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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT

EXHIBIT ONE (1)

Whereas, on November 13, 2014, the Arkansas State Board of Education entered its order of creation of the Jacksonville / North Pulaski School District (JNPSD).

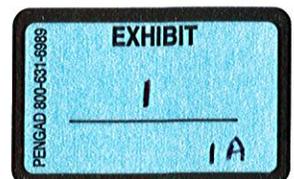
Whereas, paragraph 10 of that order directed the JNPSD and the Pulaski County Special School District (PCSSD) to work together and submit plans for the selection and employment of a superintendent or administrator for JNPSD, for the distribution of real and personal property, assets, liabilities (including debt), duties and responsibilities for the PCSSD and JNPSD, and for the procedure by which the JNPSD will employ licensed and nonlicensed staff.

Whereas, the JNPSD and the PCSSD have worked on such plans, have made progress in that regard, and now wish to submit partial plans to the State Board.

NOW, THEREFORE, PCSSD and JNPSD do hereby agree as follows:

1. The State Board order creating JNPSD provides that JNPSD shall continue to be operated under the administration of PCSSD during a transition period not to exceed two consecutive years. The parties agree that the duration of PCSSD administration of the new district shall be the remainder of the 2014-15 school year, and all of the 2015-16 school year unless it is determined by the State Board that the administration should be eliminated or modified. The essence of the administration contemplated by this agreement is that the new district and PCSSD shall operate as a single unit under Arkansas law in the same manner as before the creation of JNPSD. Both the superintendent of PCSSD and the Arkansas Commissioner of Education (Commissioner), in operating as herein set forth, shall have the fiduciary duty to act in the joint best interests of both PCSSD and JNPSD.

2. The superintendent of PCSSD shall continue to be the chief executive of the single unit reporting to the Commissioner as the PCSSD school board equivalent. The relationship of the PCSSD superintendent and the Commissioner shall be the same as any school superintendent and



his school board under Arkansas law, subject to the provisions of paragraphs 4 and 5 below.

3. Throughout the period of administration of JNPSD by PCSSD, PCSSD shall not be relieved of any of its special duties and obligations existing because of its status designations. Those statuses shall continue for the single administrative unit (i.e., PCSSD and the new district) as long as it remains a single administrative unit under PCSSD. This agreement includes all special status designations under federal or state law, including specifically, but not limited to, being a non-unitary defendant in *LRSD, et al. v. PCSSD, et al.*; being a district with individual schools designated as being in academic distress under Arkansas law; being exempt from the 2013 School Choice Act; and being in fiscal distress. The special obligations and duties imposed by these statuses shall continue unless and until modified or terminated by the United States District Court, or the State Board, as the case may be.

4. On June 20, 2011, the State Board took administrative control of PCSSD, by removing its elected school board and superintendent. The Commissioner employed a new superintendent, Dr. Jerry Guess, who remains PCSSD superintendent. This created the situation in *LRSD, et al. v. PCSSD et al.*, wherein PCSSD, the Commissioner, and ADE were all parties defendant with conflicting interests. The Court resolved the situation by proposing that the PCSSD superintendent in all matters related to the desegregation litigation be deemed free to act for and on behalf of PCSSD without consultation with the Commissioner specifically, and the State of Arkansas generally. All parties to the desegregation litigation agreed without objection. The litigation has continued, and continues today, with this party alignment.

5. PCSSD remains an active party to the litigation, as does the class of black students and patrons of PCSSD (known as the Joshua Intervenors, or Joshua), because PCSSD has not been declared fully unitary. Dr. Jerry Guess, in his capacity as PCSSD superintendent, continues to act

in this litigation for and on behalf of PCSSD with no obligation to consult with, or report to, the Commissioner in regard to desegregation issues.

6. The parties agree that PCSSD and the new district shall continue to be considered as a single unit for purposes of the case of LRSD, *et al.* v. PCSSD, *et al.*, desegregation, and unitary status. PCSSD and JNPSD shall be bound by Plan 2000, the court-approved PCSSD desegregation plan. JNPSD shall be considered unitary in all areas in which PCSSD has attained, or during the period of administrative control attains, unitary status. Likewise, the JNPSD shall be considered non-unitary in all those subject matter areas in which PCSSD has not been declared unitary. Dr. Guess, or his successor, shall be obligated to continue maximum effort to the end of attaining full unitary status for both PCSSD and JNPSD prior to the end of the transition period.

7. The Commissioner shall, with the advice and consultation of the initial JNPSD board of directors, forthwith, select persons to be employed as superintendent-designate and other personnel as needed to assist the superintendent-designate by performing tasks in areas of responsibilities directed by the superintendent-designate, and identify those persons to the PCSSD Superintendent. PCSSD shall immediately employ those persons that are administrators (i.e., not any consultants for JNPSD) under a standard employment contract. The annual salary of those persons shall be negotiated. PCSSD shall employ any consultants for JNPSD in the manner that PCSSD employs other consultants. The parties also agree and confirm the selection of Patrick D. Wilson of Wright, Lindsey & Jennings, LLP, by the JNPSD board to act as its attorney. PCSSD agrees to timely negotiate with Patrick D. Wilson an engagement letter dealing with, *inter alia*, reasonable compensation to be paid by PCSSD.

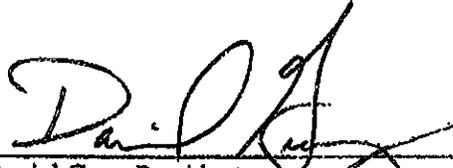
8. During the period of continuing administration of the new district by PCSSD, all employees assigned to what will be JNPSD when it becomes fully operational shall continue to be

considered employees of PCSSD, including the superintendent-designate and other personnel as needed, and shall be paid by PCSSD. Any consultants for JNPSD shall be paid by PCSSD, but PCSSD shall recoup monies paid to such consultants through the allocation or division of assets between PCSSD and JNPSD at the conclusion of the transition period.

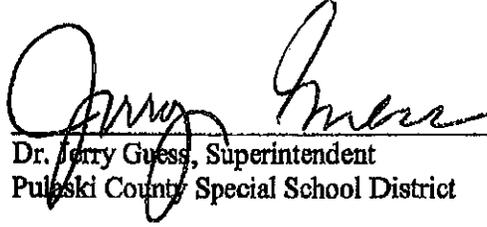
9. During the remainder of 2014-15, the superintendent-designate shall be an integral participant in all decisions and policies regarding employment, termination of employment, and discipline involving employees assigned to schools physically located in JNPSD. Beginning in 2015-16, the superintendent-designate shall initially make those decisions in consultation with the PCSSD superintendent. Under PCSSD's fiscal distress status, all such personnel decisions, except those directly impacting unitary status and other desegregation issues, are subject to ultimate review by the Commissioner. If the PCSSD's fiscal distress status is removed during the transition period, PCSSD and JNPSD shall agree, by separate agreement, on how to handle all such personnel decisions. As stated elsewhere in this agreement, all decisions directly related to unitary status and other desegregation issues are within the purview and discretion of PCSSD and its superintendent, subject to consultation with Joshua and ultimate approval by the Court.

10. Within the single unit during the PCSSD administration period, the staffing of JNPSD and PCSSD will be managed consistent with Arkansas law regarding licensed and classified employees. The goal of the PCSSD administration will be a turn key job in which the JNPSD and its board of directors will become vested with all the powers, duties, responsibilities, and obligations of a school district and school board under Arkansas law. The superintendent-designate will become the superintendent, and JNPSD will be fully staffed simultaneously on the first day PCSSD's administration ends and JNPSD becomes fully operational.

11. The parties understand this agreement does not resolve all issues enumerated in Sections 7.01 *et seq.*, of the Arkansas Department of Education's Emergency Rules Governing the Creation of School Districts by Detachment (Emergency Rules). The parties agree to continue to negotiate in good faith to resolve all such issues within the timelines established by the Emergency Rules.

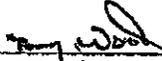


Daniel Gray, President
Jacksonville / North Pulaski School Board



Dr. Jerry Guess, Superintendent
Pulaski County Special School District

Approved as to form:



Tony Wood, Commissioner
Arkansas Department of Education

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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT
EXHIBIT TWO (2)

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

ORDER OF CREATION OF THE
JACKSONVILLE / NORTH PULASKI SCHOOL DISTRICT

On November 13, 2014, during a regular meeting of the Arkansas State Board of Education ("State Board"), the State Board heard and considered the creation of the Jacksonville / North Pulaski School District ("JNPSD"). Mr. Patrick Wilson, Wright, Lindsey & Jennings LLP, appeared on behalf of various interested citizens and groups from the Jacksonville / North Pulaski areas. Mr. Allen P.

Roberts appeared on behalf of the Pulaski County Special School District ("PCSSD").

FINDINGS OF FACT

1. On July 8, 2013, leaders in the effort to form JNPSD presented to the State Board their petition for detachment. After some discussion and questions from the State Board to both Mr. Wilson and ADE's counsel, the State Board voted unanimously that the petition was valid, as contemplated by Ark. Code Ann. § 6-13-1504.

2. As required by Ark. Code Ann. § 6-13-1504, the State Board then sought an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state. The Attorney General provided that advisory opinion by its letters dated August 26, 2013 and February 27, 2014. Those letters are attached. (Attachment 1).



3. On January 13, 2014, the presiding federal judge in the desegregation case involving PCSSD and other parties approved a settlement agreement that permitted the State of Arkansas to immediately authorize the creation of JNPSD consistent with state law.

4. On March 20, 2014, leaders in the effort to form JNPSD appeared before the State Board and asked that it order an election on the proposition of detachment, to be held at the next annual school election or general election. The State Board then voted unanimously to order that election and issued and certified a detachment order setting the election on the question of detachment for

September 16, 2014. That order is attached. (Attachment 2).

5. At the election on September 16, 2014, a majority of the votes were cast for the proposition of detachment. Specifically, on the question of detachment of territory from the PCSSD to form the JNPSD, 95% of the votes were cast for the proposition of detachment and 5% of the votes were cast against that proposition. A copy of the Certification of Election Results is attached. (Attachment 3).

CONCLUSIONS

6. All of the requirements of Title 6, Chapter 13, Subchapter 15 are met and a majority of the votes were cast for the proposition of detachment.

Accordingly, pursuant to Ark. Code Ann. § 6-13-1505, the State Board hereby orders the creation of the JNPSD, subject to the transition provisions set out in paragraphs 8-13 of this Order.

7. Further, as required by Ark. Code Ann. § 6-13-1505, and based on the recommendations of the committee appointed by the State Board, the State Board hereby appoints the following as the initial Board of Directors of the JNPSD:

1. Norris Cain
2. Daniel Gray
3. Ron McDaniel
4. Carol Miles
5. Richard Moss
6. Robert Price
7. LaConda Watson

These directors shall serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law.

8. Pursuant to Ark. Code Ann. § 6-13-1505, the State Board recognizes that PCSSD and/or JNPSD shall petition the court having jurisdiction in the desegregation matter to obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan, and to enable the State Board to proceed with consideration of entry of the order mentioned in paragraph 11 of this order.

9. As permitted by Ark. Code Ann. § 6-13-1505 and Section 6.06 of the Arkansas Department of Education Emergency Rules Governing the Creation of School Districts By Detachment ("Emergency Rules"), JNPSD shall be in a transition period during which JNPSD shall continue under the administration of PCSSD. During the transition period, all revenue pertaining to the JNPSD shall continue to be remitted to the PCSSD and the PCSSD shall be responsible for paying all costs

associated with the JNPSD. The duration of the transition period shall be at the discretion of the State Board, but shall not exceed two consecutive years from the date of this order.

