

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

ADEQUACY

Tuesday, August 14, 2012

9:00 A.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 9:00 a.m.

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Senator Jimmy Jeffress, Chair; Senator Mary Anne Salmon, Vice Chair; Senator Joyce Elliott; 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 Les Carmine; Representative Robert Dale; Representative Jane English; Representative Debra Hobbs; Representative Karen Hopper; Representative Donna Hutchinson; Representative Bobby Pierce; Representative Tracy Steele; Representative Tim Summers; and Representative Tommy Wren.

NON-VOTING MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative John Catlett; Representative Jeremy Gillam; Representative Andrea Lea; Representative Homer Lenderman; Representative Tiffany Rogers; Representative Garry Smith; and Representative Henry "Hank" Wilkins, IV.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Mike Fletcher; Senator Michael Lamoureux; Senator Larry Teague; Senator David Wyatt; Representative Tommy Lee Baker; Representative Jonathan Barnett; Representative Larry Cowling; Representative Efre Elliott; Representative Billy Gaskill; Representative Clark Hall; Representative Sheilla Lampkin; Representative Uvalde Lindsey; Representative Buddy Lovell; Representative Walls McCrary; Representative Jim Nickels; Representative Betty Overbey; Representative Mike Patterson; Representative James Ratliff; and Representative Marshall Wright.

Representative Cheatham noted that a memorandum from the Arkansas Education Association (AEA) concerning differences in reports on average teacher salaries in Arkansas was being distributed to members.

Adoption of Interim Study Proposal (ISP) 2011-222 by Senator Jimmy Jeffress, REQUESTING THAT THE INTERIM SENATE COMMITTEE ON EDUCATION STUDY HOW STUDENT PLACEMENT IN NONRESIDENTIAL MENTAL HEALTH TREATMENT PROGRAMS IMPACT A STUDENT'S ABILITY TO REMAIN ENROLLED AT HIS OR HER LOCAL SCHOOL AND RECEIVE CLASS CREDIT.

The Honorable Jimmy Jeffress, State Senator, District 24, and Chair, Senate Interim Committee on Education, was recognized. Senator Jeffress stated that it was recently brought to his attention that in a few situations around the state there is an inconsistency with districts allowing day students in nonresidential mental health treatment facilities to continue their schoolwork. He said this proposal is to study the situation and come to a general consensus on how this issue ought to be handled.

Senator Jeffress moved adoption of Interim Study Proposal (ISP) 2011-222, and requested that the study be

conducted by the House Interim Committee on Education and the Senate Interim Committee on Education. Pursuant to the motion of Senator Jeffress, and without objection, the motion to adopt the Interim Study Proposal was carried.

Representative Cheatham thanked Senator Jeffress.

Discussion of Issues Related to Categorical Funding

1. National School Lunch Act (NSLA)
2. Alternative Learning Environments (ALE)
3. English Language Learners (ELL)
4. Professional Development (PD)

