

INTERIM JOINT COMMITTEE ON EDUCATION
Minutes of the Fifth Meeting of the 2023 Interim
October 17, 2023

Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on Education was held on October 17, 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: Senator Stephen West Co-Chair; Representative James Tipton Co-Chair; Senators Danny Carroll, Shelley Funke Frommeyer, David P. Givens, Stephen Meredith, Gerald A. Neal, Reginald Thomas, Lindsey Tichenor, Gex Williams, Mike Wilson, and Max Wise; Representatives Shane Baker, Jared Bauman, Tina Bojanowski, George Brown Jr., Emily Callaway, Jennifer Decker, Kevin Jackson, Candy Massaroni, Bobby McCool, Felicia Rabourn, Steve Rawlings, Josie Raymond, Steve Riley, Killian Timoney, Timmy Truett, and Russell Webber.

Guests: Allison Mefford, Executive Director, Kentucky Association of Gifted Education; Austin Carver, PhD., Director of Data Architecture, Samtec, Oldham County; Dr. Julia Link Roberts, Mahurin Professor of Gifted Studies, Western Kentucky University; Robin Kinney, Interim Commissioner, Kentucky Department of Education; Dr. Marty Park, Chief Digital Officer, Office of Education Technology; Micki Ray, Chief Academic Officer, Office of Teaching and Learning; Matt Ross, Executive Advisor, Office of Finance and Operations; Keith Haynes, Superintendent, Cloverport Independent School District; Tim Bobrowski, Executive Director, KYVA; Sallie Johnson, Principal, KYVA; Chay Ritter, Division Director, Division of District Support; Dr. Matthew Courtney, Policy Advisor, Office of Continuous Improvement and Support; Joey Kilburn, Director of Pupil Personnel, Simpson County School District; Marci Prater, Director of Pupil Personnel, Boyd County School District; Todd Davis, Director, Division of Educator Preparation and Certification; Elly Gilbert, Assistant Director, Division of Educator Recruitment & Development; and Justin Edwards, Education Administration Program Consultant, Division of Educator Recruitment & Development

LRC Staff: Yvette Perry, Lauren Busch, Joshua Collins, Peter Wright, and Maurya Allen.

Chair Tipton asked the committee to pause for a moment of silence in memory of Judy Thomas. He also welcomed new committee analyst, Peter Wright. Representative Timoney

shared a brief comment on education and the formation of an informal working group focusing on teacher retention. Senator Meredith welcomed Superintendent Haynes from Cloverport Independent School District.

Approval of Minutes

Senator West made a motion to approve the minutes of the September 19, 2023, meeting. The motion was seconded by Senator Tichenor and approved by voice vote.

Gifted Education Means Economic Development in Kentucky

Allison Mefford, Executive Director, Kentucky Association of Gifted Education (KAGE); Austin Carver, Ph.D., Director of Data Architecture, Samtec; and Dr. Julia Link Roberts, Mahurin Professor of Gifted Studies, Western Kentucky University, discussed the importance of gifted education. Ms. Mefford spoke about KAGE's role as advocate for bringing gifted education to students all across the state. Gifted students are a natural resource that must be invested in to help them meet their potential to be the next generation of business leaders, entrepreneurs, and skilled workers. Investment must also be made in gifted education teachers who identify gifted students and help them grow. Ms. Mefford introduced several gifted students; Madison Pigeon, Kate Hastings, Anastasia Hall, and Willow Hall, who came to meet with legislators and advocate for gifted education.

Mr. Carver spoke to his personal experience as a student in gifted education courses and how his gifted teachers were able to keep him engaged in coursework when traditional lessons became boring. Today, he brings his own experiences to work on the board of KAGE in advocating for expanded opportunities to nurture gifted students.

Dr. Roberts shared the story of a student, Skyler, and a gifted resource teacher, Ms. Osbourne. Skyler is a child of a single-parent household and has aspirations to attend MIT, but plans to come back to Kentucky upon graduation. He is thankful to the teachers who provide him the opportunities to expand his learning through gifted education and gifted camps at WKU. His gifted resource teacher, Ms. Osbourne, was the instrumental adult in his school who was able to help Skyler apply for the grants and gifted education experiences that would otherwise be outside his reach.

Ms. Mefford closed their presentation by saying that currently Kentucky does not offer enough advanced and gifted education for students and educators to meet the economic development and workforce demands necessary to prosper in the future.

Responding to a question from Representative Timoney, Mr. Carver said he has a master's in physics and a PhD in engineering. He has considered becoming an adjunct professor, he and several of his peers at UofL looked at a degree in physics as being a pathway to teaching science in school.