10. Not later than one hundred and twenty (120) days after receiving the necessary court orders from the court having jurisdiction over the Pulaski County Desegregation Case, PCSSD and JNPSD shall jointly submit to the State Board an agreed upon plan that addresses the following issues, without limitation:

1. A plan for the selection and employment of a superintendent or administrator for JNPSD.
2. A plan for the zoning and election of school board members in September 2015 in accordance with Arkansas and federal law.
3. A determination of the millage necessary to operate JNPSD.
4. A plan that specifically addresses the distribution of real and personal property, assets, liabilities (including debt), duties and responsibilities for the PCSSD and JNPSD.
5. A plan that specifically addresses the procedure by which the JNPSD will employ licensed and nonlicensed staff.

11. In the event that the PCSSD and the JNPSD are unable to agree upon any issue regarding the formation of a written agreement concerning detachment or upon the implementation of the final determination of the State Board concerning detachment, the school districts shall:

1. Jointly petition the Commissioner of Education or his or her designee to resolve the matter subject to final determination by the State Board as set forth in Section 7.05 of the Arkansas Department of Education Emergency Rules Governing the Creation of School Districts by Detachment;
2. Jointly select a mediator to mediate the matter subject to final determination by the State Board as set forth in Section 7.05 of the Arkansas Department of Education Emergency Rules Governing the Creation of School Districts by Detachment; or
3. Jointly petition the State Board to resolve the matter in accordance with Section 7.05 of the Arkansas Department of Education Emergency Rules Governing the Creation of School Districts by Detachment.

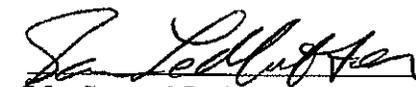
4. In the absence of an agreement regarding any of the issues listed in Paragraph 10 of this order, the matter will proceed directly to the State Board for resolution in accordance with Section 7.05 of the Arkansas Department of Education Emergency Rules Governing the Creation of School Districts by Detachment.

12. Following the petition and any order by the court in the desegregation matter, as per paragraph 8 of this order, the State Board anticipates entering a future order or orders addressing the transfer of any assets, territory, property, liabilities, duties, or responsibilities between the PCSSD and JNPSD and the initial JNPSD board of directors. Pending the issuance of such future order or orders from the State Board, PCSSD shall remain responsible for the delivery of all educational, administrative, and financial services to JNPSD.

13. The State Board specifically retains jurisdiction to enter additional orders or modify orders during the transition period as circumstances and the law may warrant.

IT IS SO ORDERED.

SIGNED AND EXECUTED by the undersigned Chair of the Arkansas State Board of Education on this 13TH day of November, 2014.


Mr. Samuel Ledbetter, Chair
Arkansas State Board of Education



THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

Warren T. Readnour
Senior Assistant Attorney General

Direct dial: (501) 682-2016
Facsimile: (501) 682-2591
E-mail: warren.readnour@arkansasag.gov

August 26, 2013

Dr. Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1019

Re: Proposed Creation of Jacksonville/North Pulaski School District by Detachment

Dear Dr. Kimbrell:

This is in response to your recent letter to Attorney General McDaniel, in which you ask for our advice, pursuant to Ark. Code Ann. § 6-13-1504, concerning the desegregation effects of the proposed creation of a new Jacksonville/North Pulaski School District by detachment from the existing Pulaski County Special School District (PCSSD). Section 6-13-1504(b)(2)(B) provides that, prior to the entry of any order for election on the question of detachment, "the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state."

There is ongoing litigation and there are pending desegregation orders affecting the Little Rock (LRSD), North Little Rock (NLRSD) and Pulaski County Special School Districts (PCSSD) (*Little Rock School District, et al. v. Pulaski County Special School District, et al.*, Case No. 4:82-cv-866, United States District Court—Eastern District of Arkansas). Pursuant to court orders in that case, the geographic boundaries of the PCSSD may not be changed, absent court approval, until the PCCSD has achieved unitary status. As of today the PCSSD has not achieved unitary status; therefore, court approval is required to alter the district's geographic boundaries.

This office has a longstanding policy against issuing opinions on matters that are the subject of pending litigation. The impact, if any, of the proposed detachment on desegregation

323 Center Street • Suite 200 • Little Rock, Arkansas 72201
(501) 682-2007 • FAX (501) 682-8084
Internet Website • <http://www.ag.state.ar.us/>

**DETACHMENT ORDER
ATTACHMENT 1 - 1**

Dr. Tom Kimbrell
August 26, 2013
Page 2

efforts of the PCSSD is an issue for the federal court. Because no decision from the federal court has yet been obtained, the Board may wish to consider delaying entry of an order for election until the petitioner's have obtained the necessary approval from the district court.

Sincerely,



WARREN T. READNOUR
Senior Assistant Attorney General



STATE OF ARKANSAS
THE ATTORNEY GENERAL
DUSTIN McDANIEL

RECEIVED
COMMISSIONER'S OFFICE

MAR 25 2014

DEPARTMENT OF EDUCATION

February 27, 2014

Dr. Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1019

Re: Proposed Creation of Jacksonville/North Pulaski School District by Detachment

Dear Dr. Kimbrell:

On July 10, 2013, you wrote to this office asking for "an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state" pursuant to Ark. Code Ann. § 6-13-1504. In particular, you were inquiring about a petition and feasibility study presented to the State Board of Education by a community group from Jacksonville, Arkansas.

We responded to your letter on August 26, 2013, noting the ongoing litigation and pending desegregation orders affecting the Little Rock (LRSD), North Little Rock (NLRSD) and Pulaski County Special School Districts (PCSSD) (*Little Rock School District, et al. v. Pulaski County Special School District, et al.*, Case No. 4:82-cv-866, United States District Court—Eastern District of Arkansas). We also noted that pursuant to court orders in that case, the geographic boundaries of the PCSSD could not be changed, absent court approval, until the PCSSD has achieved unitary status. As of the date of our prior letter the PCSSD had not achieved unitary status and, therefore, court approval was required to alter the district's geographic boundaries.

Given our office's longstanding policy against issuing opinions on matters that are the subject of pending litigation and the deep legal and factual complexity surrounding the question, we declined to opine on the potential impact of a new Jacksonville school district on the state's efforts to assist the PCSSD and other affected school districts on attaining unitary status. We did note that court approval would likely be required before any such district could be created. Since our last letter significant changes have occurred and we are writing to update you on those changes.

323 CENTER STREET, SUITE 200 • LITTLE ROCK, ARKANSAS 72201
TELEPHONE (501) 682-2007 • FAX (501) 682-7395
INTERNET WEBSITE • <http://www.arkansasag.gov>

DETACHMENT ORDER
ATTACHMENT 1 - 3

As you are aware, the State recently entered a settlement agreement with the parties to the Little Rock Desegregation case. The settlement agreement included the following paragraph:

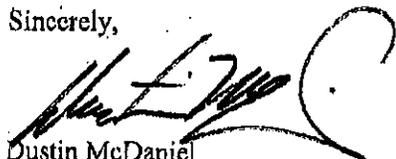
E. Jacksonville/North Pulaski Area School District

1. The State and the Districts agree that the State may immediately authorize the creation of a Jacksonville/North Pulaski area school district consistent with state law. Any successor district or newly created school district in Pulaski County shall be considered a party to and bound by this Agreement. The State and the Districts do not object to the creation of a Jacksonville/North Pulaski area school district. The State will oppose the creation of any other school districts from PCSSD's territory until PCSSD is declared fully unitary and is released from federal court supervision.

This provision provides the State Board with the authority to approve the creation of a Jacksonville/North Pulaski school district. By agreeing to this provision all parties to the case have agreed that the State Board's approval of this district will not have a negative impact on the desegregation of the PCSSD. It should also be noted that acceptance of this agreement by the Court means that the LRSD and the NLRSD will be dismissed from the case and will have no other desegregation obligations. Thus, there will be no negative impact to the desegregation of the LRSD or NLRSD. We are not aware of any other districts that are subject to desegregation orders that may be negatively impacted by the creation of a Jacksonville/North Pulaski school district. We also note that the supporters of a Jacksonville/North Pulaski school district have expressed an intent to be bound by the desegregation obligations of the PCSSD that remain at the time of detachment of the Jacksonville/North Pulaski school district if that occurs.

Our previous letter suggested that the State Board may wish to delay entry of an order for election until the petitioners had obtained the necessary approval from the district court. The acceptance of the settlement agreement has provided the approval for the State Board to proceed. Therefore, it is no longer necessary for the State Board to wait for any further federal court guidance. We express no opinion on whether any other parties may or may not need federal court approval to proceed with any other aspect of the proposed Jacksonville/North Pulaski school district.

Sincerely,



Dustin McDaniel
Attorney General

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On March 20, 2014, during a regular meeting of the Arkansas State Board of Education ("State Board"), the Jacksonville Education Foundation and other Jacksonville area supporters requested that the State Board order an election on the proposed detachment of territory from the existing Pulaski County Special School District to form the Jacksonville/North Pulaski School District.

FINDINGS OF FACT

1. On July 8, 2013, during a regular meeting of the Arkansas State Board of Education (State Board), the State Board reviewed and declared valid a Petition for Detachment from the Pulaski County Special School District to form the Jacksonville/North Pulaski School District (Petition) filed by the Jacksonville Education Foundation and other Jacksonville area supporters.
2. The Petition states the purpose for which the petition is being submitted, to detach territory from the existing Pulaski County Special School District and create from that territory the new Jacksonville/North Pulaski School District.
3. The Petition contains a map of the proposed new school district.
4. The Petition contains an independent feasibility study stating:
 - a. The cost of operation of the new school district and the ability to operate the new school district taking into consideration the tax base, debt service, and division of assets to the new school district;
 - b. The size of the new school district; and
 - c. The effect of detachment on court-ordered desegregation.
5. The supporters of the proposed district submitted 2,079 verified signatures. Therefore, the Petition is signed by at least ten percent (10%) of the number of voters in the area proposed for detachment who voted in the most recent general election.
6. Based upon information currently available, the new school district will be created in an area with four thousand (4,000) or more students in average daily membership.
7. Should the detachment be approved, the existing Pulaski County Special School District will not be reduced by means of detachment to an area with fewer than four thousand (4,000) students in average daily membership.
8. The new school district to be created by detachment will be made up from students from the existing Pulaski County Special School District.

9. The most recent three quarter average daily membership of the existing Pulaski County Special School District is 16,724.10.

10. The existing Pulaski County Special School District encompasses a total area of seven hundred and thirty (730) square miles.

11. The State Board sought an advisory opinion from the Arkansas Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state.

12. On January 13, 2014, the presiding federal judge in the Pulaski County Desegregation Case approved a settlement agreement that permitted the State of Arkansas to immediately authorize the creation of a Jacksonville/North Pulaski School District consistent with state law.

13. On February 27, 2014, the Arkansas Attorney General opined that the acceptance of the desegregation settlement agreement by the presiding federal judge on January 13, 2014, "has provided the approval for the State Board to proceed" with the proposed detachment.

CONCLUSIONS OF LAW

14. The proposed detachment meets the requirements of Ark. Code Ann. § 6-13-1502.

15. The Petition is valid as set forth in Ark. Code Ann. § 6-13-1504(a)(2) and as determined by the State Board on July 8, 2013.

