

Chalkboard

By

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This is an appeal from the final order of the Pulaski County Chancery Court entered May 25, 2001, which concluded that the current school-funding system is unconstitutional under the Education Article (Article 14, § 1) and the Equality provisions (Article 2, §§ 2, 3, and 18) of the Arkansas Constitution. The trial court also awarded counsel for Lake View School District No. 25 and the resulting class total attorneys' fees in the amount of \$9,338,035. We affirm the trial court's order regarding the unconstitutionality of the public school-funding system but reverse its finding relative to excess debt service as a credit against each school district's uniform rate of 25 mill. We affirm the grant of attorneys' fees but modify the amount to an award of \$3,088,050, plus costs in the amount of \$309,000.

Thus speaks the Arkansas Supreme Court in what constitutes a mandated green light to educational reform in Arkansas Public Schools. Thus I also begin a series of **Chalk Board** articles that will examine the issues as they relate to the Gentry Public School District.

On August 19, 1992, at a time when I had served as your school's superintendent for approximately one month, a small school district in Phillips County sued various officials of the State of Arkansas claiming that the means in which schools were funded was unconstitutional according to both the national and state constitution. Two years later then chancery judge Annabelle Clinton Imber, who now sits on the Arkansas Supreme Court, ruled that the funding formula did not violate the United States Constitution but did violate parts of the Arkansas State Constitution. Judge Imber stayed, or put on hold, her order for two years allowing the Arkansas Legislature an opportunity to address the areas she had noted. From the 1995 session a new funding system was created. In addition, on November 5, 1996, Arkansas voters approved an amendment to the Arkansas State Constitution. This Amendment 74 "fixed a uniform rate of 25 mills for each school district as the *ad valorem* property tax rate for the maintenance and operation of the public schools and permitted increases in the uniform millage rate as 'variances' to enhance public education." Restated, each school district was required to have a local minimum tax rate of 25 mills for Maintenance and Operation of the school but could vote additional mills at

the wish of the voters in each individual school district. The 1997 legislative session saw additional laws passed expanding and clarifying those of the 1995 session.

In 1998 Judge R. Collins Kilgore rejected a proposed settlement to the case noting that the laws passed in the 1995 and 1997 sessions made the issues of the case moot, as laws passed by the legislature were inherently constitutional. This was appealed to the Arkansas Supreme Court who reversed Judge Kilgore's ruling and who set a trial to determine if the state was now in compliance with the Arkansas Constitution. Prior to the 2000 compliance trial, the General Assembly also enacted Act 999 of 1999 that established the Arkansas Comprehensive Testing Assessment and Accountability Program (ACTAAP) to assess and evaluate academic progress and performance in the public schools with an emphasis on reading and writing, literacy, and mathematics from the earliest grades.

Also prior to the 2000 trial the Rogers and Bentonville school districts entered the fray as cross-complainants declaring that the school funding system was not only inequitable but also "constitutionally inadequate".

At the conclusion of the trial on May 21, 2001, Judge Kilgore declared the current school-funding system to be unconstitutionally inequitable and inadequate. By the end of June 2001 both sides, the State and the Lake View School District, had appealed Judge Kilgore's ruling to the Arkansas Supreme Court. Their ruling, with which I opened this current ***Chalk Board***, was issued approximately two weeks ago.

Next week's ***Chalk Board*** will examine the reasons the highest court in the state determined the current funding system to be inequitable.