

# LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

## Minutes

November 16, 2023

### Call to Order and Roll Call

The 6th meeting of the Legislative Oversight & Investigations Committee was held on November 16, 2023, 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; Senator Jason Howell, Vice Chair; Senators Julie Raque Adams, Donald Douglas, and Michael J. Nemes; Representatives John Blanton, Lindsey Burke, Ken Fleming, Matt Lockett, Steve Riley, and Scott Sharp.

Guests: Micki L. Ray, Chief Academic Officer, Office of Teaching and Learning, Kentucky Department of Education; Matt Ross, Interim Associate Commissioner, Office of Finance and Operations, Kentucky Department of Education.

LRC Staff: William Spears, Committee Staff Administrator; Committee Analysts Jacob Blevins, Joel Thomas, Jeremy Skinner, Shane Stevens, Chris Hall, Ryan Brown, Taylor Johnston, McKenzie Ballard, Austin Sprinkles; and Ashley Taylor, Committee Assistant.

### Approve Minutes from October 12, 2023

Upon motion by Senator Douglas and second by Representative Lockett the minutes for the October 12, 2023, meeting were approved without objection.

Representative Bowling introduced Austin Sprinkles as the new Committee Analyst for the Legislative Oversight and Investigations Committee.

### Staff Report: K-12 Curriculum Development And Instructional Materials Selection

Committee analysts Shane Stevens, McKenzie Ballard, and Joel Thomas presented the staff report "K-12 Curriculum Development And Instructional Materials Selection," which included the report's findings and recommendations regarding the State Textbook Commission, parental objection processes, and a suggested list of district adopted instructional materials. Staff's full presentation is available on the Legislative Oversight and Investigations Committee webpage.

Upon conclusion of the presentation, Representative Bowling asked if there is a common process for parents to submit a formal complaint about materials or if this process varies district to district. Mr. Stevens explained that the Kentucky School Board Association promulgates model policies and procedures for adoption by school districts. These include forms for parental complaints that are available in principal's offices across the state.

Representative Lockett asked how parents know that a formal complaint process exists. Mr. Stevens said that the Kentucky Department of Education (KDE) representatives may be able to provide more insight, but his understanding was that parents should be made aware of the

formal process and given access to a complaint form when they contact school staff.

Representative Lockett referenced the low number of formal complaints found by the Legislative Oversight and Investigations Committee (LOIC) survey and asked staff whether more parents would be aware of the complaint process if schools were required to notify parents of the formal process at the beginning of the school year. Mr. Stevens replied that staff did not look at that specifically, however most teachers and administrators that staff spoke to or surveyed said that such complaints are often addressed informally by developing a solution upon initial notification. Representative Lockett asked for the names of the five schools with the greatest number of formal parental objections to instructional materials over the last three years, based on the results of LOIC's survey of superintendents. Mr. Stevens stated that staff would provide that information after the meeting.

In response to a question from Representative Sharp about the composition, terms, and appointing authority of the State Textbook Commission, Mr. Stevens said that the Commission has not been in operation since 2015. However, there were originally ten members appointed by the Kentucky Board of Education serving four-year terms and that staff would be able to provide a more complete answer after the meeting.

Senator Douglas referenced recommendation 3.3 and asked staff if it is their opinion that KDE would be the appropriate entity to consider revisions to the State Textbook Commission, given that the department failed to maintain the commission despite statutory requirements. Mr. Stevens responded that KDE is the only entity that could change the commission under current statute, however matter for legislative consideration 3.1 leaves it to the General Assembly to decide whether there should be a State Textbook Commission and, if so, how it should be structured.

Representative Fleming asked if staff conducted a cost analysis of potential policy changes to the State Textbook Commission and how changes may affect school districts or the state financially. Mr. Stevens said that staff did not conduct cost analyses but the report recommendations ask KDE to provide an estimate of the commission's operating costs when it was last active and what it would cost to operate today.

Upon a motion by Representative Lockett and a second by Representative Fleming, the committee report was adopted without objection.

### **Response from the Kentucky Department of Education**

Micki L. Ray and Matt Ross from Kentucky's Department of Education introduced themselves. Ms. Ray described nine areas where KDE would like to work with the General Assembly regarding statutory amendments to KRS 156.405, which can be found on the Legislative Oversight and Investigations Committee webpage.

In response to a question from Representative Bowling, Ms. Ray stated that within the Model Curriculum Framework and in accordance with KRS 158.6451, there is a clear process for curriculum development. The Division of Program Standards within the Office of Teaching and Learning provides training to leaders across the state on that process. This process includes tools and resources for local implementation and consumer guides for vetting and winnowing down resources for local review. Representative Bowling asked if state oversight is being replaced by oversight from an outside organization. Ms. Ray replied that, while EdReports

provides recommended lists of materials, the consumer guides published by KDE provide recommendations for how districts can externally validate resources, such as EdReports. The guides are required by statute and are created within KDE.

