

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

ADEQUACY

Monday, July 22, 2013
10:00 A.M.
Room A, MAC Building
Little Rock, Arkansas

Senator Johnny Key, the Chair of the Senate Interim Committee on Education, called the meeting to order at 10:00 a.m. He announced that the primary focus for today's meeting, as well as for the meeting scheduled for Tuesday, July 23, 2013, would be the Common Core State Standards Initiative (Common Core).

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Senator Johnny Key, Chair; Senator Joyce Elliott, Vice Chair; Senator Eddie Cheatham; Senator Jim Hendren; Senator Bruce Holland; Senator Uvalde Lindsey; and Senator Jason Rapert.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative James McLean, Chair; Representative Ann Clemmer, Vice Chair; Representative Charles Armstrong; Representative Les Carmine; Representative John Catlett; Representative Bruce Cozart; Representative Robert Dale; Representative Gary Deffenbaugh; Representative Jody Dickinson; Representative Charlotte Vining Douglas; Representative Jon Eubanks; Representative Debra Hobbs; Representative Karen Hopper; Representative Sheilla Lampkin; Representative Homer Lenderman; Representative Mark Lowery; Representative James Ratliff; and Representative Brent Talley.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative Randy Alexander; Representative Jim Dotson; Representative David Fielding; Representative Justin Harris; Representative Fredrick Love; and Representative Stephen Meeks.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Linda Chesterfield; Senator Jonathan Dismang; Senator Jane English; Senator Stephanie Flowers; Senator Jeremy Hutchinson; Senator Missy Irvin; Senator Bryan King; Senator David Sanders; Senator Eddie Joe Williams; Senator Jon Woods; Representative Bob Ballinger; Representative Nate Bell; Representative David Branscum; Representative John Burris; Representative Joe Farrer; Representative Charlene Fite; Representative Bill Gossage; Representative Kim Hammer; Representative John Hutchison; Representative Mark McElroy; Representative David Meeks; Representative Micah Neal; Representative Betty Overbey; Representative Sue Scott; Representative Frederick Smith; Representative Tommy Thompson; and Representative John Walker.

Minutes:

Without objection, the minutes of June 10, 2013, and June 11, 2013, were approved as written.

Exhibits:

Exhibit C1 – 06/10/13 Minutes
Exhibit C2 – 06/11/13 Minutes

Morning Session

Senator Key presented Mr. Dan Farley, retiring Executive Director of the Arkansas School Boards Association, with House and Senate citations in recognition of his service to the State of Arkansas.

Senator Key announced that Item D on the agenda, *Reports from Members Who Attended Recent Meetings Concerning Public or Higher Education*, would be postponed until a future meeting.

Initial Discussion of Interim Study Proposal 2013–118 by Senator Key, TO LIMIT STUDENT ATHLETE TRAVEL DURING THE SCHOOL WEEK.

Presenter and Synopsis:

Dr. Lonnie Myers, Superintendent, Mountain Home School District, was recognized, and described Mountain Home School District in terms of location, students, academic achievement, and sports achievements. He discussed the district's problems with conference travel. He stated that the average round trip is 304 miles, or about 6.5 hours of travel, resulting in a loss of recovery time for the students involved, as well as a loss of instructional time. He added that the costs associated with travel, including those for bus driver, food for students, buses, and fuel, present a financial burden. Dr. Myers described actions taken by the district to find solutions, including the introduction of proposals to the Arkansas Activities Association (AAA), all of which were voted down. He suggested that assignment of the school district to a lower classification by the AAA or placing a limit on mileage for travel could help in the current situation. He said the school district has exhausted all avenues prior to coming to the General Assembly for support with this issue. Dr. Myers said this is a unique situation requiring a unique solution.