In response to a question from Senator Tichenor, Dr. Roberts said the funding for gifted education remained steady for approximately three decades and only received a significant boost in the last budget cycle. There was previously a cap on the amount of funding available to schools and has been raised to allow larger districts to draw down additional funding for gifted education.

In response to a question from Senator Funke Frommeyer, Dr. Roberts said the Governor's schools and their funding are separate from the funding for gifted education.

Introduction of Interim Commissioner

Robin Kinney, Interim Commissioner, Kentucky Department of Education (KDE), was present via Zoom. She was named interim on September 30 by the Kentucky Board of Education (KBE). Her mission is to keep KDE moving forward while a search for a new commissioner is underway. She previously served as the Associate Commissioner for Finance and has worked with many legislators and school districts on facilities needs and financing. She is not an educator, but there are many high-quality educators in the department that will help guide Kentucky forward during this period. She looks forward to working with the General Assembly.

In response to a question from Chair Tipton, Commissioner Kinney said there is a two-week review period for summative assessment data to ensure data accuracy but the data will be made publicly available on October 31.

Responding to a question from Senator Thomas, Commissioner Kinney said she anticipated an eight-month search period. There has been an RFP extended to bring on a firm to assist in the search and they hope to bring in a candidate as soon as possible.

Responding to a question from Representative Rawlings, Commissioner Kinney said as an attorney she respects the law and will lead KDE in implementing the laws passed by the General Assembly while keeping with federal requirements. Regarding academics versus social issues, the focus will be on academics, but the schools have an obligation to support the whole child including social, emotional, and mental preparedness for excellence.

In response to a question from Senator Wise, Commissioner Kinney said that in keeping with the executive branch, there were flexible schedule options that allowed employees to commute as long as they were in their primary workstation a minimum number of days per week. Different employees however have different needs so some are on-site more often. The expectation is and will remain that high quality service is provided to all the educators, parents, and students. She does not foresee making any sweeping changes to policy during her tenure as interim.

Virtual Academies

Micki Ray, Chief Academic Officer, Office of Teaching and Learning, KDE; Matt Ross, Executive Advisor, Office of Finance and Operations; and Dr. Marty Park, Chief Digital Officer, Office of Education Technology, KDE, discussed education technology and the value of virtual instruction. Dr. Park said Kentucky has provided an opportunity for remote learning for approximately two decades. During the pandemic, and in other smaller emergency situations, virtual instruction was greatly expanded. However, there has always been an online education experience needed on a permanent basis for select learners. Approximately 1.8 percent of students rely on this kind of education and Kentucky was one of the first states to recognize the need for and launch a virtual school. The pilot program was successful and approximately 700 students participated on an annual basis from 2000 to 2012. Kentucky was a pioneer in bringing internet to all school districts and made a similarly impactful strategic decision in 2012 to transition to supporting school districts in local development of online course delivery.

The department launched a new administrative regulation this year, effective in 2024, that will create a strong foundation for virtual learning in Kentucky. Full-time virtual enrollment is significantly different from the emergency/supplemental enrollment model. Based on current structures, districts can implement their online/virtual programs in many ways including single district enrollment or multi-district consortium-like approaches. Dr. Park shared a comparison of the virtual options in Kentucky to the options in neighboring states of West Virginia, Ohio, Indiana, and Tennessee. The regulation has robust language within it that makes state-level approval of virtual providers unnecessary. The overwhelming majority of students enrolled in the full-time virtual academies are high school students, primarily juniors and seniors.

Mr. Ross discussed the regulation with the members by section. Access to extracurricular activities will be addressed within the regulation and the district policy for virtual instruction needs. Students with an IEP or Section 504 plan can be placed on virtual

instruction, if they are placed by an ARC team. Class sizes must also comply with the statutory and regulatory standards of physical classrooms.

Ms. Ray spoke to curriculum and instructional alignment standards as specified in Section 9 of the regulation. This ensures that the instruction provided virtually meets the Kentucky Academic Standards (KAS). Progress monitoring and transition plans out of virtual learning are also required of school virtual academies so that students and families can be aware of where students are and if additional supports are needed. Dr. Park said that the department works closely with districts to develop virtual academies and provide personalized education opportunities for all students.

In response to a question from Chair Tipton, Dr. Park said this will be the first year of a specific program designation for virtual schools and it will be important to track data for these students and the success of the programs going forward. Only one school currently has a 'managed school' virtual school option and it is serving as a pilot for the state.

Responding to a question from Representative Bojanowski, Mr. Ross said a student who attends a virtual school outside their district of residence counts toward the average daily attendance of the virtual school, and therefore will be factored into the SEEK calculations for the school district housing the virtual school in the next school year.

