

MEETING SUMMARY
JOINT MEETING
OF THE
HOUSE AND SENATE INTERIM COMMITTEES ON EDUCATION

ADEQUACY

Monday, November 4, 2019
1:30 P.M.
Room A, MAC
Little Rock, Arkansas

Representative Bruce Cozart, the Chair of the House Interim Committee on Education, called the meeting to order at 1:30 p.m.

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: *Senators:* Jane English, Chair; Joyce Elliott, Vice Chair; Eddie Cheatham, Linda Chesterfield, Lance Eads, Jim Hendren, Mark Johnson, and James Sturch

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: *Representatives:* Bruce Cozart, Chair; Reginald Murdock, Vice Chair; Fred Allen, Rick Beck, Frances Cavanaugh, Gary Deffenbaugh, Jana Della Rosa, Jim Dotson, Jon S. Eubanks, Brian S. Evans, Denise Garner, Grant Hodges, Mark Lowery, Stephen Meeks, Nelda Speaks, and Dan Sullivan

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: *Senators:* Alan Clark and Mathew Pitsch. *Representatives:* Monte Hodges, Steve Hollowell, John Maddox, Tippi McCullough, Ron McNair, Aaron Pilkington, Jamie Scott, Brandt Smith, Stuart A. Smith, Danny Watson, and David Whitaker

Minutes:

Without objection, the minutes of the October 7, 2019 and October 8, 2019 meetings were approved as written.

Exhibits:

Exhibit C1 – 10/08/2019 Minutes
Exhibit C2 – 10/09/2019 Minutes

Relevant Actions:

Senator Joyce Elliott was recognized, and made a motion to expunge the vote on the Senate side taken at the meeting on October 8, 2019, retaining APA Consulting to do the Adequacy Study. The vote was seconded by Senator Linda Chesterfield.

A lengthy discussion ensued among members pertinent to procedures. **Ms. Marty Garrity**, Director, Bureau of Legislative Research (BLR), was recognized, and contributed to the discussion.

Senator Jane English was recognized, and took a voice vote on the motion to expunge the vote on the Senate side.

Pursuant to the motion by Senator Elliott, the motion was carried on a voice vote.

Senator English was recognized, and made a motion authorizing the BLR to enter into a contract with APA Consulting. The motion was seconded by Senator Joyce Elliott.

Pursuant to the motion by Senator English, the motion was carried on a voice vote.

Representative Mark Lowery was recognized, and made a motion, “that the House expunge the vote by which the motion carried in the last meeting on this consultant agreement.”

Representative Cozart commented that this is a proper motion and takes two-thirds of the membership.

Pursuant to the motion by Representative Lowery, the motion failed on a voice vote. A roll call was requested, and the motion failed (6-6-6).

A lengthy discussion ensued among members pertinent to procedures.

Representative Jim Dotson was recognized, and requested clarification on whether we just possibly hired a consultant, and whether the item was on the agenda.

Representative Cozart responded that we just authorized the hiring of a consultant; and repeated that it was not on the agenda. He stated the outcome could be appealed to the Speaker.

Representative Lowery, was recognized, and made a motion to appeal the decision of the Chairs on whether the entire motion has to be re-voted, as a whole joint committee.

Representative Cozart delivered additional justification for the process, while waiting for clarification from the Parliamentarian about appealing the Chairs’ decision.

Senator James Sturch was recognized, and noted ALC will ultimately make a decision on the Committees’ recommendation.

Additional discussion ensued.

Representative Lowery said, “The decision I’m appealing is the one that was made by both Chairs that we do not have to re-vote both House and Senate. My argument is, the appeal is, that just because you’ve expunged the Senate vote just gets you back to the starting point of having a motion that goes before both bodies, both the House and the Senate. That’s what I’m arguing; you’ve said no, that only the Senate vote has to be re-voted. So, my appeal is that we should re-vote that motion; we don’t have to make a new motion; we can use the motion that we voted on last time; but, it has to be a vote of both the House and the Senate.” The motion was seconded by Representative Jim Dotson.

