

INTERIM JOINT COMMITTEE ON EDUCATION
Minutes of the Sixth Meeting of the 2023 Interim
November 1, 2023

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on Education was held on November 1, 2023, at 11:00 a.m. in Room 154 of the Capitol Annex. Senator Stephen West, 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; Senators Danny Carroll, Shelley Funke Frommeyer, David P. Givens, Jimmy Higdon, Stephen Meredith, Gerald A. Neal, Reginald Thomas, Lindsey Tichenor, Gex Williams, and Mike Wilson; Representatives Shane Baker, Jared Bauman, Tina Bojanowski, George Brown Jr., Emily Callaway, Jennifer Decker, Scott Lewis, Candy Massaroni, Bobby McCool, Felicia Rabourn, Steve Rawlings, Josie Raymond, Killian Timoney, Timmy Truett, Russell Webber, and Lisa Willner.

Guests: Senator Schickel, Senate District 11; Representative Steve Rawlings, House District 66; Laura Edwards, Homeschool Mother and Certified Teacher in KY/OH; Mark Messingschlager, Director of Financial Aid, Thomas More University; Noah Tyler, CFO, Classic Learning Test; Jenny Oldham, Hardin County Attorney, President, Kentucky County Attorneys Association; Steve Dasenbrock, Assistant Campbell County Attorney; Ashley Clark, Executive Officer, Department of Family and Juvenile Justice Services, Administrative Office of the Courts; Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents; Dr. Brian Creasman, Superintendent, Fleming County Schools; Dr. Carrie Ballinger, Superintendent, Rockcastle County Schools; Thom Cochran, Superintendent, Johnson County Schools; Alicia Sells, Director of Innovation, Ohio Valley Educational Cooperative; Robin Kinney, Interim Commissioner, Kentucky Department of Education (KDE); and Rhonda Simms, Associate Commissioner, Office of Assessment and Accountability, KDE.

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

Senator Wilson, Senator Higdon, and Senator Givens welcomed Shawn Krise and son Eli, junior at Bowling Green High School. Chair West directed members attention to a follow-up from last month's meeting, a one-page document regarding absenteeism and truancy, in member packets.

Approval of Minutes - October 17, 2023

Representative Timoney made a motion, seconded by Senator Givens, to approve the minutes of the October 17, 2023, meeting. The motion passed by voice vote.

Homeschoolers' KEES Scholarships

Senator Schickel, Senate District 11; Representative Steve Rawlings, House District 66; Laura Edwards, Homeschool Mother and Certified Teacher in KY/OH; and Mark Messingschlager, Director of Financial Aid, Thomas More University, were present to discuss proposed legislation to allow homeschool students to receive KEES scholarships.

Representative Rawlings spoke to his experience as a homeschooling parent and the success of his children in postsecondary academics. They were not eligible for full KEES award amounts due to their not participating in state certified schools. Senator Schickel said the proposed legislation has been vetted thoroughly by the committee, passed the Senate with bipartisan support last legislative session, but has not made it through the process. Mr. Messingschlager spoke in support of the proposed legislation saying homeschool students who apply for higher education scholarships are routinely some of the highest achieving students academically, but receive the lowest amount of KEES as they are not eligible for the GPA portion of the scholarship. Ms. Edwards spoke as a homeschooling parent and highlighted the amount of KEES award received by certified high school graduates versus homeschool graduates. She proposed a model for usage of the Classic Learning Test (CLT) scores to substitute for GPA in awarding KEES scholarship to homeschooling students.

In response to a question from Representative Tipton, Noah Tyler, CFO, Classic Learning Test, said the CLT is a newer exam provided to homeschool students and charter school students. Florida has adopted the exam and there are colleges throughout the country that accept the CLT, including Thomas More University. He said there are many similarities between the CLT and the ACT, including content areas covered. However, there is more room for intellectual creativity on the CLT instead of rote recitation of facts.

