

LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

Minutes

June 13, 2024

Call to Order and Roll Call

The 1st meeting of the Legislative Oversight & Investigations Committee was held on June 13, 2024, at 1:00 PM in Room 131 of the Capitol Annex. Representative Adam Bowling, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Adam Bowling Co-Chair; Senator Brandon J. Storm Co-Chair; Senators Julie Raque Adams, Danny Carroll, Donald Douglas, Gerald A. Neal, and Michael J. Nemes; Representatives John Blanton, Lindsey Burke, Ken Fleming, Matt Lockett, Steve Riley, Scott Sharp, and Pamela Stevenson; Representative Jason Petrie, ex officio.

Guests: Meghan E. Sandfoss, Executive Director, Office of Broadband Development; Micki L. Ray, Chief Academic Officer, Office of Teaching and Learning, Kentucky Department of Education; Sarah Peace, Policy Advisor, Office of Teaching and Learning, Kentucky Department of Education

LRC Staff: William Spears, Committee Staff Administrator; Committee Analysts McKenzie Ballard, Jacob Blevins, Christopher Hall, Taylor Johnston, Jeremy Skinner, Austin Sprinkles, Shane Stevens, Joel Thomas; Ashley Taylor, Committee Assistant; and Ralph Banchstubs, Graduate Fellow.

Approve Minutes from December 14, 2023

Upon motion by Representative Blanton and second by Representative Sharp the minutes for the December 14th, 2023, meeting were approved without objection.

Overview of the Office of Broadband Development

Meghan E. Sandfoss, Executive Director of the Office of Broadband Development, introduced herself. The Office of Broadband Development was established in September 2022. The first round of grant awards had 47 awards totaling \$89.6 million. These awards touched 36 counties, but 4 have been withdrawn. The remaining contracts have been executed. Disbursements to date total just over \$10 million. Many projects are under construction with about 15 projects over 80 percent complete. The office has been inspecting projects as they near completion to ensure all parties are meeting their commitments.

In response to a question from Representative Bowling, Ms. Sandfoss explained a grant agreement contract is executed once a project has all construction and permitting requirements. The biggest delay is not having the proper permitting. The office pays on a reimbursement basis. Projects will submit a withdrawal request, which office staff will review and then issue payment based on the expenses.

In response to a question from Representative Bowling regarding time needed for a project to receive payment, Ms. Sandfoss stated it depends on the thoroughness of the request form. The process can be delayed if more information is needed on costs and reasons for the expenses. When forms are properly completed, funds can be disbursed within one week. Representative Bowling questioned if any projects have been delayed for months with large amounts of money owed to them. Ms. Sandfoss said there have been projects with issues substantiating their costs, which caused significant delays.

Ms. Sandfoss explained the second round of funding included the remaining state and local fiscal recovery funds and the entire capital projects fund allocation. The office awarded \$206 million to 57 projects reaching 45,500 locations. These projects are in the contracting phase and 70 percent of contracts have been returned. Some contracts were sent back due to language change requests. Two executed projects are in the environmental review process, which the office has been facilitating. In the 2024-2026 biannual budget, \$19.9 million was approved for pole replacement. Pole owners received \$4 million to hire temporary workers, \$2 million went to the Kentucky Electric Cooperative for pole replacement activities, and another \$2 million went to the Office of Broadband Development to hire temporary workers and continue the pole replacement grant program. Ms. Sandfoss has been meeting with internet providers and the Association of Electric Cooperatives to develop programs that will begin on July 1.

Ms. Sandfoss discussed the Broadband Equity Access and Deployment (BEAD) program, a more than \$1 billion allocation to the Commonwealth for broadband deployment in unserved and underserved areas. Last August, the office submitted their 5-year action plan which established the goals and priorities of the BEAD program. In December the office submitted the initial proposal. Volume 1 of the proposal describes the challenge process that determines whether a location is eligible, and Volume 2 describes the subgrantee selection process. Volume 1 was approved in March by the National Telecommunications and Information Administration (NTIA) and each location in Kentucky was classified as served, unserved, or underserved. The challenge phase began on May 6 where internet providers, local governments, and nonprofits could submit challenges to the data published by the Office of Broadband Development. Locations that already have state and/or local funding are excluded from additional funding.

In response to a question from Senator Carroll on ensuring that last mile homes are served,

Ms. Sandfoss explained that they use address point data. In response to a question from Representative Bowling regarding the number of challenges, Ms. Sandfoss stated the number has increased to almost 386,000. Of those, two thirds have been approved and one third are still under review. Internet providers challenge locations based on speed test data to ensure they are truly served, underserved, or unserved. Nonprofits and local governments also submitted individual level speed test challenges on behalf of some residents. NTIA must approve their challenge outcome data before funds can be awarded.

Volume 2 is in the final stages of the review process. Once Volume 2 is approved, \$200 million will be released and directed to unserved and economically distressed areas. In response to Representative Bowling's question, Ms. Sandfoss expects the Volume 2 disbursement to happen within the month. Once Volume 2 is approved, they can begin their subgrantee selection process. Afterwards, the office submits the final proposal to NTIA for approval to receive the remaining 80 percent of funding. The Office of Broadband Development has been developing an online grant application portal and will be publishing the subgrantee selection guidance within the next month.