Contributors to the Discussion (in order of testimony):

Mrs. Janet Wood, Athletic Director, Mountain Home School District

Ms. Dana Brown, Principal, Mountain Home High School

Mr. Wes Henderson, Director of Student Services and Transportation, Mountain Home School District

Issues Included in the Discussion:

- issues created by having an open date,
- setting a *range* of miles for travel,
- a prime situation to *fix* the problem,
- school policies regarding trips,
- grade point average (GPA) requirements for athletes,
- decision-making and the AAA Executive Committee,
- clarification of numbers given for missed student instruction,
- school policies regarding number of days missed for all extracurricular activities,
- dividing the high school in order to change the classification,
- the tactic of “playing down,”
- making a hardship case of the school district to reach a solution,
- other school districts having objections to travel,
- explanation of “power rating” as it relates to athletic classification,
- using a school's athletic strength in a particular sport to determine future opponents, and
- consideration of “meeting in the middle.”

Exhibits:

Exhibit E – ISP 2013-118

Handouts:

Mountain Home School District Proposal #5
Mountain Home School District Testimony

Discussion Regarding the Implementation of Act 1469 of 2013, AN ACT TO ALLOW HOME-SCHOOLED STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES; AND FOR OTHER PURPOSES.

Presenter and Synopsis:

The Honorable Mark Lowery, State Representative, District 39, was recognized. Representative Lowery stated that Act 1469 presents a great opportunity to bridge some gaps. He noted that, while he is appreciative and enthusiastic about the positive responses school districts are giving to the legislation, he is disappointed that some districts are misinterpreting the law. He said he believes in local control; however, he commented that it's necessary to develop rules and regulations in order to curb the different interpretations being made by school districts.

Contributors to the Discussion (in order of testimony):

Mr. Jerry Cox, President, Arkansas Family Council

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education

Issues Included in the Discussion:

- intent of the ADE to clarify the law for the districts,
- ambiguity of the source of authority,
- Average Daily Membership (ADM) funding for home-schooled students,
- a school district opening itself up to a lawsuit should the one-class policy be violated,
- clarification of the Arkansas School Boards Association (ASBA) memo,
- immediate need to send out non-regulatory guidance regarding this legislation,
- not unusual to have different interpretations of bills,
- policies being implemented regarding the one-class policy,
- the number of students affected by this legislation,
- necessity of leadership to let everyone know how to play by the same rules,
- participation by private schools,
- moving apace of the rules going into effect on August 16, 2013, and
- meshing the authority of the AAA and the ADE.

Exhibit:

Exhibit F – Act 1469 of 2013

At 12:15 p.m., Senator Key announced that the meeting would recess for lunch, and would reconvene at 1:15 p.m.

Afternoon Session

Senator Key reconvened the meeting at 1:15 p.m.

Discussion of Curriculum Frameworks and Educational Adequacy

Presenter and Synopsis:

Ms. Nell Smith, Administrator, Policy Analysis and Research Section, Bureau of Legislative Research, was recognized. Ms. Smith thought today's meeting on Common Core would dovetail nicely with required elements of the Adequacy Study. She reviewed handouts furnished to the Committees, including the *Accreditation Standards and Curriculum Frameworks*, and indicated where Common Core fits in with the state's educational requirements. She explained differences between Common Core and Smart Core. Ms. Smith addressed a requirement of the Adequacy Study to review the legislation enacted in the 2013 General Session, and commented on four Acts: Act 599, Act 1280, Act 1462, and Act 585.

Contributor to the Discussion:

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education

Issues Included in the Discussion:

- clarification of the point in Smart Core when Algebra I has to be completed, and
- addressing the preparatory education of the poorest students to meet the standards.

Handouts:

2013 Legislation Related to Curriculum Frameworks, Bureau Brief
Accreditation Standards and Curriculum Frameworks, Bureau Brief
Adequacy Study Statutory Responsibilities
Common Core, PARCC and Next Generation Science Standards, Bureau Brief

Overview of the Historical Development and Implementation of the Common Core State Standards Initiative (Common Core) in Arkansas

Presenter and Synopsis:

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, was recognized. Dr. Kimbrell detailed the history of Common Core beginning in 2007, when Dr. Ken James, former ADE Commissioner, in collaboration with the Council of Chief State School Officers (CCSSO) and the National Governors Association (NGA), began to facilitate a dialogue among state leaders about a common standards initiative. He continued with developments through July 2010, when the standards for English language arts and mathematics were adopted by the State Board of Education. He stated that the General Assembly then passed Act 989 of 2011 which required the Arkansas Department of Education (ADE) and the State Board of Education to transition and to implement Common Core. He said that Act 989 required that curriculum and assessments be modified to match the standards, that the new curriculum and assessments be adopted, and that professional development be provided for teachers and educators for the transition and implementation of the new standards. Dr. Kimbrell, in conclusion, said that the Common Core standards were implemented in grades K-2 two years ago, grades 3-8 last year, and implementation in grades 9-12 will be rolled out this year.

Issues Included in the Discussion:

- ∴ the relationship of Race to the Top (R2T) to Common Core,
- ∴ points given in R2T grants for state expansion of charter school opportunities,
- ∴ adoption of internationally benchmarked standards in Texas,
- ∴ providing a smooth transition for children progressing into Kindergarten from pre-K programs,

- ∴ public comment and hearings on rules and regulations,
- ∴ cost of and access to Broadband,
- ∴ parental involvement in the implementation of Common Core,
- ∴ research on monies being spent by school districts,
- ∴ transition period for assessments,
- ∴ outreach done in communities about Common Core,
- ∴ other standards that had been explored,
- ∴ data collection on students,
- ∴ changing or modifying the standards for use in Arkansas,
- ∴ concern over adopting a program that has not yet been tested,
- ∴ lessening the confusion of teachers about Common Core,
- ∴ impact of the transition on homeschoolers and private schools, and
- ∴ implementation of the standards in other states.

Handouts:

CCSS Provisions in Act 989 of 2011
Common Core Talking Points for Legislators
Dr. Ken James' Testimony, 04/29/2009

Discussion of Legal Issues Related to Adequacy and the Development and Implementation of Common Core in Arkansas

Presenter and Synopsis:

Mr. Scott Richardson, Senior Assistant Attorney General, Office of the Attorney General, was recognized. Mr. Richardson said that there are essentially two standards that the Constitution imposes on the state in the educational arena: to provide an adequate education and to provide an equitable opportunity to all students to access that adequate education. He said the adequacy standard is mainly set in the *Lake View* case, and in Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP) standards, and requires an education be adequate to equip students for college readiness or to be able to compete in the 21st Century workforce. Mr. Richardson clarified that the Constitution does not use the term, *adequate*; it uses *the state must provide a general, suitable, and efficient education*. He said that the Supreme Court collapsed those terms into one called adequacy. He said with regard to Common Core, the question would be whether the adoption of Common Core is rationally related to the Constitutional standard under which the state operates, or, whether there is a rational relationship between the adoption of Common Core and providing a general, suitable, and efficient education. He provided examples to clarify the rational relationship test for adequacy and equity. He asked, *is the adoption of Common Core rationally related to the educational need to have a rigorous curriculum?* He said this should be able to be assessed, so as to improve student learning.

Testimony Concerning the Implementation of Common Core in Arkansas

1. Overview of Concerns Regarding Common Core

Presenter and Synopsis:

Ms. Joy Pullmann, Research Fellow and Managing Editor of *School Reform News*, The Heartland Institute, Chicago, IL (*via call-in*), was recognized. Ms. Pullmann urged that states replace Common Core with state-controlled academic standards and tests not funded by the federal government, secure student data privacy, and ensure national testing mandates do not affect instruction in private and home schools.

Issues Included in the Discussion:

- ≈ collection of data under children's names and parent's names,
- ≈ international comparisons with expectations from Common Core,
- ≈ source for mandated collection elements to be shared,
- ≈ similarity of concerns about the Smarter Balanced Assessment Consortium and the Partnership for Assessment of Readiness for College and Careers (PARCC),
- ≈ development of Common Core as led by special interest groups,
- ≈ commitments made by Arkansas through the Race to the Top grant application surviving the expiration of that program, and
- ≈ drawing the line for teaching to the test and testing; testing under Common Core.