Senator Linda Chesterfield was recognized. Senator Chesterfield clarified that the motion should be, “Shall the Chair be sustained,” then, we will vote yes, and the ruling of the Chair will stand; and if the Chair is not to be sustained, we will vote no, and the ruling of the Chair will not stand.

Representative Cozart stated this is a vote of the whole membership, present and voting; it will take 10 votes to Sustain the Chair. We will vote by roll call.

Pursuant to the motion by Representative Lowery, the motion was carried on a roll call vote (House 8-5-5 and Senate 4-2-2).

Representative Cozart said, following ALC approval, BLR has been authorized to contract with APA Consulting.

Discussion of Written Testimony Submitted by Various Education Advocacy Organizations
Regarding their Concerns about the State’s Current System of Funding for Public Education

In order to facilitate the work of the Senate Interim Committee on Education and the House Interim Committee on Education in meetings pertinent to complying with provisions of Arkansas Code Annotated §10-3-2101 et seq., the

Continuing Adequacy Evaluation Act of 2004, the Chairs of the Committees requested organizations to submit written testimony outlining concerns about the state's current system of funding for its public education system. This request was made in a BLR memorandum, dated September 5, 2019 (*Appendix A*). Presentations were made by the following: **Dr. Richard Abernathy**, Executive Director, and **Mr. Michael Mertens**, Deputy Director, Arkansas Association of Educational Administrators (AAEA); **Ms. Carol Fleming**, Speech Language Pathologist, Pulaski Heights Middle School, acting as President, and **Ms. Tracey Ann Nelson**, Executive Director, Arkansas Education Association (AEA). Brief discussions followed each presentation.

Ms. Courtney Salas-Ford, Deputy General Counsel, Division of Elementary & Secondary Education (DESE), was recognized, and contributed to a discussion of obligations surrounding support and services to children with disabilities, following the presentation by the AEA.

Written testimony was submitted, but not presented by **Mr. Richard Huddleston**, Education Policy Director, Arkansas Advocates for Children and Families; and **Mr. Scott Smith**, Executive Director, Arkansas Public Schools Resource Center.

PowerPoint Presentations:

AAEA - Adequacy Testimony, November 2019, PowerPoint
AEA – 2019 Adequacy Testimony, PowerPoint

Exhibits:

Exhibit D2 – AAEA, A Review of Adequacy in Financing Public Education in Arkansas 2020
Exhibit D3 – AEA, 2019 Written Adequacy Testimony
Exhibit D4 – APSRC, A Brief History of the Adequacy Legal Standard

Appendix:

Appendix A – 2019 Request for Submission of Written Testimony from Education Advocacy Organizations

Handouts:

Handout D2 – AAEA, Adequacy Testimony, November 2019, PowerPoint
Handout D3 – AEA, Adequacy Testimony, PowerPoint

Discussion and Consideration for Adoption of Interim Study Proposal 2019-139 by Representative Vaught, CONCERNING THE TEACHER COMPENSATION PROGRAM OF 2003; TO AMEND THE DEFINITION OF "TEACHER" UNDER THE TEACHER COMPENSATION PROGRAM OF 2003

Relevant Action:

Representative Jon S. Eubanks, was recognized, and made a motion to adopt the ISP. The motion was seconded by Senator Joyce Elliott.

Pursuant to the motion by Representative Eubanks, the motion was carried on a voice vote.

Exhibit:

Exhibit E – ISP 2019-139

Next Scheduled Meetings:

Monday, January 6, 2020, at 1:30 p.m. in MAC, Room A, Little Rock (*Non-Adequacy*)
Tuesday, January 7, 2020, at 9:00 a.m. in MAC, Room A, Little Rock (*Adequacy*)

Adjournment:

The meeting adjourned at 3:55 p.m.