

MAY 16 2013

RECEIVED  
COMMISSIONER'S OFFICE  
MAY 16 2013

DEPARTMENT OF EDUCATION  
GENERAL DIVISION

5/14/13

DEPARTMENT OF EDUCATION  
ARKANSAS COMMISSIONER OF EDUCATION TOM KIMBRELL,  
ACTING AS THE BOARD OF DIRECTORS OF  
HELENA-WEST HELENA SCHOOL DISTRICT

WHEREAS, Suzann McCommon, pursuant to the authority delegated by Tom Kimbrell, the Commissioner of the Arkansas Department of Education, acting as the Board of the Helena West Helena School District, by letter dated May 13, 2013, has in a proper action made the following resolution of the Helena West Helena School District;

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 Helena West Helena School District to apply for a school choice transfer to a non-resident district; 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 Superintendent, pursuant to the authority delegated by the Commissioner of the Arkansas Department of Education, acting as the Board of the Helena West Helena School District, has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Helena West Helena 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, Helena West Helena, 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 *United States of America v. Helena West Helena School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-70C-10; and

WHEREAS, the Superintendent, pursuant to the authority delegated by the Commissioner of the Arkansas Department of Education, acting as the Board of the Helena West Helena School District desires to declare an exemption from Act 1227 of 2013, the Public School

Choice Act of 2013 for the 2013-2014 school year on the basis of the aforementioned federal court cases and orders, and agency mandates; and

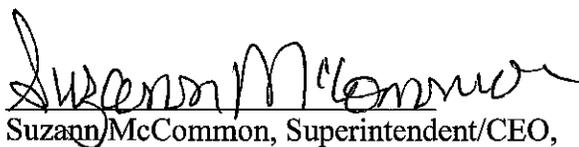
WHEREAS, the Superintendent, pursuant to the authority delegated by the Commissioner, acting as the Board, understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

NOW, THEREFORE, Suzann McCommon, Superintendent, pursuant to the authority delegated by Tom Kimbrell, the Commissioner, acting as 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 Helena West Helena School District immediately; and

NOW, THEREFORE, BE IT RESOLVED, the Superintendent, pursuant to the authority delegated by the Commissioner of the Arkansas Department of Education, acting as the Board of the Helena West Helena School District is authorized 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, Helena West Helena School District website, and all other places in order to give notice to the District's patrons and the general public of the Commissioner's adoption of the Policy acting as the Board; and

THEREFORE, BE IT FURTHER RESOLVED, that the Chief Executive Officer 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 Commissioner from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Chief Executive Officer is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Suzann McCommon, Superintendent/CEO,  
pursuant to authority delegated by  
Tom Kimbrell, Arkansas Commissioner of Education  
Arkansas Department of Education,  
Acting as the Board of the  
Helena West Helena School District

5-14-13  
Date

CERTIFICATION

I, Suzann McCommon, Superintendent/CEO, pursuant to the authority delegated by Tom Kimbrell, Commissioner of Education, acting in the stead of the Board of Education of the Helena West Helena School District, hereby certify that the above and foregoing resolution was considered and adopted on May 14, 2013.

A handwritten signature in cursive script, reading "Suzann McCommon", written over a horizontal line.

Suzann McCommon

Superintendent/CEO

Helena West Helena School District