

ALLEN P. ROBERTS, P.A.
ATTORNEY AT LAW
325 Jefferson Street S. W., P.O. Box 280
Camden, Arkansas 71711-0280
allen@aprobertslaw.com

Telephone: (870) 836-5310

Facsimile: (870) 836-9662

April 21, 2015

SENT VIA REGULAR MAIL
AND EMAIL (jeremy.lasiter@arkansas.gov)
Jeremy C. Lasiter, General Counsel
Arkansas Department of Education
Four Capitol Mall
Room 404-A
Little Rock, Arkansas 72201

Re: Act 560 of 2015

Dear Jeremy:

I am writing as the attorney for Junction City School District (JCSD). The JCSD school board has again opted for the district to not participate in school choice under the 2013 Act, as amended in 2015. The reason is that JCSD was a party to at least two desegregation lawsuits. *United States of America v. Junction City School District No. 75, et al., Civil Action No. 1095, U.S. Dist. Ct., W.D. Ark.*; and *Love, et al. v. Bd. of Ed. of Junction City School District No. 75, et al., No. ED 70 C-51*. Both cases are still active in the sense explained in the *Love* case order of May 17, 1974, wherein the Court stated, “. . . the Court referred to the companion case, Civil 1095, wherein jurisdiction is retained for any and all proposals that may be considered from any question of either of the two proceedings.” The desegregation obligations of these cases prohibit JCSD from taking any action, or refraining from taking any action, the natural and probable consequence of which would be a segregative impact within JCSD (*i.e.*, the creation, maintaining, or increasing of racially identifiable schools). Permitting school choice under the 2013/2015 Act would have such an impact. Allowing school choice would, therefore, be in conflict with JCSD’s desegregation obligation still outstanding.

In that same regard, I am enclosing multiple orders from both cases to support this letter. I believe all the information requested by Ark. Code Ann. §6-13-113(b) is included in the enclosures. If not, please let me know and I’ll furnish it. I know review of these old desegregation lawsuit files is impractical, and sometimes impossible, because of their age and

volume. Therefore, I hope the Court's general retention of jurisdiction as quoted above will suffice for this purpose. For your convenience, this order is on top of the enclosed documents.

Thank you very much.

Sincerely,

Junction City School District

A handwritten signature in black ink, appearing to read "Allen P. Roberts". The signature is fluid and cursive, with the first name "Allen" being the most prominent.

Allen P. Roberts
Attorney for Junction City School District

APR/arl

pc: Robby Lowe
JCSD Superintendent of Schools

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

MRS. RUTHIE B. LOVE, ET AL,]
]
 PLAINTIFFS,]
]
 v.]
]
 BOARD OF EDUCATION OF THE JUNCTION]
 CITY, ARKANSAS, DISTRICT NO. 75,]
 ET AL,]
 DEFENDANTS.]

NO. ED 70 C-51

O R D E R

Pursuant to pre-trial hearing regularly scheduled in this case on March 13, 1974, the Court, being well and sufficiently advised, directed this case to be dismissed.

In ordering the case dismissed on motion of counsel for the defendant, the Court referred to the companion case, Civil 1095, wherein jurisdiction is retained for any and all proposals that may be considered from any question of either of the two proceedings.

The Court further directed that the case, Civil 1095, be removed from the docket, but jurisdiction was retained and the case might be re-opened at any time by appropriate and meritorious petition.

IT IS, THEREFORE, ORDERED that this case be and the same is dismissed.

IT IS FURTHER ORDERED that the companion case, Civil 1095, be removed from the docket, but jurisdiction retained should any appropriate question be raised by petition to the Court.

DATED this 17th day of May, 1974.

Christ Harris
United States District Judge

U.S. DISTRICT COURT
WESTERN DIST. OF ARKANSAS
FILED
MAY 20 1974
Jan Wright
Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) CIVIL ACTION NO. 1095
)
v.)
)
JUNCTION CITY SCHOOL)
DISTRICT NO. 75, et al.,)
)
Defendants.)
_____)

ORDER

On November 12, 1970 a hearing was held on a motion for further relief filed by the United States of America on October 23, 1970.