In response to questions from Representative Timoney, Ms. Edwards estimated there are approximately 20,000 homeschoolers in Kentucky. Mr. Messingschlager said KHEAA would be the better agency to ask about the fiscal impact of expanding KEES, but a rough estimate of cost per year to expand KEES to homeschool students would be multiplying \$2,000 by the approximate number of homeschooling seniors. Representative Timoney spoke in favor of giving KEES money to homeschoolers but stressed the need to reevaluate the entire scholarship program.

Truancy Issues

Chair West directed members attention to the one-page fact sheet regarding absenteeism provided by KDE.

Ashley Clark, Executive Officer, Department of Family and Juvenile Services, spoke about the structure of the Court Designated Worker (CDW) program and how it affects juveniles charged with misdemeanors. Processing complaints begins with the Director of Pupil Personnel (DPP) or their designee signing a truancy complaint and referring it to the courts. The number of complaints being reported significantly decreased during the pandemic, but have returned to pre-pandemic levels.

Diversion is used to prevent delinquency among Kentucky's youth by providing education, treatment, and accountability. The use of diversion to improve outcomes was illustrated graphically. In 2014, Family Accountability, Intervention and Response Teams (FAIR Teams) were implemented to create multidisciplinary teams of individuals to meet students where they are and address barriers to successful completion of diversion programs. The FAIR Team has different options for referral of students.

In response to a question from Representative Bojanowski, Ms. Clark said she did not have data on the number of students who are pulled from public schools for homeschooling at the time of filing with the CDW. Chair West said KDE would likely have that data.

In response to questions from Representative Tipton, Ms. Clark said she could not speak to what prevents DPPs from making complaints earlier in the truancy process. Parents are involved in FAIR Teams and other diversion programs, and if the CDW determines that the parent is not cooperating in the process, they can make filings against the parent for lack of cooperation.

Ms. Oldham shared the perspective of county attorneys who are elected to enforce laws, as part of the executive branch. Truancy is one of the strongest predictors for adult criminality, and addressing it is a unique opportunity to impact students' lives and success as adults. She encouraged members to reach out to their county attorneys and local DPPs to ask why truancy filings are not occurring or getting before judges, because each county is unique and faces different truancy situations.

When Senate Bill 200 of the 2014 Regular Session went into effect, there were unintended consequences. It expanded the CDW program but in doing so, it also reduced the available penalties and lengthened the process. Also, court orders were limited to 6 months and it overburdened the Child Protective Services department. Mr. Dasenbrock said the number of reports appears to be down, because there was a split

between the number of complaints made by DPPs and filings by CDWs. He said there are two areas to address truancy, one through the courts, and one through the dependency and neglect docket. In the case of dependency and neglect, parents either do not know their older student leaves school or the parent is responsible for not bringing their young child to school. There is very little accountability for parents who are committing educational neglect.

Ms. Oldham said FAIR teams can negotiate and create agreements between students and school districts to address truancy, but FAIR teams do not have much enforcement authority. Taking a truancy issue to the court system is a useful tool to force parents to become involved. Mr. Dasenbrock further explained that some DPPs feel that the CDW and FAIR Team process takes too long, so they have simply stopped filing truancy complaints. There is more immediate attention from the educational neglect route. This route, though, compounds the overburdening of the child protective services staff who have to investigate.

Responding to a question from Representative Willner, Mr. Dasenbrock said the FAIR Team was meant to be a collaborative group to look at all the facets of student life that contribute to truancy, however, it does not have any enforcement authority. There needs to be some group investigating the needs of students in the home and if the FAIR Team had investigative and enforcement ability it would be more helpful

In response to a question from Senator Givens, Mr. Dasenbrock said that attendance at school does not mean quality education. There may be financial motivators that can force DPPs to pursue more truancy complaints, however, there are many drivers for students not attending school. Students may be losing their interest in school for many reasons including the climate at home and school.

