

Subchapter 21 — Continuing Adequacy Evaluation Act of 2004

10-3-2101. Purpose and findings.

10-3-2102. Duties.

10-3-2103. Investigations.

10-3-2104. Report.

Annotations

A.C.R.C. Notes. Acts 2007, No. 1204, § 3, provided:

“The purpose of this act is to strengthen and preserve the integrity of the Continuing Adequacy Evaluation Act of 2004, Arkansas Code § 10-3-2101 et seq., by further defining its provisions to ensure that future assessments, evaluations, and monitoring of the state's public education system by the General Assembly will continue to be conducted in a thorough, well-informed and meaningful manner.”

10-3-2101. Purpose and findings.

Statute text

- (a) The General Assembly recognizes that it is the responsibility of the State of Arkansas to:
- (1) Develop what constitutes an adequate education in Arkansas pursuant to the mandate of the Supreme Court and to conduct an adequacy study, which has been completed; and
 - (2) Know how revenues of the State of Arkansas are being spent and whether true equality in educational opportunity is being achieved.
- (b) The General Assembly also recognizes that no one (1) study can fully define what is an adequate, efficient, and equitable education.
- (c) The General Assembly further recognizes that while the adequacy study performed in 2003 is an integral component toward satisfying the requirements imposed by the Supreme Court, the General Assembly has a continuing duty to assess what constitutes an adequate education in the State of Arkansas.
- (d) Therefore, because the State of Arkansas has an absolute duty to provide the school children of the State of Arkansas with an adequate education, the General Assembly finds that ensuring that an adequate and equitable system of public education is available in the State of Arkansas shall be the ongoing priority for the State of Arkansas.

History

History. Acts 2003 (2nd Ex. Sess.), No. 57, § 1.

10-3-2102. Duties.

Statute text

- (a) During each interim, the House Committee on Education and the Senate Committee on Education shall meet separately or jointly, as needed, to:
- (1) Assess, evaluate, and monitor the entire spectrum of public education across the State of Arkansas to determine whether equal educational opportunity for an adequate education is being substantially afforded to the school children of the State of Arkansas and recommend any necessary changes;

- (2) Review and continue to evaluate what constitutes an adequate education in the State of Arkansas and recommend any necessary changes;
 - (3) Review and continue to evaluate the method of providing equality of educational opportunity of the State of Arkansas and recommend any necessary changes;
 - (4) Evaluate the effectiveness of any program implemented by a school, a school district, an education service cooperative, the Department of Education, or the State Board of Education and recommend necessary changes;
 - (5) Review the average teacher salary in the State of Arkansas in comparison to average teacher salaries in surrounding states and member states of the Southern Regional Education Board and make recommendations for any necessary changes to teacher salaries in the State of Arkansas established by law;
 - (6) Review and continue to evaluate the costs of an adequate education for all students in the State of Arkansas, taking into account cost-of-living variances, diseconomies of scale, transportation variability, demographics, school districts with a disproportionate number of students who are economically disadvantaged or have educational disabilities, and other factors as deemed relevant, and recommend any necessary changes;
 - (7) Review and continue to evaluate the amount of per-student expenditure necessary to provide an equal educational opportunity and the amount of state funds to be provided to school districts, based upon the cost of an adequate education and monitor the expenditures and distribution of state funds and recommend any necessary changes; and
 - (8) Review and monitor the amount of funding provided by the State of Arkansas for an education system based on need and the amount necessary to provide an adequate educational system, not on the amount of funding available, and make recommendations for funding for each biennium.
- (b) As a guidepost in conducting deliberations and reviews, the committees shall use the opinion of the Supreme Court in the matter of *Lake View Sch. Dist. No. 25 v. Huckabee*, 351 Ark. 31, 91 S.W.3d 472 (2002), and other legal precedent.
- (c) The Department of Education, the Department of Career Education, and the Department of Higher Education shall provide the House Committee on Education and the Senate Committee on Education with assistance and information as requested by the House Committee on Education and the Senate Committee on Education.
- (d) The Attorney General is requested to provide assistance to the House Committee on Education and the Senate Committee on Education as needed.
- (e) Contingent upon the availability of funding, the House Committee on Education, the Senate Committee on Education, or both, may enter into an agreement with outside consultants or other experts as may be necessary to conduct the adequacy review as required under this section.
- (f) The study for subdivisions (a)(1)-(4) of this section shall be accomplished by:
- (1) Reviewing a report prepared by Arkansas Legislative Audit compiling all funding received by public schools for each program;
 - (2) Reviewing the Arkansas academic standards developed by the Department of Education;
 - (3) Reviewing the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;
 - (4) Reviewing fiscal and facilities distress programs;
 - (5) Reviewing the state's standing under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;
 - (6) Reviewing the Arkansas Comprehensive School Improvement Plan process; and

(7) Reviewing the specific programs identified for further study by the House Committee on Education and the Senate Committee on Education.

