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MAR 19 2014
CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION OF
HOT SPRINGS SCHOOL DISTRICT NO. 1 DEPARTMENT OF GARLAND COUNTY
ADOPTED AT THE BOARD'S REGULAR MEETING OF
GENERAL DIVISION
MARCH 18, 2014

WHEREAS, the Board of Education of Hot Springs School District ("Hot Springs School Board" and "HSSD") met in regular session on March 18, 2014, at 5:00p.m., at the Administration building of HSSD; and,

WHEREAS, HSSD is subject to desegregation orders and a court-approved desegregation plan regarding the effects of past inter-district racial segregation (the Garland County School Desegregation Case Comprehensive Settlement Agreement, hereafter the "Settlement Agreement") filed in *W.T Davis, et al. v. Hot Springs School District, et al.*, Case No. 89-6088, United States District Court for the Western District of Arkansas, Hot Springs Division, in which the plaintiffs sought desegregation of the public schools of Garland County, Arkansas, which the plaintiffs alleged were racially segregated; and,

WHEREAS, United States District Judge H. Franklin Waters entered an Order and Memorandum approving the Settlement Agreement on April 28, 1992 ("Order"); and,

WHEREAS, the Court has not released HSSD (or any other school district) from its obligations under the Settlement Agreement and Order; 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 HSSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, the United States District Court for the Western District of Arkansas, Hot Springs Division found in an Order entered by United States District Judge Jimm Larry Hendren on June 10, 2013 (“2013 Order”) that the Settlement Agreement constitutes a court-approved desegregation plan that should remain in effect despite the enactment of Ark. Code Ann. §§ 6-18-1901, *et seq.* and that the parties remained bound to enforce and comply with the terms of the Settlement Agreement; 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 Settlement Agreement, Order, and 2013 Order 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, Hot Springs Division retains supervisory jurisdiction over the enforcement of the Settlement Agreement and Order, as those documents affect the desegregation efforts of the Garland County school districts, including HSSD, subject only to subsequent modifications or termination thereof by the Court; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) applies to HSSD; and,

WHEREAS, for these reasons, HSSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*; and will instead continue to have its interdistrict attendance governed by the Settlement Agreement, Order, and 2013 Order entered in *Davis*.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Hot Springs School District, by a vote of 3 to 0, hereby declares: That HSSD 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 *Davis*; that these orders and plans meet the requirements of Ark. Code Ann. § 6-18-1906(a); that for these reasons HSSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*; that HSSD will instead continue to have its interdistrict attendance governed by the Settlement Agreement, Order, and 2013 Order entered in *Davis*; and that HSSD will follow all future orders of the United States District Court for the Western District of Arkansas, Hot Springs Division regarding the continuing desegregation efforts of HSSD.

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 18th day of March, 2014.

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**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

/S/ Bob Freeman

Bob Freeman, Board President

Hot Springs School District No. 6

CERTIFICATION

I, Ann Hill, Secretary of the Board of Directors of Hot Springs School District No. 6 of Garland County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at a regular session on March 18, 2014.

/S/ Ann Hill

Ann Hill, Secretary

Hot Springs School District No. 6