

MEETING SUMMARY
JOINT MEETING
OF THE
HOUSE AND SENATE INTERIM COMMITTEES ON EDUCATION
ADEQUACY

Wednesday, May 1, 2019
1:00 P.M.
Room A, MAC
Little Rock, Arkansas

Senator Jane English, the Chair of the Senate Committee on Education, called the meeting to order at 1:00 p.m.

MEMBERS OF THE SENATE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: *Senators:* Jane English, Chair; Joyce Elliott, Vice Chair; Eddie Cheatham; Linda Chesterfield; Lance Eads; Jim Hendren; Mark Johnson; and James Sturch.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: *Representatives:* Bruce Cozart, Chair; Reginald Murdock, Vice Chair; Fred Allen; Rick Beck; LeAnne Burch; Frances Cavanaugh; Jana Della Rosa; Jim Dotson; Jon S. Eubanks; Brian S. Evans; Denise Garner; Grant Hodges; Mark Lowery; Stephen Meeks; Nelda Speaks; Dan Sullivan; DeAnn Vaught; and John W. Walker.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: *Senators:* Bob Ballinger; Jonathan Dismang; Trent Garner; and Kim Hammer. *Representatives:* Kenneth B. Ferguson; Vivian Flowers; David Hillman; Fredrick Love; Tippi McCullough; Josh Miller; Johnny Rye; Jamie Scott; Matthew Shepherd; Stuart A. Smith; James Sorvillo; Jeffrey Wardlaw; and Richard Womack.

Minutes:

Without objection, the minutes of March 12, 2019, were approved as written.

Exhibit:

Exhibit C – 03/12/2019 Minutes

Consideration of a Motion to Authorize Chairs to Approve Special Expenses Incurred by the House and Senate Interim Committees on Education

Senator Linda Chesterfield was recognized by Senator English, and made the motion, “I move that the Senate Interim Committee on Education grant the authority for approval of special expenses to the Chairperson of the Senate Interim Committee on Education.” The motion was seconded by Senator James Sturch.

Pursuant to the motion by Senator Chesterfield, the motion was carried without objection on a voice vote.

Representative Frances Cavanaugh was recognized by Representative Bruce Cozart, and made the motion, “I move that the House Interim Committee on Education grant the authority for approval of special expenses to the Chairman of the House Interim Committee on Education.”

Pursuant to the motion by Representative Cavanaugh, the motion was carried without objection on a voice vote.

Exhibit:

Exhibit D – Expenditure of Legislative Council Funds.

Summary of the Request for Proposal (RFP) Response

Presenter:

Ms. Jillian Thayer, Counsel to the Director, Bureau of Legislative Research, was recognized, and gave a brief overview of the RFP process and what was done to prepare Committee members for this meeting. Ms. Thayer stated, by the 4:00 p.m. cutoff time on April 12, 2019, one proposal from APA Consulting had been received; and APA Consulting would detail that proposal in this meeting. She noted they would be joined by WestEd, a subcontractor. She said, if it is determined to move forward with this proposal, she would work with the vendor to get a contract in place. She said the Policy-Making Subcommittee of the Legislative Council would consider the contract at its meeting on May 15, 2019, and make a recommendation to the full Council at its main meeting. Ms. Thayer next reviewed contents of a binder which had previously been provided to each member.

Exhibits:

Exhibit E – RFP Response Checklist

Exhibit F – APA Proposal Summary

Exhibit G – Copy of APA References Table

Exhibit H – APA WestEd RFP BLR Response Final including appendices

Exhibit I – APA Official Proposal Price Sheet

Oral Presentation by APA Consulting Regarding RFP to Conduct the Adequacy Study

Presenters:

Mr. Justin Silverstein, Co-CEO, APA Consulting | Augenblick, Palaich and Associates, **Ms. Amanda Brown**, Senior Associate, APA Consulting | Augenblick, Palaich and Associates, and **Mr. Jason Willis**, Director of Strategy & Performance, Comprehensive School Assistance Program, WestEd, were recognized. Mr. Silverstein commented that the RFP is wide-ranging with some specific target areas around adequacy, but really addresses Arkansas's overall school finance system, both the adequacy level and the structure of the system, with some inputs that go into the system. He discussed the study team's qualifications and experience and presented a general study overview. The team, in turn, then walked members through tasks included in the 45-slide PowerPoint presentation, "Response to RFP BLR-190001 for Education Adequacy Consulting Services."