16. Upon the advice of the Arkansas Attorney General and approval of the presiding federal judge in the Pulaski County Desegregation case, the requirements set forth in Ark. Code Ann. § 6-13-1504(b) are satisfied.

ORDER

17. Pursuant to Ark. Code Ann. § 6-13-1504, the State Board hereby orders an election on the proposition of detachment to be held at the next annual school election on September 16, 2014.

18. On behalf of the State Board, the Arkansas Department of Education shall include with this Order a map of the proposed new Jacksonville/North Pulaski School District.

19. On behalf of the State Board, the Arkansas Department of Education shall certify four (4) copies of this order and convey: one (1) copy to the Pulaski County Clerk and one (1) copy to the Pulaski County Election Commission; and one (1) copy to the Lonoke County Clerk and one (1) copy to the Lonoke County Election Commission, at least sixty (60) days prior to the date the Pulaski County and Lonoke County Election Commissions set for election on the question of detachment.

IT IS SO ORDERED.

SIGNED AND EXECUTED by the undersigned Chair of the Arkansas State Board of Education
on this 28 day of March, 2014.

Ms. Brenda Gullett Chair

Ms. Brenda Gullett, Chair
Arkansas State Board of Education

CERTIFICATION OF ELECTION RESULTS
Pulaski County, Arkansas

We, the County Board of Election Commissioners, within and for Pulaski County, Arkansas, do find and hereby certify the abstract of votes cast in the

Pulaski County Special School District

for the

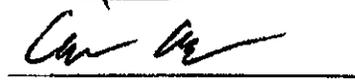
2014 Annual School Election

conducted September 16, 2014, as shown by the attached returns.

Witness our hands as members of the Pulaski County Board of Election Commissioners this 26th day September, 2014.


Leonard A. Boyle, Sr., Chair


Kevin Gorman, Commissioner


Chris Burks, Commissioner

FILED 09/29/14 14:39:46
Larry Crane Pulaski Circuit Clerk

DETACHMENT ORDER
ATTACHMENT 3 - 1

PCSSD

RUN DATE: 09/26/14 09:58 AM

PULASKI COUNTY, ARKANSAS
2014 ANNUAL SCHOOL ELECTION
SEPTEMBER 16, 2014

Official Results

	TOTAL VOTES	%	MI00 Election	IWO Election	Early Vote	Absentee	Provisional
Detachment from PCSSD							
PROPOSED JACKSONVILLE SCHOOL DISTRICT							
Vote for One 1							
FOR	3,769	94.53	2,579	0	1,163	25	2
AGAINST	218	5.47	153	0	63	2	0
Over Votes	0		0	0	0	0	0
Under Votes	10		9	0	0	1	0
PCSSD Millage PULASKI COUNTY SCHOOL DISTRICT							
Vote for One 1							
FOR	2,713	68.37	1,801	0	858	53	1
AGAINST	1,255	31.63	852	0	355	48	0
Over Votes	0		0	0	0	0	0
Under Votes	128		88	0	39	0	1

DETACHMENT ORDER
ATTACHMENT 3 - 2

FILED 09/29/14 14:39:52
LARRY CREWE PULASKI Circuit Clerk

PCSSD

RUN DATE: 09/26/14 09:58 AM

PULASKI COUNTY, ARKANSAS
2014 ANNUAL SCHOOL ELECTION
SEPTEMBER 16, 2014

Official Results

	TOTAL VOTES	%	M100 Election	IVO Election	Early Vote	Absentee	Provisional
Detachment from PCSSD							
PROPOSED JACKSONVILLE SCHOOL DISTRICT							
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PCSSD Millage PULASKI COUNTY SCHOOL DISTRICT							
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FOR	2,713	68.37	1,801	0	858	53	1
AGAINST	1,255	31.63	852	0	355	48	0
Over Votes	0		0	0	0	0	0
Under Votes	128		88	0	39	0	1

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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT
EXHIBIT THREE (3)

THIS SETTLEMENT AGREEMENT (“Agreement”) is entered into as of this _____ day of November, 2013, by and between Little Rock School District (“**LRSD**”), Pulaski County Special School District (“**PCSSD**”), North Little Rock School District (“**NLRSD**”), the **Joshua Intervenors**, the Knight Intervenors (“**Knight**”), and the State of Arkansas (the “**State**”) (at times hereinafter referred to collectively as the “**Parties**”). At times hereinafter, NLRSD, LRSD and PCSSD are referred to collectively as the “**Districts**.” At times hereinafter the existing settlement agreements and consent decrees among the Parties related to *Little Rock School District v. Pulaski County School District*; et al. USDC No. 4:82-CV-866 and cases consolidated therein (this “**Litigation**”) are referred to as the “1989 Settlement Agreement.”

This Agreement shall be effective immediately upon the execution of this Agreement by the Parties (“**Effective Date**”), subject only to the approval of the Federal District Court.

A. Unitary Status:

1. The unitary status of PCSSD will be the subject of a separate agreement between the Joshua Intervenors and PCSSD. The Joshua Intervenors have concerns about some areas of PCSSD’s unitary status, but the Joshua Intervenors believe that PCSSD is operating in good faith to resolve those concerns. The Joshua Intervenors agree that no State assistance or support beyond that specifically set forth in this Agreement is needed for PCSSD to address the Joshua Intervenors’ concerns. Therefore, the Joshua Intervenors agree that acceptance of this Agreement and release of the State on the terms set forth herein is in the best interests of the Joshua Intervenors.

B. Dismissal of Parties

1. Upon approval of this Agreement by the Court: 1) the State, LRSD, and NLRSD will be dismissed with prejudice from this Litigation and 2) LRSD and the Joshua Intervenors will voluntarily dismiss with prejudice the current appeal to the Eighth Circuit Court of Appeals regarding charter school issues.

C. State’s Payments Under this Agreement:

1. The State and Districts will make all payments currently scheduled for the 2013-14 school year. Any and all payment obligations of all Parties not pertaining to the 2013-14 school year, to or with all other Parties, under the 1989 Settlement Agreement, prior agreements and orders in this Litigation will cease as of June 30, 2014.

2. Thereafter, the State shall make payments to the Districts each school year in eleven equal installments on a schedule to be determined, which total the following amounts:

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Exhibit 1

[Handwritten signatures]

2014-2015: LRSB = \$37,347,429
Year 1 NLRSD = \$7,642,338
PCSSD = \$20,804,500

2015-2016: LRSB = \$37,347,429
Year 2 NLRSD = \$7,642,338
PCSSD = \$20,804,500

2016-2017: LRSB = \$37,347,429
Year 3 NLRSD = \$7,642,338
PCSSD = \$20,804,500

3. In Year 4 (the 2017-2018 school year), the State shall make payments to the Districts that shall only be used for academic facilities construction projects as defined in Arkansas Code Annotated § 6-20-2502(2) (Repl. 2013). These payments will be made in the 2017-18 school year in eleven equal installments on a schedule to be determined and will total the following amounts:

2017-2018: LRSB = \$37,347,429
Year 4 NLRSD = \$7,642,338
PCSSD = \$20,804,500

4. The restriction on the use of the Year 4 payments shall not apply to the extent that the Districts have certified to the Arkansas Department of Education the expenditures for academic facilities construction projects that were paid from District funds provided by paragraph C.2. of this Agreement in Years 1-3 (2014-2017).

5. The payments made pursuant to this Agreement will not be considered in determining the State's share of financial participation in local academic facilities projects eligible for State financial participation in any Academic Facilities Partnership Program projects that the Districts may apply for during the term of this Agreement.

6. M to M student transition: The ADE and the Districts will develop a roster of all students enrolled in the M to M program as of January 6, 2014, (excluding students who are 12th graders in 2013-14) according to their host District. Each district's roster will rank students in descending order beginning with students in grade eleven. Each district's roster will then be divided into three equal groups. Group 1 will consist of those students whose names appear in the top one-third of the overall list. Group 2 will consist of those students whose names appear in the second third of the overall list. Group 3 will consist of those students whose names appear in the final third of the overall list. In subsequent years the number of students transitioned into the host District's student counts for purposes of determining regular State aid (currently foundation and categorical funding) will be the number of M to M students remaining in the groupings calculated in 2014. In the 2014-15 school year, the students remaining in the first group in each District's roster will be transitioned into their respective host District's student counts for the purpose of determining regular State aid in the 2015-16 school year. In the

2015-16 school year, the students remaining in the next group in each District's roster will be transitioned into their respective host District's student counts for the purpose of determining regular State aid in the 2016-17 school year. In the 2016-17 school year, the students remaining in each District's roster will be transitioned into their respective host District's student counts for the purpose of determining regular State aid in the 2017-18 school year. The transition of M to M students to ADM shall be completed by December 1 of each respective year. In no event will the State be responsible for paying the Districts either declining enrollment or growth funding because of the transition of the students remaining on the rosters.

7. Magnet student transition: The ADE and the Districts will develop rosters of all PCSSD and NLRSD students enrolled in the magnet program as of January 6, 2014, (excluding students who are 12th graders in 2013-14) according to their host District. Each district's roster will rank students in descending order beginning with students in grade eleven. Each district's roster will then be divided into three equal groups. Group 1 will consist of those students whose names appear in the top one-third of the overall list. Group 2 will consist of those students whose names appear in the second third of the overall list. Group 3 will consist of those students whose names appear in the final third of the overall list. For any magnet students for which PCSSD or NLRSD is receiving regular State aid (currently foundation and categorical funding), these Districts will continue to pay one half of the cost of educating the magnet students from their respective Districts to LRSD. In the 2014-15 school year, the students remaining in the first group in PCSSD and NLRSD's rosters will be transitioned into LRSD's student counts for the purpose of determining regular State aid in the 2015-16 school year. In the 2015-16 school year, the students remaining in the next group in PCSSD and NLRSD's rosters will be transitioned into LRSD's student counts for the purpose of determining regular State aid in the 2016-17 school year. In the 2016-17 school year, the students remaining in PCSSD and NLRSD's rosters will be transitioned into LRSD's student counts for the purpose of determining regular State aid in the 2017-18 school year. In no event will the State be responsible for paying the Districts either declining enrollment or growth funding because of the transition of the students remaining on the rosters.

8. In no event shall the State have any obligation to disburse any funding under this Agreement except as described herein.

9. LRSD, NLRSD, and PCSSD shall each receive \$250,000 for reimbursement of legal fees within ninety days of this Agreement being approved by the District Court. The State stipulates that Joshua Intervenors and the Knight Intervenors are prevailing parties as to the State with regard to certain motions filed subsequent to the 1989 Settlement Agreement that Joshua joined and which were successful against the State and are entitled to reasonable attorney's fees, in the amount of \$500,000 for the Joshua Intervenors and in the amount of \$75,000 for the Knight Intervenors unless contested, in which event the Court may award a reasonable fee unless otherwise agreed upon.

10. Within ninety days of this Agreement being approved by the District Court, the State will transfer title to buses used for Magnet and M to M transportation to the respective operating District of each respective bus.

D. State's Obligations to Terminate:

1. Except as specifically provided in this Agreement, any and all of the State's obligations imposed pursuant to, under the guise of, or in any way related to this Litigation shall forever cease upon execution of this Agreement. As of the last payment under this Agreement, any and all of the State's obligations under this Agreement shall forever cease.