In response to a question from Representative Bowling, Ms. Sandfoss explained there are four full-time employees and three contractors working for the Office of Broadband Development. The office has plans to add five more team members. The office has a federal program specialist and two grant administrators as well as Ms. Sandfoss.

In response to Representative Bowling's question about ensuring awarded projects are completed correctly, Ms. Sandfoss explained the office will hire consultants to help review the technical aspects of applications and conduct field validations. The office will likely award a contract this summer for a consultant on a retainer basis because the work could be sporadic.

Representative Petrie requested the Office of Broadband Development provide the committee with the application date of projects, when the projects were approved, and the status of project reimbursements so the committee has an idea of how many projects have been completed and the timeline of projects. Ms. Sandfoss agreed to provide the information and added that all the round one projects have an estimated completion of January 2026. Representative Bowling requested that Ms. Sandfoss also provide the committee a map of projects to see if they are in rural or urban areas. Representative Petrie requested the project map differentiate projects by rounds.

Representative Bowling asked how the Office of Broadband Development ensures all unserved areas are served, even if the area has not received any project proposals. Ms. Sandfoss stated the office must do at least one round of competitive applications and then can negotiate for unserved areas with no proposals. The office can waive the matching

requirement and allow other sources of funding to incentivize projects in areas with no proposals.

Department of Education Response to "K-12 Curriculum Development And Instructional Materials Selection"

Micki Ray and Sarah Peace introduced themselves as Chief Academic Officer and Policy Advisor for the Kentucky Department of Education (KDE). KDE's full presentation is available on the Legislative Oversight and Investigations Committee webpage.

In response to Representative Blanton's question, Ms. Ray explained that KRS 160.345 gave superintendents authority over instructional material selection and made districts responsible for ensuring parents are aware of opportunities to be involved in the instructional material selection process. KDE provides guidance to districts advising them to include parents in the processes. For example, KDE recommends that districts should hold open houses to allow parents to provide feedback on materials selected for instruction. KDE also recommends districts publish the materials that they select. Ms. Ray noted that KDE believes consultation with parents is required in the instructional material selection process per KRS 160.345.

Representative Blanton suggested KDE's 21-member quality curriculum taskforce include parents. Including parents earlier in the instructional material selection process would likely reduce the incidents in which parents protest or object to materials later. Ms. Ray said the composition of the quality curriculum task force was designed to mirror the State Textbook Commission, which did not include parents, but she would support including parents on the task force. Many members on the task force have children.

Senator Douglas asked for clarification on the purpose of the education system in Kentucky. Ms. Ray's opinion is the purpose is to ensure students are graduating and are prepared to live successful lives as engaged citizens. Senator Douglas questioned if the education system is overburdening teachers and students by adding more requirements. These additions have not resulted in better results. Ms. Ray said not in regards to instructional material selection.

In response to a question from Representative Lockett, Ms. Ray explained the members of the quality curriculum task force are not paid. Representative Lockett believes it would be a fantastic idea to include parents on the task force. He then questioned the KDE consumer guides and standards, noting that grade scores for students in Kentucky have been consistently declining. Ms. Ray responded that implementing new standards takes a few years to have an impact and she is confident test scores will improve in the next three to five years. In response to a question from Representative Lockett, Ms. Ray responded that KDE understands parental frustration over declining test scores.

In response to Senator Raque Adams's question on the term "textbook," Ms. Ray confirmed that most materials are digital but there is usually a print resource for the teacher.

Representative Stevenson echoed the call for parents to be involved on the taskforce and then asked if Ms. Ray would further discuss what defines success for Kentucky students. Ms. Ray discussed that districts create "community portraits of a graduate" which define success down to the community level. This includes general measures of success but also measures that may be unique to particular communities. These portraits, alongside summative assessments, give a true picture of success.

In response to a question from Senator Carroll, Ms. Ray explained parents and communities have multiple opportunities to review materials before they are selected. Parents can engage in a process after materials are selected to object to materials. KDE made changes to the process in response to the LOIC report recommendations.

In response to a question from Representative Burke, Ms. Ray reported that 136 districts completed the 2024 survey regarding which materials they have selected.

Representative Burke asked if KDE had data on student performance in districts that report materials compared to districts that had not reported their selection of instructional materials. Ms. Ray responded that KDE found that students with access to high quality instructional materials outperform students that do not.

In response to a question from Representative Petrie, Ms. Ray explained that they completed consumer guides for reading, writing, mathematics, and science and that they are working on social studies. Social studies is the most difficult subject. Representative Petrie pointed to KRS 158.645 as providing criteria for measuring student success. Representative Petrie also noted that the State Textbook Commission should be remade and is no longer useful and recommended that appropriated funding for instructional materials should only be allowed to purchase material classified as high-quality instructional resources.

Representative Lockett questioned if Kentucky follows the example of other states when creating curricula. Ms. Ray responded that KDE develops its own curricula with curated materials from EdReports.

Adjournment

Upon motion by Representative Blanton and second by Senator Douglas, the meeting was adjourned.