

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

ADEQUACY

Tuesday, November 3, 2015
9:00 A.M.
Committee Room A, MAC Building
Little Rock, Arkansas

Representative Bruce Cozart, 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 Jane English, Chair; Senator Uvalde Lindsey, Vice Chair; Senator Eddie Cheatham; Senator Alan Clark; Senator Blake Johnson; and Senator Eddie Joe Williams.

MEMBERS OF THE HOUSE INTERIM COMMITTEE ON EDUCATION IN ATTENDANCE: Representative Bruce Cozart, Chair; Representative Sheilla Lampkin, Vice Chair; Representative Charles L. Armstrong; Representative Scott Baltz; Representative Charlotte Vining Douglas; Representative Jon Eubanks; Representative Jeremy Gillam; Representative Bill Gossage; Representative Michael John Gray; Representative Grant Hodges; Representative Greg Leding; Representative Mark Lowery; Representative Mark McElroy; Representative James Ratliff; and Representative John W. Walker.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Jonathan Dismang; Senator Larry Teague; Representative Charles Blake; Representative David L Branscum; Representative Andy Davis; Representative Dan M. Douglas; Representative Kenneth B. Ferguson; Representative Michelle Gray; Representative David Hillman; Representative Joe Jett; Representative Jack Ladyman; Representative Fredrick J. Love; Representative Stephen Meeks; Representative Betty Overbey; Representative Mathew Pitsch; Representative Sue Scott; and Representative Nelda Speaks.

Discussion of Issues Related to Special Education

Presenter:

Ms. Nell Smith, Administrator, Policy Analysis and Research Section, Bureau of Legislative Research, was recognized. Ms. Smith first updated the status of the school district survey. She said the Bureau of Legislative Research (BLR) sent out the survey at the end of October, and has received responses from thirty (30) districts and from one (1) charter school. She said one (1) school has been visited at which teacher surveys were distributed; and, a couple of responses have since been received. Ms. Smith next presented the research report, "*Special Education Funding and Expenditures.*" She briefly addressed the definition of special education, explaining that it is required by federal law, the Individuals with Disabilities Education Act (IDEA), for special education services to be provided to students with disabilities. She said an Arkansas statute has established this as the state's policy. Ms. Smith stated there are typically about 54,000-55,000 special education students in school districts and charter schools in Arkansas, making up about 11%-12% of the total student population. Ms. Smith said the twelve (12) categories of disabilities used to determine students' eligibility for special education services are listed on page 2, a breakdown of the categories of disabilities is provided on page 3, and a national comparison of the percentage of students with disabilities for each of the twelve (12) categories is on page 4. Ms. Smith continued to walk members through the report, detailing student placement, student assessment, state

assessment under IDEA, and the cost of providing special education services. She concluded with a discussion of special education teachers, salary, licensing, certification, and waivers.

Contributors to the Discussion:

Ms. Lisa Haley, Associate Director, Special Education Unit, Division of Learning Services, Arkansas
Department of Education

Ms. Courtney Salas-Ford, Attorney Specialist, Special Education Unit, Division of Learning Services, Arkansas
Department of Education

Issues Included in the Discussion:

- ∴ special education students and National Assessment of Educational Progress (NAEP) scale scores,
- ∴ explanation of what is included in the “*other health impairment*” category of disabilities,
- ∴ data driving the measurement of autism,
- ∴ early identification of autism,
- ∴ legislative directive to place more attention, focus, and training at the state level on students with behavior issues, and on identification and support for students with autism,
- ∴ underfunding special education, particularly in the area of autism,
- ∴ request for numbers data on diagnosis of autism by school district,
- ∴ 504 Plans and students eligible under IDEA, and
- ∴ concern over lack of the disaggregation of data on poverty and race in the report.

Handouts:

Adequacy Study Statutory Responsibilities
Special Education Funding and Expenditures

The Honorable Uvalde Lindsey, State Senator, District 4, and Vice Chair of the Senate Interim Committee on Education, was recognized. Senator Lindsey stated that the Legislative Task Force On The Best Practices For Special Education (Task Force) is statutorily required to provide an interim report by February 1, 2016, with a final report due by September 1, 2016. He requested, as the Chair of that Task Force, the opportunity to present the interim report to the Joint House and Senate Interim Committees on Education (Adequacy), and that the Committees consider results of the Task Force’s work for inclusion in the appropriate section(s) of the final version of the 2016 Adequacy report.

Representative Cozart agreed to Senator Lindsey’s request.

