

# Education Reform in Arkansas: Past and Present

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## **Why Do We Still Need Reform?**

Arkansans have never had a reputation for being among the nation's educational elite. Some attribute this to dark periods in the state's education past, such as the September day in 1957 when the "Little Rock Nine" were escorted into school by federal troops amid mob threats and adult jeers. Others cite the fact that southerners just don't talk the same as their friends on America's left and right coasts.

Whatever the reasons, today's reality is that, despite decades of effort and some noteworthy recent gains, Arkansans remain "under-educated" compared to their peers around the nation. The 2000 Census found that fewer than 17 percent of the state's adults (age twenty-five and older) had bachelor's degrees. Only West Virginia could claim a lower percentage. While policymakers earnestly discuss the need to prepare all of our students for college-level work, four out of five Arkansas voters and taxpayers do not themselves possess college degrees. Many may not share the same sense of urgency about the priority that education should com-

Table 1. How Does Arkansas Compare?

	<i>Arkansas</i>	<i>U.S.</i>	<i>AR Rank</i>
<i>Adult Attainment Measures</i>			
Percent of population (age 25+) with high school diploma, 2000	75.3%	83.6%	46 of 51
Percent of population (age 25+) with bachelor's degree, 2000	16.7%	24.4%	50 of 51
<i>NAEP Exams, Percent Proficient</i>			
Reading Grade 4, 2005	30%	30%	29 of 51
Reading Grade 8, 2005	26%	29%	37 of 51
Math Grade 4, 2005	34%	35%	33 of 51
Math Grade 8, 2005	22%	28%	41 of 51
Writing Grade 4, 2002	19%	27%	33 of 44
Writing Grade 8, 2002	19%	30%	36 of 42
<i>High School Outcome Measures</i>			
Graduation Rate, 2002	72%	71%	28 of 50
ACT Composite Score, 2005	20.3	20.9	40 of 50
ACT Math Score, 2005	19.6	20.7	43 of 50

mand. This creates one of the greatest challenges facing state leaders and policymakers.

Our students have shown improvement in recent years, but Arkansas, like many rural southern states, continues to rank near the bottom on America's main indices of educational attainment: National Assessment scores, college entrance exam scores, and high-school graduation and college matriculation rates. The results of the spring 2005 administration of the ACT college entrance exam, for example, placed Arkansas 40th among 50 states. Similarly, the most recent administrations of National Assessment exams found Arkansas in the middle tier for elementary students and in the bottom tier for middle school students, ranking anywhere from 29th to 41st.

Despite some recent successes on in-state assessments and

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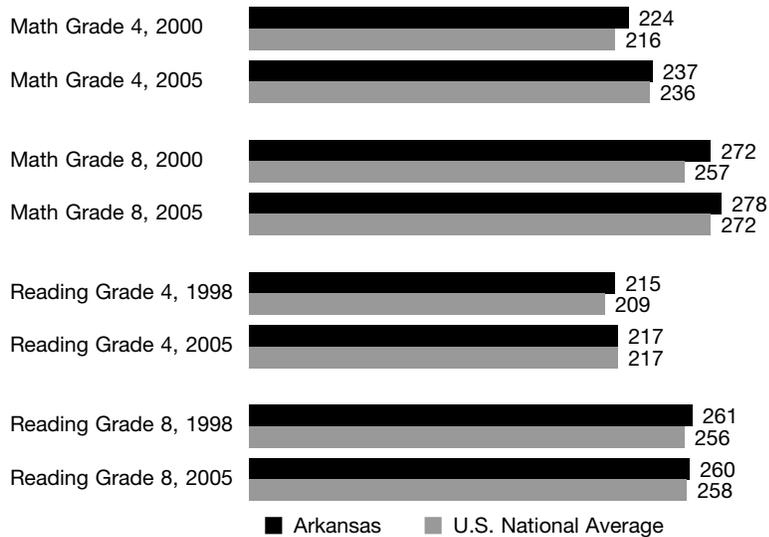


Fig. 1 National Assessment of Educational Progress (NAEP), Average Scaled Scores, Arkansas and the United States

Advanced Placement exams, results from the national benchmark NAEP exam make clear how far we still have to go. While the 2005 NAEP results reveal the good news that our state's fourth graders have essentially "caught up" to the national average in reading and math, the results also highlight persistent problems in serving middle school students and minority youngsters. In eighth grade math, for example, the state continues to rank in the bottom quintile as only 22 percent of our students scored at or above NAEP's "proficient" level; worse yet, only 4 percent of Arkansas' black students met this standard.