On August 19, 1969 this Court approved a desegregation plan which assigned all students in grades 9-12 to the Junction City High School campus for the 1969-70 school year. Students in grades 1-8 were assigned to the Junction City Elementary School and the Rosenwald School pursuant to a freedom of choice plan for the 1969-70 school year. In order to completely unitize the school system, this plan proposed that a new school complex be built and a bond issue election was authorized to finance this construction. Evidence adduced at the hearing shows that defendants changed their plans for constructing

a new school complex. The school board instead has added eleven portable classrooms to the Junction City Elementary School. For the 1970-71 school year all students in grades 1-8 have been assigned to this campus. Since it appears that this campus has adequate facilities to house all elementary students, the United States' motion to reopen the Rosenwald School is hereby denied.

Evidence at the hearing indicates, however, that in assigning black elementary students from Rosenwald campus to the Junction City campus for the 1970-71 school year homerooms have been kept intact and that with the exception of approximately one hour per day, the black students are segregated by classroom and taught by black instructors. In addition, many of the homerooms and classes in the high school remain all-black and all-white (or substantially all-white) as a result of assignment policies based on race. This is expressly forbidden by Jackson v. Marvell School District No. 22, ___ F. 2d ___ (8th Cir., April 29, 1970) and this Court will therefore grant that part of the plaintiff's motion concerning desegregation of classroom facilities.

The United States also alleged that the defendants continue to operate a dual and duplicative transportation system. The evidence shows that the defendants have

taken no steps since this Court's order of August 14, 1967 to desegregate their transportation routes. Black bus drivers transport only black students and white bus drivers transport only white students (with the exception of one bus which has 66 whites and two blacks riding on it). White and black bus routes are overlapping and duplicative. The Court will therefore grant that part of plaintiff's motion concerning transportation of students.

The United States has also urged the Court to establish a bi-racial committee to be charged with the responsibility of reviewing, with the Superintendent of Education and the Board of Education, the unitization of the school system and ways and means of achieving inter-racial harmony among students, teachers and patrons of the school system. Evidence at the hearing showed that there is a lack of communication between the black community and the school administration. The Court, however, does not feel it is incumbent to order establishment of such a committee at this time.

It is therefore ORDERED, ADJUDGED and DECREED that:

1. Defendant school board is enjoined from assigning students to, or maintaining any homeroom, classroom or other school-related activity on the basis

of race, color or national origin. Defendants are directed to take immediate steps to reassign students to homerooms and individual classes on a non-racial and non-discriminatory basis at the Junction City Elementary School and the Junction City High School.

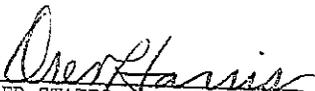
2. Defendant school board is enjoined from failing and refusing to provide bus routes and assign students to busses so as to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis. Defendants shall immediately redraw their bus routes and reassign students to the busses on a non-racial basis.

3. Thirty days from the date of this order, defendants shall file the following report with the Court, copies to be served on the United States:

- a. The number and race of students in each classroom in both the Junction City Elementary School and the Junction City High School. This report shall reflect the racial make-up of each classroom during each period of the day and also the race of the teacher during each period.
- b. The number and race of students riding each bus provided by the defendant school district, and race of the bus driver of

each said bus. This report shall also contain a map of the school district clearly marking the route that each bus travels during its run.

DATE: November 20, 1970


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
ED DORAN, DAVIDSON

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUNCTION CITY SCHOOL
DISTRICT NO. 75, et al.,
Defendants.

CIVIL ACTION NO. 1095

MOOTION FOR
FURTHER RELIEF

The United States, plaintiff herein, hereby moves this Court for further relief and as grounds therefore states:

1. On August 19, 1969, this Court ordered the Junction City Board of Education to assign students during the 1969-70 school year in accordance with the plan of school desegregation submitted by the defendants on August 8, 1969. All students in grades 9-12 were assigned to Junction City High School, and all students in grades 1-8 were assigned on the basis of freedom of choice to Junction City Elementary School and Rosenwald School. The schools, grade structures and approximate enrollments by race during the 1969-70 school year are as follows:

| School | Grade Structure | Enrollment by Race | | |
|------------------------------------|-----------------|--------------------|-----|-----|
| | | W | B | T |
| Rosenwald School | 1-8 | 0 | 350 | 350 |
| Junction City Elementary School | 1-8 | 415 | 1 | 416 |
| Junction City High School | 9-12 | 171 | 114 | 285 |

2. The order of this Court of August 19, 1969 also required the Junction City Board of Education to operate a unitary school system commencing with the 1970-71 school year in accordance with the plan of school desegregation submitted by the defendants on August 8, 1969. Defendants' desegregation plan provided for the following steps:

(a) The construction of new elementary school facilities to accommodate all students in grades 1-6.

