

**CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION OF
EL DORADO SCHOOL DISTRICT NO. 15 OF UNION COUNTY
ADOPTED AT THE BOARD'S REGULAR MEETING OF
MARCH 11, 2014**

WHEREAS, the Board of Education of El Dorado School District ("El Dorado School Board" and "EDSD") met in regular session on March 11, 2014, at 7:00 p.m., at the School Administration Office, 200 West Oak Street, in El Dorado, Arkansas; and,

WHEREAS, EDSD is subject to desegregation orders and court-approved desegregation plans regarding the effects of past inter-district racial segregation filed in *Kemp v. Beasley*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. ED-1048, and *Townsend v. Watson*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. 89-CV-1111, in which the plaintiffs sought desegregation of the public schools of El Dorado, Arkansas and its environs, which the plaintiffs alleged were racially segregated; and,

WHEREAS, the United States District Court for the Western District of Arkansas, El Dorado Division retains jurisdiction regarding the desegregation efforts of EDSD pursuant to an Order entered by United States District Judge Susan O. Hickey on May 3, 2013; and,

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013, now codified as Ark. Code Ann. §§ 6-18-1901, *et seq.*, which was duly passed by the Arkansas General Assembly; and

WHEREAS, Ark. Code Ann. §§ 6-18-1901, *et seq.* establishes a public school choice program that would allow students who are residents of EDSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) provides that "[i]f the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern"; and,

WHEREAS, the case, orders, and plans to which this resolution refers are the various orders entered over the years in *Kemp v. Beasley*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. ED-1048, and *Townsend v. Watson*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. 89-CV-1111, which constitute, respectively, a district's "court-approved desegregation plan regarding the effects of past racial segregation in student assignment" and "an enforceable desegregation court order"; and,

WHEREAS, the United States District Court for the Western District of Arkansas, El Dorado Division, retains supervisory jurisdiction over the desegregation efforts of EDSD; and,

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**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

WHEREAS, Ark. Code Ann. § 6-18-1906(b)(1) 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, EDSO is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation; and,

WHEREAS, El Dorado, Arkansas historically operated 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; and,

WHEREAS, the 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 segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *Kemp v. Beasley*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. ED-1048, and *Townsend v. Watson*, United States District Court, Western District of Arkansas, El Dorado Division, Case No. 89-CV-1111; and,

WHEREAS, by resolution of this Board dated April 30, 2013, EDSO declared itself exempt from Ark. Code Ann. §§ 6-18-1901, *et seq.* for the 2013-14 school year pursuant to Ark. Code Ann. § 6-18-1906(b)(1) and on the basis of the aforementioned federal court cases and orders, and agency mandates; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) applies to EDSO, and even though EDSO also meets the requirements necessary to declare an exemption pursuant to Ark. Code Ann. § 6-18-1906(b)(1), meeting the requirements of Ark. Code Ann. § 6-18-1906(a) probably renders declaration of the § 6-18-1906(b)(1) exemption unnecessary; and,

WHEREAS, EDSO, nevertheless, in an abundance of caution declares itself exempt from participation in school choice under § 6-18-1906(b)(1); and,

WHEREAS, for these reasons, EDSO shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the El Dorado School District, by a vote of 7 to 0, hereby declares: That EDSO remains subject to the jurisdiction of the United States District Court for the Western District of Arkansas by virtue of the orders and plans entered over the years in *Kemp* and *Townsend*; that these orders and plans meet the requirements of Ark. Code Ann. § 6-18-1906(a); that meeting the requirements of Ark. Code Ann. § 6-18-1906(a) probably renders declaration of the § 6-18-1906(b)(1) exemption unnecessary; that nevertheless, EDSO in an abundance of caution and to the extent necessary also declares itself

exempt under Ark. Code Ann. § 6-18-1906(b)(1); that for these reasons EDSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*; and that EDSD will follow all future orders of the United States District Court for the Western District of Arkansas, El Dorado Division regarding the continuing desegregation efforts of EDSD.

The Superintendent is directed to provide the Arkansas Department of Education with a copy of this resolution for notice and record-keeping purposes.

Dated this 11th day of March, 2014.



Renee Skinner, President
El Dorado School District
Board of Education

CERTIFICATION

I, Lou Ann Voris, Secretary of the Board of Education of El Dorado School District No. 15 of Union County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at its regular session on March 11, 2014.



Lou Ann Voris, Secretary
El Dorado School District
Board of Education