

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

Monday, July 23, 2012
1:30 P.M.
Room 171, State Capitol
Little Rock, Arkansas

Senator Jimmy Jeffress, the Chair of the Senate 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 Gilbert Baker; Senator Joyce Elliott; Senator Kim Hendren; 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 Toni Bradford; Representative Les Carnine; Representative Ann Clemmer; Representative Robert Dale; Representative Jody Dickinson; Representative Jane English; Representative Debra Hobbs; and Representative Tracy Steele.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative John Catlett; Representative Tiffany Rogers; Representative Garry Smith; and Representative James Word.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Linda Chesterfield; Senator Jonathan Dismang; Senator Randy Laverty; Senator Eddie Joe Williams; Representative Lori Benedict; Representative John Burris; Representative David Fielding; Representative Billy Gaskill; Representative Bryan King; Representative Sheilla Lampkin; Representative Buddy Lovell; Representative Betty Overbey; Representative Mike Patterson; Representative Tommy Thompson; Representative Jeff Wardlaw; and Representative Jon Woods.

Senator Jeffress announced that the Committees would address the Arkansas Department of Education (ADE) rules that had been referred to the Committees by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council. He thanked members for their attendance at the meeting, which was called on short notice in order to have the review completed by August 1.

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

1. Rules Governing Public Charter Schools
2. Rules Governing Teacher Excellence and Support System (TESS)

Mr. Mark White, Attorney Specialist, Legal Services, Arkansas Department of Education, was recognized, and introduced the Rules Governing Public Charter Schools. Mr. White stated that following a wholesale revision of these rules, and facing deadlines imposed by the federal government on getting some of the provisions approved, the rules had been brought before the Committees a couple of months back, had gone through the review process, and are now in effect. He said some smaller details with regard to language were being finalized at the same time and those revisions are being presented today. He said these are mostly minor changes, *i.e.*, changes in deadlines, changes in terminology when referring to an application, and changes in how charter school debts are treated. Mr. White said he would be happy to answer any questions.

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, and **Mr. Mark Hudson**, Senior Legislative Analyst, Bureau of Legislative Research, were recognized, and joined in the discussion that followed the presentation, as needed. Topics included:

- the language that addresses the right of first refusal that charter schools may sometimes have with regard to the purchase of school district property from traditional school districts (6.01.1),
- Interim Study Proposal (ISP) 2011-070 by Representative Kelley Linck, for which an Attorney General's opinion is anticipated regarding the legality of transferring abandoned buildings and property owned by school districts,
- development of the scoring rubric and whether it is a part of the rules (6.01.3),
- a heading error on Exhibit C1 made by the ADE,
- whether the rules make it easier or more difficult to get a charter granted in the state,
- charter school debt,
- origin of the rules,
- public comments addressed in the rules, and
- giving charter schools more flexibility (8.01.1 and 8.01.2).

The Honorable Les Carnine, State Representative, District 94, was recognized, and made a motion that the proposed rule, Rules Governing Public Charter Schools, had been reviewed by the Committees and would be sent back to the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council. *The motion was passed without objection.*

Senator Jeffress thanked Mr. White and others who had participated in the review.

Senator Jeffress announced that there would be a deviation from the published agenda. He commented that a valued member of the staff, **Ms. Jerri Derlikowski**, Administrator, Policy Analysis and Research Services, Bureau of Legislative Research, has announced her imminent retirement on August 14, 2012, after twenty-nine (29) years with the state. He said she is going to go to work for Arkansas Advocates for Children and Families as the Director of Education Policy. Senator Jeffress presented Ms. Derlikowski with a Senate citation recognizing her invaluable expertise and assistance over the years and wishing her success in her future endeavors. He requested that the members join him in commending Ms. Derlikowski on behalf of all of the members of the Arkansas Senate.

The Honorable Eddie Cheatham, State Representative, District 9, and Chair, House Interim Committee on Education, expressed additional appreciation for Ms. Derlikowski and presented her with a House citation. Representative Cheatham asked that the members join him in commending Ms. Derlikowski on her contributions to the State of Arkansas.

Ms. Derlikowski thanked the Committees and said that it had been a privilege working with all of the members and that their recognition meant a lot to her.

Senator Jeffress said the Committees would now return to a discussion of the second rule on the agenda.

Mr. Jeremy Lasiter, General Counsel, Arkansas Department of Education, was recognized, and introduced the Rules Governing Teacher Excellence and Support System (TESS). Mr. Lasiter asked the members to recall that during the 2011 legislative session, Representative Johnnie Roebuck brought together a diverse group of educators and education groups to get the TESS legislation passed. He said that drafts of these rules have been worked on since that time, and that there is a deadline of September 1, 2012, for getting them in place. He alerted the members to a second version of the rules that, hopefully, will be approved by the State Board of Education at

its August meeting. He said consideration would be given to members who have expressed ideas on how those rules may be amended. He requested that, pending questions, the Committees let these rules stand as reviewed.

Senator Jeffress noted that the TESS rule is a direct result of Representative Roebuck's legislation and contributes positively to Arkansas's national stature with regard to educational reform.

