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**From:** KAHPERD Executive Committee <kentuckyahperd@gmail.com>

**Subject: Changes to 703 KAR 5:270**

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Greetings Kentucky Board of Education members,

My name is Jamie Sparks and I am the Executive Director for the Kentucky Association for Health, Physical Education, Recreation and Dance (KAHPERD). I also currently serve as the President-Elect for SHAPE America, the national professional organization for health and physical educators. I also previously served as the Coordinated School Health Director for KDE from 2010-2018.

In 2015, the Every Student Succeeds Act was signed into law. At the core of this law was returning control to state education agencies for building their own accountability system because it was believed that states knew the needs of their students and schools best. Further the new definition of a well-rounded education allowed for even greater state flexibility in moving away from the high-stakes accountability mindset from the days of No Child Left Behind. For the first time in the history of the Elementary and Secondary Education Act, health education, physical education, arts and humanities were included in the definition of well-rounded making them eligible for federal funding.

In early 2016, KDE rolled out their plan for engaging feedback that was a requirement of ESSA and meant to ensure that state decisions for ESSA were indeed a collection of stakeholders from the state. In Spring 2016, the USDOE within the Obama administration were developing the regulations for ESSA. Congress was concerned that these proposed regulations would hinder the ability of state decision making. Then KDE Commissioner Stephen Pruitt was called to testify before both the Senate and House Education committees to share the process that KDE was implementing with KyEdListens. KyEdListens was and remains the national model for stakeholder engagement with the Every Student Succeeds Act.

The KyEdListens process was essentially around two key questions

- How should we measure student and school success?
- How do we ensure all students and schools are successful?

Two simple questions basically were asked and over 4,000 people contributed in-person or online. KBE and KDE summarized this process with the following descriptions:

#### Overarching Themes Heard

- Our children must be at the heart of the system.
- A well-rounded education is important and necessary.
- All subjects, both tested and non-tested, need to be valued.
- More/better course offerings; there were vocal participants supporting the Arts, Career and Technical Education, early childhood, health and physical education.

KDE took the KyEdListens process and developed a wide array of work groups and committees. That process from town halls to work groups to Kentucky Board of Education approval, again was one of the most comprehensive ESSA processes in the nation. The process was so transformational in rethinking education accountability, it lead to informing a change in the KDE logo to reflect these priorities: Our Children, Our Commonwealth. Additionally this process helped to guide the development and priority for the most innovative section of the accountability model: Opportunity and Access. This section held a focus that was clearly stated from KyEdListens shareholders, non-tested subjects are to be valued!



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With this in mind, it makes it all the more troubling for the lack of dialogue around KBE's decision in December to amend 703 KAR 5:270 to fully remove all components of opportunity and access. As is referenced above, there was a very lengthy and comprehensive process that was used to develop the Opportunity and Access portion of Kentucky's State Consolidated Plan/ESSA. So the actions by KBE to remove this language with no dialogue, press release or otherwise public notification is very concerning. The language has been proposed to be replaced simply by "school climate and safety" with no further clarifications or discussions on what this means.

When it comes to truly living up to the words Our Commonwealth, Our Children, it is the opinion of KAHPERD and other like minded education groups that the decision to amend 703 KAR 5:270 is not just a step backwards but a complete 180 degree turn away from what "our children" truly need. Not only will this have great long-term consequences by further minimizing health education and physical education instruction, it also will have immediate impact next school year. This school year, Kentucky school districts have already begun to allocate Title II and Title IVA for purpose of improving their local needs in supporting health education and physical education. Fayette County schools for example because of ESSA have been able to fund a range of resources and support for our PE/Health programs for the first time ever with federal funds, including:

- Purchased district wide health curriculum using [Title IV-A](#) dollars. The curriculum is available to teachers of all students, K-12.
- Attendance for 12 staff at [KAHPERD](#) (Kentucky Association for Health, Physical Education, Recreation, Dance) fall workshop.
- Attendance for 5 staff at [SHAPE AMERICA](#) (Society of Health and Physical Educators) national conference in Tampa, Florida.

In addition to the support above, next year's proposed budget includes the following:

- Attendance for 12 staff at KAHPERD summer conference.
- A district-wide professional development event for Health and PE teachers that focuses on resources and content. Staff who've attended the state and national conferences mentioned above have been asked to share what they learned. This is an exciting step for our district. Prior to 2018-19, there was no professional development opportunity with a PE/Health focus.
- Funding for workshops where middle and high school PE/Health teachers align the curriculum, ensuring that every school is teaching the same content on the same schedule.

There is a harsh reality coming to future planning for districts like Fayette due to the proposed accountability changes. If health and physical education are not valued by KBE in the accountability system, then a local school district has little incentive in the future to allocate funds for supporting these subjects. Schools have limited funds to address all their needs, accountability measures drive decisions on how to allocate funds. The amendment to 703 KAR 5:270 immediately sends a message that health and physical education are not valued. Additionally, KDE was awarded a new [5 year cooperative agreement with federal funds from CDC](#) in 2018. That grant which I was a major contributor for centers around full implementing Opportunity and Access with 10 local education agencies. Without these accountability measures, the effectiveness for improving student health outcomes are now greatly minimized.

Furthermore a focus on prioritizing the needs of the whole child, which was the intention of the Opportunity and Access portion, may be one of the greatest opportunities for reducing the achievement gap. Dr. Charles Basch's research [Reducing Educationally Relevant Health Disparities is a Missing Link in School Reforms to Close the Achievement Gap among Urban Minority Youth](#).

Basch points out that states traditionally always invest larger and larger amounts of money to attempt to reduce the achievement gap:

Standards and accountability

- Revising school financing
- Teacher preparation
- Rigorous curricula

But his research and [presentation](#) are clear, there are educationally relevant health disparities that can be addressed to close the achievement gap. How do we do that? Dr. Basch's recommendations closely monitor many of the elements that were discussed and included within Opportunity and Access:

- Integrate health-related measures into accountability systems for school improvement efforts
- Include health goals in mandated school improvement plans

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- Establish school health councils or leadership teams
- Ensure sufficient curricular time is devoted to health education
- Support professional development of staff
- Adopt specific policies to address each of the educationally relevant health problems

So when this board asks “WHAT CAN WE DO” to raise the bar and lower the gap lets focus on the needs of the whole child in how KY can effectively implement the above recommendations. It is clear from research that “our children” and “our Commonwealth” need an intentional and sustainable plan for elevating school health priorities. Opportunity and Access was a good first step toward these recommendations, it’s unfortunate that these things have taken a major step back for students for next school year. KAHPERD welcomes the opportunity to rethink and reconsider these actions now or in the future.

Sincerely,

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