2. The Parties to this Litigation hereby with the execution of this Agreement waive, release, relinquish, and forever discharge the State of Arkansas from any and all federal or state claims, liens, or causes of action, obligation, or liability, known or unknown arising prior to the date of this Agreement, that they have or may have against the State of Arkansas arising out of any claims that were or could have been made in connection with this Litigation or the 1989 Settlement Agreement. The released claims shall specifically include, but not be limited to, any claims for damages, injunctive relief, declaratory relief, attorneys' fees, costs or recovery of any type, against the State of Arkansas including any officers, officials, employees and agents of the State of Arkansas, in their official or individual capacities. In no event shall any party to this Agreement be entitled to any desegregation related payments from the State of Arkansas in excess of those provided for in this Agreement.

3. The jurisdiction of the District Court over the State, LRSD, NLRSD, and Knight is terminated upon the District Court's approval of this Agreement. The only matter over which the U.S. District Court shall have remaining jurisdiction over the State with regard to this Litigation and/or this Agreement after the Effective Date of this Agreement would be in the event that the State fails to pay any amount due under this Agreement.

4. The Parties shall support the District Court's approval of this Agreement, the entry of a Consent Judgment consistent with this Agreement, and the entry of any and all orders necessary to effectuate this Agreement.

5. This Agreement is subject to the review of the Governor, the Legislative Council, the School Boards, and the District Court. If for any reason this Agreement is not approved by the Governor, the Legislative Council, the Districts' Boards, or the District Court, this Agreement will become null and void in its entirety and the Parties agree that this Agreement and all offers, promises, statements and conduct made during negotiation of this Agreement shall be inadmissible as evidence pursuant to Fed. R. Evid. 408.

6. This Agreement was prepared by the joint efforts of the Parties, and it shall be construed without consideration as to which party actually drafted the Agreement.

E. Jacksonville/North Pulaski Area School District

1. The State and the Districts agree that the State may immediately authorize the creation of a Jacksonville/North Pulaski area school district consistent with state law. Any successor district or newly created school district in Pulaski County shall be considered a party to and bound by this Agreement. The State and the Districts do not object to the creation of a Jacksonville/North Pulaski area school district. The State will oppose the creation of any other school districts from PCSSD's territory until PCSSD is declared fully unitary and is released from federal court supervision.

F. School District Obligations

1. Students assigned pursuant to the Magnet or M to M program as of the Effective Date of this Agreement may remain in their assigned schools and assigned District. No new applications will be accepted under the Magnet or M to M Stipulations after the effective date of this Agreement, but students may enroll in the Magnet schools as legal transfers in accordance with paragraph F.3 of this Agreement.

2. Each District shall continue to provide transportation to remaining Magnet or M to M students residing in their District up to and through the 2016-17 school year. Nothing shall prevent the Districts from agreeing to provide transportation to any remaining such students in the 2017-18 school year or thereafter.

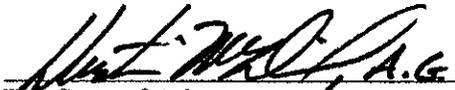
3. In addition to the students assigned to Magnet and M to M programs as of the Effective Date of this Agreement, the Districts agree to allow a certain number of legal transfers between the Districts for five consecutive years, beginning in 2014-15, as follows. PCSSD agrees to approve the legal transfers of up to 30 students per year to NLRSD and 30 students per year to LRSD for each of the five years. Siblings of transferred students will be given first priority. If necessary to accommodate siblings of transferred students, PCSSD shall permit the transfer of the affected siblings, but the number of students in excess of the 30 transfers per year limit shall be deducted from the next year's 30 student transfer limit for that District. In no event shall the number of legal transfers from PCSSD exceed 150 students for NLRSD and 150 students for LRSD during the five year period. During this period, PCSSD may consider but is not required to approve legal transfers from NLRSD or LRSD. NLRSD and LRSD agree to approve legal transfers of up to 30 students per year each to the other for each of the five years with the same exception for sibling transfers outlined above. During the five year period, the Districts agree to abide by the terms of Act 1227 of 2013, the Arkansas Public School Choice Act of 2013, including the exemption provisions contained in Ark. Code Ann. 6-18-1906(a) and (b). For students transferred under this provision, the Districts further agree to waive the transfer review at the end of four years, referenced in Ark. Code Ann. 6-18-316(g), and allow the students who have transferred pursuant to Ark. Code Ann. 6-

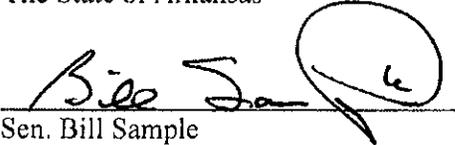
18-316 to remain in the District to which they have transferred for the remainder of their kindergarten through twelfth grade education if the students so choose. The State and the Districts agree that the transfers allowed in this paragraph will not negatively affect the racial balance of the Districts as referenced in Ark. Code Ann. 6-18-317. If necessary, ADE will provide a waiver of prohibition.

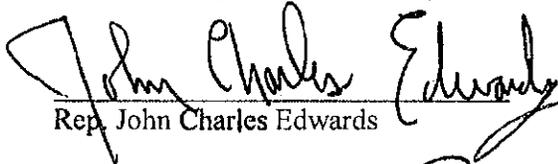
4. Except as specifically provided in this Agreement, any and all of the Parties' obligations imposed pursuant to, under the guise of, or related to this Litigation or the 1989 Settlement Agreement shall forever cease as of the District Court's approval of this Agreement.

5. After any required payment for the 2013-14 school year, LRSD shall have no further obligation to make payments to PCSSD pursuant to Section II, Paragraph O, subparagraphs 3 and 4 of the 1989 Settlement Agreement, or any related orders or agreements.

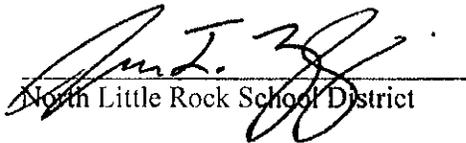
6. The Court will maintain jurisdiction over Joshua and PCSSD as provided in the separate agreement between Joshua and PCSSD.


The State of Arkansas 11-18-13
Date


Sen. Bill Sample 11-19-13
Date


Rep. John Charles Edwards 11-21-13
Date


Little Rock School District 11/18/13
Date


North Little Rock School District 11/19/13
Date

Jeremy Bues
Pulaski County Special School District

November 18, 2013
Date

John A. Walker
Joshua Intervenors

November 18, 2013
Date

Mark Burnett
Knight Intervenors

11-18-13
Date

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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT

EXHIBIT FOUR (4)

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT,
et al.

PLAINTIFFS

v.

No. 4:82-cv-866-DPM

NORTH LITTLE ROCK SCHOOL
DISTRICT, *et al.*

DEFENDANTS

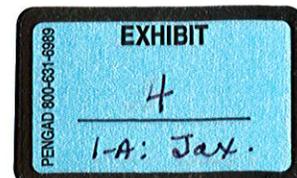
LORENE JOSHUA, *et al.*

INTERVENORS

ORDER

For the reasons stated from the bench, the Court took the following actions at the 18 December 2014 hearing.

1. The Court approves the partial plan for detachment of the Jacksonville/North Pulaski School District from the Pulaski County Special School District, *Ne 5080-1*. The Joshua Intervenors do not object. This framework is consistent with PCSSD's desegregation obligations under this Court's Orders and will ensure compliance with those Orders. As contemplated by 2014 settlement agreement, JNPSD will assume all of PCSSD's desegregation obligations in the establishment and operation of the



new district. This satisfies the governing statute, ARK. CODE ANN. § 6-13-1505(b)(2), and keeps faith with this Court's Orders. The Court authorizes submission of this framework to the Arkansas State Board of Education. And the Court looks forward to considering, as they are developed, further proposed detachment steps – which give particulars on facilities, personnel, and other matters – to make sure that the new district will not adversely affect PCSSD's desegregation obligations.

2. The joint motion to file documents belatedly, *No 5081*, is granted.

3. The joint motion about Section K of Plan 2000, *No 5082*, is granted.

The Court accepts the stipulation of the Joshua Intervenors and PCSSD about special education. *No 5082-1*. The Court declares PCSSD unitary in special education. The Court notes the parties' supplemental agreements on this issue, *No 5083*, which are made to, among other things, ensure that PCSSD follows through. As an aspect of this Court's continuing supervision over the student-achievement and discipline components of Plan 2000, the Court retains jurisdiction to enforce the supplemental agreements. PCSSD's motion for a hearing to prove that it is unitary on special education, *No 5077*, is denied as moot.

4. The joint motion to modify Plan 2000 Section H on facilities , № 5084, is held in abeyance. The Court is favorably inclined but needs to study this issue more. Supplemental report from PCSSD, after further consultation with JNPSD, due by 7 January 2015. The Court has received today and appreciates the letter report from the Court's expert, Ms. Powell, on the proposal. № 5087.

5. The Court appreciates the update on the Donaldson Scholars program.

6. The Court sets status conferences on these dates: 19 May 2015, 20 August 2015, and 16 December 2015. Court will convene at 1:30 p.m. If any issue arises that needs immediate attention, any party may, of course request a prompt hearing.

* * *

Framework for JNPSD detachment, № 5080-1, approved. Joint motions, № 5081 & 5082, granted. PCSSD is unitary on special education. Motion for hearing, № 5077, denied as moot. Supplemental filings on facilities issues due by 7 January 2015.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

22 December 2014

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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT

EXHIBIT FIVE (5)

EDWARD L. WRIGHT
(1903-1977)
ROBERT S. LINDSEY
(1918-1991)
ALSTON JENNINGS
(1917-2004)
GORDON S. RATHER, JR.
JOHN R. TISDALE
JOHN WILLIAM SPIVEY III
LEE J. MULBROW
N. M. NORTON
CHARLES T. COLEMAN
EDWIN L. LOWTHER, JR.
GREGORY T. JONES
WALTER McSPADEN
JOHN D. DAVIS
JUDY SIMMONS HENRY
KIMBERLY WOOD TUCKER
TROY A. PRICE
KATHRYN A. PRYOR
J. MARK DAVIS
JERRY J. SALLINGS
WILLIAM STUART JACKSON
MICHAEL D. BARNES
STEPHEN R. LANCASTER
KYLE B. WILSON
J. CHARLES DOUGHERTY
JUSTIN T. ALLEN
MICHELLE M. KAEMMERLING
SCOTT ANDREW IRBY
PATRICK D. WILSON
DAVID P. GLOVER
REGINA A. YOUNG
PAUL D. MORRIS
GARY D. MARTS, JR.