Mr. Richard Hutchinson, Government Relations/Instructional Issues, Arkansas Education Association, **Dr. Karen Cushman**, Assistant Commissioner for Human Resources/Licensure, Arkansas Department of Education, and **Ms. Cheryl Reinhart**, Staff Attorney, Bureau of Legislative Research, were recognized, and contributed to the discussion that followed the presentation, as needed. Topics included:

- importance of public comments,
- importance of disseminating correct information to the public,
- the requirement for feedback based on the evaluation rubric and feedback from the teacher concerning the evaluation process and the evaluator (5.05.6 and 5.05.7),
- the Arkansas Education Association (AEA)'s comments regarding 5.05.6 and 5.05.7,
- the opportunity for educator feedback to be on all appropriate evaluation forms,
- the person designated as the evaluator does not have to be the principal (4.05),
- consideration of the position of an evaluator as one that is full-time (4.05),
- timeline and training tools for principals and teachers,
- informing teachers about the new system which is based on Charlotte Danielson's *The Framework for Teaching*,
- "reflect evidence-based or proven practices that improve student learning," and the possibility of this phraseology limiting teachers to "evidence-based" or proven practices, precluding engagement in creative and innovative practices (3.02.3); adding language for clarification; addressing change in the second version of the rules,
- clarification of "every level" in the wording (3.02.6),
- reliability of measurements, and clarification of "parental surveys" (5.04.2.3),
- whether parental surveys are culturally normed (5.04.2.3); use of surveys as part of an evaluation,
- the evaluator and the teacher working in concert to develop goals and an improvement plan upon which an evaluation would be partially based,
- options considered for use as artifacts in an evaluation,
- teachers' opinions of the new framework,
- use of test scores as part of the evaluation,
- input of charter school superintendents and principals in the development of the process,
- concern about requiring more credentials from persons designated as "evaluators" in public schools than those so designated by public charter schools (4.05),
- incorporating teachers and administrators, who may have waivers from licensure because of the charter school law, into the evaluation process,
- incorporating language about "encouraging" licensure of charter school teachers in an amendment to the rules,
- achieving consistency with the new statewide system,
- engaging in the formative and summative evaluation of virtual charter school teachers (4.19.2.5.2),
- comprehensiveness of the list of teachers who instruct public school students (4.19.2.5); teachers at the Arkansas Correctional School (4.19.2.5.5); teachers at Easter Seals,
- clarification of "classroom environment"; including "demonstrating knowledge of students" in the second version of the rules (5.01.1.2), and
- working towards a principal evaluation system.

Senator Jeffress requested that Mr. Lasiter and Dr. Cushman provide copies of Charlotte Danielson's *The Framework for Teaching* for reference at the Thursday meeting of the Administrative Rules and Regulations Subcommittee.

The Honorable Johnnie Roebuck, State Representative, District 20, was recognized. Representative Roebuck commented on research showing that, nationally, 50% of teachers leave the profession within the first five years. She said it's a lot better than that in Arkansas because of the good job done in responding to the concerns of teachers. She said this rule is about making sure that the principal is the instructional leader and helping teachers and the good teachers become better teachers. Representative Roebuck asked for a point of personal privilege and requested that Dr. Kimbrell make closing comments.

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, was recognized, and commented that the rules had been difficult to write, resulting in a long process. He reiterated that this is not about applying test scores to a teacher's evaluation. It is about creating a professional dialogue between the evaluator and the teacher so they can help each other get better at what they do. He stated that the rules will continue to be tweaked and improved for the second version. He stated it represents a huge step in helping administrators and teachers become better, which ultimately means greater student achievement and student success.

Senator Jeffress thanked Dr. Kimbrell, Mr. Lasiter, and others who had participated in the review.

Senator Jeffress commented that Arkansas is now viewed as a model by other states. He said that when the implementation of this process starts, even though it is a good thing, it is going to require a big selling job to teachers at the local level.

Representative Roebuck was recognized and made a motion that the proposed rule, Rules Governing Teacher Excellence and Support System (TESS), had been reviewed by the Committees and would be sent back to the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council. *The motion was passed without objection.*

Mr. Richard Wilson, Assistant Director for Research Services, Bureau of Legislative Research, was recognized. Mr. Wilson discussed the imminent retirement of Ms. Jerri Derlikowski and the necessity for revisions in scheduling in order to finish up reports on all four (4) categoricals, including a special report on professional development (PD), the report on teacher salaries, and the resource allocation analysis for the meetings on August 13 and 14. He announced that Ms. Nell Smith, currently a Senior Research Specialist, Policy Analysis and Research Section, Bureau of Legislative Research, has been selected from a field of eight (8) candidates for the position of Administrator, Policy Analysis and Research Services.

Senator Jeffress thanked Mr. Wilson for the update.

Senator Jeffress announced that the next joint meeting of the Senate Interim Committee on Education and the House Interim Committee on Education would be at 10:00 a.m. on Monday, August 13, 2012, in Room 171 of the State Capitol in Little Rock. The Committees would also meet at 9:00 a.m. on Tuesday, August 14, 2012, in Room 171 of the State Capitol in Little Rock to discuss adequacy issues.

There being no further business, the meeting adjourned at 3:22 p.m.

Approved: 08/13/12