In response to a question from Senator West, Dr. Park said approximately 1.8 percent of students in Kentucky participate in virtual instruction, and projections show that as many as 3 percent may participate based on current trends.

Responding to a question from Representative Timoney, Dr. Park said schools that participate in virtual schools get the opportunity to name and brand their schools. Cloverport Independent Schools chose to name theirs the Kentucky Virtual Academy. Regarding SEEK funding, both Dr. Park and Mr. Ross said they believe that students with disabilities must be provided services by the virtual school and therefore the SEEK funding goes to the school that is providing the services, but they will reach out to the office of special education at the department to get the best answer regarding SEEK for special education services.

Responding to a question from Representative Baker, Dr. Park said individuals choose to go with a virtual option due to a variety of reasons including participation in high level sports, supporting mental health, and high achievement. The programs are voluntary and offer ultimate school choice to families.

In response to a question from Senator Givens, Ms. Ray said the department has developed instructional tools for local educators to evaluate online learning against the KAS rubrics. There is also a process for districts to have outside evaluations done by approved evaluators. All statutory requirements must be met by virtual schools in the same way as physical schools. Local superintendents select the instructional resources, with KDE's support. They also have the authority to repeal a virtual school option if it is deemed to no longer meet the requirements.

Representative Truett spoke to the need to have adequate guardrails for students who may be experiencing abuse at home and there is no teacher with a duty to report who can see them on a daily basis.

In response to a question from Representative Rabourn, Dr. Park said that many virtual schools implement the same interval assessments as are given to in-person students. Additionally, students who participate in full-time virtual schools must participate in-person on the state assessments. Schools have been very innovative in their implementation of that requirement. School district and program leaders are watching their enrollment and assessment data closely to ensure that their programs are successful.

Responding to a question from Senator Williams, Dr. Park explained that performance-based schools are only allowed for grades 5-12. Districts only get funding for those programs when students successfully complete those programs. The new regulation introduces a mechanism that bases funding on an in-seat attendance formula. This creates an opportunity for schools who wish to have a virtual program for grades K-4. In response to additional questions, Dr. Park said the Kentucky High School Athletics Association (KHSAA) does sponsor e-sports and KDE works with them on the implementation of those regulations as well.

In response to a question from Senator Tichenor, Dr. Park said it will be a future goal to have the assessment data of virtual students to compare to traditional students. Local schools do perform that data analysis, it just is not currently being collected and analyzed at a state level.

Responding to a question from Senator Thomas, Dr. Park said safe and responsible use of AI is a key part of guidelines being created by KDE at this time. Generative AI can help teachers work smarter, not harder, but there are lengthy policy discussions that need to be had to ensure safety. Student use of AI is harder to assess and in-person students are

facing the same challenges regarding AI as virtual learners. The department wants to ensure that people remain at the center of education, regardless of the proliferation of AI.

In response to a question from Senator Carroll, Dr. Park said homebound students can be served through virtual learning. However, the continuation of learning is the primary target and for a short-term situation, a traditional homebound instruction model may be more appropriate. A longer-term situation may prompt the consideration of a virtual option, as that allows the student to feel more connected. There is an opportunity for more rigorous and high-quality instruction sometimes from virtual instruction than traditional homebound models.

Responding to a question from Representative Callaway, Dr. Park said the programs offered by public schools are tailored to meet the needs of both students and educators. Some educators step forward to be strictly online educators. While many schools attempted a dual role for teachers during the pandemic, that is not considered best practice. Schools have been able to utilize expert instructors from across the nation via virtual instruction for their students when an expert is not locally available.

Individuals from Cloverport Independent Schools spoke to the development of the Kentucky Virtual Academy (KYVA). Dr. Bobrowski said he was part of the early process of virtual instruction in Kentucky and the acceleration of innovation during the pandemic. Students today are used to the online world and the many streams of information that are part of their daily experience. KYVA is a K-12 academy that offers curriculum and instruction aligned to KAS. There is a focus on college and career readiness with wrap-around services of counseling, academic supports, and extracurricular opportunities.

Ms. Johnson said it is an exciting opportunity to provide live virtual instruction daily through KYVA. There are breakout rooms for collaborative working and small groups. There are systems in place for assisting students who need additional supports. Electives, enrichments, and remediation courses are provided virtually and connect students with opportunities from instructors from all over the nation. Data is constantly available to staff to identify and address any issues as they arise. Students are required to come in-person for state assessments and students are held to the same standards as in-person instruction.

