

Arkansas's Fight for Real Equity

Even as states made educational advances in recent years, they have often struggled to close achievement gaps between white students and students of color and between wealthier and poorer students. Arkansas is a state that has unquestionably made great strides in overall educational adequacy since the Arkansas Supreme Court made a stream of decisions known as the *Lake View* cases starting in 2002. By some measures, and particularly in the earliest grades, Arkansas's strategies have helped to close the achievement gap more than other states' efforts have. Still, major gaps remain. Arkansas's efforts to produce true educational equity in recent years is a story in which success produced by promising strategies mixes with frustrating inaction in key areas. Moving forward, new political forces have complicated the fight for educational equity in Arkansas, as the lessons of the *Lake View* era feel "back in the day" for a new generation of state policymakers.

The Lake View Era

In November 2002, the Arkansas Supreme Court affirmed most of the lower trial court ruling on the adequacy and equity of the state's school-funding scheme in the case of *Lake View School District No. 25 of Phillips County, Arkansas, et al. v. Governor Mike Huckabee, et al.* Obviously frustrated by ongoing state foot-dragging on the issue in the aftermath of previous court directives, the court clearly stated that the state had failed to live up to the equal-protection provisions of the state constitution, as well as its requirement that the state provide a "general, suitable, and efficient system of free public schools." As the court said in its conclusion, "No longer can the State operate on a 'hands-off' basis regarding how state money is spent in local school districts and what the effect of that spending is."

More than four years of legal and political hot potato ensued among two governors, the General Assembly, the

Supreme Court, and special court masters appointed to evaluate the state's progress in ensuring educational adequacy and equity. Nonetheless, major reforms occurred during this period: the prioritizing of educational spending over all other components of the state budget, significant funding increases, stronger targeting of state funds to high-needs schools including those schools with large percentages of students eligible for the National School Lunch Act (NSLA) program, and mandatory closure of all school districts with fewer than 350 students. At moments when the General Assembly wavered in its commitment, the Supreme Court stepped in and retook control of the case.

Following the 2007 regular session of the General Assembly—during which base funding increased beyond the amount deemed necessary for an adequate educate and \$456 million was appropriated to meet schools' facility needs—the Supreme Court declared the case complete in late May 2007: "[W]e are now able to direct the issuance of the mandate in this case due to the hard work of the Masters, the General Assembly, and the executive branch. This court, the people of Arkansas, and the generations to come are indebted to them for their commitment to education."

During the *Lake View* era, Arkansas took significant strides to improve the rigor of its curricular standards, improve teacher quality, and provide high-quality early childhood education (even though this last component was not mandated by the *Lake View* case). The US Department of Education recognized Arkansas for its leadership in implementing rigorous curricular standards, including requiring four years of math for high school students. Arkansas's teacher pay rose to as high as 32nd in the nation though it has since fallen to 44th (not taking cost of living into account) in the most recent data. Still, Arkansas's teacher pay rose more than that of all but 17 states between the start of the century and

Prodded by state court rulings and in efforts spearheaded by a succession of state leaders, Arkansas made notable, measurable progress in providing students an adequate and equitable education. It boosted standards, facilities funding, and teacher pay, and it expanded access to early childhood education. What will it take to close remaining achievement gaps for minority and poor students?

by Jay Barth

2012, according to the National Education Association.¹ *Education Week* applauded Arkansas for its policies to promote teacher quality. Finally, Arkansas invested in the Arkansas Better Chance (ABC) program—a distinctly high-quality program in the eyes of analysts of early childhood education that provides pre-kindergarten programs for three- and four-year-olds and is free to those from families with incomes under 200 percent of poverty.

The benefits of this increased attention and investment have clearly manifested themselves. Overall, from 2003 to 2013, Arkansas students dramatically improved their performance on the Nation's Report Card, the National Assessment of Educational Progress (NAEP), the Arkansas Benchmark Exam, and the ACT. Most impressive, Arkansas students moved from 26 percent proficient/advanced to 39 percent proficient/advanced on the NAEP fourth grade math assessment, nearing the national average of 42 percent. Arkansas has consistently improved its performance on NAEP since the Lake View era. Additionally, the average ACT score for Arkansas students grew from 17 in 2001 to 20.4 in the most recent data; moreover, 93 percent of Arkansas students take the ACT compared with 57 percent nationally, meaning that less self-selection is present in the Arkansas ACT data.

Moving from Adequacy to Equity

Thus, on both the input and output sides of the equation, the Lake View era helped Arkansas achieve an adequate public school system. However, as shown in a report by Keith Nitta and me in 2008, Arkansas lagged in addressing its racial and income achievement gaps.² Indeed, even as achievement gaps in other states closed, Arkansas's persisted. Our report identified a handful of strategies that research suggested as showing the greatest promise to narrow what remained large gaps:

- expanded investment in early childhood education;³
- ongoing commitment to improved facilities,⁴ challenging standards, and teacher quality;⁵
- new investments in high-quality out-of-school experiences,⁶ class-size reduction (CSR) programs in the earliest grades,⁷ school health clinics,⁸ and genuine parental engagement;⁹ and

- prioritization of those charter schools employing proven strategies for closing the achievement gap.¹⁰

Partly as a result of investment in a handful of the strategies discussed in that report, achievement gaps in Arkansas have been reduced across the board at the fourth grade level during the seven years since that report was published (table 1). The closing of achievement gaps at the youngest grades are even more pronounced when examining the 2013 Arkansas state benchmark exam: While 84.5 percent of white third graders could read proficiently, 77 percent of Latino students and 68 percent of African-American third graders could. This represents both a significant overall increase in performance in third-grade reading proficiency in recent years and a reduction of the achievement gaps by race and ethnicity.

