

MINUTES

JOINT MEETING
OF THE
SENATE INTERIM COMMITTEE ON CHILDREN AND YOUTH

SENATE INTERIM COMMITTEE ON EDUCATION

AGING AND LEGISLATIVE AFFAIRS-HOUSE CHILDREN AND YOUTH SUBCOMMITTEE

HOUSE INTERIM COMMITTEE ON EDUCATION

Tuesday, January 10, 2012

1:30 p.m.

Room 171, State Capitol

Little Rock, Arkansas

Representative Eddie Cheatham, 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 Kim Hendren and Johnny Key.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE:

Representatives Duncan Baird, Ann V. Clemmer, Jody Dickinson, Debra M. Hobbs, Donna Hutchinson and Johnnie J. Roebuck

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representatives Justin Harris and Homer Lenderman.

MEMBERS OF THE SENATE INTERIM COMMITTEE ON CHILDREN AND YOUTH IN ATTENDANCE: Senators Missy Irvin, Chair, Jack Crumbly, Vice Chair, Linda Chesterfield and Percy Malone.

MEMBERS OF AGING AND LEGISLATIVE AFFAIRS-HOUSE CHILDREN AND YOUTH SUBCOMMITTEE IN ATTENDANCE: Representatives Stephanie Malone, Chair, Loy Mauch, Vice Chair, Lori Benedict, Mary P. "Prissy" Hickerson and David "Bubba" Powers.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Mike Fletcher; Representatives Nate Bell, Bruce Cozart, Hudson Hallum, Kim Hammer, Jon Hubbard, David Meeks and Darrin Williams.

Representative Hickerson called the meeting to order at 1:30 p.m.

Representative Hickerson said this is the last meeting to hear testimony on Interim Study 2011-169, HB 2049. A report will be prepared and should be available in 30 days. If there are any recommendations or information that needs to be included in the report, please advise staff or Representative Roebuck. After the report is prepared it will be presented to the full committees.

Representative Benedict moved to approve the minutes of November 28, 2011. The minutes were approved.

Representative Roebuck said the National Conference of State Legislators has produced a packet called Juvenile Justice Guidebook for Legislators and will be an important resource for the final report.

Judge Joyce Williams Warren, Circuit Judge, 10th Division, 6th Judicial District (Pulaski and Perry Counties) was recognized. Judge Warren thanked the legislators for requesting that she speak regarding issues and concerns about the system of education for the youth in the juvenile justice system and the connection between public school and youth entering the juvenile court system. Judge Warren said she values the educational process and believes that education is important, necessary and mandatory. Judge Warren supports putting laws and policies into place that reinforce the philosophy that education is so important that children should be educated wherever they are. Present laws, especially relating to Families in Need of Services (FINS) do not support the importance of education and that Arkansas has compulsory education until age 18. Truancy is a type of FINS petition. On a regular FINS petition as well as a truancy petition, one of the orders that the court issues is for the child to attend school every day unless excused per school policy as well as for the child to obey the rules of the school. Court jurisdiction for a child under the FINS jurisdiction ends at age 18. When a child violates a court order on a FINS case, a judge can cite that child for contempt and set a separate contempt hearing. At the conclusion of the hearing, if the child is found to be in contempt of court, the judge can do several things: 1) the parents can be ordered to pay a fine, 2) have the child perform community service or, 3) order the child to be placed in a locked juvenile detention facility. The law also provides that the child cannot have contact with any other child in detention, in effect that option is not available. Federal law is moving towards prohibiting courts from placing kids in detention if they are under the court's jurisdiction of FINS. That shift is based on studies that show FINS kids fare worse when they are locked up in detention and display more negative behavior. Judge Warren has long advocated for facilities to house children who are under court jurisdiction on FINS cases who leave home and refuse to attend school. Many children coming into the juvenile system have mental health diagnoses, low IQ'S, behavioral and emotional problems. Too many of these children tend to be children of color. National figures show that black children, especially black males, are suspended from schools at higher rates than any other category of children, contributing to lower graduation rates and higher criminality among minority youth. Schools are contributing more than ever to the cradle to prison pipeline and are doing this by offenses that are not necessarily related to safety. Juvenile courts are handling an increase in cases that arise from juvenile behavior at school that should be handled by the school. Zero tolerance policies also help fuel the cradle to prison pipeline. Kids with disabilities are at a greater risk of being suspended or arrested at school. Children need to be educated wherever they are, meaning that if a child needs to be removed from the classroom because of repeated disruptions, then the child needs to be in another part of the school or somewhere else with educational/behavioral services provided. When kids in court with special educational needs have been inappropriately disciplined in school or have not been given appropriate services, the parents should contact Ms. Dana McClain, Disability Rights Center for advice or assistance regarding those issues. Judge Warren also recommends that every juvenile detention facility provide appropriate educational and counseling services and also that teachers, other school personnel and all students have conflict resolution training and training on diversity issues to occur on an ongoing basis. All parents and caregivers need to take active roles in their children's education. It is important to start at the child's birth to have appropriate assessments and services provided so any delays or disorders can be identified, corrected and/or improved to insure the necessary foundation can be set for future learning and success to occur.