Issues Included in the Discussion:

- reaching people in areas of the state where online methods to provide input are not available,
- seeing what inadequacy looks like to better define adequacy; making visits to underserved, poor facilities,
- familiarity with *Lake View* decisions,
- considering a non-diverse group as a consultant for a state with a population such as that in Arkansas,
- creating a definition of college-readiness and/or career-readiness,
- stakeholder engagement,
- consultants' experience working in states with similar court cases or requirements that are court-ordered,
- understanding how community affects the educational process,
- addressing each area of concern laid out in the *Lake View* case,
- whether an evidence-based approach will be used,
- sources for finding feedback on states or other entities that took consultants' recommendations or analysis information; finding measurable, significant outcomes,
- necessity of looking at pre-K programs,
- clarification of professional judgment approach,
- number of schools in the state that need to be visited to provide a statistically significant finding,
- looking at best practices that relate specifically to Arkansas,
- whether suggested methodologies allow for paradigm shifts, in addition to flushing out best practices,
- whether scope of practice will look at administrative levels,

- what a recommendation might look like with regard to funding methodologies,

- clarification of vendor's understanding of the RFP requirements,
- mention of the continuing, long-standing need to address *Lake View* and its obligations in the RFP,
- delivering the report to the Committees before budget meetings,
- information on other states that have waivers,
- providing other methods of determining poverty levels,
- providing information on states competing at an international level,
- incorporating excess debt service into the ECF (Education Cost Function) analysis,
- including a review of college and career readiness standards in consulting services,
- estimated cost of contract, and
- whether or not litigation was brought against a state in which the vendor has done business because the state lagged behind vendor expectations.

PowerPoint Presentation:

Response to RFP BLR-190001 for Education Adequacy Consulting Services

Handout:

Response to RFP BLR-190001 for Education Adequacy Consulting Services

Senator English thanked APA Consulting and WestEd for the presentation, and excused them.

A lengthy discussion ensued among the Committee members.

Contributor to the Discussion:

Ms. Jillian Thayer, Counsel to the Director, Bureau of Legislative Research

Senator Jim Hendren was recognized. Senator Hendren said he knew this is the point at which the Committees are supposed to take action one way or another on this matter. He noted his involvement in hiring consultants over the past several years; and said this is the first time there has been only one submitter on a project of almost one million dollars. He stated, before the Committees make a decision, members need to make certain other bidders cannot be tracked down. He said he was informed by staff that it would take at least 60 days to go to bidders that had shown some interest and try to solicit additional bids. He said his motion would be, "*to delay for 60 days, or such time as staff finds necessary, to resubmit and allow the Committees to have an opportunity to choose between multiple vendors versus just the one.*"

Issues Included in the Discussion:

- provision for renegotiating the submitted bid,
- approving the company, and not the amount; approval has to go before ALC,
- better served with a RFQ (Request for Quote) approach,
- ramifications of non-selection; possibility of liability if bids taken and not honored; need collective agreed-upon reason,
- timing of making the motion,
- not being required to take the lowest price, and
- only three to four companies do this kind of work; waiting 60 days; price; exercising one's own judgment in voting.

Representative Stephen Meeks was recognized, and commented that a limited number of companies do this kind of work. He stated this is the only vendor that was proactive and did what was required. He stated his concern about the motivation going forward of other companies that were not motivated enough to come through the first time. He said his other concern is that waiting 60 days gives a company two fewer months to do the work

and keep to the timeline. He stated, with those two factors in place, he would make a substitute motion that *we adopt or accept this proposal to begin moving forward, to start getting some work done.*

Following a discussion by the chairs on separate voting by each Committee, with the House going first, on the substitute motion, Senator English said we have a motion on the floor, and requested Representative Meeks to repeat his substitute motion.

Relevant Action:

Representative Meeks restated his substitute motion: *we adopt this proposal pursuant to any price negotiations.* The motion was seconded by Representative Reginald Murdock.

Pursuant to the motion by Representative Meeks, the motion failed by voice vote on the House side. A roll call of the House was requested, and the motion failed.

Representative Cozart requested Senator Hendren to repeat his motion.

Relevant Action:

Senator Hendren was recognized, and discussed the timing of his motion. He commented on doing a single bid acceptance of a million dollar contract when, in 30 to 60 days, additional submitters might be found. He said there may not be additional submitters, but a decision can be made at that point. He said his substitute motion is *to withdraw this RFP and allow it to be resubmitted with the hope of additional bidders.* The substitute motion was seconded by Senator Eddie Cheatham.

Issues Included in the Discussion:

- effect of the 60-day pushback on the timeline for work completion,
- disregarding the RFP process,
- being fair and honoring prospective bidders in the process,
- sole vendor's awareness that, in their presentation, the motion would be to accept or deny,
- taking time to think about spending the money, and
- clarification between accepting vendor proposal and accepting amount of vendor charges.

Senator Hendren was recognized. He stated the Committees have no duty to accept any proposal that is presented. He said the only thing that this motion does is say, before we spend a million dollars of taxpayer money on something that is as important to this state as education, perhaps there is time for more due diligence.

Senator English said the substitute motion, *to withdraw this RFP and allow it to be resubmitted with the hope of additional bidders,* is on the floor.

Pursuant to the motion by Senator Hendren, the motion was carried without objection on a voice vote.

Next Scheduled Meeting:

Date TBD

Adjournment:

The meeting adjourned at 4:07 p.m.

Approved: 06/11/2019