At the eighth grade level, the changes are decidedly more mixed, with the race and poverty gaps actually expanding in mathematics. This suggests that, while the investments in pre-K and other programs that disproportionately affect younger children continue to show themselves to be a good investment, Arkansas must focus its energies on interventions that can limit the reemergence of achievement gaps in the middle school years and beyond, particularly in STEM-related fields.

Unfortunately, those focused on closing the achievement gap in Arkansas are spending a good deal of energy defending successful programs rather than implementing additional programs that have proven successful in closing the gap. (The exception is the education system's commitment to high-quality standards: Despite some grassroots opposition, Arkansas has remained committed to the Common Core and is moving forward on the Next Generation Science Standards.)

Most important, despite a series of longitudinal studies showing an array of cognitive and social benefits to participants in the program,¹¹ ABC funding for early education has been flat since reaching \$111 million per year in 2008. ABC serves about 38 percent of eligible children in the state. (When combined with the Head Start program, about 56 percent of eligible three- and four-year-olds receive high-quality pre-K in Arkansas.) The flat funding is beginning to affect providers, with closures of private

Table 1. NAEP Test Score Gaps (in test score points), **White versus African American and by Income**

	4 th Grade Reading Income Gap	4 th Grade Reading Racial Gap	4 th Grade Math Income Gap	4 th Grade Math Racial Gap	8 th Grade Reading Income Gap	8 th Grade Reading Racial Gap	8 th Grade Math Income Gap	8 th Grade Math Racial Gap
2007 Arkansas	27	31	20	28	22	30	22	28
2013 Arkansas	25	24	18	23	22	25	25	31
Change in gap out of 300 points	2	7	2	5	0	5	-3	-3

facilities beginning to rise. President Obama’s new federal pre-K initiative will result in new pre-K funding in the state, but it must be used to reach new students rather than boosting the \$4,860 per student now available through ABC.

The state’s categorical National School Lunch Act (NSLA) program was created during the *Lake View* era as a way to help high-poverty districts reduce the achievement gap. Indeed, the program’s funds may appropriately be spent by districts on a variety of interventions grounded in research: additional pre-K programming, class-size reduction, out-of-school programs, support for especially challenged students, and school-based health clinics. Over time, however, the list of appropriate uses of NSLA dollars has grown to include areas of expenditure that lack such a clear connection to closing the achievement gap (e.g., new technology). While a variety of legislative bodies, state consultants, and research groups have noted the problematic “lack of focus” with NSLA funds, no action has been taken to enhance the program’s efficacy.

The scattershot uses of NSLA dollars means that Arkansas lacks ongoing state funding for afterschool and summer school programs, class-size reduction strategies, or school-based health clinics. In 2011, the Positive Youth Development Act created the first state program for the operation of community-based, high-quality out-of-school programs. Unfortunately, the program—while ready to go—remains unfunded. While some class-size reduction strategies (including the engagement of paraprofessionals in classrooms) have been put in place through the NSLA program, no state program targets the lowest performing schools, as has been shown to work in other states. Through grant funding and

local expenditures, school-based health clinics have begun to emerge in significant numbers. However, they are disproportionately in schools with smaller numbers of at-risk students, with only a handful found in the poorer southern and eastern parts of the state.

Finally, disparities in property tax values in the state mean that gaps in teacher pay and school facilities are reemerging. First, while overall (and starting) teacher salaries have increased in the state over the last decade, districts with wealthier tax bases are investing increasing amounts of their funds in teacher pay and are advantaged in the race for high-quality teachers. The state Bureau of Legislative Research reports that 95 out of 239 districts had difficulty in recruiting high-quality teachers due to their scarcity; often these districts were left to rely on programs such as Teach for America and in using waivers to allow teachers to teach out of area. While teacher recruitment programs are being piloted in challenged districts, Arkansas has yet to find the key to pulling teachers to disproportionately high-needs areas. Second, while Arkansas made a major investment in school facilities during the *Lake View* era, those monies are beginning to run short, leaving districts with limited tax bases sharply disadvantaged when it comes to building and repair of physical facilities and, increasingly, when it comes to meeting emerging technology needs. In recent months, school broadband access has become a particularly intense political fight between those advocating for providing schools access to the state high-speed network (ARE-ON) and those arguing that a private provider model makes the most sense for the state.

