

JOINT PERFORMANCE REVIEW COMMITTEE

SEPTEMBER 15, 2016

MINUTES

The Joint Performance Review Committee met Thursday, September 15, 2016 at 9:30 a.m. in Room A, Mac Building, Little Rock, Arkansas.

Committee members present were Senators Alan Clark, Co-Chair, Linda Collins-Smith, John Cooper, Missy Irvin, and Terry Rice. Representatives Kim Hammer, Co-Chair, Kenneth Ferguson, Charlene Fite, Mickey Gates, Mary "Prissy" Hickerson, Josh Miller, Micah Neal, and Dwight Tosh.

Other legislators present were Senator Jonathan Dismang. Representatives Michael John Gray, Monte Hodges, Mathew Pitsch, Laurie Rushing, and Sue Scott.

Call to Order

Senator Clark called the meeting to order.

Opening Remarks by JPR Co-Chairs

Senator Clark explained to committee members that he may have to limit questions because Legislative Audit is meeting that afternoon. Because of the time constraint, he plans to end the JPR meeting at noon.

Review of the General Education Development Test (GED) Program and Discussion of Test Score Levels [Exhibit C]

Dr. Trenia Miles, Deputy Director of Adult Education, and Janice Hanlon, GED Administrator, Arkansas Department of Career Education, were sworn in under oath by Senator Clark. Ms. Hanlon gave an overview of the General Educational Development Test (GED). She said the National GED Testing Service revised the GED test in 2014, eliminating the paper and pencil test. The revised test consists of four parts; reasoning through language arts, science, social studies, and math. The National GED Testing Service used standards currently being taught in high schools. Scores by individuals who complete the GED test indicate that their knowledge and skills compared to high school students. Each of the four defined test areas can be taken separately. Test scores range between 100 to 200 points:

- 145 points is a passing score
- 145 to 165 points is comparable to a high school graduate
- 165 to 174 points is a college ready score
- 175 to 200 points is a college ready score, plus a college credit

Ms. Hanlon provided data from Arkansas GED tests that were taken in 2015:

- 2,503 individuals passed the GED test in 2015

- 3% of the individuals scored college ready, which includes the college credit
- 21% of the individuals scored in the college ready range
- 76% of the individuals scored a high school equivalency

Ms. Hanlon said that the revised version of the GED test was normed with high school students who are graduating or have graduated. The GED test was normed with 2,013 high school graduates. The test scores indicated that 70% of the high school graduates would be able to pass the test when taking it for the first time and 30% would not be able to pass the test the first time it was taken. Ms. Hanlon told the legislators that there are thirty-six adult education centers across the state who assist individuals interested in taking the GED test. Arkansas requires individuals to first pass an official GED practice test called "The Ready Test" before taking the GED test.

Legislators discussed homeschoolers who choose to take the GED test and how Arkansas compares to the national standard. Ms. Hanlon said that a number of homeschoolers take the GED test to obtain a high school diploma or high school equivalency certificate when seeking financial aid to enter college. Ms. Hanlon said the Department of Career Education does not have the ability to determine a standard for Arkansas because the test is normed on a national level.

Legislators discussed Exhibit C, a document from the Department of Career Education GED Testing Office, that included a sample of GED test scores from two Arkansas homeschoolers that ranged from high school level, to one score that was college ready level in one area. Ms. Hanlon responded to questions concerning the GED test scores shown in the exhibit. She said the Department of Career Education does not have statistics used by the Arkansas Department of Education and has no way to compare test scores of high school students to individuals who take the GED test.

Senator Clark recognized Jerry Cox, Executive Director, Arkansas Family Council. Mr. Cox reviewed reasons why homeschoolers take the GED test. He said there are approximately 20,000 homeschoolers in Arkansas. Many of the homeschoolers take the test in order to enroll in a community college before their eighteenth birthday.

Discussion of the Need for Legislative Oversight of the Crimes Against Children Division, Arkansas State Police, the Division of Children and Family Services, Department of Human Services (DHS), and Child Maltreatment Procedures

Major Ron Stayton, Commander, Crimes Against Children Division (CACD), Arkansas State Police, Mischa Martin, Director, Division of Children and Family Services (DCFS), DHS, David Sterling, Office of Policy and Legal Services, DHS, and Jerald Sharum, Supervisor, County Legal Operations, DHS, were sworn in by Senator Clark.

Senator Clark recognized Mischa Martin, Director, DCFS, DHS. Ms. Martin said that DCFS staff asked their federal partners for an opinion regarding the release of information in a public meeting pertaining to a child welfare case. She said DCFS was advised that it cannot disclose information in a public meeting or to a closed legislative body. Ms. Martin said she makes legislator's inquiries a priority and reports back to them promptly. She believes this is one form of legislative oversight. She then said that DCFS follows

Arkansas statutes regarding the release of information in child welfare cases. Major Stayton said that he agreed with comments made by Ms. Martin and that CACD also follows state statutes when investigating a child welfare case.

Legislators discussed in detail legislative oversight of the Department of Human Services, DCFS, and CACD and the ability of a DCFS employee to report wrongdoing, or voice a concern in a child welfare case. Ms. Martin said DCFS employees can seek guidance through the DHS Employee Grievance Department. Mr. Sterling commented on federal and state law constraints and referenced the Whistleblower Act, which provides reprisal protection to employees.

Senator Clark recognized Keesa Smith, Deputy Director, Arkansas Department of Human Services (DHS). Ms. Smith gave the DHS perspective regarding the confidentiality and privacy of individuals within the child welfare system. She said that Arkansas is one of only a few states with the ability to discuss specific cases with individual legislators. She said that there are 20,000 foster care and protective service cases currently active in the state. She also said that the Department understands the concerns raised by the legislators regarding specific cases and work is being done to make improvements within the Department. Responding to questions concerning proposed legislation, Ms. Smith said that the Department is working with the Governor's office to compile a legislative packet. She further stated that the Department is open to talking with anyone who wants to propose child welfare legislation.

Legislators debated the question of legislative oversight and whether or not the Committee is overreaching in questioning DHS staff when referencing specific child welfare cases.

Discussion of Family Members Being Denied Temporary Custody, Foster Care, or Adoption of Related Children

Jeanne Henderson, private citizen, was sworn in under oath by Senator Clark. Ms. Henderson was then advised by DHS attorneys that due to the case specific nature of her testimony, it would be in the best interest of she and her family members that the Committee should not hear the specific details of her case in a public meeting. The committee opted not to proceed any further in questioning Mrs. Henderson.

There being no further business, the meeting adjourned at 12:20 p.m.