Exhibits:

Exhibit J1-1 – Heartland Institute Policy Brief re CCSS

Exhibit J1-2 – Heartland Institute Policy Tips re CCSS

Handout:

Ms. Joy Pullmann Testimony

2. Overview of Policy Issues Related to Common Core

Presenter and Synopsis:

Dr. Neal McCluskey, Associate Director, Center for Educational Freedom, CATO Institute, Washington, D.C. (*via call-in*), was recognized. Dr. McCluskey discussed the research on the effects of national standards on academic achievement, and the checkered history of centralization in education.

Issues Included in the Discussion:

- ≡ expertise of those who formulated and crafted Common Core materials,
- ≡ federal government using leverage to coerce states,
- ≡ assessing by standards that are understandable and comparable,
- ≡ giving freedom to teachers to implement the standards,
- ≡ differentiating between schools,
- ≡ experience of standards dictating the way teachers teach,
- ≡ robust discussion and understanding among legislators about Common Core and its implementation in Arkansas,
- ≡ availability of research on effects of Common Core,
- ≡ profit following the implementation of Common Core,
- ≡ input into the development of Common Core from teachers in the classroom, and
- ≡ measuring students nationally.

Handout:

National Curriculum Standards Are Bad for Arkansas

3. Overview of Concerns Regarding the English Language Arts (ELA) Component of Common Core

Presenter and Synopsis:

Dr. Sandra Stotsky, Professor of Education Reform, 21st Century Chair in Teacher Quality, Department of Education Reform, University of Arkansas, Fayetteville (*via call-in*), was recognized. Dr. Stotsky spoke briefly to: 1) why Common Core's English language arts and mathematics standards need revision before further implementation by Arkansas or any other Common Core state, 2) what Arkansas could do to

strengthen college readiness while awaiting a revision of Common Core's standards, and 3) what Arkansas could do on its own to increase student learning in all subjects, especially civic education.

Issues Included in the Discussion:

- ◆ success of Common Core concept and design in preparing both students for college and those not going to college,
- ◆ success of Common Core in helping students who can't keep pace,
- ◆ impact on the global economy of tailoring a curriculum for Arkansas schools,
- ◆ percentage of literary vs. informational reading,
- ◆ the standards not state-led, but a product of the federal government,
- ◆ impact of making the standards more rigorous, and
- ◆ clarifying "informational text."

Exhibit:

Exhibit J3 – Dr. Sandra Stotsky Testimony

Handout:

Literature or Technical Manuals: Who Should Be Teaching What, Where, and Why?

Senator Key announced that the topic, *Overview of Concerns Regarding the Mathematics Component of Common Core*, by Dr. James Milgram, would be postponed until Tuesday's meeting.

4. Policy Concerns Regarding Common Core

Presenter and Synopsis:

Ms. Grace Lewis, Parent, Mount Vernon, Arkansas, was recognized. Ms. Lewis testified that her biggest issue is that the people of Arkansas, and the elected representatives, were bypassed in the sweeping move to regulate education. She said that as a parent she didn't know what Common Core was until her son started to struggle in first grade math, prompting her to research the issue. She asked, shouldn't something as monumental as common educational standards for our country have been presented to the American people in a more open, accessible way. She asked, shouldn't we have had a direct say in this educational development for our own children. She said she is fighting Common Core for our Constitutional right to make these decisions for ourselves. Ms. Lewis discussed groups involved in the Common Core process and funding, and posed questions regarding the expected results of the new standards, including costs involved, impact on private, parochial, and homeschooled students, and the sharing of children's information.

Handouts:

Tim Griffin Letter
Gates Report

5. Parental Concerns Regarding Common Core

Presenter and Synopsis:

Ms. Virginia Wyeth, Parent and Educator, Little Rock, Arkansas, was recognized. Ms. Wyeth explained teachers' opposition to Common Core from a "teacher's boots on the ground" point of view, and initially dispelled some myths about this opposition. She said that teachers may have differing opinions about Common Core, but made the point that teachers believe that excessive testing is harming our kids and destroying meaningful education. She stated that testing and Common Core cannot be extricated from one another, and that it looks as though testing will at least double under Common Core. She discussed the lack

of infrastructure to support Common Core, the funding, and out-of-state policymakers. Ms. Wyeth stated, let's fix what ails Arkansas within Arkansas.