Given these concerns, cries for reform should come as no surprise, particularly in light of the catalyst provided by the state's *Lake View* litigation.

### ***Lake View: Catalyst for Reform***

In Arkansas, as in more than forty other states, the school finance system has been challenged in court by disgruntled districts. Here as elsewhere, the plaintiffs argue that the state is remiss in its constitutional duty to provide an equitable and adequate system of public schooling to all students. In approximately half of these cases, including Arkansas, the courts have found in favor of the litigants and demanded changes in funding systems. Thus Arkansas policymakers now live under a “constitutional mandate” to reform the state’s system of public schools.

The series of lawsuits, appeals, and court orders known as *Lake View* began in 1992 when plaintiff districts sued over disparities in state funding. In 1994, a lower-court judge found the school funding system unconstitutionally inequitable. After further turnings of the wheel, a definitive ruling came in 2001, when Chancery Court Judge Collins Kilgore declared that Arkansas had failed to fulfill its constitutional obligation to provide a “general, suitable and efficient system of free public schools.” A November 2002 Supreme Court ruling substantially upheld the Kilgore ruling, made clear that the legislature bore fiduciary responsibility for public education, and gave lawmakers until January 1, 2004, to improve the system. The court’s indictment of the state’s school funding system cited multiple shortcomings, including district-to-district disparities in teacher salaries, dramatic differences in the breadth and quality of curricula and the condition of school facilities, and starkly uneven per pupil expenditures.

Importantly, Arkansas judges borrowed the definition of “efficiency” used by Kentucky’s courts, namely “substantial uniformity, substantial equality of financial resources and substantial equal educational opportunity for all students.” Known as the “Rose” standards (after the 1989 Kentucky school funding law-

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suit), the seven capacities that an efficient system of education is expected to provide were defined thusly:

- (i) sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization;
- (ii) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices;
- (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;
- (iv) sufficient self knowledge and knowledge of his or her mental and physical wellness;
- (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;
- (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and
- (vii) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.

The Arkansas court not only found the existing K–12 system wanting on multiple levels but, in invoking the Rose standards, actually framed the essential outcomes that an “adequate, efficient, suitable” school system would produce in and for the state’s children. This plainly demanded that policymakers contemplate far-reaching, system-wide changes in addition to greater and more equitably distributed resources.

Governor Mike Huckabee summoned lawmakers to action in his opening address before the 2003 legislative session. To his credit, the governor didn’t try to evade the judicial mandate or

rail against the courts for usurping the prerogatives of the executive and legislative branches. Whatever he may have thought or preferred, this handwriting was now clearly on the statehouse wall and the governor chose to commit himself to action.

In his “State of the State” address, Huckabee noted that many of his predecessors had made great pronouncements on education reform that had led to little. He quoted seven gubernatorial inaugural addresses since 1923, including Bill Clinton’s lofty assertions of 1983, then drew this sharp conclusion:

Every legislative session, every decade, every governor, every General Assembly gathers just as we have, and they talk about their constitutional responsibility to provide the kind of education that our Constitution says we must provide. And minor changes are made. And people go home having congratulated themselves for minor adjustments to a system that for 100 years at least every single governor and legislator has said is broken.

The governor then called upon the legislature to, “join me in not being another footnote in the pages of Arkansas history. . . . [W]e’ll continue to lose until we finally . . . fulfill the constitutional mandate for an adequate, efficient, suitable, equitable education for every single boy and girl in this state.”

### **The Legislative Response**

The Arkansas legislature—which meets every other year—had its first opportunity to respond to the Supreme Court’s mandate when it convened for the 2003 session.

Governor Huckabee opened with a proposal for far-reaching school consolidation, arguing that this would yield the efficiency necessary to comply with the court’s ruling. However, the contentious debate over consolidation so divided the state’s policymakers that, by the end of the 2003 regular session, the legislature

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had failed not only to resolve that issue but also to address the school funding challenges.

With the court deadline looming, Governor Huckabee convened a special session of the legislature on December 8, 2003 and laid four issues before it.

- (i) restructure or consolidate smaller districts,
- (ii) increase school accountability for student performance,
- (iii) revise the existing school funding formula, and
- (iv) raise the revenue to pay for these reforms.

