving in the right direction.

In response to a question from Representative Raymond, Ms. Sims said there is a statutory requirement that assessments are taken in the last 14 instructional days and scoring takes a long time because the constructive response portions must be hand scored. It also takes time to train scorers and to process all the assessments; however, the department has been working to improve this process so that results are available to schools as soon as possible at the start of the next school year.

In response to a question from Representative Jackson, Ms. Sims said the assessment tool was phased out in social studies immediately following the pandemic and this delayed the ability of teachers to have a test tool to prepare students for. The tests for other subjects were the same as they were pre-pandemic and that made it easier to keep the scores stable as teachers already knew what the assessments would look like and how to prepare students for them.

Responding to a question from Senator Higdon, Ms. Sims said it might be possible to do something to address public perception of the percentage cut-offs through state law, but that the percentages are a requirement of the federal law and must be identified.

Dr. Lou Young, Chair, Kentucky Board of Education, resumed the presentation by discussing the future of the assessment and accountability system represented in the United We Learn initiative. United We Learn is a vision for the future of public education built around three pillars: creating a more vibrant experience for every student, encouraging innovation in schools (especially as it relates to assessment), and collaboration with communities. The initiative brings together educators, families, students, community members, business leaders, and policymakers to support schools and create authentic learning experiences for all students. To do this, the United We Learn Council was created to support inclusive state and local co-creation

and facilitate local ownership of solutions that further the three pillars of the initiative. Local Learning Laboratories (L3) have also been created in districts across the state to develop and test innovative approaches to assessment and accountability that reflect local communities. Dr. Young highlighted feedback from L3 schools and invited Mr. Mike Hesketh, President, Superb IPC, to speak to his experience with the portrait of a learner program in Shelby County.

Mr. Hesketh said the portrait of a learner program was developed to evaluate the durable skills that are not assessed on traditional exams but have real impact on the workforce. It was such a rewarding experience to help students learn not only how to be successful but also how to fail and build confidence. The student showcases are aligned to career pathways, such as welding, and have resulted in job offers thanks to the positive impression left on community partners who attend.

Dr. Young concluded saying the portrait of a learner program, and other similar initiatives, take a new view of assessment to go beyond a snapshot of a child to reflect what communities need to do to cultivate learning and move beyond command and control to systems of shared trust and partnership.

Responding to a question from Senator Thomas, Dr. Young said schools are leveraging the portrait of a learner to make sure that essential durable skills are always part of every subject and therefore do not expressly need to be tested because they are baked into all the coursework.

In response to a question from Representative Decker, Mr. Hesketh said recordings have been made of some showcase defenses at Shelby County and can be shared with the committee. One of the greatest challenges to getting the L3 program adopted was lack of understanding about the program and concerns about whether it would be meaningful. He said it is also challenging to get adequately trained teachers because the program changes a lot of the fundamentals of teaching, and they are not familiar with the different approach.

Responding to a question from Senator Funke Frommeyer, Mr. Hesketh said he could only speak to Shelby County, and the school board there is very engaged and willing to innovate. It would understandably be more difficult to implement this style of program in a larger district or one with a less engaged school board. Dr. Young said that over 100 districts have developed a portrait of a learner template. Engaging community business partners is critical as it will establish a positive feedback loop to improve local economies and workforces.

**Adjournment**

Chair Tipton thanked the presenters and reiterated that the Commonwealth needs to figure out a better way forward for education. With no further business to come before the committee, the meeting adjourned at 1:08 pm.