



BLYTHEVILLE PUBLIC SCHOOLS

405 W. Park • PO Box 1169
BLYTHEVILLE, ARKANSAS 72316
Tel. (870) 762-2053 - Fax (870) 762-0141

"Learners Today - Leaders Tomorrow"

Richard Atwill
Superintendent

RECEIVED
COMMISSIONER'S OFFICE

MAY 14 2013

DEPARTMENT OF EDUCATION

May 9, 2013

Dr. Tom Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall, Room 304-A
Little Rock, AR 72201-1019

Dear Dr. Kimbrell:

The Blytheville School Board met in a special session on Monday, April 29, 2013, and adopted a resolution to exempt the district from the provisions of Act 1227, the Public School Choice Act of 2013, for the 2013-2014 school year. A copy of the resolution is enclosed.

Please let me know if you have any questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Atwill", is written over a faint circular stamp.

Richard Atwill
Superintendent

Enclosure

**CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION
OF BLYTHEVILLE, ARKANSAS SCHOOL DISTRICT NO. 5, ADOPTED AT
THE BOARD'S SPECIAL MEETING OF APRIL 29, 2013**

WHEREAS, the Board of Education of Blytheville, Arkansas School District No. 5 ("Blytheville School Board" and "BSD") met in special session on April 29, 2013, at 6:00 p.m. in Blytheville, Arkansas; and,

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 BSD to apply for a school choice transfer to a non-resident district; and,

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

WHEREAS, Blytheville, 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 *Harvell, et al. vs. Ladd, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-C-89-225, and *Franklin, et al. vs. Board of Education of the Blytheville School District No. 5, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-71-C-35; and,

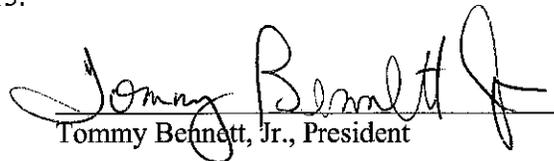
WHEREAS, BSD desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013, until April 1, 2014, on the basis of the aforementioned federal court cases and orders, and agency mandates; and,

WHEREAS, the Blytheville School 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, BE IT RESOLVED that the Board of Education of the Blytheville School District, by a vote of 6 to 0 , hereby declares that BSD is exempt from the provisions of Act 1227, the Public School Choice Act of 2013, for the school year 2013-2014.

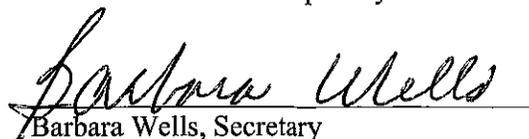
The Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption.

Dated this 29th day of April, 2013.


Tommy Bennett, Jr., President

CERTIFICATION

I, Barbara Wells, Secretary of the Board of Education of Blytheville School District, hereby certify that the above and foregoing resolution was considered and adopted by said board at a special session on April 29, 2013.


Barbara Wells, Secretary