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COMMISSIONER'S OFFICE

MAR 18 2014

DIVISION OF PUBLIC
SCHOOL ACCOUNTABILITY

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

DEPARTMENT OF EDUCATION

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on March 13, 2014, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

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 the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides (a) If 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, 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, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, 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 is 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 *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

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EQUITY ASSISTANCE CENTER

WHEREAS, the 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, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified) , for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and other reasonable places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2014-15; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2014-15 school year.



Joey Astin - Board President

3/13/14
Date

CERTIFICATION

I, Pierre Evans, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on March 13, 2014.



Pierre Evans - Board Secretary

3-13-2014
Date