Responding to a question from Representative Truett, Ms. Oldham said the biggest impact would come from compressing the timeline for intervention and giving more meaningful interventions. FAIR Teams have their place, but more resources need to be implemented sooner in the process. Mr. Dasenbrock said that charging parents with an offense for truancy would be a tremendous tool.

Innovations in Education

Presenting innovative approaches to student assessment were Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents; Dr. Brian Creasman, Superintendent, Fleming County Schools; Dr. Carrie Ballinger, Superintendent, Rockcastle County Schools; and Thom Cochran, Superintendent, Johnson County Schools. Mr. Flynn said one-size-fits all solutions are not adequate for any school, so he

wanted to share innovations individual schools are implementing to improve outcomes for students. Common policy barriers identified by Kentucky superintendents include state assessments, accountability requirements, graduation requirements, and antiquated data reporting systems that do not align with a vision for personalized learning or adequately reflect the learning going on in schools. He advocated for a policy environment that inspires innovation to design and implement personalized education programs.

Mr. Creasman spoke to innovations in accountability. Accountability holds great significance and he would never advocate for a lessening of standards. The pause in testing during the pandemic was a useful time to evaluate assessments, including the use of instructionally-embedded tests and performance tasks. Replacing traditional graduation requirements with capstones or learning defenses is an innovation being adopted across the country. Kentucky is leading the way with Portrait of a Learner and Next Generation Assessments, rather than using a singular assessment at the end of the year. This allows for schools to adapt throughout the year to meet students where they are and affect real change.

Local Laboratories of Learning (L3) are part of a pilot program tasked with designing new assessment and accountability systems and share their culture of change with other districts. Next Generation accountability models are ultra-simplistic; inherently local; driven by students; aligned to community expectations; and meet workforce needs and trends. The assessments also have a built-in requirement for real-time transparency. There are two districts, Kenton County Public Schools and Fleming County Public Schools, with fully operational community-based accountability systems. KDE provides technical assistance but the bulk of the data collection happens at the local level. Barriers to innovation include many misunderstandings, including the assumption that local accountability is anti-testing or a driver for lower expectations. It is neither of those, and there are statutes already existing to accommodate L3s as Districts of Innovation.

Mr. Cochran said there is a need to provide accountability. Johnson County Public Schools is an L3 district, and spent a lot of time determining what the community wanted, including surveying students. The Success-Opportunity-Accomplishment-Relationships (SOAR) program showcases an individual student's growth, as well as career exploration, pathway completions, and/or certification attainment. Johnson County Public Schools' portrait of a learner includes attributes that students identified as what they aspire to attain by graduation. He provided examples of what students have produced as part of their portrait of a learner project.

Ms. Ballinger spoke to the ways that Rockcastle County Schools, which is not a L3 participant, has implemented community-based accountability. Schools need to be responsive to student needs. After a few experiences of helping troubled students, she advocated for an expansion and improvement of alternative education options including therapeutic settings for students that include wrap-around services and a focus on skill development for career success. She asked the members to create a task force to study innovation opportunities such as community-based accountability models, competency based/performance-based models, and alternative education models.

In response to a question from Representative Massaroni, Dr. Flynn said the scores are important, but there is a lot more to the education picture that should also be included in accountability. Representative Massaroni said that until the foundational reading and mathematics skills are where they need to be, it is not time to expand our focus to anything else.

Responding to a question from Representative Bojanowski, Dr. Creasman said they expanded from utilizing strictly the summative assessment to formative assessments that showcase individualized learning in a more transparent way than the state results. He illustrated that there are students who may do poorly on a state reading assessment, while simultaneously doing well on welding exams where they mastered a welding manual written at a Lexile level of 1300.

WeLeadCS Statewide Computer Science Academy

Alicia Sells, Director of Innovation, Ohio Valley Educational Cooperative, spoke to workforce participation and development brought about by the innovations piloted at iLead 10 years ago. iLead is a different kind of high school, operating as part of an interlocal agreement, where 75 percent of the graduates have attained an industry certification upon graduation. Community business leaders want graduates with data literacy and iLead has expanded their course offerings to include computer science education, becoming one of the top five schools in the country for teaching computer science. She spoke to the desire to expand this success statewide and invited members to a kickoff event highlighting WeLeadCS. She said Kentucky has an opportunity to be a national leader in this area.

