



BLYTHEVILLE PUBLIC SCHOOLS

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BLYTHEVILLE, ARKANSAS 72316
(870) 762-2053 • Fax (870) 762-0141

Richard Atwill
Superintendent

"Learners Today - Leaders Tomorrow"

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DEPARTMENT OF EDUCATION

April 1, 2014

Dr. Tom Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall, Room 304-A
Little Rock, AR 72201-1019

Via Facsimile—501-682-1079

Dear Dr. Kimbrell:

The Blytheville School Board met in a special session on Monday, March 31, 2014, and adopted a resolution to exempt the district from the provisions of Act 1227, the Public School Choice Act of 2013, for the 2014-2015 school year. A copy of the resolution is attached.

Please let me know if you have any questions regarding this matter.

Respectfully,

Richard Atwill
Superintendent

Attachments

**CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION OF
BLYTHEVILLE, ARKANSAS SCHOOL DISTRICT NO. 5, ADOPTED AT THE
BOARD'S SPECIAL MEETING OF MARCH 31, 2014**

WHEREAS, the Board of Education of Blytheville, Arkansas School District No.5 ("Blytheville School Board" and "BSD") met in special session on March 31, 2014, at 6:00 p.m. in Blytheville, Arkansas; and,

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and,

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of BSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(b)(1) (to be codified as set forth in Act 1227) provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, on April 29, 2013, BSD declared an exemption from Act 1227 for the 2013-2014 school year because the BSD is subject to a desegregation order or mandate of a federal court of agency remedying the effects of past racial segregation based on its operation of racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students, which federal court or agency orders include the original directive from the *United States Supreme Court in Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools was unconstitutional and directing that racially

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segregated schools be dismantled; the 1969 mandates from the federal Department of Health, Education, and Welfare and Department of Justice to the same effect; and the various orders entered over the years in *Harvell, et al. vs. Ladd, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-C-89-225, and *Franklin, et al. vs. Board of Education of the Blytheville School District No. 5, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-71-C-35; and,

WHEREAS, Ark. Code Ann. Sec. 6-18-317 prohibits student transfers, "When the resident district or the receiving district is under a desegregation-related court order or has ever been under such a court order...;"and,

WHEREAS, BSD wishes to comply with the letter and spirit of law and the letter and spirit of prior court cases, orders and federal agency mandates :, and

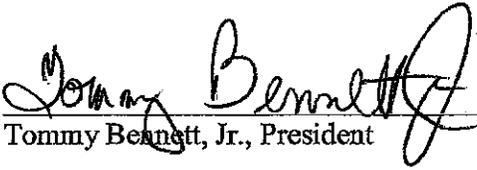
WHEREAS, BSD desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013, until April 1, 2015, on the basis of the aforementioned statutes, federal court cases and orders, and agency mandates; and,

WHEREAS, the Blytheville School Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Blytheville School District, by a vote of 7 to 0 , hereby declares that BSD is exempt from the provisions of Act 1227, the Public School Choice Act of 2013, for the school year 2014-2015.

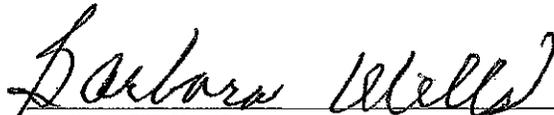
The Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption.

Dated this 31st day of March, 2014.


Tommy Bennett, Jr., President

CERTIFICATION

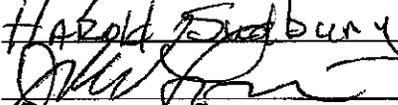
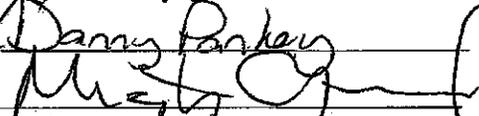
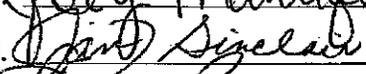
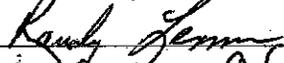
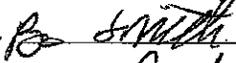
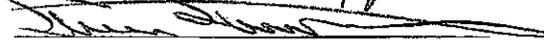
I, Barbara Wells, Secretary of the Board of Education of Blytheville School District, hereby certify that the above and foregoing resolution was considered and adopted by said board on March 31, 2014.


Barbara Wells, Secretary

BLYTHEVILLE SCHOOL DISTRICT
405 West Park Street - P. O. Box 1169
Blytheville, AR 72316

SPECIAL BOARD OF EDUCATION MEETING
Monday, March 31, 2014
6:00 p.m.

Attendees, please print your name below:

- | | |
|---|--|
| 1. L. C. HARTSFIELD | 26.  |
| 2. Phillip Dwyer | 27. GAYLON ROGERS |
| 3. Diane Jenkins | 28. HAROLD SADBURY |
| 4. Betty Adrien | 29.  |
| 5. Anita Jeff | 30. DANNY PARKER |
| 6. Sean White | 31.  |
| 7. Kay Ray Cloud | 32. CHRISTINA L. |
| 8. Misty Manrique | 33. JERESA WHITE |
| 9. Joley Manrique | 34. ROBERT HARRIS |
| 10.  | 35.  |
| 11. Jim Brown | 36.  |
| 12. Lisa Joh Adams | 37. DONALD BRIDGE MCCRAY |
| 13.  | 38. ANDY ALLEN |
| 14. Randy Scott | 39. _____ |
| 15. Neal Lunge | 40. _____ |
| 16. Oliver Coppedge | 41. _____ |
| 17.  | 42. _____ |
| 18. Sam Jackson | 43. _____ |
| 19. Heath Adkisson | 44. _____ |
| 20. Don Houseworth | 45. _____ |
| 21.  | 46. _____ |
| 22. Ryan Braswell | 47. _____ |
| 23.  | 48. _____ |
| 24.  | 49. _____ |
| 25.  | 50. _____ |