(g)(1) The study for subdivision (a)(5) of this section shall be accomplished by comparing the average teacher salary in Arkansas with surrounding states and Southern Regional Education Board member states, including without limitation:

(A) Comparing teacher salaries as adjusted by a cost of living index or a comparative wage index;

(B) Reviewing the minimum teacher compensation salary schedule; and

(C) Reviewing any related topics identified for further study by the House Committee on Education and the Senate Committee on Education.

(2) Depending on the availability of National Education Association data on teacher salaries in other states, the teacher salary comparison may be prepared as a supplement to the report after September 1.

(h) The study for subdivision (a)(6) of this section shall be accomplished by reviewing:

(1) Expenditures from:

(A) Isolated school funding;

(B) National school lunch student funding;

(C) Declining enrollment funding;

(D) Student growth funding; and

(E) Special education funding;

(2) Disparities in teacher salaries; and

(3) Any related topics identified for further study by the House Committee on Education and the Senate Committee on Education.

(i) The study for subdivision (a)(7) of this section shall be accomplished by:

(1) Completing an expenditure analysis and resource allocation review each biennium; and

(2) Reviewing any related topics identified for further study by the House Committee on Education and the Senate Committee on Education.

(j) The study for subdivision (a)(8) of this section shall be accomplished by:

(1) Using evidence-based research as the basis for recalibrating as necessary the state's system of funding public education;

(2) Adjusting for the inflation or deflation of any appropriate component of the system of funding public education every two (2) years;

(3) Reviewing legislation enacted or rules promulgated during the biennium covered by the study to determine the impact of the legislation and rules on educational adequacy-related public school costs; and

(4) Reviewing any related topics identified for further study by the House Committee on Education and the Senate Committee on Education.

History

History. Acts 2003 (2nd Ex. Sess.), No. 57, § 1; 2005, No. 723, § 1; 2007, No. 1204, § 1; 2011, No. 725, § 1; 2015, No. 554, § 5; 2017, No. 936, § 55.

Annotations

A.C.R.C. Notes. Acts 2007, No. 1204, § 3, provided:

“The purpose of this act is to strengthen and preserve the integrity of the Continuing Adequacy Evaluation Act of 2004, Arkansas Code § 10-3-2101 et seq., by further defining its provisions to ensure that future assessments, evaluations, and monitoring of the state's public education system

by the General Assembly will continue to be conducted in a thorough, well-informed and meaningful manner.”

Acts 2015, No. 554, § 1, provided: “Division of Legislative Audit renamed ‘Arkansas Legislative Audit’.

“(a)(1) The Division of Legislative Audit, as it is referred to or empowered throughout the Arkansas Code, is renamed.

“(2) In its place, Arkansas Legislative Audit is established, succeeding to the general powers and responsibilities previously assigned to the Division of Legislative Audit.

“(3) The Legislative Auditor shall identify and revise all interagency documents, financial instruments, funds, and other necessary legal documents in order to effect this change.

“(b) This act does not impair the powers and authority of the Division of Legislative Audit before the effective date of this act.

“(c) Appropriations authorized for the personal services and operating expenses of the Division of Legislative Audit may be utilized for the personal services and operating expenses of Arkansas Legislative Audit.

“(d) This act does not impair the continued effectiveness of rules or orders promulgated or issued by the Division of Legislative Audit before the effective date of this act.

“(e) The Arkansas Code Revision Commission shall make all changes in the Arkansas Code necessary to effectuate the intent of this act.”

Amendments. The 2007 amendment added (f) through (j).

The 2011 amendment inserted present (j)(3) and redesignated former (j)(3) as (j)(4).

The 2015 amendment substituted “Arkansas Legislative Audit” for “the Division of Legislative Audit” in (f)(1).

The 2017 amendment substituted “Arkansas academic standards” for “curriculum frameworks” in (f)(2); substituted “Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.” for “Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq” in (f)(3); deleted “academic” following “fiscal” in (f)(4); and substituted “Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95” for “No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.” in (f)(5).