Dr. Brent Benda, Senior Research Specialist, Policy Analysis and Research Section, Bureau of Legislative Research, was recognized. Dr. Benda spoke from a PowerPoint presentation, *Teacher Professional Development & Evaluation: An Overview of Research & Practices*. A report, *Overview of Research on Teacher Professional Development and Effectiveness Evaluation*, was distributed to the Committees. Dr. Benda noted that in his presentation he would be referring to several reviews of research and meta-analyses which are summarized in the written report. He called attention to a link at the end of the PowerPoint to a national summary of teacher evaluation methods being used in all fifty (50) states. It also shows thirty-seven (37) states that are linking teacher evaluation to student performance. Dr. Benda said the purpose of this report is to summarize research on effective professional learning practices that contributes to student achievement gains and on teacher evaluation approaches that inform professional development (PD) programs. He stated the preponderance of evidence in the literature indicates that individually targeted, ongoing PD enhances teacher effectiveness associated with student gains. He discussed Goal of Professional Development, Context of Effective Teaching, Elements of Effective Teaching, and Need for Professional Development. Dr. Benda referred to the fact that the average U.S. mathematics literacy score (487) on the Program for International Student Assessment (PISA) in 2009 was lower than the average scores of the 34 Organization for Economic Co-operation and Development (OECD) countries, and used Table 1. Average Scores of 15-Year-Old Student on Mathematics 2009 as an illustration. He said the National Assessment of Educational Progress (NAEP) math scores in 2011 show 40% of 4th Graders in the country are proficient (grade-level) or above, whereas 35% of 8th graders are at that level. In 2011, 45% of the high school graduates who took the ACT met the Benchmark for college readiness in math; 25% met the Benchmark for all four exams (i.e., math, science, English, and reading). He showed the slide, Percent of ACT-Tested High School Graduates Meeting Three or Four College Readiness Benchmarks by State, 2011. Dr. Benda went on to discuss National Mathematics Advisory Panel Findings, Effective Professional Development, Methods of Teacher Evaluation, Arkansas Teacher Evaluation, Critique of Classroom Observation & Artifacts, Portfolio Teacher Evaluation, Value-Added Modeling, Model of Student Achievement, Weaknesses of Value-Added Modeling, Hypothetical Model of Interactions, and Examination of Teacher Evaluation Methods. He lastly reviewed Appendices A, B, C, and D. Dr. Benda said these statistics give high systematic estimates of the relative effects of different factors so that the impact of interventions in relation to other uncontrolled extraneous factors can be seen. His conclusion was that the wisest approach to teacher evaluation is the one that has been taken in Arkansas where different approaches are blended to get a robust and multifaceted understanding of teacher influence on student learning and achievement.

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, and **Dr. Karen Cushman**, Assistant Commissioner for Human Resources/Licensure, Arkansas Department of Education, were recognized, and participated, as needed, in the discussion that followed. Topics included:

- = OECD averages and comparing apples to apples,
- = clarification of “intensive support status,”
- = evaluation of special education teachers,
- = evaluation of a teacher’s ability to use technology,

- = classroom teachers represented in the development of the evaluations,
- = mentoring of teachers in school districts,
- = online PD training tailored to individual teacher needs,
- = correlation of an increase in PD hours to a measurable increase in student achievement,
- = PD requirements and PD requirements for special education teachers,
- = addressing requirements of special needs kids,
- = redefining PD and training; distinction between PD and training,
- = more delivery of PD and training online,
- = adding courses for autism, dyslexia, and other disabilities,
- = required elective hours within the 60 required PD hours,
- = teacher salaries were increased to cover the additional required PD hours,
- = need for the ADE to work with the legislature and not just with the Executive Branch on legislative packages,
- = the desire of superintendents and principals to have total control of all 60 PD hours,
- = concern with using the term “training,”
- = reducing the number of hours of required PD,
- = PD requirements for charter school teachers; requesting waivers, and
- = higher education’s involvement with PD.

Representative Cheatham thanked Dr. Benda for the report.

Ms. Jerri Derlikowski, Administrator, Policy Analysis and Research Section, Bureau of Legislative Research, was recognized. A report, *K-12 Education Categorical Funding Review*, was distributed to the Committees. Ms. Derlikowski explained she would review the funding for all four of the categoricals, including PD, but the rest of the report will focus on NSLA, ALE, and ELL, and wouldn’t go into any more depth on PD. She said that in addition to the foundation funding discussed at the August 13th meeting, districts get four types of categorical funding, three of the four categorical funds are for student populations with more needs than the majority of the students. These special needs groups include students in poverty, students who are not proficient in the English language, and students who need the additional assistance of an alternative learning environment. She said PD was established as a categorical program so that the funding could be restricted for that use rather than included in unrestricted foundation funding. Ms. Derlikowski said the report first considers financial information for all four categorical funding programs—Alternative Learning Environments (ALE), English Language Learners (ELL), National School Lunch Act (NSLA), and Professional Development (PD). Additionally, she said the report reviews program requirements, district use of categorical funding and fund balances, and the results of surveys and site visits of districts and schools for the three types of categorical funding. She noted that PD would be reviewed in depth in a separate report. Ms. Derlikowski then walked the Committees through the report, discussing certain sections and charts in detail. She concluded by saying that there are a lot of achievement gaps between the Caucasian student population and the subpopulations for low income, ELL, and ALE students. She said progress is being made but the categorical funding is not accomplishing all the academic achievement that’s necessary, and presented a brief rationale.

