



KENTUCKY PASTORS SUPPORT STATE INTERVENTION FOR JEFFERSON COUNTY PUBLIC SCHOOLS

Why the Kentucky Pastors in Action Coalition and Bluegrass Institute for Public Policy Solutions Support State Intervention in the Jefferson County Public Schools District



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WHAT'S GOING ON

It's been 28 years since passage of the Kentucky Education Reform Act, which was based on the premise that every child in Kentucky could learn at the highest level. Yet today, the data clearly show: **Thousands of children enrolled in JCPS are being left behind.**

Since KERA became Kentucky's education policy in 1990, JCPS has tried numerous and ineffective fads, experiments and studies, but has consistently proven incapable of meeting the challenges on its own. The result, which continues today: too many of entire additional generations of students being left way behind.

Thousands of 4th and 8th grade black students in the Jefferson County Public Schools not only score very low on the latest NAEP test scores in key academic areas of reading and math but have proficiency rates that have remained very low since JCPS first participated in NAEP in 2009. And in some cases, it's getting worse.

QUICK FACTS

1 in 5

JPCS black students tested proficient on any NAEP test in 4th & 8th grade.

1 in 3

white 8th grade JCPS students is proficient in math.

fewer than
1 in 10

8th grade blacks is proficient in math.

52%

white 4th graders in JCPS were proficient in math.

84%

of 4th grade black students failed to reach reading proficiency last year.

85%

of 8th grade blacks failed to reach reading proficiency last year.

91%

of black 8th grade students in this school district failed to reach proficiency in math.

14%

of black 4th graders reached proficiency in math.

The district's fourth-grade white minus black achievement gaps are getting worse:

- The 28-point gap in fourth-grade math in 2011 grew to a 38-point gap in 2017.
- The 23-point gap in fourth-grade reading in 2015 became a 35-point gap in 2017.

Eighth-grade gaps remain large and have shown no statistically significant improvement all the way back to 2009.

OBSTACLES TO JCPS IMPROVING PERFORMANCE AND CLOSING GAPS:

Impact of union political spending on JCPS Board of Education candidates

The JCPS Board of Education is mostly bought and paid for by the Jefferson County Teachers' Association and possibly other unions with vested interests.

In the most recent school-board election, **JCTA spent more than \$300,000 to elect its chosen candidates:** they spent \$291,000 to help District 7 Rep. Chris Brady win re-election and keep his seat on the JCPS board. They also spent nearly \$30,000 on District 4 Rep. Benjamin Geis. Both won.

No candidate supported by any other group at any significant level won their election. No incumbent who ran for reelection lost. The pro-reform Bluegrass Fund spent more than \$270,000 to defeat Brady but couldn't do it.

One side of the bargaining equation is spending big money to elect the board members who negotiate behind closed doors with the JCTA and who ultimately vote to enact the union contract. **This situation is rife for corruption at the expense of both students and taxpayers.**

While Kentucky statute allows collective bargaining agreements to be negotiated in closed session, it does not prohibit public input into the process. At the very least, the JCPS board must allow public input regarding the district's collective bargaining agreement with its employees - especially with so much money being spent by the unions to elect its supposed negotiating opposites.

Working with the school board operating in an advisory role for a period of time should produce more objective day-to-day management decisions. Final decisions will be made by Interim Commissioner Wayne Lewis working with the Kentucky Board of Education (KBE) and JCPS Superintendent Marty Pollio. Student achievement, not adult interests, will be the priority.

Impact of union contract on JCPS students

Available research shows the teachers' union contract is a major impediment to getting right teachers in the right schools and thus, by extension, impacts students' success in the classroom. We know teachers are the major reason students succeed or fail. Yet:

- » The state's own Office of Education Accountability (OEA) describes **the collective bargaining agreement between JCPS and its teachers union as being "the most comprehensive and cumbersome" in the state.**
- » "Comprehensive and cumbersome" means: **Administrators' hands are tied when it comes to implementing policies that result in the best, most experienced teachers being placed in the lowest-performing schools.**
- » While the union claims it no longer stands in the way of placing teachers with seniority in failing schools, **it opposes allowing the district to offer financial incentives for great teachers to make these moves.**

The following come directly from the OEA report:

"All CBAs except Jefferson County's have limited impacts on school staffing. The Jefferson County contract, however, **strongly affects the staffing policies in the district.** The staffing policy is **seniority driven**, providing the most experienced teachers preference in transferring to open positions across the district. In addition, **Jefferson County's contract includes a paper transfer provision that constrains the autonomy of principals and councils to potentially retain new hires made after August 1 of each school year.**

"Review of staffing data in Jefferson County **raises concerns about the distribution of high-quality teachers.** Analysis of transfer list requests shows that an inordinate number of teachers request to transfer to high-performing schools that are often magnet or traditional schools. Conversely, lower-performing schools tend to attract fewer transfer requests. **Lower-performing schools have more inexperienced teachers and higher turnover rates than higher-performing schools.** In the six Jefferson County schools identified as persistently low performing in April 2010, **a large percentage of teachers being hired were teacher interns with less than 1 year of experience.**

"Most other districts have had seniority and paper transfer provisions similar to those of Jefferson County, but these districts in the last decade have renegotiated their contracts to remove such procedures. While seniority can still guarantee an existing employee in a district an interview for a position, it does not guarantee a transfer. **With the exception of Jefferson County, the hiring authority remains, by and large, with the principal and the school council.** According to administrators in districts that have removed seniority transfer guarantees, **the process for filling vacancies used today is far superior to the process used in the past.**" (emphasis added)

The Thomas B. Fordham Institute report a decade ago deemed JCPS' collective bargaining contract as one of the nation's worst labor agreements:

- **Deemed "Highly Restrictive"** with a score of 1.25 on a four-point scale when evaluated for its overall impact on JCPS.
- **Received 1.00 on a four-point scale, or a grade of "D-," for its personnel policies;** only three (out of 50) districts received a lower grade.
- **Received .75 - also a grade of "D-" - for its work rules;** only seven of those 50 districts received a lower grade.