U.S. Code. The Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95, is codified as 20 U.S.C. § 6301 et seq.

Case Notes

Res Judicata.

Res Judicata.

Because adequacy reports and evaluations were filed after the release of the mandate in a previous school-funding case, res judicata did not bar a school district's challenge to them. *Deer/Mt. Judea Sch. Dist. v. Kimbrell*, 2013 Ark. 393, 430 S.W.3d 29 (2013).

10-3-2103. Investigations.

Statute text

(a) The House Committee on Education and the Senate Committee on Education shall have the authority to conduct investigations pertaining to the effectiveness of any and all education programs of:

- (1) Any school;
- (2) Any school district;
- (3) Any service cooperative;
- (4) Any institution;
- (5) The Department of Education or its successors; or
- (6) The State Board of Education or any department under the board's authority.

(b)(1) In connection with any investigation, the House Committee on Education and the Senate Committee on Education shall have the right and the power to subpoena witnesses and to issue subpoena duces tecum, pursuant to § 10-2-307.

(2) The chairs and the cochairs of the House Committee on Education and the Senate Committee on Education are authorized to administer oaths.

History

History. Acts 2003 (2nd Ex. Sess.), No. 57, § 1; 2013, No. 1465, § 6.

Annotations

Amendments. The 2013 amendment substituted “§ 10-2-307” for “§ 10-3-208” in (b)(1).

10-3-2104. Report.

Statute text

(a) The House Committee on Education and the Senate Committee on Education shall file separately or jointly, or both, reports of their findings and recommendations with the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than November 1 of each year before the convening of a regular session.

(b) For each recommendation the report shall include proposed implementation schedules with timelines, specific steps, agencies and persons responsible, resources needed, and drafts of bills proposing all necessary and recommended legislative changes.

(c) The report shall be supplemented as needed to accomplish the purposes of this continuing evaluation.

(d)(1) Before a fiscal session, the House Committee on Education and the Senate Committee on Education shall meet, jointly or separately as needed, to review the funding recommendations contained in the most recent report filed under this section.

(2) The House Committee on Education and the Senate Committee on Education, meeting jointly or separately as needed, also shall review any other matters identified by the House Committee on Education or the Senate Committee on Education that may affect the state's obligation to provide a substantially equal opportunity for an adequate education for all public school students.

(3) By November 1 of the calendar year before the beginning of a fiscal session, if the House Committee on Education and the Senate Committee on Education find that the recommendations in the most recent adequacy evaluation report filed under this section should be amended, the House Committee on Education and the Senate Committee on

Education, jointly or separately, or both, shall advise in writing the President Pro Tempore of the Senate and the Speaker of the House of Representatives of their findings and amendments to the adequacy evaluation report.

(e) The House Committee on Education or the Senate Committee on Education, separately or jointly, shall publish a draft of the report required under this section or any amendment or supplement to the report not less than fourteen (14) days before the report, amendment, or supplement is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

History

History. Acts 2003 (2nd Ex. Sess.), No. 57, § 1; 2007, No. 1204, § 2; 2009, No. 199, § 1; 2011, No. 725, § 2.

Annotations

A.C.R.C. Notes. Acts 2007, No. 1204, § 3, provided:

“The purpose of this act is to strengthen and preserve the integrity of the Continuing Adequacy Evaluation Act of 2004, Arkansas Code § 10-3-2101 et seq., by further defining its provisions to ensure that future assessments, evaluations, and monitoring of the state's public education system by the General Assembly will continue to be conducted in a thorough, well-informed and meaningful manner.”

The 2015 (1st Ex. Sess.) amendment to this section expired December 31, 2016. Acts 2015 (1st Ex. Sess.), No. 5, § 5, provided:

“(a) This act is cumulative of existing laws and shall not repeal but merely suspend any law in conflict with the act.

“(b) The provisions of this act are temporary and expire on December 31, 2016.

“(c) On and after December 31, 2016, the provisions of law suspended by this act shall be in full force and effect.

“(d) The expiration of this act shall not affect rights acquired under it or affect suits then pending.”

Amendments. The 2007 amendment added (c).

The 2009 amendment added (d).

The 2011 amendment substituted “November 1” for “September 1” in (a) and (d)(3); deleted “under Arkansas Constitution, Article 5, § 5” following “session” in (d)(1); and added (e).

The 2015 (1st Ex. Sess.) amendment substituted “By March 1 of the calendar year of a fiscal session” for “By November 1 of the calendar year before the beginning of a fiscal session” in (d)(3).