

# Public Schools in Arkansas

*This chapter will explain the concept of education as a partnership and also review the basic organization of the education structure in Arkansas, the sources of authority, and the general scope of state and local responsibilities.*

*Terms in this chapter include:*

- ADE** - the Arkansas Department of Education, which is the administrative agency that carries out the state's education laws and the policies of the State Board of Education.
- equity** - the right to treatment without discrimination on the basis of race, religion, color, creed, national origin, sex, handicap, lifestyle, or age. Within the education arena, equity means that children are to be treated fairly by receiving services according to their individual needs and strengths.
- ex officio** - literally meaning "by virtue of one's office," the term refers to the practice that allows a member of an official group, such as a school board, to designate someone to fill a certain role at the group's request. For example, a superintendent might serve as a board's *ex officio* financial officer.
- lawsuit** - a legal action between persons or organizations in a court of law where one party seeks justice from the other as determined by a judge or jury.
- school board** - the local legislative unit of school district governance, charged with operating the district according to the mandates of laws and regulations.
- school district** - a defined geographic and governmental area, overseen by a locally elected school board and managed by a superintendent, in which the public schools serve students who either live within the area's borders or enroll through school choice or a legal transfer from a different school district.
- State Board of Education** - serves as the regulatory body for public elementary and secondary education throughout Arkansas.
- statutes** - laws that are created by state or federal legislation.

## Partners for Progress

In the early 1980s, a national commission warned that the United States was a nation at risk of failing to adequately educate its youth to take a productive place in American society and the growing global economy. Since that time, leaders at all levels of government, education, and business have devoted a great deal of attention and resources to revitalizing and retooling the public schools for success. Terms such as *school reform*, *school restructuring*, *equity*, and *accountability* have taken on new meaning and energy as the country has mobilized toward ensuring that every school delivers first-rate education for all students.

*Although our perspectives and affiliations may differ, all of us can commit to the goal of keeping children at the center of education.*

Federal legislation and initiatives, such as No Child Left Behind, have provided a powerful impetus to change the status quo, and individual states have launched sweeping reform measures. Arkansas continues to take bold steps to revamp public schools at all levels and in every area of the state so that all children, whatever their walk of life or abilities, have access to an equitable, high quality education.

Reaching consensus among leaders and legislators on how to proceed with reform is challenging, indeed. No single “right” way will ever emerge to magically transform our schools into outstanding institutions. Change is difficult and even frightening. Disagreements are inevitable, and resolving them sometimes involves resorting to lawsuits that lead to court rulings. In such an adversarial scenario, one side is usually viewed as winning and the other as losing, a “win-lose” tilt.

But when we embrace the concept of partnership, that is, *shared* responsibility and authority, we alter our thinking and our relationships to aim at a “win-win” balance. As partners, we share responsibility for reaching the goals we mutually embrace, and we use our collective authority for the benefit of all.

Although our perspectives and affiliations may differ, all of us can commit to the goal of keeping children at the center of education. By focusing on children, we’re more likely to work harmoniously and build on one another’s strengths to find workable—even creative—ways to meet the challenges we face. Through the power of collaboration, we can ensure that all Arkansans equitably share in our state’s education responsibilities *and* opportunities in a public school system that shines.

## **Education as a State and Local Partnership**

Maintaining and operating a school district is, in a very real sense, a partnership between the state as the parent and the local school district as the offspring. Throughout the nation, this arrangement has proved its merits: It keeps schools close to the people, stimulates wholesome and creative flexibility within schools, allows for adaptability to local needs, and promotes working toward equitable opportunity without imposing uniformity that could stifle creativity and experimentation.

The rest of this chapter is an overview of the complementary responsibilities the state and school districts share for operating a constitutional public school system.

## **State Responsibility and Governance**

The framers of the United States Constitution, recognizing the importance of autonomy among the states, didn’t specifically address public education.

Instead, the Tenth Amendment assigns responsibility for education to the states, rather than the federal government.

In Arkansas, responsibility for public education rests with the General Assembly, which is the combined bodies of the Senate and the House of Representatives. The Arkansas Constitution provides for taxes to support the schools and delegates operation and oversight of the education system to state agencies.

To carry out the state's constitutional mandate for free public education, the General Assembly created school districts and school boards. It also established the State Board of Education and the Arkansas Department of Education.

## **State Board of Education**

The State Board of Education serves as the regulatory and policy-making body for public elementary and secondary education. The board has nine members, all appointed to six-year terms by the governor.

The powers of the state board include:

- general supervision of the public schools.
- preparing and distributing plans and specifications for building and equipping schools.
- approving plans and expenditures for all new school buildings.
- setting accreditation standards and recommending courses of study for the public schools and for teacher training institutions.
- prescribing regulations for inspecting all buildings and for examining pupils to detect contagious diseases and certain physical defects.
- issuing licenses based on the credentials of applicants to teach in the public schools.

## **Arkansas Department of Education**

The Arkansas Department of Education (ADE) is the administrative agency that carries out the state's education laws and the policies of the state board. ADE's functions are regulatory, directive, interpretative, supervisory, and evaluative. The agency also conducts necessary research. The department doesn't make policy, but it is authorized to adopt the regulations, directives, and guidelines needed to carry out legislative mandates or state board policies.

Even though education is a state function, most of the day-to-day operation of schools is at the local level in geographic and governmental units known as school districts. Each of them is governed by a local school board elected by the people of that district. To qualify for school board membership in

Arkansas, a candidate must be a bona fide resident and a qualified elector of the district (and sometimes a specific zone) he or she wants to serve.

## Local Responsibility and Governance

From a legal perspective, an Arkansas school district is a minor political subdivision of the state. A school board is a locally elected body charged with operating the district. Thus, a school board is a legislative—not administrative—body. Its members are officials responsible for carrying out the mandates of the General Assembly. They must set the direction and establish the policies that will promote education quality, equity, and adequacy throughout the school system.

A school board has no powers except those that are specifically given to it by actions of the General Assembly or reasonably implied by legislative action. However, other factors influence the powers of local school boards:

- provisions of the Arkansas Constitution.
- statutes (laws) enacted by the General Assembly or the U.S. Congress.
- policies and standards adopted by the State Board of Education.
- regulations and directives of the Arkansas Department of Education.
- opinions and interpretations issued by the Arkansas Attorney General and the U.S. Department of Justice.
- court decrees.
- regulations and guidelines for using federal funds.

## Annual Reorganization

Once a year, every Arkansas school board organizes for the coming academic year by electing officers during its first official meeting after the annual school election. That election is held the third Tuesday in September, with any necessary run-off election three weeks later.

From its membership, each board chooses a president, a vice president, and a secretary. The secretary may be a member of the board but doesn't have to be. The board must also designate one of its members as the district's primary board disbursing officer. The signature of this individual and that of the superintendent must appear on all district checks or warrants, with few exceptions.

Each newly elected school board member is required, within 10 days after receiving notice of his or her election or appointment, to subscribe to the following oath:

I \_\_\_\_\_ do hereby solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will not be interested, directly or indirectly, in any contract made by the

district of which I am a director, except that said contract be for materials bought on open competitive bid and let to the lowest bidder and that I will faithfully discharge the duties as school director in \_\_\_\_\_ School District, Number \_\_\_\_\_ of \_\_\_\_\_ County, Arkansas, upon which I am about to enter.

This oath is a serious commitment to fairness and integrity in all business that comes before the board. Board members who violate the oath could be subject to civil or criminal charges either individually or as a group.