

MINUTES

JOINT MEETING
OF THE
HOUSE AND SENATE INTERIM COMMITTEES ON EDUCATION

Monday, March 12, 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:

Senator Jimmy Jeffress, Chair; Senator Mary Anne Salmon, Vice Chair; Senator Joyce Elliott; Senator Kim Hendren; Senator Bruce Holland; Senator Gene Jeffress; and Senator Johnny Key.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE:

Representative Eddie Cheatham, Chair; Representative Johnnie Roebuck, Vice Chair; Representative Duncan Baird; Representative Jerry Brown; Representative Les Carnine; Representative Ann Clemmer; Representative Robert Dale; Representative Jody Dickinson; Representative Jane English; Representative Debra Hobbs; Representative Karen Hopper; Representative Randy Stewart; and Representative Tommy Wren.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN

ATTENDANCE: Representative John Catlett; Representative Gary Deffenbaugh; Representative Jeremy Gillam; Representative Justin Harris; Representative Homer Lenderman; Representative Kelley Linck; and Representative Tiffany Rogers.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE:

Senator Randy Laverty; Senator Percy Malone; Representative Tommy Lee Baker; Representative Nate Bell; Representative David Branscum; Representative John Burris; Representative Jon Eubanks; Representative Billy Gaskill; Representative Hudson Hallum; Representative Jon Hubbard; Representative Sheilla Lampkin; Representative Buddy Lovell; Representative Mike Patterson; Representative James Ratliff; and Representative Jeff Wardlaw.

Without objection, the minutes of January 23, 2012, February 6, 2012, and February 7, 2012, were approved as written.

The Honorable Johnnie Roebuck, State Representative, District 20, was recognized, and said the Arkansas Department of Education (ADE) had updated its document, *Education Acronyms*, and a copy was in each member's packet. She also called attention to a display of maps showing postsecondary remediation rates in Arkansas, an issue that is still of major concern in the state.

Continued Discussion of Interim Study Proposal (ISP) 2011-186 by Senator Key, REQUESTING THAT THE INTERIM SENATE COMMITTEE ON EDUCATION AND THE INTERIM HOUSE COMMITTEE ON EDUCATION STUDY THE CURRENT STATUS OF MENTAL HEALTH SERVICES PROVIDED IN PUBLIC SCHOOLS AND THE NEED FOR ADDITIONAL PREVENTION AND INTERVENTION SERVICES IN PUBLIC SCHOOLS.

The Honorable Johnny Key, State Senator, District 1, was recognized. Senator Key said the purpose of this interim study is to look at mental health services provided to public schools and the need for additional prevention/intervention services. He introduced Ms. Renee Foster and Ms. Patti Allison from the Greenwood School District to discuss pertinent issues.

Ms. Renee Foster, Assistant Principal, Greenwood School District, was recognized. Ms. Foster stated she was at the meeting on behalf of the Arkansas Mental Health in Education Association (ARMEA), which was founded in 2006 to work for social, emotional, and behavioral intervention and prevention in PreK-12 public schools across the state. A proposal from ARMEA was included in the members' packets. Ms. Foster recognized ARMEA Board of Directors members, **Ms. Deborah Swink**, President, and **Ms. Patricia Allison**, Past President, who were present at the meeting. She also recognized **Ms. Karen Massey**, Coordinator, Special Education 3-5 Early Childhood, Southwest Arkansas Education Cooperative, **Ms. Judy Clay**, Early Childhood Special Education Director, Arch Ford Education Service Cooperative, and **Mr. John Shuler**, Program Director for Washington County School-Based Mental Health Services, Ozark Guidance. Ms. Foster stated that from a background in classroom teaching, she went on to get a school counseling license, and then studied to become a licensed professional counselor (LPC) before becoming an administrator. She said that having these various perspectives has taught her the importance of making mental health services available for children. She spoke of the ARMEA mission, and reasons for concern about mental health issues, including suicide ideation (a common medical term for thoughts about suicide), bullying incidents, and an increase in the number of emotional and behavioral problems. She said that mental health problems cross all boundaries, but early intervention and proper support can make a difference in the lives of children. She noted that types of programs vary depending on the demographic area within the state. She said that Greenwood School District partners with Western Arkansas Counseling and Guidance Center (WACGC) to serve that third of the district's children receiving Medicaid. The district has taken up funding for the other two-thirds receiving school-based mental health services for which there are no providers. ARMEA works collaboratively with all agencies, and is of particular help to juvenile services in all districts. She related that when **Ms. Kelly Hammond**, Juvenile Probation and Intake Officer, South Sebastian County, was told that testimony would be given before the House and Senate Interim Committees on Education, Ms. Hammond wanted her expression of support and concern regarding the future of school-based mental health funding, without which children would suffer, to be heard by the Committees. Ms. Foster said depressed children with adjustment disorders, disruptive behavior disorders, Attention Deficit Hyperactivity Disorder (ADHD), anxiety disorders, bipolar disorder, and drugs are dealt with on a daily basis. She stated she would like to see Arkansas on the cutting edge of serving these children, providing for their needs, and enabling them to become more productive citizens.

