

Popular Name

The Arkansas Educational Rights Amendment of 2024

Ballot Title

An amendment to Article 14 (Education) of the Arkansas constitution requiring identical academic standards and identical standards for accreditation, including assessments of students and schools based on such standards, for any school that receives State or local funds; defining “receives, or in receipt of, any State or local funds” to mean: (i) receipt by the school of any State or local funds, property, or tax credits to cover or defray, in whole or in part, the costs of any student attending the school; (ii) receipt by the student attending the school, or the student’s parents or guardians, of any state or local funds, property, or tax credits to cover or defray, in whole or in part, the costs of the student attending the school; or (iii) receipt by a school, a student attending the school, or the student’s parents or guardians, of financial assistance for the cost of the student attending the school that is funded, in whole or in part, by monetary contributions that qualify for a State tax credit under Arkansas law; denying State or local funds to any non-public school that fails to meet the same academic standards, standards for accreditation, or assessment requirements as public schools; expanding the State’s obligation to ever maintain a general, suitable, and efficient system of free public schools to include: (1) universal access to voluntary, early childhood education for students three (3) years old until they qualify for Kindergarten; (2) universal access to voluntary afterschool and summer programs necessary for the achievement of an adequate education; (3) assistance to children who are within 200% of the federal poverty line so that the qualifying children can achieve an adequate education and overcome the negative impact of poverty on education; and (4) services that fully meet the individualized needs of students with disabilities to allow them meaningful access to integrated education; defining an adequate education as, without limitation, all children developing sufficient: (1) oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (2) knowledge of economic, social, and political systems to enable students to make informed choices; (3) understanding of governmental processes to enable students to understand the issues that affect their community, state, and nation; (4) self-knowledge and knowledge of their mental and physical wellness; (5) grounding in the arts to enable students to appreciate their cultural and historical heritage; (6) training or preparation for advanced training in either academic or vocational fields so as to enable children to choose and pursue life work intelligently; and (7) 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; requiring the General Assembly to enact legislation to implement this amendment, including allocating funding necessary to fully implement this amendment; forbidding the General Assembly from amending, altering, or repealing this amendment absent a vote of the people; and providing that this amendment’s provisions are severable.

FULL TEXT

SECTION 1. The Arkansas Constitution is amended to add Article 14, Section 5, to read as follows:

§ 5. Equal Standards.

- (a) The State must require every elementary or secondary school that receives any State or local funds to meet the identical Academic Standards and the identical Standards for Accreditation set forth by the General Assembly, or when authorized, by the Department of Education. All students attending any elementary or secondary schools that receive, or are in receipt of, any State or local funds must be assessed based on such standards.
- (b)
 - (1) Receives, or is in receipt of, any State or local funds means:
 - (i) receipt by a school of any State or local funds, property, or tax credits to cover or defray, in whole or part, the costs of any student attending the school; or
 - (ii) receipt by a student attending the school or the student's parents or guardians of any State or local funds, property, or tax credits to cover or defray, in whole or in part, the costs of the student attending the school; or
 - (iii) receipt by a school, a student attending the school, or the student's parents or guardians of financial assistance that is funded, in whole or in part, by monetary contributions that qualify for a state tax credit under Arkansas law, to cover or defray, in whole or in part, the costs of the student attending the school.
 - (2) Standards for Accreditation means any requirements enacted by, or promulgated under authority of the General Assembly, that specify what a school shall meet in order to be fully accredited by the Department of Education.
 - (3) Academic Standards means any standard enacted by, or promulgated under authority of, the General Assembly that defines what students shall know and be able to demonstrate.
 - (4) The General Assembly retains the authority to enact, or to delegate the promulgation of, Standards for Accreditation and Academic Standards.

SECTION 2. The Arkansas Constitution is amended to add Article 14, Section 6, to read as follows:

§ 6. Non-Public Schools – Noncompliance with Standards.

The failure of any non-public school to meet the same Academic Standards and Standards for Accreditation, or to meet the same assessment requirements as all other public elementary and secondary schools, shall result in the loss of subsequent receipt of State or local funds until such time as those standards and requirements are met.

SECTION 3. The Arkansas Constitution is amended to add Article 14, Section 7, to read as follows:

§ 7. Early Childhood Education, Afterschool And Summer Programs, Assistance For Children In Poverty, and Quality Special Education.

- (a) The State's obligation to ever maintain a general, suitable, and efficient system of free public schools and to adopt all suitable means to secure to the people the advantages and opportunities of education includes, without limitation, the obligation to provide:
 - (1) Universal access to voluntary, early childhood education for students three (3) years of age until such students qualify for Kindergarten;
 - (2) Universal access to voluntary afterschool and summer programs necessary for the achievement of an adequate education;
 - (3) Assistance to children who are within 200% of the federal poverty line so that such children can achieve an adequate education and overcome the negative impact of poverty on education; and
 - (4) Services that fully meet the individualized needs of students with disabilities to allow such students meaningful access to integrated education.
- (b) When interpreting or establishing the State's obligations, the courts may not use the obligations enumerated in subsection (a) to limit or restrict the State's broad obligations under this amendment or any other educational obligations prescribed in the Constitution.

SECTION 4. The Arkansas Constitution is amended to add Article 14, Section 8, to read as follows:

§ 8. Adequate Education.

An adequate education means, without limitation, that all children educated in the school should develop sufficient:

- (1) Oral and written communication skills to enable students to function in a complex and rapidly changing civilization;
- (2) Knowledge of economic, social, and political systems to enable students to make informed choices;
- (3) Understanding of governmental processes to enable students to understand the issues that affect their community, state, and nation;
- (4) Self-knowledge and knowledge of their mental and physical wellness;
- (5) Grounding in the arts to enable students to appreciate their cultural and historical heritage;
- (6) Training or preparation for advanced training in either academic or vocational fields so as to enable children to choose and pursue life work intelligently; and
- (7) 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.

SECTION 5. The Arkansas Constitution is amended to add Article 14, Section 9, to read as follows:

§ 9. Legislative Implementation.

This amendment and all its provisions are mandatory. The General Assembly may not enact any legislation, and no agency or department of this State may promulgate any rules, to restrict, hamper, or impair the intent of this amendment. The General Assembly must enact legislation to effectuate the terms of this amendment and allocate funding to the appropriate state governmental agency to implement this amendment.

SECTION 6. The Arkansas Constitution is amended to add Article 14, Section 10, to read as follows:

§ 10. Amendment.

Absent a vote of the people, the General Assembly may not amend, alter, or repeal this amendment.

SECTION 7. The Arkansas Constitution is amended to add Article 14, Section 11, to read as follows:

§ 11. Compliance with U.S. Constitution and Federal law.

Nothing in this amendment is intended to require any school to comply with any provision of this amendment that conflicts with the Constitution of the United States or federal law.

SECTION 8. The Arkansas Constitution is amended to add Article 14, Section 12, to read as follows:

§ 12. Severability.

If any provision of this amendment is determined to violate the Constitution of the United States and, thus, becomes void, voidable, or unenforceable, such determination shall not affect the other provisions of this amendment not severed, which must continue to be valid and in force, and to this end, the provisions of this amendment are declared to be severable.