Representative Rabourn thanked iLead for their continued innovation as a representative of several of the school districts participating in the interlocal agreement.

Assessment Results

Robin Kinney, Interim Commissioner, Kentucky Department of Education (KDE); Rhonda Simms, Associate Commissioner, Office of Assessment and Accountability, KDE; and

Jennifer Stafford, Director, Division of Assessment and Accountability Support, KDE, were present to share the statewide assessment and accountability data that was released the night before the meeting. School staff have had student assessment results since August, and some items were released to districts in September. Year to year accountability is not comparable because of significant changes implemented in recent years, however, comparisons can be made in assessment performance within a year for individual grade levels.

Ms. Sims said accountability legislation passed in February 2020 has now been fully implemented. Federal law imposes requirements that must be met in the accountability systems. There are additional requirements in state law for reporting of school accountability and performance rating indicators. Ms. Stafford spoke to the annual requirement to identify student groups that are performing at the same level as the lowest five percent of schools. Previously, the accountability system reported the status of schools, but a new report of change has been incorporated into the overall report as well. This is reflected in the color indicator illustrated on a school's assessment dashboard.

Assessment results were briefly highlighted by Ms. Sims. She discussed locations where the standards changed. Elementary schools show an increase in reading and mathematics scores in the past two years, middle schools increased or remained the same, and high schools either maintained or declined slightly.

In response to a question from Representative Tipton, Ms. Sims said there are significant gaps for students of color, but it is not covered in the current information. She will go deeper into the data and come back with more detail on those gaps.

Additionally, in science scores, elementary and middle schools are showing improvement but the high school scores show a decline. Beyond federal requirements, Kentucky assesses social studies and writing, showing improvements across the board among all schools, with less improvement in high schools. ACT composite scores were also shared. This is the best longitudinal data for high school, and illustrates an overall upward trend since the pandemic. Individual content area scores show slight declines in math and reading.

Commissioner Kinney presented areas where improvement efforts need to be made, including content area support, addressing the teacher shortages, and addressing absenteeism and truancy. All of these are areas the membership has heard about this interim and all stakeholders are dedicated to addressing.

In response to a question from Representative Truett, Ms. Sims said that one of the challenges with getting quicker results is the need for consistency. Assessment results come from the vendor, and there are many areas that require hand scoring. Accountability requires a lot of approval among stakeholders to determine the cutoff scores within the data.

Responding to a question from Senator Funke Frommeyer, Ms. Sims said she did not have the data on hand to address the workforce participation concerns from members.

In response to a question from Representative Rabourn, Commissioner Kinney said she had not considered the impact that school accountability reports have on the recruitment of businesses or families into local communities. However, this is only a snapshot and many businesses will look at more than just a single metric within a community when deciding where to locate. Other metrics, such as economic incentives, are likely to have a greater impact on their decision-making.

In response to a question from Senator Carroll, Ms. Sims said there was not incorporation of the Brigance kindergarten screener into the accountability data, but the department could look at the relationship between participation in the screener and assessment results in early elementary and middle school behavior issues.

Responding to a question from Senator West, Ms. Sims said that the data is difficult to compare because of the interruption caused by changing the assessment and the pandemic. There is also data on achievement gaps, all available online. Additionally, KDE would welcome the opportunity to discuss any of the data in more detail with members in the future.

Senator Givens asked the presenters and the committee chairs to be prepared to discuss assessment and accountability results for a significant portion of the November meeting next year so that neither the KDE nor the committee members feel rushed and can better understand the information and form adequate legislative responses.

Adjournment

With no further business to come before the committee, the meeting adjourned at 1:30 p.m.