Ms. Patti Allison, Special Education LEA Supervisor, Greenwood School District, was recognized. Ms. Allison explained that because Arkansas was cited for failure to provide mental health services for children with Individualized Education Programs (IEP), discretionary funds were allotted to the state for which school districts could apply after meeting certain criteria, and approval was given through a school-based mental health network. Greenwood School District was the first district to receive approval and funding. While this funding remained stable, Greenwood, along with fifteen (15) other

school districts in western Arkansas, was encouraged to look for other sources, including grants, Arkansas Medicaid Administrative Claiming (ARMAC), and Medicaid. The monies continued until three years ago when a decrease in funding resulted in decreased services for the schools. Ms. Allison stated that ARMAC monies together with the small amount billed for Medicaid is not enough to support district employees. She said that Greenwood works with WACGC on its small population of children covered by Medicaid, and school-based services funded by district money have supported the remaining two-thirds of the children; however, all of the money is gone. Last year and this year therapists were supported through stimulus funds allotted to the state. Ms. Allison expressed the concern that while agencies are wonderful partners, there is a large turnover in its case managers and therapists. Greenwood has three school-based therapists who have been with the district for nine years, have provided consistency to families and children, and have become well-known in the community. Ms. Allison said there is absolutely no funding source for them next year.

Mr. Shane Broadway, Interim Director, Arkansas Department of Higher Education, **Ms. Judy Clay**, Early Childhood Special Education Director, Arch Ford Education Service Cooperative, **Ms. Martha Kay Asti**, Interim Associate Director, Division of Special Education, ADE, **Mr. John Shuler**, Program Director for Washington County School-Based Mental Health Services, Ozark Guidance, and **Ms. Anita Castleberry**, Medical Assistance Manager, Behavioral Health Unit, Arkansas Division of Medical Services, Department of Human Services, were recognized, and provided information, as necessary, in the discussion that ensued. Topics included:

- Funding issues,
- Educating district personnel about mental health issues,
- Differences in educational and licensing requirements between a licensed school counselor and a licensed professional counselor (LPC),
- Date of citation for mental health services on the IEP; need for update on site,
- Preparing teachers in universities for working with children who have mental health issues,
- Funding for behavioral consultants at coops,
- Funding for extended programs,
- Early intervention/prevention strategies and the decline in numbers in residential treatment facilities,
- Funding and strategies for increasing behavioral staff in coops,
- Percentage of state's PreK-12 student population receiving services,
- Levels of treatment available at Greenwood,
- Sources and types of funding available to Greenwood,
- Health insurance of parents as a possible funding source,
- Parity between physical and mental health issues,
- Percentage of students covered by Individuals with Disabilities Education Act (IDEA) acceptable to the ADE, and reimbursement for school districts,
- Educational qualifications and duties of case managers, and
- Services paid for by Medicaid.

Senator Key thanked the presenters. In his wrap-up, he commented that the discussion had shown the complexity of this issue, and wanted to make sure the focus is on issues such as bullying incidents, outbursts, social skills deficits, and other behavior that isn't necessarily tied to children who have been diagnosed with a mental illness. He said the study doesn't fall under the umbrella of the Rehabilitation Services for Persons with Mental Illness (RSPMI) providers. He wanted to make sure the Committees understood that it is not the intent of the study to look at anything that intrudes on RSPMI, but, instead,

to give districts and coops an opportunity to explore the possibility of funding flexibility, and/or additional funding, so that needs that may be precursors to more severe cases can be met. Senator Key noted that it is hard to separate these issues, but focus should remain on what ARMEA is doing in school districts around the state. Senator Key said the study will move forward with additional testimony in coming months.

