

STEPHENS PUBLIC SCHOOL DISTRICT
315 W. Chert St.
Stephens, AR 71764

**RECEIVED
ATTORNEY'S OFFICE**

May 14, 2013

MAY 16 2013

RECEIVED
COMMISSIONER'S OFFICE

MAY 16 2013

DEPARTMENT OF EDUCATION

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

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

Enclosed is an adopted resolution for exemption of the Stephens Public School District from participation in the School Choice Act of 2013.

Thanks,

Sincerely yours,


Kenneth Muldrew, Superintendent
Stephens Public School District

Stephens Public Schools
315 W. Chert St.
Stephens, AR 71764

CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION OF
STEPHENS PUBLIC SCHOOL DISTRICT NO. 13 OF OUACHITA COUNTY ADOPTED
AT THE REGULAR SCHOOL BOARD MEETING OF MAY 13, 2013

WHEREAS, the Board of Education of Stephens School District met in its regular session on May 13, 2013, at 5:00 p.m. in the library of Stephens High School; 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 of Stephens Public Schools 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, Stephens Public Schools is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation; and,

WHEREAS, Stephens, Arkansas Historically operated racially dual systems and the annexed McNeil School system operated segregated schools in the early 1970s and was the named defendant in the desegregation lawsuit, *Runyan v. McNeil* dated January 5, 1970 and the merging the two schools was approved by order of the Court on June 23, 2004 with the court retaining jurisdiction of the desegregation suit *Runyan v. McNeil School District*.

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 *Milton, et al. v Huckabee, et al., United States District Court, Western District of Arkansas, El Dorado Division, Case No. 69-C-42, Ronald Runyan v McNeil School District, United States District Court, Western District of Arkansas, El Dorado Division*; and

WHEREAS, Stephens Public School desires to declare an exemption from Act 1227 of 2013, the Public 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 Stephens School district board of Education understands that this exemption is irrevocable for one year from the date the Arkansas Department of Education is notified of the declaration of exemption.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Stephens School District, by a vote of 4 to 0, hereby declares that Stephens School District is exempt from the provisions of Act 1227, the Public School Choice Act of 2013 for the school year 2013-14.

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

Dated this 13th day of May, 2013.


Erma Brown, President

CERTIFICATION

I, James Cross, Secretary of the Board of Education of Stephens School District No. 13 of Ouachita County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at its regular session on May 13, 2013.


James Cross, Secretary