The central tenet of the *Lake View* ruling was equitable and adequate funding. All Arkansas districts, regardless of size, demographics or location, were obligated to provide equivalent and adequate educational opportunities, teacher salaries, and school facilities. In response, lawmakers passed Act 59 which established that school funding would be determined by attendance during the previous year and provided both base funding for essential needs and supplemental resources for specialized needs. For 2004–5, base funding was set at \$5,400 per student, with districts to receive additional resources for various categories of disadvantaged students, including low-income students, English-language learners, and those in alternative secondary school programs.

Moreover, funding for teacher professional development was set at \$50 per student and districts were required to pay higher minimum base salaries (\$27,500 for a new bachelor's degree holder, \$31,625 for a new teacher holding a master's degree). Overall, the implementation of Act 59 was projected to require \$438 million more (though an outside study had concluded in 2003 that a fully adequate system would cost the state nearly twice that much).

Overcoming its reluctance to raise taxes, the legislature devised a three-part package intended to raise at least \$417 mil-

lion more. The state sales tax rate of 5.125 percent was increased to 6.0 percent, some services were subjected to taxation for the first time, and the corporate franchise tax was increased.

The total state appropriation for elementary-secondary education in 2003–2004 had been \$1.84 billion; thanks to the new tax dollars and other appropriations, the 2004–5 budget was \$2.29 billion. That represented an increased state commitment of more than 24 percent in a single year. According to Senator Jim Argue, chair of the joint education sub-committee, the legislature has added over \$650 million in new dollars over the past two years. After the conclusion of the special session in June 2004, the Supreme Court signaled its satisfaction by removing itself from a direct supervisory role, declaring the *Lake View* case closed, and turning matters over to the legislature.

The saga did not, however, end there. In the 2005 session, lawmakers devoted much attention (and some resources) to school facilities and teacher health insurance, but left the per pupil foundation amount at \$5,400 for the 2005–6 school year. This so angered some educators that forty-nine districts appealed to the Supreme Court to re-open the lawsuit. By a 4-3 vote, the judges agreed in early June 2005 to do so (the court was so fractured, however, that every justice wrote his/her own opinion) and reappointed two “special masters”—who a year earlier had advised the court to give the legislative changes time to bear fruit—to look into the matter once again and advise the court by October 2005.

Their eighty-three-page report reads like it could have been written by the plaintiffs and concludes that state lawmakers had essentially fallen asleep at the wheel. The main point of contention was, in fact, the unchanged foundation amount. The masters maintained that the legislature had set the \$5,400 level for only one year, and subsequent years would require additional funding to counter inflation and handle increased teacher salaries. With a

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\$100 million surplus remaining in state coffers at the end of fiscal 2005, the unchanged school-funding level generated even more anger among the plaintiffs.

As I write, the ball is back in the Supreme Court's hands. Perhaps the court will review the masters' report, encourage the allocation of some resources to increase the base by a reasonable level that accounts for inflation, and encourage the legislature to set up a process that all parties can accept by which each year's foundation amount will be decided. Such a result may allow the state to refocus its attention from dollars to how best to deploy these resources to ensure that all students in Arkansas actually learn more in the years to come.

Meanwhile, the work of school reform marches on in numerous areas, four of which are considered in this volume.

### Recent Reforms

#### Standards and Curricula

In the 1980s, as Americans focused on the message of *A Nation at Risk*, Arkansas awakened to the idea that it needed to strengthen its education system and boost its students' performance. The reform era opened with sundry initiatives by then-Governor Bill Clinton (and first lady Hillary Rodham Clinton), including initial efforts to set standards, test teachers, and focus on school leadership.

In hindsight, however, just about all of those high-profile moves were cosmetic, superficial endeavors that didn't begin to tackle the underlying problems and were quickly weakened or undone. For example, the state's first set of statewide curricular standards—called course content guides—were developed in the 1980s but rapidly proved to be inadequate.

In the early 1990s, the state moved from course content

guides to today's system of curricular frameworks, which were gradually phased in by the State Board of Education based on the advice of a curriculum task force. These frameworks are now in their second and third incarnations for the various discipline areas and, in some subjects, are still in need of work. For example, recent revisions of math and English language-arts frameworks, reviewed later in this volume, do provide grade-specific standards, but the science and social studies frameworks are still organized by grade clusters, which are far less helpful to teachers in the classroom. (This is to be changed in the third incarnation of these frameworks, occurring over the next two years.)

In 1999, the standards issue was again tackled by lawmakers with the passage of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP). This measure required that all public school students demonstrate proficiency in core academic subjects on standardized assessments aligned with the state standards. Today, the state has published frameworks in seven areas (consolidated from ten). But in recent years these have earned low marks from external reviewers such as *Education Week* and the Thomas B. Fordham Foundation. In the *Education Week* ratings, which employ a composite grade to rate each state on its overall system of standards and accountability, the Arkansas grade has ranged from a D to a B-, placing it in the lower half of all states.