Representative Hammer asked Judge Warren about cases when parental involvement is lacking thus contributing to the delinquency of the child. Judge Warren said she reprimands the parents, but also gives parents a chance to respond to the charges. When parents are contributing to the delinquency of a child there are several options, such as citing the parents for contempt, putting parents in jail or have someone else take custody of the child or parenting classes and psychological evaluations for the parents.

Senator Hendren asked Judge Warren what laws legislators needed to pass, repeal or change specifically to help in dealing with student delinquencies. Judge Warren said additional resources are needed to meet the needs of the schools.

Representative Roebuck asked Judge Warren if judges meet on a regular basis to discuss what has been discussed at today's meeting to have strategies that are uniform throughout the state. Judge Warren said judges meet twice

a year at Judicial Counsel, Judicial College meeting in June in conjunction with the BAR Association and in October. The juvenile division judges meet yearly for annual training and discuss following the law with any changes that need to be made to help improve the lives of children. Representative Roebuck encouraged Judge Warren to have the judges cross-dialogue with school superintendents. Representative Roebuck asked Judge Warren if there could be a meeting with all the judges with Judge Warren bringing recommendations of the judges back to the legislature. Judge Warren agreed to do so.

Senator Irvin said that within her school district, one Superintendent has a Dean of Discipline that focuses on discipline issues and would be the person to accompany a child to court when necessary and would like this to be explored as a possibility for other school districts.

Representative Roebuck said school counselors were placed in all schools in 1983 but they were not to be mental health providers but were to be the coordinators of all counseling services. The counselors are licensed and trained and when a counselor cannot take care of the mental health needs of the child, a counselor refers outside to another professional. They are trained to take care of academics but also some mental health concerns.

Mr. Randy Rutherford, Superintendent of Bryant School District was recognized and presented a report to the legislature on the Alexander Youth Services Center to include concerns/recommendations. Mr. Rutherford said that if the Alexander Youth Services Center is incorporated with the Bryant School District it will become a new school within the Bryant School District and will incur enormous expense.

Representative Hutchinson said her biggest concern is accountability. If G4S is doing a poor job educating the students at the detention center, they can be replaced. If a school district were to accept that responsibility, what would the alternatives be if the school district did a poor job. Mr. Rutherford said the state department could come in and take that school over.

Representative Hubbard asked about the millage allotment for that specific district. Mr. Rutherford said the millage would remain the same.

