

**MARVELL - ELAINE PUBLIC SCHOOLS**

P.O. BOX 1870  
MARVELL, ARKANSAS 72366  
870-829-2101

**RECEIVED  
ATTORNEY'S OFFICE**

**RECEIVED  
COMMISSIONER'S OFFICE**

**MAY 16 2013**

**MAY 16 2013**

Tuesday, May 14, 2013

**DEPARTMENT OF EDUCATION  
GENERAL DIVISION**

Arkansas Department of Education  
Office of the Commissioner  
ATTN.: Arkansas Public School Choice Act  
Four Capitol Mall  
Little Rock, AR 72201

***RE: Marvell-Elaine School District Certified Resolution-Declaring Exemption***

Dear Commissioner Kimbrell:

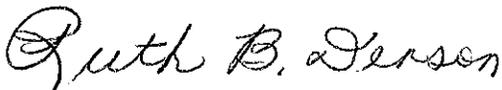
On behalf of the Marvell-Elaine School District Board of Education, I am submitting a copy of the Certified Resolution Declaring Exemption in relation to the 2013 School Choice Act, as passed by the Marvell-Elaine School District Board of Education on May 13, 2013.

This submission is made pursuant to the May 1, 2013 e-mail of Phyllis Stewart providing direction as to the proper method of submission of such resolutions.

Please notify me immediately if there is any further action that the district or board needs to take for this exemption to be fully effective for the 2013-14 school year.

Thank you for your consideration.

Sincerely,



Ruth B. Denson, Ed.S., Superintendent of Schools  
Marvell-Elaine School District

**RBD:dm**

**MARVELL - ELAINE PUBLIC SCHOOLS**

P.O. BOX 1870  
MARVELL, ARKANSAS 72366  
870-829-2101

**RESOLUTION OF MARVELL ELAINE SCHOOL DISTRICT  
BOARD OF DIRECTORS**

WHEREAS, the Marvell Elaine School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 13, 2013, in Marvell, Arkansas;

WHEREAS, 4 members were present, a quorum was declared by the chair;

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 Marvell Elaine 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 Marvell Elaine School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Marvell Elaine 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, Marvell, 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 *Jackson, et al. v. Marvell School District*, 425 F2d 211 (1970), U.S. Court of Appeals, Eighth Circuit; and, as confirmed in *Fields v. Marvell School District*, 102 SW 3<sup>rd</sup> 502, 352 Ark. 483 (2003); and

WHEREAS, the Board of the Marvell Elaine School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

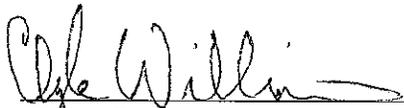
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

NOW THEREFORE, 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 Marvell Elaine School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Marvell Elaine School District hereby authorizes the Superintendent of the Marvell Elaine School District 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, Marvell Elaine School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent 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 Board from time to time during 2013-14; and,

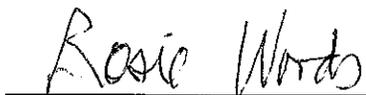
THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.

  
Board President

5-13-2013  
Date

#### CERTIFICATION

I, Rosie Woods, Secretary of the Board of Education of the Marvell Elaine School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 13, 2013.

  
Board Secretary

May 13, 2013  
Date