(b) The conversion of existing elementary school facilities at Junction City School campus to accommodate students in grades 7-12.

(c) The conversion of Rosenwald School into a vocational high school.

3. Defendant school district initially proposed the construction of new school facilities in a report to this Court dated November 27, 1968. At all material times since the submission of its report of November 27, 1968, in its pleadings and reports to this Court, defendant school district has predicated the desegregation of the Junction City School system on the construction of new school facilities and the conversion of existing facilities.

| | | | | |
|------------------------------------|------|-----|-----|-----|
| Rosenwald School | 1-8 | 0 | 350 | 350 |
| Junction City Elementary School | 1-8 | 415 | 1 | 416 |
| Junction City High School | 9-12 | 171 | 114 | 285 |

2. The order of this Court of August 19, 1969 also required the Junction City Board of Education to operate a unitary school system commencing with the 1970-71 school year in accordance with the plan of school desegregation promulgated by the defendants on August 8, 1969. Defendants' desegregation plan provided for the following steps:

(a) The construction of new elementary school facilities to accommodate all students in grades 1-6.

(b) The conversion of existing elementary school facilities at Junction City School campus to accommodate students in grades 7-12.
 (c) The conversion of Rosenwald School into a vocational high school.

The defendants' school district initially proposed the construction of new school facilities in a report to this Court dated November 27, 1968. At all material times since the submission of its report of November 27, 1968, in its pleadings and reports to this Court, defendant school district has predicated the desegregation of the Junction City School system on the construction of new school facilities and the conversion of existing facilities.

4. Defendant school district has not constructed any new school facilities or converted present Junction City School facilities in accordance with any of its pleadings and reports to this Court and particularly the plan of school desegregation approved by this Court on August 19, 1969.

5. Commencing with the 1970-71 school year the Junction City Board of Education closed the Rosenwald School campus and assigned all students to the Junction City School campus. The closing of Rosenwald School campus was effected so as to avoid assigning white children to the formerly all black school.

6. The Junction City School facilities including classroom, shop, gymnasium and playground facilities are inadequate and overcapacitated as a result of the assignment of all students to that campus. Curricular and extracurricular offerings are limited as a result of insufficient facilities and students are without adequate instruments and materials of learning.

7. Presently overcapacitated facilities at Junction City School campus may be alleviated by the assignment of students on a desegregated basis to Rosenwald School campus. Rosenwald School is located approximately five blocks from Junction City

School campus and is a modern plant, superior to and of more recent construction than the facilities at Junction City School campus. In addition to fourteen permanent classrooms, the campus has shop, gymnasium and playground facilities.

8. Commencing with the 1970-71 school year, black students in grades 1-8 who formerly attended Rosenwald School were assigned to all black classes in portable classroom units on the Junction City School campus and were instructed by black teachers. White students in grades 1-8 were assigned to all white classes in the permanent facilities on the school campus and were instructed by white teachers. On or about September 17, 1970, a special agent of the Federal Bureau of Investigation conducted an investigation of alleged discrimination in the operation of the Junction City School system. Thereafter students in grades 1-4 attended integrated classes and were taught by black and white instructors. Black students in grades 5-8 remain segregated in all black classes and are taught by black instructors while white students in grades 5-8 continue to attend all white classes and are taught by white instructors.

9. All students in grades 9-12 are assigned to the Junction City High School. The vast majority of black students are assigned to segregated homerooms and attend all black classes.

10. One black instructor teaches in the Junction City High School. The instructor teaches exclusively all black classes.

11. The Junction City School District continues to operate a dual and duplicative bussing system for black and white students. Black students are transported on busses carrying only black students, driven only by black drivers, and in some instances traveling routes substantially identical to those travelled by busses that serve only white students.

12. Black students are discriminatorily disciplined by school officials and approximately ten black students have been expelled from school by the Superintendent of Education of the school district. The students have been unable to ascertain the nature and term of such expulsions from the principal of Junction City School or the Superintendent of Education of the school district.