WRIGHT, LINDSEY & JENNINGS LLP

ATTORNEYS AT LAW

200 WEST CAPITOL AVENUE, SUITE 2300
LITTLE ROCK, ARKANSAS 72201-3699
(501) 371-0808 • FAX (501) 376-9442

NORTHWEST ARKANSAS

3333 PINNACLE HILLS PARKWAY, SUITE 610
ROGERS, ARKANSAS 72758-8960
(479) 986-0888 • FAX (479) 086-8932

www.wlj.com

Writer's Direct Dial No. 501-212-1343
pwilson@wlj.com
Reply to Little Rock Office

December 31, 2014

ERIC BERGER
P. DELANNA PADILLA
CALEY B. VO
JOHNATHAN D. HORTON
JANE A. KIM
ADRIENNE L. BAKER
DAVID I. JONES
W. CARSON TUCKER
KRISTEN S. MOYERS
BRIN S. BROGDON
JEFFREY L. SINGLETON
RICHARD BLAKELY GLASGOW
DIANA BORGOGNONI SNYDER
PATRICK M. YOUNG
BIANCA M. RUCKER
ANTWAN D. PHILLIPS
BAXTER D. DRENNON
MICHAEL A. THOMPSON
SETH R. JEWELL
HAYDEN W. SHURDAR
COURTNEY C. McLARTY
JAMIE G. MOSS
NREMAI A. ESMARILPOUR
R. AARON BROOKS
REBECCA H. STAHL
DAVID C. JUNO
SCOTT A. BURTON

OF COUNSEL
JAMES M. MOODY
JOHN G. LILE
ROGER A. GLASGOW
FRED M. PERKINS III
BRUCE R. LINDSEY
JAMES R. VAN DOVER

Mr. Tony Wood
Commissioner of Education
Arkansas Department of Education
#4 State Capitol Mall
Little Rock, Arkansas 72201-1019

VIA E-MAIL

Re: Jacksonville / North Pulaski School District

Dear Commissioner Wood:

As you know, I have been working as the attorney for the Jacksonville / North Pulaski School District ("JNPSD"). As directed in the State Board's order of creation of JNPSD of November 13, 2014, JNPSD and the Pulaski County Special School District ("PCSSD") have worked on an agreement on some of the aspects of the formation of JNPSD. We were able to agree on some of those particulars and presented that agreement to the State Board at its meeting on December 11, 2014. I know you have it, but for your convenience I have attached that agreement.

As required by the detachment statute, after that State Board meeting PCSSD and others discussed these issues with Judge Marshall, the presiding judge in the desegregation case. That was done at a status conference on December 18, 2014. I attended that status conference. Following the status conference, Judge Marshall entered an order that satisfies Ark. Code Ann. § 6-13-1505's requirement for "any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan." Specifically, Judge Marshall's order provides in part "the Court approves the partial plan for detachment of the Jacksonville / North Pulaski School District from the Pulaski County Special School District, No 5080-1. The



December 31, 2014

Page 2

Joshua Intervenors do not object. This framework is consistent with PCSSD's desegregation obligations under this Court's Orders and will ensure compliance with those Orders. As contemplated by 2014 settlement agreement, JNPSD will assume all of PCSSD's desegregation obligations in the establishment and operation of the new district. This satisfies the governing statute, Ark. Code Ann. § 6-13-1505(b)(2), and keeps faith with this Court's Orders. The Court authorizes submission of this framework to the Arkansas State Board of Education." For your convenience, I have attached the Court's Order of December 22, 2014.

Given all of the above, the State Board certainly now has the authority to approve the agreement between JNPSD and PCSSD, and the districts moving forward with the formation of JNPSD. Therefore, JNPSD respectfully requests that we be put on the agenda for the meeting on January 8, 2015, and that the State Board formally approve the agreement at that meeting.

Thank you for your consideration. Please contact me if you need any additional information.

Sincerely,

WRIGHT, LINDSEY & JENNINGS LLP



Patrick D. Wilson

PDW/krc
Enclosures

cc (via e-mail): Jerry Guess
Allen Roberts
Sam Jones

Whereas, on November 13, 2014, the Arkansas State Board of Education entered its order of creation of the Jacksonville / North Pulaski School District (JNPSD).

Whereas, paragraph 10 of that order directed the JNPSD and the Pulaski County Special School District (PCSSD) to work together and submit plans for the selection and employment of a superintendent or administrator for JNPSD, for the distribution of real and personal property, assets, liabilities (including debt), duties and responsibilities for the PCSSD and JNPSD, and for the procedure by which the JNPSD will employ licensed and nonlicensed staff.

Whereas, the JNPSD and the PCSSD have worked on such plans, have made progress in that regard, and now wish to submit partial plans to the State Board.

NOW, THEREFORE, PCSSD and JNPSD do hereby agree as follows:

1. The State Board order creating JNPSD provides that JNPSD shall continue to be operated under the administration of PCSSD during a transition period not to exceed two consecutive years. The parties agree that the duration of PCSSD administration of the new district shall be the remainder of the 2014-15 school year, and all of the 2015-16 school year unless it is determined by the State Board that the administration should be eliminated or modified. The essence of the administration contemplated by this agreement is that the new district and PCSSD shall operate as a single unit under Arkansas law in the same manner as before the creation of JNPSD. Both the superintendent of PCSSD and the Arkansas Commissioner of Education (Commissioner), in operating as herein set forth, shall have the fiduciary duty to act in the joint best interests of both PCSSD and JNPSD.

2. The superintendent of PCSSD shall continue to be the chief executive of the single unit reporting to the Commissioner as the PCSSD school board equivalent. The relationship of the PCSSD superintendent and the Commissioner shall be the same as any school superintendent and

his school board under Arkansas law, subject to the provisions of paragraphs 4 and 5 below.

3. Throughout the period of administration of JNPSD by PCSSD, PCSSD shall not be relieved of any of its special duties and obligations existing because of its status designations. Those statuses shall continue for the single administrative unit (i.e., PCSSD and the new district) as long as it remains a single administrative unit under PCSSD. This agreement includes all special status designations under federal or state law, including specifically, but not limited to, being a non-unitary defendant in *LRSD, et al. v. PCSSD, et al.*; being a district with individual schools designated as being in academic distress under Arkansas law; being exempt from the 2013 School Choice Act; and being in fiscal distress. The special obligations and duties imposed by these statuses shall continue unless and until modified or terminated by the United States District Court, or the State Board, as the case may be.

4. On June 20, 2011, the State Board took administrative control of PCSSD, by removing its elected school board and superintendent. The Commissioner employed a new superintendent, Dr. Jerry Guess, who remains PCSSD superintendent. This created the situation in *LRSD, et al. v. PCSSD et al.*, wherein PCSSD, the Commissioner, and ADE were all parties defendant with conflicting interests. The Court resolved the situation by proposing that the PCSSD superintendent in all matters related to the desegregation litigation be deemed free to act for and on behalf of PCSSD without consultation with the Commissioner specifically, and the State of Arkansas generally. All parties to the desegregation litigation agreed without objection. The litigation has continued, and continues today, with this party alignment.

5. PCSSD remains an active party to the litigation, as does the class of black students and patrons of PCSSD (known as the Joshua Intervenors, or Joshua), because PCSSD has not been declared fully unitary. Dr. Jerry Guess, in his capacity as PCSSD superintendent, continues to act

in this litigation for and on behalf of PCSSD with no obligation to consult with, or report to, the Commissioner in regard to desegregation issues.

6. The parties agree that PCSSD and the new district shall continue to be considered as a single unit for purposes of the case of LRSD, *et al.* v. PCSSD, *et al.*, desegregation, and unitary status. PCSSD and JNPSD shall be bound by Plan 2000, the court-approved PCSSD desegregation plan. JNPSD shall be considered unitary in all areas in which PCSSD has attained, or during the period of administrative control attains, unitary status. Likewise, the JNPSD shall be considered non-unitary in all those subject matter areas in which PCSSD has not been declared unitary. Dr. Guess, or his successor, shall be obligated to continue maximum effort to the end of attaining full unitary status for both PCSSD and JNPSD prior to the end of the transition period.

7. The Commissioner shall, with the advice and consultation of the initial JNPSD board of directors, forthwith, select persons to be employed as superintendent-designate and other personnel as needed to assist the superintendent-designate by performing tasks in areas of responsibilities directed by the superintendent-designate, and identify those persons to the PCSSD Superintendent. PCSSD shall immediately employ those persons that are administrators (i.e., not any consultants for JNPSD) under a standard employment contract. The annual salary of those persons shall be negotiated. PCSSD shall employ any consultants for JNPSD in the manner that PCSSD employs other consultants. The parties also agree and confirm the selection of Patrick D. Wilson of Wright, Lindsey & Jennings, LLP, by the JNPSD board to act as its attorney. PCSSD agrees to timely negotiate with Patrick D. Wilson an engagement letter dealing with, *inter alia*, reasonable compensation to be paid by PCSSD.

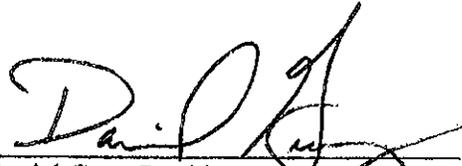
8. During the period of continuing administration of the new district by PCSSD, all employees assigned to what will be JNPSD when it becomes fully operational shall continue to be

considered employees of PCSSD, including the superintendent-designate and other personnel as needed, and shall be paid by PCSSD. Any consultants for JNPSD shall be paid by PCSSD, but PCSSD shall recoup monies paid to such consultants through the allocation or division of assets between PCSSD and JNPSD at the conclusion of the transition period.

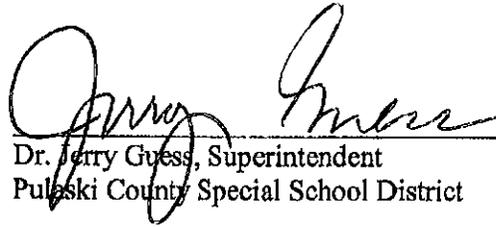
9. During the remainder of 2014-15, the superintendent-designate shall be an integral participant in all decisions and policies regarding employment, termination of employment, and discipline involving employees assigned to schools physically located in JNPSD. Beginning in 2015-16, the superintendent-designate shall initially make those decisions in consultation with the PCSSD superintendent. Under PCSSD's fiscal distress status, all such personnel decisions, except those directly impacting unitary status and other desegregation issues, are subject to ultimate review by the Commissioner. If the PCSSD's fiscal distress status is removed during the transition period, PCSSD and JNPSD shall agree, by separate agreement, on how to handle all such personnel decisions. As stated elsewhere in this agreement, all decisions directly related to unitary status and other desegregation issues are within the purview and discretion of PCSSD and its superintendent, subject to consultation with Joshua and ultimate approval by the Court.

10. Within the single unit during the PCSSD administration period, the staffing of JNPSD and PCSSD will be managed consistent with Arkansas law regarding licensed and classified employees. The goal of the PCSSD administration will be a turn key job in which the JNPSD and its board of directors will become vested with all the powers, duties, responsibilities, and obligations of a school district and school board under Arkansas law. The superintendent-designate will become the superintendent, and JNPSD will be fully staffed simultaneously on the first day PCSSD's administration ends and JNPSD becomes fully operational.

11. The parties understand this agreement does not resolve all issues enumerated in Sections 7.01 *et seq.*, of the Arkansas Department of Education's Emergency Rules Governing the Creation of School Districts by Detachment (Emergency Rules). The parties agree to continue to negotiate in good faith to resolve all such issues within the timelines established by the Emergency Rules.

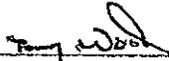


Daniel Gray, President
Jacksonville / North Pulaski School Board



Dr. Jerry Guess, Superintendent
Pulaski County Special School District

Approved as to form:



Tony Wood, Commissioner
Arkansas Department of Education

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1-A: JACKSONVILLE-NORTH PULASKI SCHOOL DISTRICT
EXHIBIT SIX (6)

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

January 2, 2015

VIA E-MAIL

tony.wood@arkansas.gov

Mr. Tony Wood
Commissioner of Education
Arkansas Department of Education
#4 State Capitol Mall
Little Rock, Arkansas 72201-1019

Dear Commissioner Wood:

Patrick Wilson's letter of December 31, 2014, stated that the Court in the Pulaski County desegregation case (*LRSD, et al. v. PCSSD, et al., Case No. 4:82-cv-866DPM*), has authorized Pulaski County Special School District (PCSSD) and Jacksonville North Pulaski School District (JNPSD) to submit to the State Board for formal approval their agreement shown on the record of the State Board meeting of December 11 (*Id., Document 5088*). PCSSD agrees and joins JNPSD in asking that approval of that document be placed on the agenda for the State Board meeting January 8, 2015. PCSSD also joins JNPSD in asking that the State Board approve that document.