In response to a question from Senator Douglas, Ms. Ray stated that her intention is not to say the system as a whole is not working. The cost to have the commission in place is in statute and funding would need to be ensured not only for the commission and its textbook reviewers, but also for districts to purchase instructional materials approved by the commission. Ms. Ray noted the efforts made to provide instructional material evaluation in the absence of the State Textbook Commission, such as the Quality Curriculum Taskforce. She emphasized that Kentucky teachers participate in the taskforce and are involved in the curriculum development process, EdReports evaluation, and in the creation of consumer guides.

Representative Lockett cited a recent report stating that Kentucky's ACT scores are at a 30-year low and asked what role education cooperatives serve in supplying content and materials for the classroom. Ms. Ray responded by stating that the educational cooperatives' members serve on the Quality Curriculum Taskforce and that training is also provided to the eight regional cooperatives on the curriculum development process to better equip them to serve their districts in curriculum development and selection. Representative Lockett asked about oversight of these cooperatives, to which Ms. Ray replied that each cooperative has an executive director and their boards are composed of local superintendents.

In reference to the number of parental complaints, Representative Lockett asked Ms. Ray whether she believes there would be more complaints than those identified by the LOIC survey if parents had better knowledge of the formal process to file a complaint about education materials. Ms. Ray stated that, in her experience, parents are informed of this process in handbooks and syllabus language at the beginning of the year. Representative Lockett stated that parent involvement is important and he suspects that the survey's complaint statistics are artificially low because parents are not aware of the processes.

Representative Burke stated that changing the State Textbook Commission's name would be appropriate, and asked whether this can be done internally or if legislation is necessary. Ms. Ray stated that statute would not allow for this change without legislative action. Representative Burke asked if Kentucky has a formal partnership with EdReports like other states, and if not, is that something KDE is considering. Ms. Ray responded that KDE does work with EdReports in terms of the consumer guide process and that Kentucky is involved with the Instructional Materials Professional Development Network with 13 other states, which provides access to this work on a national level. Representative Burke finished by stating that the survey results suggest that parents are being heard.

Senator Howell acknowledged that the State Textbook Commission's name is a misnomer in a changing landscape where textbooks are no longer the only learning materials employed, and asked if there is anything in place to know which materials are employed by teachers to supplement the primary curriculum framework and whether it would unnecessarily impede teachers to monitor minor materials. Ms. Ray responded that the Commission and the consumer guides focus on primary tier 1 resources for all students, however clearing houses such as EdReports also give ratings for supplemental resources that teachers can use along with local curriculum guides.

In response to a question from Senator Raque Adams about past legislative action to address poor reading comprehension levels, Ms. Ray stated that publishers in the past were promoting traditional reading practices despite research from the National Reading Panel suggesting that these were not best practices. Ms. Ray added that the passage of SB 156 during the 2023 Regular Session amended language to require adoption of high quality resources, which was a step toward ensuring that evidence-based practices are selected over traditional methods that may no longer be supported by authorities in educational research.

Senator Raque Adams asked Ms. Ray about the actions taken by KDE when Kentucky was going in a different direction than experts' suggestions on reading comprehension strategies. Ms. Ray responded that she can only speak for the time in which she has been at KDE; requirements in the Read to Achieve grant were changed to eliminate the interventions that were considered concerning. Ms. Ray said that, in the past, teachers resisted new evidence-based practices because they were accustomed to traditional methods. Ongoing efforts are being made to educate and align teachers with modern best-practices.

Representative Riley cited a statistic stating that 48 percent of Kentucky students receive additional education after the 12th grade, while states such as Tennessee (upper 60 percent) and Alabama (above 70 percent) have significantly higher rates. He stated that the General Assembly needs to improve these educational outcomes for Kentucky's economic future by improving areas such as parental involvement and reading comprehension levels in kindergarten through third grade.

Representative Sharp spoke about his experience with having two daughters in public school and how some parents feel they are not heard when they make suggestions to educators about what is best for their child.

#### **Kentucky Department of Juvenile Justice Written Response to Member Requests from the September 12, 2023 Meeting**

Representative Bowling announced that the Department of Juvenile Justice's written response to committee member requests has been provided to members in their folders.

#### **Adjournment**

Representative Bowling announced the next Legislative Oversight and Investigations Committee meeting is scheduled for December 14, 2023.

Upon motion by Senator Storm and second by Representative Lockett, the meeting was adjourned.