While such external reviews understandably concern policymakers, there are also some bright signs to be noted. Recent iterations of English (2003) and math (2004) standards appear to be improved. Moreover, the state takes some justifiable pride in its "Smart Core" curriculum, a set of college-prep course requirements that became the "default" curriculum for the seventh-grade class of 2004-5. A recent report by Achieve, Inc. praised Arkansas as one of only three states that automatically enroll students

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in a rigorous curriculum of college- and work-preparatory courses in both math and science.

### Assessment and Accountability

The 1999 ACTAAP legislation signaled Arkansas' entry into the national school accountability movement. Upon its passage, the state embarked upon the development of criterion-referenced "benchmark" assessments in math and English language-arts in grades 4, 6, and 8. As of the 2004–5 school year, these exams were also administered to all students in grades 3, 5, and 7 in compliance with the federal No Child Left Behind Act. Recent legislation driven by state business leaders also mandates a national norm-referenced exam (currently the Iowa Test of Basic Skills) for all students in grades 3 through 9 so that the progress of Arkansas students can be compared with that of their peers around the country.

Alongside these assessments is a growing accountability structure. During the 2003 legislative session, despite their focus on the school consolidation dispute, lawmakers passed an important measure known as the "Omnibus Act" that created the framework for the state education department to develop accreditation standards in conformity with NCLB and gave that agency the teeth to intervene in schools and districts not meeting standards. Additional legislation that year required that all schools be rated in three areas: current student test scores, growth in student test scores, and financial management.

Overall, though the testing system remains cumbersome and contentious, Arkansas has made an effort to be conscientious in defining "proficiency," in setting its NCLB "cut-scores" for gauging adequate yearly progress, and in evenly spacing the requisite gains to meet NCLB's fourteen-year period goal rather than back-

loading them until late in that timeframe. Nor has the state sought a flock of waivers or exceptions from Washington.

As it continues to reconstruct its testing systems, reconciling the competing demands of NCLB, norm-based testing, criterion-referenced testing, end-of-course exams and other assessments, Arkansas will have the opportunity to think afresh about powerful options such as computer-based testing and value-added analysis.

### Structure and Governance

Here the main engine of change has been Governor Huckabee's drive to consolidate tiny rural districts in the name of "efficiency."

Two months after the Supreme Court handed down its November 2002 indictment of the state's schools, the governor opened the 2003 session with a proposal for far-reaching school consolidation. His original plan called for consolidation of school districts with fewer than 1,500 students and would have reduced the number of districts from 310 to 116. This proposal caused much consternation and no consolidation legislation was passed during the 2003 regular session.

The debate centered on the question of how large a district needed to be to maintain a baseline of educational adequacy and fiscal efficiency. During the special legislative session of 2003–4, a compromise bar was set at a minimum enrollment of 350 students district-wide. While Huckabee maintained this was too low, he allowed the measure to become law without his signature. Since that time, the number of school districts in Arkansas has decreased from 308 to 252 as of August 2005. This tale, however, is far from over.

Legislators also tinkered with the Arkansas charter school law in 2005. While the state still has a weak charter law, the recent amendments double the existing cap on open-enrollment charters

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to twenty-four statewide and raise the maximum term for charter authorization from three to five years. Additionally, the success of the KIPP (Knowledge is Power Program) Delta College Preparatory School in Helena led policymakers to exempt KIPP schools from the charter cap. The state can now charter as many KIPP schools as it wants.

Beyond charters, however, there are few “choice” opportunities in the state, which will pose a problem for students hoping to transfer out of schools that fail to make “adequate yearly progress” in the years to come.

### Teachers

Teachers and teacher recruitment in Arkansas made national headlines in the 1980s. In an attempt to ensure the quality of teachers in Arkansas classrooms, then-Governor Bill Clinton pushed through an education reform plan in 1983 and famously appointed his wife, Hillary Rodham Clinton, to lead the effort. The plan included raises for teachers, new taxes to pay for them, and mandatory competency tests for both new and working teachers. When the teachers were finally required to sit for the National Teachers Examination two years later, reports emerged that more than one-third of the teachers in parts of the state failed to earn a passing score. Because of the potential political fallout, as many tell the story, the cutoff score was quietly lowered so that fewer than ten percent actually failed—and many of those teachers retained their jobs after retaking the exam. In the end, the plan generated a great deal of controversy but not much change in the state’s teaching corps.