Issues Included in the Discussion:

- loss of instructional time to test preparation and testing,
- differences in the standards,
- the need for feedback from constituents, parents, and teachers about the frustration associated with the implementation of Common Core,
- issues of morality brought up by "teaching to the test,"
- effect of Common Core on students,
- education *du jour*; using children as guinea pigs,
- learning resources the same as testing,
- management of testing time,
- weeding out problems associated with Common Core,
- Common Core as a logistical nightmare, and
- planning an ideal curriculum.

6. Educator Concerns Regarding Common Core

Presenter and Synopsis:

Ms. Betty Yerger, Retired Educator, Heber Springs, Arkansas, was recognized. Ms. Yerger said she retired from a thirty-four year teaching career in 2012. She testified that one of the main reasons she retired was because of her deep concern and misgivings about the Common Core State Standards being implemented in Arkansas. She said her research indicates that the presentation of Common Core to teachers in school districts tells only one point of view, that teachers are intimidated about voicing their opinions as to the realities of teaching Common Core in the classroom, and that older, more experienced teachers are leaving the profession rather than be forced to teach a one-size-fits-all Common Core curriculum. Ms. Yerger commented on the state dictating what to teach, the roll of parents, excessive paperwork, lack of books, Strengthening America's Schools Act of 2013, and H.R.5 – The Student Success Act.

7. Student Concerns Regarding Common Core

Presenter and Synopsis:

Mr. Patrick Richardson, Student, Quitman High School, Quitman, Arkansas, was recognized. Mr. Richardson said he was present because Common Core concerns him as a student and a citizen. He spoke about the business aspect of Common Core and why so many millions of dollars are being spent to ensure that it is adopted by the states. He stated that the GE Foundation has awarded over \$40 million in grants for the purposes of Common Core. He is concerned about the Foundation's statement: the GE Foundation believes that the successful implementation of the Common Core State Standards will require a collaborative effort from education advocacy groups, nonprofit organizations, institutions, and associations. He said this concerns him because education reform as large as Common Core should, instead, require a collaborative effort from parents, educators, and legislators, not private parties with private interests. He said he has done fact-checking and has studied the money trails. In a slide presentation, he presented background and financial data on organizations supporting Common Core, including Achieve, Inc., the Bill and Melinda Gates Foundation, and the GE Foundation. He included a summative map to understand how involved organizations are related, where the money is going and why.

Issues Included in the Discussion:

- * return on investment for software companies and other concerns,
- * comparison of instruction in geometry class under Common Core compared with instruction prior to the new standards, and
- * Common Core lesson materials distributed to teachers.

PowerPoint Presentation:

Pat Richardson, Quitman High School slide presentation

Handouts:

Gates gives \$150 million in grants for Common Core Standards, The Washington Post, by Valerie Strauss
Pat Richardson, Quitman High School

Other Handouts Distributed at the Meeting:

2012 Closing the Expectations Gap, 50-State Progress Report, Achieve, brochure
An Introduction and Explanation of the Common Core State Standards as produced by the Common Core State Standards Initiative
Business Resources for a College- and Career-Ready America, Achieve, packet
Common Core State Standards, The Academic Baseline for Success in College, Careers and Life, Achieve, card
Governor Mike Huckabee Letter, dated June 3, 2013
K-12 and Postsecondary Working Together To Build Pathways to College and Careers for All Students, PARCC, card
States Working Together To Build the Next Generation of Assessments, PARCC, card

Next Scheduled Meeting:

Tuesday, July 23, 2013, at 9:00 a.m. in Room A of the MAC Building

Adjournment:

The meeting adjourned at 6:47 p.m.

Approved: 08/19/13