PCSSD also writes to add a word of caution. It would be a mistake to believe the Court in the desegregation case has completed its consideration of the JNPSD detachment. We believe Judge Marshall's order from the December 18 status conference gave us all we asked for, and we appreciate it. However, after authorizing submission of the current agreement to the State Board the very next sentence of *Document 5088* makes clear that the Court is far from done with the JNPSD detachment.

... The Court authorizes submission of this framework (*i.e.*, the JNPSD/PCSSD partial agreement) to the ... State Board ... And the Court looks forward to considering, as they are developed, further proposed detachment steps — which give particulars on facilities, personnel, and other matters — to make sure that the new district will not adversely affect PCSSD's desegregation obligations.
Emphasis added.

Id., Document 5088, ¶ 1, pp. 2.



Repeating, PCSSD joins JNPSD's December 31 letter, except for any inference that the Court in the desegregation case has given final approval of all aspects and elements of the detachment. Indeed, PCSSD's reading of *Document 5088* is that the detachment is a work in progress on all aspects of which the Court very much wants to be kept "in the loop."

Sincerely,

/s/ Allen P. Roberts

Allen P. Roberts
One of the Attorneys for PCSSD

APR/arl

cc (via email): Jerry Guess
Sam Jones
Whitney Moore
Patrick Wilson

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A-4: LITTLE ROCK SCHOOL DISTRICT

EXHIBIT ONE (1)

Minutes
State Board of Education Special Committee on Academic Distress Meeting
Wednesday, January 7, 2015

The State Board of Education Special Committee on Academic Distress met Wednesday, January 7, 2015, in the Auditorium of the Department of Education Building. Chairman Vicki Saviers called the meeting to order at 1:04 p.m.

Present: Vicki Saviers, Chair; Sam Ledbetter; Toyce Newton; and Diane Zook

Additional State Board Members present: Joe Black; Dr. Jay Barth; Alice Mahony, Kim Davis, and Mireya Reith

Little Rock School District Representatives:

Dr. Dexter Suggs, Superintendent
Marvin Burton, Deputy Superintendent
Henry Anderson, Principal of McClellan High School
Larry Schleicher, Principal of Hall High School
Wanda Ruffins, Principal of Cloverdale Aerospace Technology Charter School
Katina Ray, Principal of Baseline Elementary School
Frank Williams, Principal of Henderson Middle School
Jeremy Owoh, Principal of J. A. Fair High School
Additional Little Rock School District representatives were in attendance.

External Provider: none

Arkansas Department of Education Staff Representatives:

Annette Barnes, Assistant Commissioner of Public School Accountability
Elbert Harvey, Coordinator for Public School Accountability
Dr. Richard Wilde, Director of School Improvement
Chantel'e Williams, School Improvement Specialist
Kyron Jones, School Improvement Specialist
Roxey Browning, School Improvement Specialist
Additional ADE staff members were in attendance.

Little Rock School Board Members in attendance:

Greg Adams, President LRSD School Board
Joy Springer
Tara Shephard
Dianne Curry
Jim Ross
Leslie Fiskén
C. E. McAdoo



Consent Agenda

The committee approved the consent agenda.

Items included in the Consent Agenda:

- Minutes - November 13, 2014

Reports

Little Rock School District Quarterly Report

Chair Saviers said that at the Special Board Meeting on March 28, 2014, former State Board of Education Chair Brenda Gullett appointed a special committee to study chronically underperforming school districts. Ms. Saviers said the State Board of Education classified Schools in Academic Distress on July 10, 2014. She said at the request of the district, the Special Committee on Academic Distress heard a report on October 14, 2014, pertaining to the schools classified in Academic Distress in the Little Rock School District. She said this meeting was a follow-up to the previous meeting. Chair Saviers said this was an informal meeting to determine barriers and solutions to the success of these schools.

Little Rock School District

Little Rock Superintendent Dr. Dexter Suggs said there was no quantitative data to support the progress in the plan, but there was qualitative data and anecdotal evidence. He introduced building principals from the academically distressed schools and asked them to give a brief report of progress. He said the following Little Rock schools have been classified in academic distress:

- Baseline Elementary School
- Cloverdale Aerospace Technology Center
- Henderson Middle School
- Hall High School
- J.A. Fair High School
- McClellan Magnet High School

Ms. Katina Ray, Baseline Elementary School Principal, said the school had refined their goals to include individual teacher goals, but the school needed more time to show student achievement.

Ms. Wanda Ruffins, Cloverdale Middle School Principal, said the teachers were collecting data to drive instruction and provide interventions for students. She said they revised their school leadership team so that leadership goals are being

carried out in small group team meetings. She said teachers were utilizing test preparation tools.

Mr. Frank Williams, Henderson Middle School Principal, said the school focused on celebrating the attendance of students and teachers and reducing discipline actions. He said the school was collecting pre- and post-assessment data in math classes.

Mr. Larry Schleicher, Hall High School Principal, said the school offered Saturday school for ESL certification, had hired a consultant to work with SPED teachers and co-teachers, and the principal enrolled in the Arkansas Leadership Academy. He said the school had a new leadership team, used SMI and SRI testing, utilized before and after school tutoring, and implemented a new reading intervention program.

Mr. Jeremy Owoh, J.A. Fair High School Principal, said the school streamlined interventions and worked on better evaluation methods. He said the school focused on the leadership team and intended goals. The school celebrated student success. He said teachers analyzed data to inform instruction, used pre- and post-tests, students became knowledgeable of their progress, and utilized small group literacy and math interventions.

Mr. Henry Anderson, McClellan High School Principal, said the school analyzed data to monitor the progress of students and the work in professional learning communities. He said the school is teaching the Common Core State Standards through the intended curriculum. He said the teachers are utilizing discipline and attendance data to make effective decisions for students.

Dr. Suggs said there was a lack of urgency within the district. He said the plan is a quality one, but the schools have failed to provide a quality education to the students.

Deputy Superintendent Marvin Burton said that three high schools received a total of approximately \$22 million in school improvement grants over three years. He said money has not resolved all of the problems.

Dr. Suggs said there currently was a better focus on the issues in the district, but some resistance still existed. He said he does not have the support necessary to deal with this resistance. Dr. Suggs said two scholastic audits were completed. He said some segments of the curriculum were updated, and the district was designing professional development to train staff on utilizing data to make decisions for instruction. He said the district is at a critical point in time - a state of emergency. He said he was concerned about the pace of improvement. He said the sense of status quo is alarming. He said he has the freedom to come up with the plan but not the freedom to implement the plan.

Arkansas Department of Education

Assistant Commissioner Ms. Annette Barnes said she was encouraged by some of the reports from the principals. She said the Department's report is critical of the progress, not critical of the personnel.

School Improvement Director Dr. Richard Wilde said the district needed a more focused implementation and evaluation plan. He said the district is attempting to do too many things and is therefore not doing them well. He said the report is supportive of the best practice efforts but critical of the amount of work proposed without building the culture and providing the support needed to fully implement the interventions. He recommended the Board intervene and give the Commissioner oversight of the district. Dr. Wilde said he perceived limited autonomy at the building level and a one-size-fits-all intervention across schools. He said the biggest barrier to improvement is the time needed to logistically support the changes required.

Ms. Barnes said the lack of capacity building in the district might not permit the needed changes to be sustained. She said the school improvement specialists who have worked in the schools have also expressed concerns about the progress of the schools.

Department General Counsel Mr. Jeremy Lasiter said the State Board of Education identified six Little Rock Schools in Academic Distress in July 2014. He said Ark. Ann. Code §6-15-430 outlines sanctions for consideration.

Public Comment

Ms. Doris Wright, Vice-Mayor of Little Rock, said she was speaking on behalf of the released prisoners. She said the young people need something different to keep them from entering the penal system. She said a good education is critical to helping students.

Ms. Marla Johnson, CEO of Aristotle, requested a bold move to reset the Little Rock School District. She said businesses stand ready to assist the effort.

Mr. Jason Hamilton, Executive Director of Arkansas Commitment, said there must be support from the top down and bottom up and collaboration from all stakeholders. He said accountability is critical.

Mr. Hugh McDonald, CEO of Entergy, said maintaining and growing business is critical for the area. Every employer asks about the quality of education, and he said Little Rock has failed to present itself as having a school district on the rise. He said too many students are not getting the education they deserve. He said

this is a watershed action and the change needed to put the city on a trajectory of success.

Mr. Gary Smith, President of Glass Erectors, said he thinks this issue is critical for central Arkansas. He said many families are desperate for better schools. He encouraged the committee to put the district under state authority. He also encouraged the committee to consider changing some boundaries of the district.

Mr. Van Tilbury, President and CEO of East-Harding Construction, asked the Board to take over the Little Rock School District. He said his business could not grow with the current status of the school district.

Mr. John Riggs IV, President of J.A. Riggs Tractor Company, said the poor performance of the elementary schools, middle schools, and high schools require a bold move. Mr. Riggs shared his notes from 1994 when he served on the Little Rock School Board and named several notable people who have identified problems in the Little Rock School District. He said the change starts with the State Board but does not end there.

Little Rock School Board

Mr. Greg Adams, Little Rock School Board President, said there are options. He said the decisions made by this School Board have been focused on students. He said the School Board is committed to implementing the plan as submitted.

Mr. C. E. McAdoo, Little Rock School Board member, said the School Board would not tolerate what has occurred in the past.

Adjournment

The meeting adjourned at 3:07 p.m.

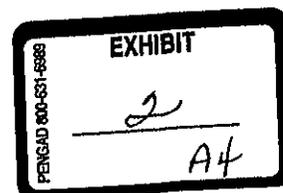
Minutes recorded by Deborah Coffman.

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A-4: LITTLE ROCK SCHOOL DISTRICT

EXHIBIT TWO (2)

In an unprecedented move, taken without opportunity for public comment and without a vote, President Greg Adams requested an opportunity for the Little Rock School District to meet with the committee on academic distress in order to seek its help in addressing the concerns of academic distressed schools. This was done within two weeks of the election of Professor Jim Ross and Mrs. Joy Springer to the school board. The committee willingly obliged. Then in a rush, with the two defeated school board members voting, the Board extended Dr. Suggs' contract by a 4 to 3 vote. The three negatives were the Black school board members who remained on the Board. They, like Ross and Springer, ran on platforms on administrative accountability, enhancing student achievement promptly in failing schools, and professional evaluations of programs and interventions present in the school. They did so mindful that Dr. Suggs' first major action when he took office was to eliminate the Program, Research & Evaluation Department (PRE). He did this by changing the policy on program evaluation which had been approved by U.S. Judge Bill Wilson to which the Board had in existence a Covenant that it would maintain the



emphasis upon program evaluation through the PRE department. Dr. Suggs' second recommendation was to eliminate the highly successful Reading Recovery program. He led the Board to believe that he would not eliminate Reading Recovery but his actions did so. There is a pending lawsuit before Judge Wendell Griffin on that matter that you will inherit if you take over the district. The Reading Recovery program had signal success in addressing deficient early childhood reading, a priority of this Board. The program was widely respected and supported by diverse groups in the community including research based institutions and personnel. Notably those two initiatives by Dr. Suggs constitute the only objective measurable actions that he has taken to address student achievement. The question is raised how does a district improve student achievement by eliminating working programs and eliminating the emphasis upon program evaluation. His actions harm student achievement in concept and outcome.