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education, was recognized, and participated, as needed, in the discussion that followed. Topics included:

- schools having unused balances of categorical funds, while allowing students to fall through the cracks,
- figuring out which kids meet the poverty test,
- clarification of the term “property” in chart at top of page 6,
- clarification of fund balances,
- availability of figures for 2012 categorical fund balances, and other updated balances,
- fund balances building up over time,

- legislation regarding the state's ability to recoup funds,
- clarification on categorical funds being used for salaries,
- fund balance issues in the Dollarway School District,
- questionable district budgeting practices related to ALE programs need to be investigated,
- means of identifying ALE students by school district,
- conversation about students who need ALE,
- ALE as a solution to the dropout rate in schools; ALE vs. incarceration,
- talking to school districts about the implementation of ALE so as to inform the General Assembly,
- funding schools without it being apparent that teaching is occurring,
- teachers not being trained to teach the population they are assigned to teach,
- failing students that are not felt to be redeemable,
- ADE rulemaking for ALE,
- school districts looking at professionals such as social workers and counselors to address the needs of a changing population of students, particularly in the ALEs; funding,
- parental involvement in ALE programs,
- program development issues,
- funding process,
- Arkansas still behind the national average with the African-American and Latino population *taking* the more rigorous courses,
- the cultural expectations regarding student learning,
- continuing the career counselor program with a district's NSLA dollars, because of cuts in federal funding,
- advocating for children; having a rich economic environment,
- remediation is not working,
- responsibility of the General Assembly to demand that changes be made if situations are identified as a result of audit or the adequacy study,
- changes made to laws in 2011 directly or indirectly affecting some of these areas found deficient, and
- ADE to discuss new accountability system at a future meeting.

Representative Cheatham thanked Ms. Derlikowski for very good report.

Ms. Sandra Porter, Associate Director, Arkansas Department of Career Education, was recognized, and introduced **Dr. Robert Gunter**, Deputy Director, Arkansas Department of Career Education, who has been with the department since April 2, 2012.

The Honorable Johnnie Key, State Senator, District 1, was recognized, and requested that Mr. Richard Wilson update the Committees on the process of the Adequacy Study.

Mr. Richard Wilson, Assistant Director for Research Services, Bureau of Legislative Research, was recognized. Mr. Wilson stated that there are two more reports to go, and that Ms. Nell Smith would be compiling the components for the final report for the Committees to approve and send on to the President Pro Tempore of the Senate and the Speaker of the House by November 1. He said there are meetings scheduled for September and October, and, if necessary, and, with the permission of the Chairs, additional meetings could be scheduled for late October to finish up. Mr. Wilson said that in the past the BLR has compiled the results of all the individual monthly meetings, and, if a recommendation had not been made on a specific topic, then it would not have been in the report. He said the structure of the Matrix has not been changed since 2007, and that every year a COLA has been discussed to satisfy the inflationary factor.

Ms. Nell Smith, Administrator, Policy Analysis and Research Services, Bureau of Legislative Research, was recognized. She said that in the past a draft of the final report, which is just a summary of every presentation, has been presented, recommendations have been discussed, and then the final with the recommendations presented in the back of the report has been presented.

Mr. Mark Hudson, Senior Legislative Analyst, Bureau of Legislative Research, was recognized. Mr. Hudson reminded the Committees that addendums to the Adequacy Report have previously been done. He said that during one biennium, an adequacy report was re-filed because new information had come to light. He said other opportunities existed to amend or to supplement any filed report. He said the Committees are statutorily required to submit a report to the Speaker and the President Pro Tempore on November 1. He said he anticipated there would be another meeting in October to do that, with a two week period for public review of the report before it's finalized and submitted to meet the statutory requirements.

Senator Jeffress commented that this has been a very productive two days of meetings, and that he was very impressed with the work of the Committees. He said that Arkansas has come so far since 1993, but there are many miles yet to go. He told Dr. Kimbrell that he appreciated his work and encouraged him to keep pushing forward and asking schools to do what they must do.

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 Wednesday, August 29, 2012, in Room 171 of the State Capitol in Little Rock to review Department of Education Rules referred to the Committees by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council. *(This meeting was subsequently cancelled.)*

There being no further business, the meeting adjourned at 11:55 a.m.

Approved: 09/10/12