Discussion of Issues Related to the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP)

Presenter:

Dr. Ginny Blankenship, Legislative Analyst, Policy Analysis and Research Section, Bureau of Legislative Research, was recognized. Dr. Blankenship presented an overview of the report, *Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP)*. She said this is a general framework, and noted that individual components of ACTAAP would be presented in greater detail in future meetings on Adequacy. Dr. Blankenship explained the purpose of ACTAAP, and its centerpiece, the Arkansas Comprehensive Assessment Program, a testing system designed to measure students’ proficiency in reading, math, and other subjects. She discussed the Arkansas Benchmark exams and the Partnership for Assessment of Readiness for College and Careers (PARCC). She noted that, during the 2015 legislative session, the legislature enacted Act 1074, prohibiting the State Board of Education (SBOE) from renewing the state’s participation in PARCC or entering into any assessment contract or agreement beyond one year after 2015-16. She said beginning in 2015-

16, schools will be required to adopt ACT Aspire, an online, criterion reference exam, as the new statewide assessment. She presented details of ACT Aspire, and also discussed the National Assessment of Educational Progress (NAEP). Dr. Blankenship additionally discussed other components of ACTAAP, including the school rating system, the Arkansas Comprehensive School Improvement Plan (ACSIP), and academic distress.

Contributors to the Discussion:

Dr. Deborah Jones, Assistant Commissioner, Learning Services, Arkansas Department of Education
Ms. Hope Allen, Director of Student Assessment, Learning Services, Arkansas Department of Education

Issues Included in the Discussion:

- ≡ creation of the terminology for grade level expectations,
- ≡ the ACT Plan and Explore assessments, and academic improvement plans (AIPs),
- ≡ understanding the levels of assessments on the page 2 table,
- ≡ scale scores that will be used going forward,
- ≡ comparing scores from the current year with those from prior years,
- ≡ current number of hours of standardized testing per student,
- ≡ decrease in number of hours for testing, and
- ≡ being ahead of the curve in reduction in hours of testing.

Handout:

The Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP), Bureau Brief

Ms. Nell Smith was recognized. As a follow-up to her presentation on special education, Ms. Smith furnished a breakdown by race of special education students in Arkansas, requested by Representative John W. Walker. She used 2013 data:

| | <u>All</u> <u>Students</u> | <u>Special Education</u> <u>Students</u> |
|------------------|-------------------------------|---|
| Hispanic | 10.3% | 9.1% |
| African American | 20.8% | 24.1% |
| White | 64.3% | 63.0% |
| All Others | 4.5% | 3.9% |

The Honorable John W. Walker, State Representative, District 34, was recognized, and thanked Ms. Smith for the data. Representative Walker commented that disaggregation of data on charter schools was not addressed in the report, and he would also like to have that information.

Representative Cozart announced that the agenda for the January, 2016 meeting would include presentations from various education advocacy groups detailing their concerns about the state's current system of funding for public education. He noted that this is a departure from previous adequacy studies, necessitated by the availability of data to address other aspects of the Adequacy Study.

Discussion of the 2015 Statewide State of Condition of Academic Facilities Report

Presenters:

Mr. Johnny Key, Commissioner, Arkansas Department of Education, was recognized. Mr. Key stated that the *Statewide State of Condition of Academic Facilities* is the annual report pursuant to the requirements of Arkansas Code Annotated (A.C.A.) § 6-21-112. He said the report provides an update on the implementation of the facilities program.

Mr. Murray Britton, Senior Project Manager, Arkansas Division of Public School Academic Facilities and Transportation, Arkansas Department of Education, was recognized. Mr. Britton filled in for **Mr. Terry Granderson**, Interim Director, Arkansas Division of Public School Academic Facilities and Transportation, Arkansas Department of Education, who could not attend the meeting. Mr. Britton stated that the Division's mission is to assist public schools in funding academic facilities improvements, making sure the facilities are warm, safe, dry, and adequate. He said that the primary funding program is the Partnership Program, which allows school districts to request state financial assistance for the construction or renovation of academic facilities and related systems. He discussed project applications. He said that, to date, 2,239 projects have been approved, with total estimated qualified project costs of about \$2,758,074.144; the state's share of the cost is approximately \$1 billion. He said a breakdown of costs into the different systems is on page 6 of the report. Mr. Britton also discussed inspections, special inspections, and state mandated inspections, and provided a list of legally required inspections.

Contributor to the Discussion:

Ms. Kendra Clay, Attorney Specialist, Arkansas Department of Education

Issues Included in the Discussion:

- ≈ requirements for facilities of schools in academic distress, and
- ≈ difference between the legal definition of *adequate* and *equal* in the Lake View court case decision.

Handouts:

2015 Statewide State of Condition of Academic Facilities
Act 962 of 2015, High-Growth School Districts

Next Scheduled Meeting:

Tuesday, December 1, 2015, in Pine Bluff, Arkansas

Adjournment:

The meeting adjourned at 10:32 a.m.

Approved: 12/14/15