

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H1/24/03 S1/30/03

A Bill

Act 94 of 2003
HOUSE BILL 1115

5 By: Representatives C. Johnson, Seawel, Mahony, *White*
6 By: Senator Argue
7

For An Act To Be Entitled

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9
10 AN ACT TO CREATE THE JOINT COMMITTEE ON
11 EDUCATIONAL ADEQUACY; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO CREATE THE JOINT COMMITTEE ON
15 EDUCATIONAL ADEQUACY.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. The 84th General Assembly recognizes the mandate of the
21 Arkansas Supreme Court to conduct an adequacy study. The General Assembly
22 also recognizes no one study can fully define what is an adequate, efficient,
23 and equitable education. The General Assembly further recognizes that, while
24 any study performed is an integral component towards satisfying the
25 requirements imposed by the Supreme Court's decision in Lake View, the
26 General Assembly is ultimately responsible for making the final determination
27 of what satisfies the constitutional requirements.
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29 SECTION 2. (a) There is created a legislative committee to be known
30 as the "Joint Committee on Educational Adequacy".

31 (b) The committee shall consist of eleven (11) members as follows:

32 (1) Five (5) members of the Senate as follows:

33 (A) One (1) member who shall be the Chair of the Senate
34 Committee on Education;

35 (B) Two (2) members of the Senate Committee on Education
36 to be appointed by the Chair of the Senate Committee on Education; and



1 (C) Two (2) members of the Senate to be appointed by the
2 President Pro Tempore of the Senate;

3 (2) Five (5) members of the House of Representatives as follows:

4 (A) One (1) member who shall be the Chair of the House
5 Committee on Education;

6 (B) Two (2) members of the House Committee on Education to
7 be appointed by the Chair of the House Committee on Education; and

8 (C) Two (2) members of the House of Representatives to be
9 appointed by the Speaker of the House of Representatives; and

10 (3) The Director of the Department of Education who shall serve
11 as a nonvoting ex-officio member.

12 (c) The Chair of the Senate Committee on Education and the Chair of
13 the House Committee on Education shall serve as co-chairs of the committee.

14 (d) If a vacancy occurs in an appointed position for any reason, the
15 vacancy shall be filled in the same manner as the original appointment.

16 (e)(1) The committee shall meet upon call of either or both of the co-
17 chairs of the committee.

18 (2) Six (6) members of the committee shall constitute a quorum
19 for the purpose of transacting business.

20 (3) A quorum is required for any action of the committee.

21 (f) The committee shall:

22 (1) Review the opinion of the Arkansas Supreme Court in the
23 matter of Lake View School District No. 25 of Phillips County, Arkansas, et
24 al., vs. Governor Mike Huckabee, et al. issued on November 21, 2002, and use
25 the opinion and other legal precedent cited by the court in the committee's
26 deliberations;

27 (2) Recommend what constitutes an adequate education in
28 Arkansas;

29 (3) Recommend a method of providing equality of educational
30 opportunity, which must include as basic components substantially equal
31 curricula, substantially equal teacher salaries, substantially equal
32 facilities, and substantially equal equipment for obtaining an adequate
33 education;

34 (4) Recommend the costs of an adequate education for all
35 students in Arkansas, taking into account cost of living variances,
36 diseconomies of scale, transportation variability, demographics, school

1 districts with a disproportionate number of students who are economically
2 disadvantaged or have educational disabilities, and other factors as deemed
3 relevant;

4 (5) Recommend the amount of per student expenditure necessary to
5 provide an equal educational opportunity and the amount of state funds to be
6 provided to school districts, based upon the cost of an adequate education as
7 recommended in subdivision (f)(4) of this section, and a method of monitoring
8 the expenditures and distributing the state funds; and

9 (6) Recommend a system or method to assess, evaluate, and
10 monitor the entire spectrum of public education across the state to determine
11 whether equal educational opportunity for an adequate education is being
12 substantially afforded to Arkansas' school children.

13 (g)(1)(A) The committee shall report its findings and recommendations
14 to the President Pro Tempore of the Senate, the Speaker of the House of
15 Representatives, and the Governor no later than July 1, 2003.

16 (B) Upon motion of the committee and approval by a quorum
17 of the committee, the July 1, 2003 report date may be extended for a period
18 not to exceed sixty (60) days.

19 (2) The report shall include for each recommendation, proposed
20 implementation schedules with timelines, specific steps, agencies and persons
21 responsible, and resources needed.

22 (3) Where feasible, all plans, measures, and initiatives shall
23 be proposed as recommendations for legislation or regulation.

24 (h) The Department of Education, the Department of Workforce
25 Education, and the Department of Higher Education shall provide the committee
26 with assistance as requested by the committee.

27 (i) The Attorney General is requested to provide assistance to the
28 committee as needed.

29 (j)(1) The committee may hire or contract with individuals or
30 entities, both within the state or from out-of-state, for the purpose of
31 obtaining staff or otherwise performing the duties of the committee to the
32 extent funding is appropriated and available for that purpose.

33 (2) The Bureau of Legislative Research of the Legislative
34 Council shall furnish reasonable staff assistance to the committee as may be
35 requested by the committee.

36 (k)(1) The committee may function during the interim between regular

1 or special sessions of the General Assembly, while the General Assembly is in
2 session, and while the General Assembly is in recess.

3 (2) If the committee meets at a time when the General Assembly
4 is not in session, the legislative members of the committee shall be entitled
5 to per diem and mileage reimbursement at the rate as for attending meetings
6 of the Legislative Council and the per diem or mileage reimbursement shall be
7 paid from funds appropriated for the payment of per diem and mileage for
8 attendance at meetings of interim committees of the House of Representatives
9 and Senate.

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11 SECTION 3. This act shall expire on December 31, 2003.

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13 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
15 ruled that the current system of education in Arkansas is inadequate and
16 inequitable, and has instructed the General Assembly to define what is
17 necessary to provide an adequate and equitable education for the children of
18 Arkansas-forthwith. A committee must be formed to determine what constitutes
19 an adequate education in Arkansas in sufficient time for the General Assembly
20 to take action before the termination of the court's stay. Therefore, an
21 emergency is declared to exist and this act being immediately necessary for
22 the preservation of the public peace, health, and safety shall become
23 effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

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31 */s/ C. Johnson*

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34 **APPROVED: 2/10/2003**