13. The defendants actions set out above are in violation of this Court's order and the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, the United States prays that this Court enter an order enjoining the defendants from:

- (1) Maintaining any homeroom, classroom, extra-curricular activity or any other school related activity on a segregated basis, so that no student is effectively excluded from attending any class or participating in any non-classroom, extra-curricular activity or other school related activity on the basis of race, color or national origin.
- (2) Failing or refusing to provide bus routes and assign students to busses so as to insure the transportation of all eligible pupils on a

a desegregated basis to Rosenwald School so as to provide adequate educational facilities for all students as well as proper and adequate instruments and materials of learning.

The United States further prays that the Court enter an order requiring the defendant to:

- (1) Reinstate students discriminatorily disciplined and expelled from the Junction City School System.
- (2) Establish a bi-racial committee to be charged with the responsibility of reviewing, with the Superintendent of Education and members of the Board of Education, the unitization of the school system and ways and means of achieving inter-racial harmony among students, teachers and patrons of the school system.
- (3) File with the Clerk of this Court, with copies to be served on the United States, a report setting forth the information in Appendix "A" to this Motion. This report shall be filed thirty days from the date of this Court's order and thereafter on November 1 of each school year until further order of this Court.

This Motion is based upon the pleadings, orders and proceedings in this case to date, and evidence to be adduced at a hearing on this Motion.

BETHEL LAREY
United States Attorney

JERRIS LEONARD
Assistant Attorney General

Joseph D. Rich

JOSEPH D. RICH
JOHN R. SCOTT
Attorneys
Department of Justice
Washington, D. C. 20530

(a) The number of students by race enrolled in the school district;

(b) The number of students by race enrolled in each school of the district;

(c) The number of students by race enrolled in each classroom in each of the schools in the district.

(2)

(a) The number of full time teachers by race in the district;

(b) The number of full time teachers by race in each school in the district;

(c) The number of part time teachers by race in the district;

(d) The number of part time teachers by race in each school in the district.

(3)

The number of inter-district transfers granted during the current school semester, or since the last report to the Court, the race of the students who were granted such transfers, and the school district to which the transfers were allowed.

(4)

Whether the transportation system in the district is desegregated to the extent that Negro and White students are transported daily on the same busses.

(5)

Whether all facilities such as gymnasiums, auditoriums, and cafeterias are being operated on a desegregated basis.

... description of any present or proposed construction or expansion of facilities; including

- (a) the exact location and nature of the proposed site acquisition, new construction, or expansion;
- (b) the grade levels to be served by the proposed structure, and the anticipated number and race of the students to be assigned;
- (c) the action taken by the board pursuant to the submitted proposal and the anticipated dates for: (1) preliminary architectural plans, (2) final plan, (3) construction bids advertised and accepted, (4) site preparation, and (5) construction undertaken.

(7)

- (a) Whether the school board has sold or abandoned any school facility, equipment, or supplies having a total value of more than \$500.00 since this court's order entered this date.
- (b) Whether the school board has sold, abandoned, or otherwise transferred any real property of this school district since this court's order entered this day.
- (c) Whether the school board has closed or discontinued use of any school property, building or facility since this court's order entered this day.

(8)

- (a) Whether the bi-racial advisory committee has submitted recommendations to the board of education;

(b) If so, the number and disposition of such recommendations;

(9)

If the school district has dismissed or demoted teaching or administrative personnel, then:

- (1) the system's non-racial objective criteria used in selecting the staff member(s) dismissed or demoted;
- (2) the name, address, race, type of certificate held, degree or degrees held total teaching experience and experience in the system and position during the 1969-70 school year of each person to be dismissed or demoted, as defined in the preceding paragraphs; and in the case of a demotion, the person's new position during the 1970-71 school year and his salaries for the 1969-70 and 1970-71 school year;
- (3) the basis for the dismissal or demotion of each person, including the procedure employed in applying the system's non-racial, objective criteria;
- (4) whether or not the person to be dismissed or demoted was offered any other staff vacancy; and if so, the outcome, if not, the reason.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Further Relief has been served upon Mr. William J. Davis, attorney for the defendants, Junction City School District No. 75, et al., 416 Main Street, El Dorado, Arkansas, by placing a copy of same in the United States mail, postage prepaid, on this 22nd day of October, 1970.

Joseph D. Rich

JOSEPH D. RICH
Attorney
Department of Justice
Washington, D. C. 20530