

ARKANSAS GENERAL ASSEMBLY

JOINT COMMITTEE ON EDUCATIONAL ADEQUACY

Senator Jim Argue
Senate Co-Chair

Representative Calvin Johnson
House Co-Chair

September 1, 2003

Dear Governor Huckabee, President Pro Tempore Hill, and Speaker Cleveland:

On November 21, 2002, the Arkansas Supreme Court held (for the second time in the past twenty years) that the public school system in Arkansas was unconstitutional. Unlike its 1983 ruling in the *Alma v. Dupree* case, the Court in *Lake View School District v. Huckabee* held that the state had failed to fulfill its "absolute duty" under the state constitution to provide an adequate and equitable system of public education. To quote from the opinion:

It is the State's responsibility, first and foremost, to develop forthwith what constitutes an adequate education in Arkansas. It is, next, the State's responsibility to assess, evaluate, and monitor, not only the lower elementary grades for English and math proficiency, but the entire spectrum of public education across the state to determine whether equal educational opportunity for an adequate education is being substantially afforded to Arkansas' school children. It is, finally, the State's responsibility to know how state revenues are being spent and whether true equality in opportunity is being achieved. Equality of educational opportunity must include as basic components substantially equal curricula, substantially equal facilities, and substantially equal equipment for obtaining an adequate education. The key to all this, to repeat, is to determine what comprises an adequate education in Arkansas. The State has failed in each of these responsibilities.

Lake View School District v. Huckabee, 351 Ark. 31, 78-79, 91 S.W.3d 472, ___ (2002), *cert den. sub nom. Wilson, J.L., et al. v. Huckabee, Gov. of Ark., et al.*, 538 U.S. ___ (2003) (Orders of May 19 at 5) (2002)

In response to this ruling, the General Assembly enacted Act 94 of 2003. Act 94 established the Joint Committee on Educational Adequacy and charged it with the following responsibilities:

1. Review the opinion of the Arkansas Supreme Court in the matter of *Lake View School District No. 25 of Phillips County, Arkansas, et al., vs. Governor Mike Huckabee, et al.* issued on November 21, 2002, and use the opinion and other legal precedent cited by the court in the committee's deliberations;
2. Recommend what constitutes an adequate education in Arkansas;
3. Recommend a method of providing equality of educational opportunity, which must include as basic components substantially equal curricula, substantially equal teacher salaries, substantially equal facilities, and substantially equal equipment for obtaining an adequate education;

4. Recommend the costs of an adequate education for all students in 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;
5. Recommend 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 a method of monitoring the expenditures and distributing the state funds; and
6. Recommend a system or method to assess, evaluate, and monitor the entire spectrum of public education across the state to determine whether equal educational opportunity for an adequate education is being substantially afforded to Arkansas' school children.

Given the importance of the tasks assigned by the General Assembly and the need to complete its work no later than September 1, 2003, the Joint Committee selected the firm of Picus and Associates to assist the Committee in meeting its statutorily assigned duties. Recognized as leading experts in the areas of educational adequacy and education finance, Dr. Lawrence O. Picus and Dr. Allen Odden, along with their associates, have helped the Joint Committee define what constitutes an adequate education for the students of our state's public schools and develop a methodology for identifying necessary resources and distributing funds to school districts to enable them to deliver equitable and adequate educational opportunity to each of their students. The Joint Committee, recognizing the crucial role played by our state's public school teachers, has also adopted a plan that will not only raise the salaries paid to our state's educators but will also provide them with incentives to develop professional skills that are expected to have a positive impact on student academic performance. The new teacher salary plan also grants extra compensation to individuals who teach in certain geographic or subject areas in which there are shortages.

Another critical part of the work the Joint Committee has done centers on the need for the development and implementation of an accountability system that not only informs the public about the status of the state's public schools, but also provides meaningful data to educators and parents about student achievement.

The members of the Joint Committee have demonstrated their deep interest in and commitment to improving the state's system of public education. As a committee, they have reviewed an extraordinary amount of information and heard presentations concerning the myriad issues that confront public education in Arkansas. Both as a full committee and in our various subcommittee meetings, we have had full, vigorous, and frank discussions of the issues we were addressing. In issuing this report, we recognize that the easy part of our work has been completed. Ahead of us and our colleagues are many more hours of debate and study as we seek to develop and implement the essential policies that will help us achieve our ultimate objective, a system of public education that complies with our constitution and meets the needs of Arkansas and her citizenry.

We wish to thank the members of the Joint Committee as well as our colleagues who regularly attended our meetings for their dedicated and selfless service. We also wish to thank the staff members from the Arkansas Department of Education, the Office of the Attorney General, and the Bureau of Legislative Research for their work with the Joint Committee. It has been an enriching and rewarding experience for everyone involved.

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With the presentation of this report, the Joint Committee on Educational Adequacy will have fulfilled its statutory obligations. It is our fervent hope that our work will positively influence the lives of future generations of Arkansans.

The Joint Committee on Educational Adequacy respectfully submits its report to the Governor, the President Pro Tempore of the Arkansas Senate, the Speaker of the Arkansas House of Representatives, the members of the Arkansas General Assembly, and the citizens of Arkansas. Please note that each of the reports contains an executive summary.

Sincerely,

/s/ Sen. Jim Argue

Senator Jim Argue
Co-Chairman

/s/ Rep. Calvin Johnson

Representative Calvin Johnson
Co-Chairman

Attachments