

State of Arkansas  
Bureau of  
Legislative Research

CHRONOLOGY OF MILESTONES IN *Lake View*<sup>1</sup>

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August 1992	Lake View School District in Phillips County files suit alleging unconstitutional disparities in public school funding for wealthy and low-income school districts.
December 1994	Pulaski County Chancery Court, Judge Annabelle Clinton Imber, rules the Arkansas system of public school finance inequitable and unconstitutional. The order gives the General Assembly two years to enact legislation that conforms with her opinion.
August 1998 <i>"Lake View I"</i>	Pulaski County Chancery Court, Judge Collins Kilgore, dismisses the case without a trial (after the General Assembly changed the system of funding public education to a per-student method in Acts 916 and 917 of 1995, and after the passage of Amendment 74 in 1995).
March 2000 <i>"Lake View II"</i>	On the school districts' appeal of the 1998 chancery court decision, the Arkansas Supreme Court reverses the chancery court and holds that the chancery court should conduct a trial to determine whether the actions of the General Assembly and the effect of the Amendment 74 have corrected the disparities in funding.
May 2001	Pulaski County Chancery Court, Judge Collins Kilgore, finds the Arkansas school funding system to be constitutionally inequitable and inadequate.
November 2002 <i>"Lake View III"</i>	On the state's appeal of the 2001 chancery court decision, the Arkansas Supreme Court holds that the public school funding system is unconstitutional but delays issuing its mandate until January 1, 2004, to allow the General Assembly time to address the court's findings. The court identifies the following as reasons for constitutional deficiency: <ol style="list-style-type: none"><li>(1) Department of Education's failure to conduct an adequacy study or to define adequacy;</li><li>(2) "Abysmal" Arkansas educational rankings;</li><li>(3) Low benchmark scores;</li><li>(4) Need for Arkansas student remediation in college;</li><li>(5) Teacher salaries not comparable to surrounding states;</li><li>(6) Disparities in teacher salaries within the state;</li><li>(7) Recruitment and retention of quality teachers;</li><li>(8) Special needs of poverty level students, including English-language learners;</li><li>(9) Needs of school districts in low-income areas (for improved and advanced curriculum, quality teachers, and adequate facilities, supplies, and equipment); and</li></ol>

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<sup>1</sup> *Lake View Sch. Dist. No. 25 of Phillips County v. Huckabee*, 370 Ark. 139, \_\_ S.W.3d \_\_ (2007).

(10) Needs of school districts in high enrollment growth areas.

The court finds that it is the state's responsibility to:

- (1) Define adequacy;
- (2) Assess, evaluate and monitor the entire spectrum of public education; and
- (3) Know how state revenues are spent and whether true equality in education is being achieved.

January 2004	(1) January 1, 2004, Arkansas Supreme Court issues its mandate. (2) January 22, 2004, court recalls its mandate on the motion of Lake View School District and orders parties to file responses and briefs.
February 2004	Arkansas Supreme Court appoints Special Masters and maintains jurisdiction of the case.
April 2004	The Special Masters file their Report.
June 2004	Arkansas Supreme Court releases jurisdiction and issues its mandate, holding that some deficiencies still needed to be addressed, but that the General Assembly adequately addressed the issue of unconstitutional disparity in teacher pay.  The court also finds that “substantially equal” educational opportunity to all school children does not require identical curricula, facilities, and equipment in all school districts
April/May 2005	Intervenor School Districts (Rogers, Little Rock) and Barton-Lexa (successor to Lake View) file a Motion to Recall Mandate, and the Arkansas Supreme Court permits oral arguments on the motion.
June 2005	Arkansas Supreme Court recalls its mandate and reappoints the Special Masters.
October 2005	The Special Masters file their Report.
December 2005	Arkansas Supreme Court holds that General Assembly inaction with respect to determining public education funding needs violated constitutional school funding requirements, but stays it's mandate until December 1, 2006 to allow General Assembly and Department of Education time to correct constitutional deficiencies in public school funding.  The court (in agreement with the Special Masters) finds: <ol style="list-style-type: none"><li>(1) The General Assembly did not comply with Act 57 (adequacy study for 2005-2006) - the "lynchpin for achieving adequacy in public education" - and thus retreated from its prior actions to comply with <i>Lake View III</i>;</li><li>(2) Education needs were not funded first;</li><li>(3) Foundation funding aid and categorical funding were based on funds</li></ol>

available not on what was needed, and that the General Assembly must immediately assess what is needed to fix funding levels for the current biennium;

- (4) School districts faced unfunded mandates;
- (5) Some school districts would be unable to meet the financial responsibility for the facilities partnership program, and the \$120 million appropriated for the biennium for facilities was not enough;
- (6) School districts do not receive equal funding when the state foundation funding aid formula assumes a 98% collection rate for the uniform rate of tax;
- (7) NSL funding calculations do not account for an increase or decrease in the average daily number of students; and
- (8) The funding formula does not address the economic stability of school districts that lose students.

November 2006	Intervenor School Districts (Rogers, Barton-Lexa, Little Rock, and Pulaski County Special School District) move the court to defer the issuance of the mandate and appoint special masters to evaluate whether the General Assembly (in the 2006 Special Session) and the Department of Education have cured the constitutional deficiencies referenced in the December 2005 opinion. The Arkansas Supreme Court requests that the Special Masters determine what actions have been taken by the General Assembly since the December 2005 opinion. The court defers the issuance of its mandate for 180 days.
February 2007	The Joint Report of the Parties is filed setting out the actions of the General Assembly and expressing the agreement of the parties on many of the issues.
March/April 2007	The Special Masters file their Interim Report and Final Report.
May 2007	Arkansas Supreme Court adopts the Special Masters' Interim Report and Final Report, declares the Arkansas public school funding system constitutional, and issues its mandate.