Representative Cheatham thanked Senator Key and the presenters.

Review of Arkansas Department of Education Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools

Mr. Jeremy C. Lasiter, General Counsel, Arkansas Department of Education, was recognized. Mr. Lasiter said this rule has been in the review process for eight months, during which time public comments have been received, along with advice from the Arkansas Department of Health, the Arkansas State Board of Health, the Child Health Advisory Committee, and the Arkansas Association of Educational Administrators. He explained that after two public comment periods, and several meetings, a rule has been devised that allows some short-term legal issues to be addressed while laying the groundwork for improvements in the areas of physical activity and nutrition standards. He noted that a copy of the rule, a summary of proposed changes, and comments received, were in each member's packet. He asked for a favorable review of the proposed rule.

A discussion followed Mr. Lasiter's comments. Topics included:

- o History and reasons behind the change in the rule,
- o Opposition to the revisions,
- o Implementing recommendations through rule or by statutory change,
- o Number of physical education (PE) classes, number of certified elementary PE teachers, and number of licensed elementary PE teachers in Arkansas,
- o Effect of change in rule on personnel in school districts,
- o Current PE credit requirement for different grade levels,
- o Types of physical activity classes that meet the PE credit requirement,
- o Background for setting up the standards for physical education,
- o Clarification of problems with the rule that is in place, and
- o Need for a rule that complies with the law.

Representative Cheatham thanked Mr. Lasiter for the presentation.

The Honorable Joyce Elliott, State Senator, District 33, was recognized, and made a motion that the proposed rule, Arkansas Department of Education Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, had been reviewed by the Committees. The motion was seconded by Representative Cheatham. The motion was passed, with Representative Johnnie Roebuck voting against the motion.

Continued Discussion of Issues Associated with Proposed Changes to the State's System of Adult Education

Mr. Bill Walker, Director, Arkansas Department of Career Education, and **Mr. Jim Smith**, Deputy Director, Adult Education Division, Arkansas Department of Career Education, were recognized. Mr. Walker stated that significant challenges face adult education in Arkansas. He shared information on its current status, forthcoming challenges, and thoughts on how to proceed. A document, *Adult Education Division, Report Card, July 1, 2010 – June 30, 2011, Academic Program Year*, containing statistical data, was distributed to Committee members. A short video, *Stepping Stones: First and Second Chances*, in which adult education leaders and students talk about adult education, was shown. Mr. Walker explained that adult education hasn't had an increase in funding in twenty-one (21) years, resulting in some programs literally falling apart at the seams. He commented on the lack of effort among the fifty (50) separate local education agencies (LEA) in the state to coordinate standards and expectations. He discussed funding issues and factors that impact funding, including the outlay of monies for providing General Education Development (GED) testing for 16- and 17-year-olds who leave high school and for those in the Arkansas Department of Correction (ADC) system. Mr. Walker cautioned Committee members that significant challenges were on the horizon. He said the federal government has established pre-determined goals for adult education students. The effect will be that programs with the greatest number of students achieving the most goals will get the most funding. The smaller programs with fewer students will not get as much funding. He stated that effective in 2014, it will also be a federal requirement to charge for the acquisition of a GED, and the Arkansas Department of Career Education (ADCE) will have to absorb this cost or will have to charge for testing. He said the federal government is also imposing a charge for pretests.

Mr. Walker discussed the history of the adult education funding formula and a handout was given to Committee members. Mr. Walker and Mr. Smith reviewed pertinent statistics on several maps, *Eligibles 2010 Community Survey*, and *2011-2012 Funding, 20% loss/gain at 30/70*. A map, *Current LEAs State Grants under \$400,000, Fully Funded, 2010-11*, displayed on an easel, was also discussed.

Mr. Walker advised Committee members that ADCE and adult education administrators, having seen the effects of the lack of consistent operating standards, developed *Standards of a Quality Adult Education Program*, a copy of which was handed out to each member. He noted that adult education administrators passed a resolution to fully implement the funding formula this year, shifting to an 80% performance-20% contact model, taking the caps off, and letting the chips fall where they may.