Asynchronous instruction is available for students to do assignments and virtual clubs are provided, as are e-sports, to enhance instruction with extracurriculars. In-person, regionalized programs are being piloted for students to encourage socialization among

students who may otherwise not feel as connected. Ms. Johnson shared images of what instruction looks like and demonstrated the interface for students.

In response to a question from Chair Tipton, Mr. Haynes said the district figures the SEEK amount that is equivalent to the average daily attendance for the students enrolled in the virtual academy, and transfers 97 percent of that to Stride KY to operate the academy. The other 3 percent is kept by the Cloverport Board of Education for services rendered by the district. Because the program is new, SEEK payments will be in arrears as they are only just starting to participate in an attendance-based model and SEEK is always based on the previous year's attendance information.

Responding to a question from Representative Bojanowski, Ms. Johnson said there is a special programs manager who organizes ARC meetings and IEPs. The school has a meeting early in the enrollment process to inform parents of services offered. They also have special education instructors who do instruction for classes of students with special needs and who co-teach with general instruction instructors to support general classwork and lead breakout sessions as needed.

In response to a question from Senator Williams, Mr. Haynes said KYVA is a very desirable model for teachers who thrive in the online environment. Ms. Johnson said she cannot speak to the percentage of teachers who choose to teach virtually. It is not any easier to be a virtual teacher, it is just as much work as in-person educating. Some teachers were entertaining leaving the profession due to struggles with in-person behavior issues, but found an opportunity to continue teaching through virtual instruction. Also, all the instructors are experienced educators and Kentucky certified.

Responding to an additional question from Chair Tipton, Mr. Haynes said the teachers are employed by Stride KY, not the district, and do not contribute to the teacher retirement system.

In response to a question from Representative Raymond, Mr. Haynes said they do not have specific residency data with them but will provide it to the committee. Ms. Johnson said the class loads are meant to be kept small, and currently KDE is working with Cloverport to get into classroom ratio compliance. There is a 75 percent attendance rate, but that is sometimes a problem with parents not understanding how to accurately be counted present in the system. Anna Schultz, Vice President, K-12, said the starting salary is between \$45,000-50,000 and the majority of the SEEK money that is received is invested

back into the school, paying salaries, purchasing curriculum, and providing other school-based services.

Absenteeism and Truancy

Matt Ross, Executive Advisor, Office of Finance and Operations; Keith Haynes, Superintendent, Cloverport Independent School District; Tim Bobrowski, Executive Director, KYVA; Sallie Johnson, Principal, KYVA; Chay Ritter, Division Director, Division of District Support; Dr. Matthew Courtney, Policy Advisor, Office of Continuous Improvement and Support; Joey Kilburn, Director of Pupil Personnel, Simpson County School District; Marci Prater, Director of Pupil Personnel, Boyd County School District presented an in-depth view of absenteeism and truancy. Mr. Ritter said the data on chronic absenteeism presented in their report was collected by KDE and truancy is defined differently for different age groups. Dr. Courtney said KDE provides many tools to schools to identify and address chronic absenteeism. They are available within the Infinite Campus portal and are highly accurate at predicting which students are at risk of chronic absenteeism.

Mr. Kilburn spoke to the impact the pandemic had on attendance and continues to have on good attendance. Students in 3rd or 4th grade have experienced school under the pandemic and have learned habits that place less importance on attendance. Motivation to attend school has also been impacted by the pandemic because some students lost their reason for being at school. Ms. Prater studied chronic absenteeism across the state and compared the data from eastern and western regions of the state. Regardless of the area of the state, there was an average of 2 percent loss in average daily attendance post-pandemic. Truancy also rose by an average of 8 percent across the state.

Mr. Kilburn said schools have made an effort to address chronic absenteeism through various routes, but one of the most effective has been informing parents who may not have realized their students had missed so many days. Focus on culture and climate is also effective. He works to reward students who are doing the right thing and empowering student leaders. Making school a place where the students want to be and feel safe encourages them to attend. They also encourage students to find purpose in school whether that is in the classroom, an extracurricular activity, or a CTE opportunity. Schools need to find ways to reach out to students who missed opportunities to connect and find their passion during the pandemic, especially students from disadvantaged families and those who face other barriers.

Chair Tipton thanked the presenters for their efforts and being on the ground in schools daily.

In response to a question from Senator Tichenor, Mr. Kilburn said the graduation requirements are based on credits and each school handles the impact of absenteeism on credit recovery differently. Ms. Prater said schools begin making interventions when students are identified as chronically absent to find avenues to credit recovery and graduation.

HB 319 Update

Chair Tipton announced that there was not time for the House Bill 319 update presentation and it would be held for a future meeting.

Adjournment

With no further business to come before the committee, the meeting adjourned at 1:40 pm.