***Note:** These low grades were among districts where, as Fordham states, "hardly any contracts enshrine a high degree of flexibility." In other words, JCPS was deemed among the worst of the worst when it comes to work rules and personnel policies with a contract that is "highly restrictive" overall.*

The Kentucky Department of Education (KDE) has an examination of JCPS' collective bargaining agreement underway. Interim commissioner Wayne Lewis, the KBE and the KDE should put a high priority on releasing the results of that evaluation, which would probably provide more support for an intervention.

Among the obstacles to flexibility in management decisions, including those affecting personnel policies, is the impact of School-Based Decision Making (SBDM) councils, which were created by KERA and are strongly supported by the unions.

"The law directed that many important responsibilities formerly held by local school boards and their superintendents were transferred to these new, school-based councils. Some of the powers KERA transferred to the school councils included final authority to select curriculum, final authority to make staffing decisions and final decision making regarding actual expenditure of money received by the school."

The Bluegrass Institute report released in January can be found online.

By law, parents cannot have the majority vote on SBDM councils. There must be three teachers for every two parents. The majority rules, which takes away the ability of parents of children in failing schools to make changes through the SBDM. **It also discourages parental involvement in schools** as very few parents even bother to vote in the election of SBDM parental representatives for their child's school.

A recent Bluegrass Institute report looks at management audits done on Kentucky's lowest-performing ("Priority") schools - a majority are in JCPS - and discovered important insights not only into the functioning of SBDM councils but how these councils hinder needed reforms that would likely improve these schools' performance.



WHAT THE RESEARCH FOUND

- ✘ **LACK OF FOCUS ON STUDENTS** and sometimes on key adults
- ✘ **NOT USING DATA** to inform decisions
- ✘ **FAILURE TO ADOPT NEEDED POLICIES**
- ✘ **FAILURE TO IMPLEMENT ADOPTED POLICIES**
- ✘ **FAILURE TO COORDINATE WITH OTHER SCHOOLS** and/or the school district
- ✘ **FAILURE TO INCLUDE ALL STAKEHOLDERS**
- ✘ **POOR USE OF RESOURCES**
- ✘ **POOR FOCUS ON GOALS**
- ✘ **CURRICULUM NEGLECT**

Bluegrass Institute Kentucky School Study Findings

- » These dramatically low-performing schools had SBDM councils in place since at least 1996, implying **these problems were institutionalized and unlikely to change without external pressure.**
- » SBDM laws work in ways that **prevent local on-scene personnel such as the superintendent or principal from taking action** to make things right for students.

***Note:** Neither SBDM council representatives nor the unions that support this failed school-management model have any fiduciary liability. So, decisions can be made that push a political preference or protect failing employees without liability. Meanwhile superintendents, principals and local school boards are held accountable for failures in their district while not having the authority needed to make day-to-day management decisions and changes.*

Just as these low-performing schools were unlikely to change without external pressure, so the JCPS district will not change without external pressure applied. The Bluegrass Institute supports legislation that would relegate SBDM councils to an advisory role only. With this intervention, Lewis and the KBE should seek ways to reduce the negative impact of this failed governance policy.

A state intervention offers Dr. Lewis and the KBE the opportunity to more responsibly manage JCTA impacts on school management in the JCPS district.

More likely to have effective public charter schools sooner

Last year's charter school law restricts authorizers in Jefferson County to the school board and the mayor's office. The current school board is largely and loudly anti-school choice, including being mostly opposed to public charter schools. With the local board relegated to an advisory role, public charter schools are far more likely to open and have a genuine chance at success in JCPS.

A majority of students enrolled in public charter schools nationwide are low income/minority students. These schools are the primary proven approach toward closing achievement gaps and giving administrators the flexibility they need and teachers the freedom they need to innovate and lead our next generation to success. Thus, charters are proving to address the two major problems in JCPS we've highlighted in these talking points.

The KBE and Dr. Lewis should not be afraid to push the public charter-school agenda. Dr. Lewis has himself taught in - and been an ardent advocate for - public charter schools while many of the state board members have witnessed and also advocated for offering this type of public educational choice to parents.

If our opponents don't support our proposed policy changes, what ideas do they offer and what impact will those ideas have?

“More money’ and “pay teachers more” do not qualify as new ideas.

JCPS budget this year:

\$1.5 billion

JCPS spending per student:

nearly \$15k per student



Dr. Lewis and the KBE have an opportunity to demand and provide better financial information for JCPS - and all districts, for that matter - from the state bureaucracy.

Regarding teacher pay: Even **NPR reports that Kentucky's teachers receive among the best salaries in the nation** at a cost-of-living-adjusted \$51,666. **JCPS teachers, by far, are among the highest-paid in the commonwealth.**

Yet teachers are still being forced to dig into their own pockets to purchase supplies for their students. Where's the money going? We don't know, which is a big obstacle toward reaching financial accountability in Kentucky's public education system.

The column in the Kentucky School Report Card database for 2016-17 for per-pupil spending for each school was blank until May of this year - an entire year later.

Some say we don't have enough money to properly and adequately educate our children, yet how could they know? How do individual schools know they're not being denied money being withheld by the districts instead? Without accurate, school-level spending information, who can tell?

We suspect that if we had accurate school level spending info, which federal law says we're supposed to get, we would discover that, indeed, money isn't getting where it's supposed to be going.

Dr. Lewis and the KBE have an opportunity to change the incessant demands for more money and control to increased accountability and improved performance.