BureauBrief

ADEQUACY HIGHLIGHTS

Adequacy: Legal Overview

The state's constitutional responsibility:

In *Lake View*, the court held that, Ark. Const. art. 14, § 1, which provides that the state "shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure the people the advantages and opportunities of education" requires the state to be responsible for providing an "equal educational opportunity" to the state's public school children (*Dupree v. Alma School. Dist. No. 30 of Crawford County v. Huckabee*, 279 Ark. 340, 651 S.W.2d 90 (1983) and *Lake View Sch. Dist. No 25 of Phillips County v. Huckabee*, 370 Ark. 139, 257 S.W.3d 879 (2007)).

Historical deficiencies leading to Lake View:

In Lake View Sch. Dist. No 25 v. Huckabee, 351 Ark 31, 91 S.W.3d 472 (2002), the Arkansas Supreme Court found that the state's public school funding system was unconstitutional and identified the following reasons:

1. The failure to conduct an adequacy study or define adequacy;
2. "Abysmal" Arkansas educational rankings;
3. Low benchmark scores;
4. The need for Arkansas student remediation in college;
5. Teacher salaries not comparable to surrounding states;
6. Disparities in teacher salaries within the state;
7. Recruitment and retention of quality teachers;
8. Special needs of poverty level students, including English-language learners;
9. Needs of school districts in low-income areas (for improved and advanced curriculum, quality teachers, and adequate facilities, supplies, and equipment); and
10. Needs of school districts in high enrollment growth areas.

The court further states that it is the state's responsibility to define adequacy, assess, evaluate, and monitor the entire spectrum of education, and know how state revenues are spent and whether true equality in education is being achieved.

State actions to remedy the constitutional deficiencies:

In May of 2007 the court found that the actions taken by the General Assembly had satisfied the constitutional obligations of the state, including:

1. Act 57 of the Second Extraordinary Session of 2003 - the Adequacy Study;
2. Act 108 of the Second Extraordinary Session of 2003 - the "doomsday" provision that protects funding in the Educational Adequacy Fund and other resources available to the Department of Education Public School Fund Account of the Public School Fund;
3. Establishment of the Immediate Repair Program for facilities, the Academic Facilities Partnership Program, modification of the academic facilities wealth index, and other provisions assisting school districts with academic facility needs;
4. Adoption of Amendment 74 to provide a 25 mill Uniform Rate of Tax;
5. Categorical funding for alternative learning environments, English-language learners, and national school lunch students;
6. Foundation funding;
7. Growth or Declining enrollment funding;
8. Adoption of a minimum teacher salary schedule;

The court further noted that the General Assembly must exercise "constant vigilance" for constitutionality, recognizing that continual assessment is vital under Act 57. The court stated that the General Assembly has put into place the "framework for a much improved Arkansas public education system," the funds to support it, and the "continuous financial and standards review" needed to ensure future success. The school districts must now meet the challenge of utilizing the state's support to ensure that Arkansas's public school children receive an adequate education.

Maintaining constitutional compliance:

The court identified four essential components for continued constitutional compliance:

1. Act 57 Adequacy review;
2. Funding education first;
3. The comprehensive system for accounting and accountability for providing state oversight of school-district expenditures; and
4. The General Assembly's express showing that "constitutional compliance is an ongoing task requiring constant study, review, and adjustment."

Definition of Educational Adequacy:

The definition of educational adequacy is a dynamic, not a static, concept. Recognizing this, the committees previously used the following working definition of "educational adequacy" to serve as a basis for identifying the resources required for adequacy:

1. The standards included in the state's curriculum frameworks, which define what all Arkansas students are to be taught, including specific grade-level curriculum and a mandatory thirty-eight (38) Carnegie units defined by the Arkansas Standards of Accreditation to be taught at the high school level, and opportunities for students to develop career-readiness skills;
2. The standards included in the state's testing system. The goal is to have all, or all but the most severely disabled, students perform at or above proficiency on these tests; and
3. Sufficient funding to provide adequate resources as identified by the General Assembly.