When Dr. Ross and Mrs. Springer joined Mrs. Curry, Mrs. Shephard and Mr. McAdoo in raising hard questions regarding documentation and accountability, the Little Rock School District administration was

largely unresponsive and/or late with responses which were incomplete and not helpful for board member use. They insisted upon more full and timely reports regarding the concerns of the district's deficiencies.

To their concerns, Dr. Suggs prepared few, if any, writings of his plans. Upon your inquiry if you dare make it, he will admit that he keeps his plans in his head, forms significant opinions by gut and whim and keeps no paper trail regarding his ideas. Yet Mrs. Fisken describes Dr. Suggs as innovative, a conclusion not capable of objective determination at this time.

Dr. Suggs was supported in that approach by the former Board majority to whom it promised new and materially improved schools north and west of I-630. That is the momentum that drives the Fisken opposition.

The present majority does not support extending carte blanc authority to the superintendent. No board including this one should do that. TO do that negates the purpose of having a board. The present emphasis upon eliminating the school board is seen in the writings of Gary

Newton, John Riggs and others who wish to build both a new middle school and a high school in west Little Rock. The effect of doing so will be beneficial to those who appeared before the committee yesterday.

But it would be adverse to the legacy, population and status of Central High School. Ms. Fisker is willing to sacrifice Central as a high school because most of its white students live in the high income areas of the city including the areas of several of you board members.

I note here that in the past twenty years assignments to Central and to certain elementary schools such as Forest Parks, Jefferson and Fulbright have been manipulated so that the children of the well to do including state and local school board members may attend them.

Notably though, some of them and some of you live closer to Hall High School but your children have been allowed to attend Central with its deserved national reputation. I submit that no one of the white board members would allow their children to graduate from either Fair or McClellan.

The present Board has indicated a principle which the State board and state law espoused. All of the schools in each grade level should be substantially physically equal in fact, in teaching, expectations, resources and outcomes. Equity requires deviation according to population. But because of the new and former board majority rushed to develop new facilities in the west, there is an attempt to persuade you that the Board is dysfunctional. Refer to Ms. Fiskens criticism that the Board does not want to address a millage for new construction. The present board has stated that the priority should be upon the areas of greatest need which by all evidence include McClellan, Fair, Henderson Dunbar, Cloverdale and other schools that are generally south of Interstate 630 and east of Interstate 430. The priorities of the former Board majority were otherwise. There can be no dispute-lead, moral or ethical- that those students are entitled to equal facilities before new facilities in west Little Rock are undertaken for priority construction. Such equality is required by the equal protection clause of the 14th Amendment of the United States Constitution. The Lakeview case did not address that federal constitutional requirement.

Recall that in 1956, the Little Rock School District sought delay so that it could build new schools in the west to accommodate desegregation.

That began the process of segregating the schools at a time when the Board said it was trying to integrate them. Fast forward 1956 and 1957 to 2014, the Board is saying the same thing. Let us build a high school and a middle school in the west. The proposal takes us back to 1957 with the 57 intervening years of being in court.

To the issue of governance, first of the district, I remind you that removal of a school board or its members is not discretionary enough it has been used in the past. It was not challenged. The one time it was challenged was in Altheimer, I was the counsel. Upon court proceedings, this BOArd promptly reinstated the Altheimer school board. This board then proceeded to do what Mr. Adams requested you to do when he reached out to you all in October. They provided more assistance and on site cooperation. Later, it was consolidated with another district because of declining enrollment. I am sure that learned ADE counsel will validate this point.

Second, the state has no demonstrated track record of success with respect to student achievement within the three black districts it has taken over or within the six schools which it effectively controlled for the past several years in Little Rock. The three districts include Helena, Marianna and Strong. The before and after taken over achievement statistics tell the story. If the state now has the capacity to make this change in the thirteen months since the election of Ms. Shepard and Mr. McAdoo and in the three months since the election of Dr. Ross and Mrs. Springer, it should do so forthwith and take over not only Little Rock or its priority schools but all of the other districts which have been on academic distress as well.

Third, I reemphasize that the Little Rock School District has not had effective educational control of the six schools for many years and that even with your department's input, there is no material change in student achievement. The committee headed by Dr. Wilde does not pretend that the State is competent to address this task. Moreover, its own work with the district has been professionally evaluated so it may be that the state has contributed to the status of the schools in question.

Fourth, for more than 20 years, the ADE has been obliged to aid the three county district in their efforts to meet student achievement objectives. There is no evaluated record of the worth of ADE effort to LRSD, PCCSD or NLRSD. When Dr. Ken James was the LRSD superintendent and Mr. John Riggs was a board member, the state persuaded Judge Wilson that student achievement was a great success. Now, Dr. Suggs, supported by Mr. Riggs and perhaps some of you seem to accept the premise that there has been no success in student achievement in this district for more than 20 years. We unsuccessfully argued that position before Judge Wilson but ADE and Mr. Riggs said otherwise. That puts the State and LRSD including John Riggs in the position of having provided faulty if not false information to Judge Wilson when the department was headed by Dr. Ken James whom you selected to address student achievement for a period of 6 years. It did not happen. A note in this respect that the ADE was obliged to "monitor" educational achievement and to assist the district in reaching their other educational goals for more than 20 years. I note that the record is clear that the ADE did not monitor as it committed for more than 20 years until we reached the settlement agreement last year. It

began to do so then. That reinforces the point that the State has been unwilling or unable to impact the subject of student achievement of minority students anywhere. It remains the PCSSD's most daunting task. With the state of academic achievement in PCSSD, which is not materially different from that in LRSD, it cannot be said that the ADE is in a better posture to address the subject than the Little Rock district is. I note that no other district including PCSSD has appeared before your academic distress committee. That committee's actions suggests that it would be folly for any district to appear before unless it wished to be taken over.

Fifth, factual falsity permeates this situation. In 2006-2007, when the Board first became majority African American, the administration persuaded Judge Wilson that it had put in place a necessary data warehouse for use in program evaluation. Because the BOARD had just become majority African American and Dr Roy Brooks, a black person, was the superintendent, he could trust the district to seriously address the efficiency of programs in place for student achievement. With the Covenant of the Board, which is attached hereto, program evaluation

was undertaken with the reluctant approval of senior administrators who have actually lobbied the state to take over the Little Rock School District. Dr. Suggs now says that when he came here in 2013, there was no data warehouse available for use in program evaluation. Either Suggs' comments or the testimony before Judge Wilson is wrong. Dr. Suggs representations I submit are false because the district expended approximately one half million dollars to purchase a data warehouse before he arrived.

Sixth, in the past year, the state changed the achievement standards for placing schools on academic distress. The previous standard was that academic distress would be the label of those districts where 75% of the students were below basic. Now the standard is that if more than 50% score below proficient , the district will be labeled as being in academic distress. I ask you that how can any district flip minority achievement within a period of 9 months to meet the new standard. This is impossible. That is in part I am sure what motivated the former Board's request of your academic for help. And the help that is now being proposed, on the basis of a lone disgruntled school board member,

is for the state to take over the district and remove the directors who were just elected and who have seriously approached their duties within the last three months. That makes no sense. Moreover, taken with the comments from the representatives from the Chamber of Commerce, but has to be considered racially motivated.

Several years ago the Chamber orchestrated an effort to elect a white lady to replace a black school board member and to secure a white board majority. At least three of the people who appeared before you participated in that effort. They lost, sulked and have been lurking waiting for the moment where they can reclaim their rule of the Board and continue the practices with respect to student achievement during the regimen of John Riggs and Ken James. This is not the time for that. Equal protection and due process still repose within the United States Constitution.

Finally, this district has to adhere simultaneously to state standards, common core, no child left, benchmarks, PAARC examinations, Race to the Top, teacher contracts, state rules and regulations, federal law

regarding special education, state law, board policy and the federal and state civil rights act. Dr. Suggs' complaint that he can not fire incompetent must be viewed within the context of law which he must follow. He must give notice of deficiencies, establish an improvement plan, work to achieve that and upon failure, to give timely notice before May 1st or June 1st. He cannot arbitrarily fire or hire someone because he knows or likes them. He must post vacancies which is reluctant to do. Finally, his documentation must be sufficient. IT can be on a whim or caprice. When he asked you to take over the board, he is asking you to provide him job security. Dr. Roy Brooks was taunted as this district's savior by the power structure of the City. After he was fired by the Black board majority, he was hired to run ESTEM. He lasted for 6 months and has not been able to hold a job since. These same people supported Dr. Brooks who now support Dr. Suggs and they do so because he, like Brooks, supports their agenda to create a new high school and middle school in west Little Rock rather than to seriously address student achievement as a priority.

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A-4: LITTLE ROCK SCHOOL DISTRICT
EXHIBIT THREE (3)

FOCUS™ Terms Search Within

View

1 of 1

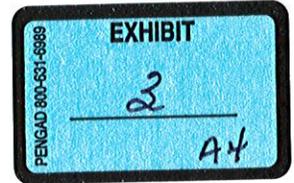


A.C.A. § 6-15-430

Pages: 6

A.C.A. § 6-15-430

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*** Legislation is current through the 2014 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** July 2, 2014. ***

Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 15 Educational Standards and Quality Generally

Subchapter 4 -- Arkansas Comprehensive Testing, Assessment, and Accountability Program Act

A.C.A. § 6-15-430 (2014)

6-15-430. State Board of Education authority over a public school or school district in academic distress.

(a) If a school district is classified as being in academic distress, the State Board of Education may:

(1) Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district and:

(A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Commissioner of Education; and

(B) Compensate from school district funds the individual appointed to operate the school district;

(2) Suspend or remove some or all of the current board of directors and call for the election of a new board of directors for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(3) Require the school district to operate without a board of directors under the supervision of the superintendent or an individual or panel appointed by the Commissioner of Education;

(4) Waive the application of Arkansas law, with the exception of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq., or the corresponding state board rules and regulations;

(5) Require the annexation, consolidation, or reconstitution of the school district;

(6) In the absence of a board of directors, direct the commissioner to assume all authority of the board of directors as may be necessary for the day-to-day governance of the school district;

(7) Return the administration of the school district to the former board of directors or to a newly elected board of directors if:

(A) The Department of Education certifies in writing to the state board and to the school district at the school district has corrected all issues that caused the classification of academic distress; and

(B) The state board determines that the school district has corrected all issues that caused the classification of academic distress; and

(8) Take any other necessary and proper action, as determined by the state board, that is allowed by law.

(b) If a public school is classified as being in academic distress, the state board may:

(1) Require the reorganization of the public school or reassignment of the administrative, instructional, or support staff of the public school;

(2) Require the public school to institute and fully implement a student curriculum and professional development for teachers and administrators that are based on state academic content and achievement standards, with the cost to be paid by the school district in which the public school is located;

(3) Require the principal of the public school to relinquish all authority with respect to the public school;

(4) Waive the application of Arkansas law or the corresponding state board rules, with the exception of:

(A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.; and

(B) The Public School Employee Fair Hearing Act, § 6-17-1701 et seq.;

(5) Under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., reassign or remove some or all of the licensed personnel of the public school and replace them with licensed personnel assigned or hired under the supervision of the commissioner;

(6) Remove the public school from the jurisdiction of the school district in which the public school is located and establish alternative public governance and supervision of the public school;

(7) Require closure or dissolution of the public school;

(8) (A) Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district in which the public school is located.