Today, Arkansas trains, recruits, and pays its teachers in much the same way as do most other states. Most teachers in the state emerge from the seventeen NCATE-accredited institutions of teacher training. Due to the NCLB mandate, new teachers must

show subject-area competency by passing a rigorous test or earning an academic major in the core academic area taught. However, the requirements for subject-area competency for experienced teachers are less well-defined. In Arkansas, they can be deemed “highly qualified” in various ways, including having more than five years of experience or obtaining ninety hours of Professional Development credit. These requirements may be too lax. For example, the December 2003 Education Trust report—*Telling the Whole Truth (or Not) About Highly Qualified Teachers*—suggests that many states are over-reporting the numbers of highly qualified teachers. Arkansas was highlighted as a suspect state because it reported having highly qualified teachers staffing 97 percent of its schools and 97 percent of its high-poverty classrooms.

While many have voiced concern over a teaching shortage in Arkansas, the problem is perhaps better described as a distribution problem. In other words, teachers are concentrated in some areas and subjects, while there remains a dearth of teachers in low-income, high-minority schools and in certain fields, such as math and science. In fact, a recent survey of Arkansas superintendents suggests that administrators have little difficulty finding qualified elementary school teachers but find it very difficult to track down qualified math or science teachers.

Faced with such distribution challenges, the Arkansas Department of Education (ADE) has had to allow more teachers to teach out-of-field. In the 2004–5 school year, the department received out-of-field waiver requests from 249 teachers in sixty-nine districts. More than half of these requests were for teachers of core subjects (e.g., math, science, language, social studies) who were not trained in those areas.

Other than simply waiving requirements, how else have Arkansas policymakers dealt with these challenges? As mentioned earlier, the court-mandated strategy has been simply to

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increase minimum teacher salaries so that compensation in Arkansas remains competitive with surrounding states to stave off the possibility of Arkansas teachers defecting across the border for better pay.

Of course, there are many innovative strategies that could be tried for attracting and retaining good teachers, such as alternative certification or merit pay for teachers in areas of great need. The state does offer an alternative licensure program: the NTLP, or Non-Traditional Licensure Program, through which bachelor's degree holders can work toward a teaching license while employed as classroom teachers. The program extends over a two-year period and involves assessment, teaching, and portfolio development, as well as summer and weekend instructional modules. There are approximately 30,000 teachers in Arkansas schools; currently, there are 500 participants in the first year of the two-year NTLP program. To date, it must be said, alternatively licensed teachers have not played a major role in the state's teaching force.

There have been no statewide ventures in merit pay at the individual teacher level, although there have been interesting local attempts. Most recently, an elementary school in Little Rock incorporated a pay-for-performance plan in which teachers received bonuses—funded by an outside donor—for student gains on standardized assessments during the 2004–5 school year. In 2005–6, an additional Little Rock school is taking part, with bonuses now funded by the school district. It is not yet clear whether the bonuses led to improved student performance for the school, but as the program grows more data will become available and researchers will be able to appraise its effectiveness.

### Conclusion

School reform in Arkansas has few dull days. Despite the many ups and downs, there is good reason for optimism. In reaction to the Supreme Court's mandate to mend an unconstitutional funding system, Arkansas policymakers took a proactive stance. While those in other states have dug in their heels and resisted court-mandated reform, Arkansas leaders seized the opportunity to enact broad changes.

During the 2003 legislative session, lawmakers were willing to compromise on district consolidation, educators compromised on testing and accountability, and business leaders agreed to support increased spending in accordance with these reforms. After long, argumentative sessions in 2003 and 2004, legislators emerged justifiably proud of the reforms that were passed into law with respect to school funding, school organization and governance, and assessment and accountability.

When the 2004–5 school year began, students were attending much more generously-funded schools. The state boosted K–12 education spending by almost 30 percent and, on average, schools had an additional \$1,000 per pupil in state dollars. After further increases before the 2005–6 school year, the additional annual education funding from the state had reached nearly \$650 million.

Arkansas has made a good faith effort to revitalize its elementary-secondary education system by providing needed resources and encouraging efficiencies and reforms in several areas. All that remains—for the educators around the state—is the formidable task of figuring out how best to use the resources so that all schools can succeed and all children can learn. In the chapters that follow, our guests from the Koret Task Force offer their ideas on the steps Arkansas still needs to take.