While this story smacks of missed opportunities in terms of expanding and targeting those programs shown to have success in promoting educational equity, it is important to note that Arkansas has shown renewed dedication—in both its Elementary and Secondary Education Act (ESEA) waiver and in state academic distress rules—to holding districts and schools accountable for leaving subgroups of students behind. When schools are declared as needing improvement (under the ESEA waiver) or in academic distress (under state law), the state has responded by ratcheting up engagement in schools through the ongoing presence of state school improvement specialists and, in more dire situations, through state direction from the newly created Office of Intensive Support. In recent years, the state board of education, in addition to stiffening its definition of “academic distress,” has taken over several districts—large and small, urban and rural—that are not performing for significant portions of their students.

The *Lake View* era is clearly over in Arkansas. The governors who led it were retired by term limits. Because of legislative term limits, only a handful of legislators from the era remain policymakers, and the state supreme court itself has been reconfigured. Thus, while the court precedent remains the law of Arkansas and key statutory elements remain in place, a new generation of decision makers lacks a personal link to the era. Especially when it comes to the challenging work of promoting educational equity, it is therefore crucial that educational advocates in the state spend time educating these new leaders on both the constitutional requirement and the clear benefit of strategic investments in programs and strategies that promise to close achievement gaps. For when a healthy majority of a state’s public school students are from groups that have traditionally been left behind, separating educational adequacy and equity becomes truly impossible. ■

¹National Education Association, *Rankings & Estimates: Rankings of the States 2012 and Estimates of School Statistics 2013* (Washington: NEA, December 2012).

²Jay Barth and Keith Nitta, *Education in the Post-Lake View Era: What Is Arkansas Doing to Close the Achievement Gap?* (Little Rock, AR: Arkansas Advocates for Children and Families and Arkansas Public Policy Panel, 2008).

³See, for example, Kwanghee Jung et al., *Longitudinal Effects of the Arkansas Better Chance Program: Findings from the First Grade through the Fourth Grade* (New Brunswick, NJ: Rutgers University National Institute for Early Education

Research, May 2013), <http://nieer.org/sites/nieer/files/Arkansas%20Longitudinal%20Report%20May2013n.pdf>
⁴Both anecdotal evidence (see, e.g., Jonathan Kozol, *Savage Inequalities*, New York: Crown, 1991) and more systematic analyses (General Accounting Office, *School Facilities: America’s Schools Not Designed or Equipped for 21st Century*, GAO Report number HEHS-95-95, Washington, DC, 1995) have shown that the school buildings used by lower-income American students have major deficiencies compared with those used by their richer peers. Employing different methods to analyze school “quality,” a number of studies have shown that the overall health of public school facilities relates to the academic performance of students there (e.g., G. I. Earthman and L. Lemasters, “Review of Research on the Relationship Between School Buildings, Student Achievement, and Student Behavior,” Paper presented at the annual meeting of the Council of Educational Facility Planners International, New York, 1996).

⁵In the National Commission of Teaching & America’s Future (NCTAF) report *What Matters Most: Teaching for America’s Future* (1996), the authors reported that in a study of 1,000 school districts, each additional dollar spent on more highly qualified teachers had a larger impact on student achievement than did any other any other use of school funds.

⁶P. A. Lauer, et al., “Out of School Time Programs: A Meta-Analysis of Effects for At-Risk Students,” *Review of Educational Research* 76 (2006).

⁷The most convincing evidence supporting CSR interventions comes from Tennessee. Researchers used a randomized control trial to evaluate the STAR Program. They concluded that students in small 13–17 student classes outperformed students in regular and regular-with-aide classrooms by approximately .20 of a standard deviation. More important for the achievement gap, the effects were nearly twice as large for racial minorities as for white students. The effects continued beyond the third grade. Graduation rates for students in the smaller classes were 11 percent higher than those assigned to regular classes. The impact was even bigger for low-income students in small classes, whose graduation rates were 18 percent higher than their peers in regular-sized classes (Finn et al., “Small Classes in the Early Grades, Academic Achievement, and Graduating from High School,” *Journal of Educational Psychology* 9, 2005).

⁸Access to health care is a key to reducing chronic absenteeism in schools. For more on chronic absenteeism, see Martha Philbeck Musser, *Taking Attendance Seriously: How School Absences Undermine Student and School Performance in New York City* (New York: The Campaign for Fiscal Equity, Inc., 2011).

⁹A dearth of academic reinforcement in the homes of low-income children is one of the root causes of the achievement gap (Richard Rothstein, *Class and Schools*, New York: Teachers College Press, 2004, p. 153). Research by Anne C. Lewis and Anne T. Henderson (“Urgent Message: Families Crucial to School Reform,” Center for Law and Education, ERIC Document Reproduction Service, ED418480, 1998) shows that achievement gap interventions not involving parents are less likely to be successful.

¹⁰The debate over the comparative effectiveness of charter schools is a ferocious one nationally. In Arkansas, charters have had a mixed record. Some, such as KIPP Delta with several locations in the Arkansas Delta, are excellent, but others have been closed because they failed to meet basic performance standards.

¹¹Jung et al., *Longitudinal Effects of the Arkansas Better Chance Program*; David J. Armor, “The Evidence on Universal Preschool,” *Policy Analysis* no. 760 (Washington, DC: CATO Institute, October 15, 2014).

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