Mr. Walker concluded by saying that a commitment has to be made to adult education. He said ADCE has been charged with doing its best with limited resources. It has a good success rate, good teachers, good staff doing great work, but resources continue to dwindle. Mr. Walker said the ADCE needs input and support to effectively reach students in need of adult education.

Following the presentation, a discussion ensued. Topics included:

- ≈ Total state and federal funding for ADCE,
- ≈ Funding in LEAs left over for instruction in smaller programs,
- ≈ Consolidating/merging LEAs in areas where duplication exists,
- ≈ Necessity for LEAs to have standards and consistency,
- ≈ Setting goals and generating contact hours,
- ≈ Moving towards a performance-based model,
- ≈ Cause for high/low output showing up on maps,
- ≈ Fixing the program, *i.e.*, a flawed system and funding method, before starting a rewards system,
- ≈ Placement and funding for 16- and 17-year olds in adult education,

- ≈ Adult education a part of the calculation for meeting higher education goals,
- ≈ Commission Report - Act 1306 of the 2009 Regular Session, AN ACT TO CREATE THE ARKANSAS PROJECT GRADUATION COMMISSION; AND FOR OTHER PURPOSES.
- ≈ Availability of national standards for quality adult education programs,
- ≈ Need for data to be listed as percentages in order to judge performance,
- ≈ Process of approval for *Standards of a Quality Adult Education Program*,
- ≈ Explanation of educational gain and categories,
- ≈ Tracking for gains in employment,
- ≈ Movement in percentage of population without a high school credential over twenty (20) years,
- ≈ Number of persons without a high school credential pursuing a GED,
- ≈ Number of states that currently offer free adult education,
- ≈ Necessity to retrieve monies from public schools when 16- and 17-year-olds are waived out,
- ≈ Equitable and adequate as moral principles in regard to adult education,
- ≈ Looking at budget and spending monies more wisely than it's being spent now,
- ≈ Clarification of points in 2009-2010 Statistical Data on pages 17 and 18 of *Report Card*, and
- ≈ Concerns about what LEAs should do about filling vacated slots.

Representative Cheatham thanked Mr. Walker and Mr. Smith for the update.

Representative Cheatham requested a clarification about the funding formula.

Ms. Lori Bowen, Staff Attorney, Bureau of Legislative Research, was recognized. Ms. Bowen stated that ADCE has received approval from its Board to move forward with the 80/20 performance model with no cap. Currently, the policies and procedures that have been promulgated and are filed with the Secretary of State don't have the step-by-step funding formula in the rules and regulations. There was some discussion that, moving forward, this would be something that might need to appear, but that would require a legal determination.

Representative Cheatham thanked Ms. Bowen.

Discussion of Motion to Refer Interim Study Proposal (ISP) 2011-195 by Representative D. Hutchinson, REQUESTING THAT THE INTERIM HOUSE COMMITTEE ON EDUCATION CONDUCT A STUDY OF OPTIONS AVAILABLE OR NEEDED FOR OFFERING CORE SUBJECTS IN SINGLE-SEX CLASSROOM SETTINGS AT PUBLIC JUNIOR AND SENIOR HIGH SCHOOLS, to the K-12, Vocational-Technical Institutions Subcommittee of the House Interim Committee on Education.

The Honorable Debra Hobbs, State Representative, District 96, was recognized. Representative Hobbs made a motion to refer Interim Study Proposal (ISP) 2011-195 to the K-12, Vocational-Technical Institutions Subcommittee of the House Interim Committee on Education. The motion by seconded by Senator Jimmy Jeffress. Without objection, the motion to refer the ISP was carried.

Representative Cheatham thanked Representative Hobbs.

Representative Cheatham announced that the Committees would meet again at 9:00 a.m. tomorrow, Tuesday, March 13, 2012, in Room 171 of the State Capitol in Little Rock to discuss adequacy issues. The next joint meetings of the Senate Interim Committee on Education and the House Interim

Committee on Education would be at 1:30 p.m. on Monday, April 9, 2012, in Room 171 of the State Capitol in Little Rock, and at 9:00 a.m. on Tuesday, April 10, 2012, in Room 171 of the State Capitol in Little Rock. The meeting on Tuesday would be reserved for issues on adequacy.

There being no further business, the meeting adjourned at 4:35 p.m.

Approved: 04/09/12