

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

Monday, January 23, 2012
1:00 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 1:00 p.m.

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Senator Jimmy Jeffress, Chair; Senator Mary Anne Salmon, Vice Chair; Senator Joyce Elliott; Senator Kim Hendren; Senator Bruce Holland; and Senator Gene Jeffress.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative Eddie Cheatham, Chair; Representative Johnnie Roebuck, Vice Chair; Representative Duncan Baird; Representative Toni Bradford; Representative Jerry Brown; Representative Les Carnine; Representative Robert Dale; Representative Jody Dickinson; Representative Jane English; Representative Debra Hobbs; Representative Karen Hopper; Representative James McLean; Representative Bobby Pierce; and Representative Randy Stewart.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative Gary Deffenbaugh; Representative Jeremy Gillam; Representative Homer Lenderman; Representative Kelley Linck; Representative Tiffany Rogers; and Representative Garry Smith.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Randy Laverty; Representative Tommy Lee Baker; Representative John Burriss; Representative Larry Cowling; Representative Jon Eubanks; Representative David Fielding; Representative Billy Gaskill; Representative Sheilla Lampkin; Representative Jim Nickels; Representative Betty Overbey; and Representative James Ratliff.

Representative Cheatham announced that the Committees would address the Arkansas Department of Education Rules that had been referred to the Committees by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council.

Review of Department of Education Rules Referred to the Committees by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, **Mr. Mark White**, Attorney Specialist, Legal Services, Arkansas Department of Education, and **Mr. Matthew Miller**,

Administrative Rules Counsel, Administrative Rules Review Section, Bureau of Legislative Research, were recognized, and summarized changes, provided clarification, or answered questions, as necessary, in regard to the following exhibits, which were numbered C1 through C14:

1. Rules Governing Public Charter Schools
2. Rules Governing Public School End-of-Course Assessments and Remediation
3. Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education
4. Rules Governing Physical Education Course Credit for Organized Physical Activity Courses
5. Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies
6. Rules Governing the School Superintendent Mentoring Program
7. Rules Governing Instructional Materials
8. Rules Governing Distance Learning
9. Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites
10. Repeal of Rules and Regulations Governing School District Filing Requirements of Personnel Policies dated January 2002
11. Repeal of Rules Titled Implementing Ark. Code Ann. §§ 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c) and 6-20-319
12. Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act
13. Rules Governing the Distribution of Supplemental Transportation Funds
14. Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board

The following topics were among those raised in the discussion of the specific rules:

Exhibit C1 – Rules Governing Public Charter Schools

- Modifications that have been made to the charter document
- Particular questions or concerns noted about the rule
- Changes pertaining to an entity operating more than one charter school
- Equipment/property ownership/disposition/notification when a charter school closes
- Posting of charter school records on Website
- Waiver of administrative licensure for charter schools
- The application process and the Charter Review Council
- The application process and a reconciliation of findings

Exhibit C2 – Rules Governing Public School End-of-Course Assessments and Remediation

- Explanation of 4.03, 4.04, and 4.05, regarding proficiency and remediation
- Leaving standard for remediation up to individual school district

Exhibit C3 - Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education

- Challenges possibly triggered by addition of an extra step to statute, that of filing an appeal with the Board before challenging a subpoena in Circuit Court

Exhibit C4 - Rules Governing Physical Education Course Credit for Organized Physical Activity Courses

No questions or comments

Exhibit C5 - Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies

- Review of process for school districts to submit discipline policies
- Clarification of 4.03.03 and defining “illicit drugs”

Exhibit C6 - Rules Governing the School Superintendent Mentoring Program

No questions or comments

Exhibit C7 - Rules Governing Instructional Materials

- Inclusion of approved legislation for schools paying for online materials, and problems, if any, with language

Exhibit C8 - Rules Governing Distance Learning

No questions or comments

Exhibit C9 - Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

- Policies regarding school district employment of school nurses
- Format for postings of salary schedules
- Classified employees
- Problems caused by listing of names; listing only positions
- Recourse that public has for contracts not posted
- Timeframe for postings
- Listing of supplemental pay amounts
- Handling of summer contracts
- Process and deadlines for corrective action against school districts
- Monitoring of postings
- Additional benefits included in posting

Exhibit C10 - Repeal of Rules and Regulations Governing School District Filing Requirements of Personnel Policies dated January 2002

No questions or comments

Exhibit C11 - Repeal of Rules Titled Implementing Ark. Code Ann. §§ 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c) and 6-20-319

No questions or comments

Exhibit C12 - Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act

- Clarification of “lack of capacity”

Exhibit C13 - Rules Governing the Distribution of Supplemental Transportation Funds

No questions or comments

Exhibit C14 - Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board

- Explaining the closing of a loophole regarding “termination of employment”
- Source of funds for reimbursement
- School districts, tort immunity, and lawsuits

Representative Cheatham, hearing no questions raised, called for a motion.

The Honorable Johnnie Roebuck, State Representative, District 20, made a motion that the proposed rules had been reviewed by the Committees and would be sent to the Rules and Regulations Subcommittee of the Arkansas Legislative Council . *The motion was passed without objection.*

Representative Cheatham thanked Dr. Kimbrell, Mr. White, and Mr. Miller for their remarks.

Representative Cheatham announced that the next joint meeting of the Senate Interim Committee on Education and the House Interim Committee on Education would be at 1:30 p.m. on Monday, February 6, 2012, in Room 171 of the State Capitol in Little Rock. The Committees would also meet at 9:00 a.m. on Tuesday, February 7, 2012, in Room 171 of the State Capitol in Little Rock to discuss adequacy issues.

There being no further business, the meeting adjourned at 1:56 p.m.