

CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION
OF
LAFAYETTE COUNTY SCHOOL DISTRICT OF LAFAYETTE COUNTY
ADOPTED AT THE BOARD'S REGULAR MEETING OF
MARCH 18, 2014

WHEREAS, the Board of Education of Lafayette County School District ("Lafayette County School Board" and "LCSD") met in regular session on March 18, 2014, at 6:00 p.m., in the Lafayette County School District Board of Education Building, in Lewisville, Arkansas; and,

WHEREAS, LCSD was formed effective July 1, 2003 by the consolidation of the former Lewisville School District and the former Stamps School District; and,

WHEREAS, LCSD is subject to desegregation orders and court-approved desegregation plans regarding the effects of past inter-district racial segregation filed in *Turner et al. v. Lewisville School District, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 4:92-cv-04040, in which the plaintiffs sought desegregation of the public schools of Lewisville, Arkansas and its environs, which the plaintiffs alleged were racially segregated; 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 LCSD 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 *Turner et al. v. Lewisville School District, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 4:92-cv-04040, 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, Texarkana Division, retains supervisory jurisdiction over the desegregation efforts of LCSD; and,

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, LCSD is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation; and,

WHEREAS, Lewisville, Arkansas and Stamps, Arkansas historically

operated racially dual school systems that segregated black and non-black students and were 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 *Turner et al. v. Lewisville School District, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 4:92-cv-04040; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) applies to LCSD, and even though LCSD 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, LCSD, nevertheless, in an abundance of caution declares itself exempt from participation in school choice under § 6-18-1906(b)(1); and,

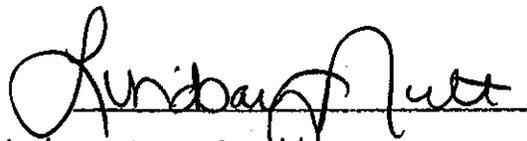
WHEREAS, for these reasons, LCSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lafayette County School District, by a vote of 6 to 0, hereby declares:

That LCSD 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 *Turner*; 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, LCSD 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 LCSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*; and that LCSD will follow all future orders of the United States District Court for the Western District of Arkansas, Texarkana Division regarding the continuing desegregation efforts of LCSD.

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.



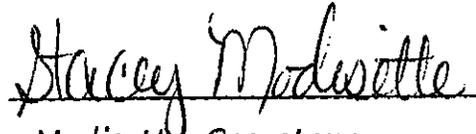
Lindsay Nutt, President

Lafayette County School District

Board of Education

CERTIFICATION

I, Stacey Modisette, Secretary of the Board of Education of Lafayette County School District of Lafayette County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at its regular session on March 18, 2014.

A handwritten signature in cursive script that reads "Stacey Modisette". The signature is written in black ink and is positioned above the printed name and title.

Stacey Modisette, Secretary
Lafayette County School District
Board of Education