Senator Chesterfield said transient children must be provided with an education. The center is working with the State Department of Education to bring in distance learning. Students from Alexander are now going to college, because Alexander has partnered with Arkansas Baptist College, Arkansas Baptist College is willing to accept those children that other colleges and universities overlook. Arkansas Baptist is exploring various vocational/technical courses. There are new facilities, qualified, certified teachers, a superintendent or principal on campus, counseling, a partnership with University of Arkansas School for Medical Sciences (UAMS) to provide mental health services as well as mental health services provided by G4S. A large number of students from Dermott and Mansfield are getting their GED's. Alexander is working to have professional development with the Arkansas Department of Education (ADE) and now has training on how to deal with children with behavioral health problems.

Representative Roebuck referred to Act 972 of 2009 which established a system of education within the Division of Youth Services (DYS). A major concern is for teachers at the detention centers as they do not have the same benefits (teacher retirement (ATRS) as teachers in regular school districts. Representative Roebuck asked Mr. Rutherford if he would be willing to continue to work on this issue, by working with the judges, DYS and ADHE to formulate some of the concerns that have been expressed throughout these meetings. Mr. Rutherford said he is willing to meet with anyone to help resolve these problems.

Senator Percy Malone asked about liability for the State, specifically the Bryant School District, when a student or parent could say they were discriminated against. **Senator Percy Malone asked that someone get a legal ruling on this question.**

Mr. Ron Angel, Director, DYS said teachers in the facilities are employed by private companies. We have asked Teacher Retirement if they would consider teachers from the detention centers being allowed to be in their

retirement system and we were told retirement system rules would not allow teachers from detention centers into the system. Representative Hammer asked if the private companies offer any retirement packages to any of their programs. Mr. Angel said teachers are offered 401K's.

Representative Hammer asked Mr. Rutherford about the three choices with this issue as the Bryant School District will be impacted the most.

1. Place detention centers under the control of the local school district
2. Hold the contract holders (G4S) to a higher standard to be sure they are compliant to the standard set forth by the ADHE
3. Take the centers and create their own school district functioning with state-wide borders

Mr. Rutherford said the detention centers could become their own school district, but contract holders can provide an education plus security.

Senator Chesterfield spoke from a point of personal privilege saying that one of the reasons we are paying \$70 million is because a disproportionate number of African American students replaced the special education classes. It is a finding from which the Pulaski County Special School District (PCSSD) was not released as we talked about reaching unitary status. This interim study invites us to take a look at how we treat our school age citizens who are incarcerated. It is fitting that we keep before these committees the need to provide not just a quality education, but also the quality of their physical and mental health. Representatives Roebuck and Powers are to be commended for studying this issue. It is important that we speak with Mr. Angel and others at another date about the qualifications of the individuals who are leading this program, their intentions to increase access to mental health provisions, vocational/technical education and work with those groups to do so. There is a need to provide staff development and professional development training from ADE. Let us move forward and not lose focus of the children that are so important to us and try to turn their lives around by continuing to monitor this population.

Representative Clemmer suggested to Mr. Rutherford that another attorney be added to the school district's staff if the detention centers were to be added to the Bryant School District.

Mr. Angel thanked the legislators and his staff for all the work on behalf of kids in detention centers. He also said the most important thing in these kids lives is treatment and education.

Representative Clemmer asked about the role of career counselors at the detention centers and was concerned that past offenses would keep kids from attaining their goals. Mr. Angel said offenses occurring while they are juveniles will be erased when they become adults.

Senator Hendren asked Mr. Angel to report to the Education Committee the number of kids that are accepted back into regular classroom situations. Senator Hendren also asked Mr. Angel to bring a recommendation or proposal to the legislature requiring teacher retirement for teachers employed in detention centers.

Representative Powers said it is appropriate that we study the feasibility of letting the school districts where the facility is housed provide education. All students deserve the same opportunity for an adequate and equitable education. Representative Powers would like to see the legislature provide the funding and resources to each judicial district, thereby keeping kids at home. This would serve the purpose of keeping them close to their family unit instead of trying to tweak how we educate them for years to come.

There being no further business, the meeting was adjourned at 4:00 p.m.