(B) If the state board takes an action under subdivision (b)(8)(A) of this section, it may appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the commissioner and compensate the appointed individual;

(9) Take one (1) or more of the actions under subsection (a) of this section concerning the public school district where the school is located;

(10) Return the administration of the school district to the former board of directors or to a newly elected board of directors if:

(A) The department certifies in writing to the state board and to the school district that the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(B) The state board determines the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(11) Take any other appropriate action allowed by law that the state board determines is needed to assist and address a public school classified as being in academic distress.

(c) (1) A student attending a public school or school district classified as being in academic distress is automatically eligible and entitled pursuant to the Public School Choice Act of 2013, § 6-18-1901 et seq., or the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, to transfer to another public school or public school district not in academic distress during the time period that the resident public school or public school district is classified as being in academic distress.

(2) The cost of transporting the student from the resident district to the nonresident district shall be the cost of the resident district under the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.

(d) If the state board or the commissioner assumes authority over a public school district in academic distress under subsection (a) or subsection (b) of this section, the state board may pursue the following process for returning a public school district to the local control of its residents:

(1) During the second school year following a public school's or school district's classification of academic distress status, the state board shall determine the extent of the public school's or school district's progress toward correcting all criteria for being classified as in academic distress;

(2) (A) If the state board determines that sufficient progress has been made by a public school or school district in academic distress toward correcting all issues that caused the classification of academic distress, but the public school or school district has not yet resolved all issues that caused the classification of academic distress, the commissioner, with the approval of the state board, may appoint a community advisory board of either five (5) or seven (7) members to serve under the supervision and direction of the commissioner.

(B) The members of the community advisory board shall be residents of the school district and shall serve on a voluntary basis without compensation.

(C) The department shall cause to be provided to the community advisory board technical assistance and training in, at a minimum, the areas required in § 6-13-629.

(D) The duties of a community advisory board include without limitation:

(i) Meeting monthly during a regularly scheduled public meeting with the state-appointed administrator regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;

(ii) Seeking community input from the residents of the school district regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;

(iii) Conducting hearings and making recommendations to the commissioner regarding personnel and student discipline matters under the appropriate district policies;

(iv) Working to build community capacity for the continued support of the school district; and

(v) Submitting quarterly reports to the commissioner and the state board regarding the progress the public school or school district toward correcting all issues that caused the classification of academic distress.

(E) The members of the community advisory board shall serve at the pleasure of the commissioner until:

(i) The school district is returned to local control and a permanent board of directors is elected and qualified; or

(ii) The state board annexes, consolidates, or reconstitutes the school district under this section or under another provision of law;

(3) (A) By April 1 of each year following the appointment of a community advisory board under subdivision (d)(2) of this section, the state board shall determine the extent of the public school's or school district's progress toward correcting all issues that caused the classification of academic distress and shall:

(i) Allow the community advisory board to remain in place for one (1) additional year;

(ii) Return the school district to local control by calling for the election of a newly elected board of directors if:

(a) The department certifies in writing to the state board and to the school district that the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(b) The state board determines the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; or

(iii) Annex, consolidate, or reconstitute the school district pursuant to this title.

(B) If the state board calls for an election of a new school district board of directors, the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.

(4) (A) If the state board calls for an election of a new school district board of directors pursuant to subdivision (d)(3)(A)(ii) of this section, the commissioner, with the approval of the state board, may appoint an interim board of directors to govern the school district until a permanent school district board of directors is elected and qualified.

(B) The interim board of directors shall consist of either five (5) or seven (7) members.

(C) The members of the interim board of directors shall be residents of the school and otherwise eligible to serve as school district board members under applicable law.

(D) The members of the interim board of directors shall serve on a voluntary basis without compensation.

(e) (1) If, by the end of the fifth school year following the public school's or school district's

classification of academic distress status, the public school or school district in academic distress has not corrected all issues that caused the classification of academic distress, the state board, after a public hearing, shall consolidate, annex, or reconstitute the school district under this section.

(2) The state board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the state board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.

(f) Nothing in this section shall be construed to prevent the department or the state board from taking any of the actions listed in this section at any time to address public schools and school districts in academic distress.

Acts 2003, No. 1467, § 16; 2013, No. 600, § 5; 2013, No. 1073, § 13; 2013, No. 1227, § 2; 2013, No. 1429, § 4.

View

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A.C.A. § 6-15-430

Pages: 6



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A-4: LITTLE ROCK SCHOOL DISTRICT

EXHIBIT FOUR (4)

January 8, 2015

Arkansas State Department of Education Academic Distress Committee Hearing on LRSD

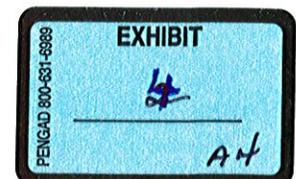
Given the clear evidence of inappropriate racial motivation, the State should resist the influence of the disgruntled LRSD Board Members, former Board members, Chamber of Commerce, and business community to take over the District in violation of the law. Rather, this Board should address the problem reported to your special committee yesterday. In the report of Mr. Wilde and Mrs. Barnes, your special committee learned that the LRSD was "doing more than (it) can humanly do." Your committee also learned that "everything they are doing (every intervention) is research based. Only the way that they are doing them is NOT research based.

More importantly, your committee learned that the biggest barriers facing the LRSD is that the LRSD "is moving on too many fronts at one time," and that it "does not have the time to bring staff along to understand what they are to do."

Given that this is the "barrier" identified by your staff, your solution (the race-neutral action rationale) should be one designed to reasonably address that "barrier" your staff identified. Taking over the LRSD and abdicating the authority of the democratically elected majority black LRSD Board of Directors is unwarranted.

Rather, your solution or remedy, if you intend to avoid the racial motivation previously identified to you, should be to work with LRSD to reduce those things that they are doing, as recommended by your staff.

John Walker



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A-6: LEE COUNTY SCHOOL DISTRICT

EXHIBIT ONE (1)

Ronnie P Hughes

526 Robin Road

Bismarck, AR 71929

ronniephughes@gmail.com - cell: 501-844-1028 - home: 501-865-2488

Report on the start of the 2014-15 second semester at Lee County High School by Nancy Bramlette and Ronnie Hughes.

Mrs. Stanley, Lee County High School Principal, had an excellent plan in place for the start of the semester for their returning students. With the support of district staff, the plan was executed to perfection.

Mrs. Edwards, compliance officer, had student schedules printed and ready to distribute. The high school staff was also prepared to execute the plan. It was great to see the support of the guidance office, Mr. Shumpert and Mrs. Broadway, in their work with new students and the problem solving of issues that would arise through the day. It was truly a team effort.

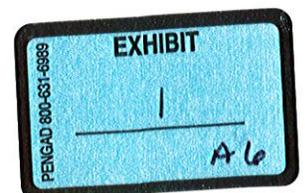
Several staff members were helpful in identifying issues with some students' schedules who had not met first semester prerequisites in the vocational courses. These issues were quickly corrected.

During the day Ronnie was able to verify Mr. Shumpert's work on the four year academic plans for grades 8, 9 and 10. These plans will become the students' course requests for the 2015-16 school year. Some students' post-secondary plans had not yet been identified. Once complete, parent signatures will be added to these plans.

Students who attend East Arkansas Community College (EACC) had received their grades and credits. The implementation of this program and student success are very good. Like any college or post secondary program, there will always be students who withdraw from courses. However, the attrition rate for Lee County High Students was below the rate for the average freshman entering college. This is very satisfying and is a great foundation to build upon. High school staff had already identified students and their course choices at EACC for the second semester. The high school is very close to having enough students who want to take College Algebra in the second semester to meet the ten requirements where EACC would send an instructor to the district to teach the class.

The remainder of this first week will involve first semester grades being posted where credit calculation, GPA calculations and rank can be completed. Then reports can be run to identify students, especially seniors, who have not passed a required course to meet their graduation requirements. Their schedules can be changed, if possible, to meet those graduation requirements. Also, after grades have been posted, an audit for seniors who failed required courses can be completed on a seven semester transcript.

In conclusion, it was a very good start to the second semester because of team work and excellent planning by the high school staff.



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A-11: FOUNTAIN LAKE CHARTER HIGH SCHOOL

EXHIBIT ONE (1)

Fountain Lake Charter High School Programs of Study

Business & Information Systems

Information Technology Cluster:

* Informatics

Hospitality and Tourism Cluster

* Culinary Arts

Arts and Humanities

Arts and Communications Cluster:

* Graphic Design

* Journalism/Mass Communication

* Performing and Visual Arts

Education and Training Cluster:

* Orientation to Teaching

Foundation Knowledge and Skills (FKS):

Employability * Ethics * Teamwork *
 Career Development * Problem Solving * Critical Thinking *
 Information Technology * Legal Responsibilities * Communication *
 Safety, Health and Environment * Personal Finance * Social Studies *
 Math * Science * English

FKS will be the Freshman Enrichment Course & will be embedded into each course in a POS

Mathematics, Science and Engineering

Agriculture, Food and Natural Resources Cluster:

* Horticulture/Greenhouse Management

Manufacturing Cluster:

* Lean Manufacturing Technologies

* Machine Tool Technology

* Wood Technology

Health, Human and Public Services

Health Science Cluster:

* Medical Professions

* Biomedical

Law and Public Safety:

* Law Enforcement

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A-14: PLSB HEARING - LeANNA KELPINE (COOK)

EXHIBIT ONE (1)

Jennifer Liwo (ADE)

From: Cheryl Reinhart (ADE)
Sent: Thursday, January 08, 2015 8:05 AM
To: Jennifer Liwo (ADE)
Subject: FW: Kelpine Appeal Hearing

-----Original Message-----

From: Cheryl Reinhart (ADE)
Sent: Thursday, January 08, 2015 7:48 AM
To: 'Marcia Barnes'
Cc: Leanna Kelpine
Subject: RE: Kelpine Appeal Hearing

Thank you for letting us know Marcia. We will ask that the State Board accept the recommendation of the Ethics Subcommittee.

--Cheryl

Cheryl L. Reinhart
Director, Professional Licensure Standards Board Arkansas Department of Education Four Capitol Mall, Box 30 Little Rock, AR 72201
501.682.9983 direct line
501.682.3781 fax
Cheryl.Reinhart@arkansas.gov

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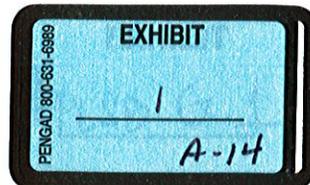
From: Marcia Barnes [<mailto:mbarnes@marciabarneslaw.com>]
Sent: Thursday, January 08, 2015 7:39 AM
To: Cheryl Reinhart (ADE)
Cc: Leanna Kelpine
Subject: Kelpine Appeal Hearing

Dear Cheryl and Jennifer:

Ms. Kelpine has authorized me to withdraw her appeal of the PLSB's recommendation.

Thank you,

Marcia
Marcia Barnes & Associates, PA
400 W. Capitol, Suite 1700
Little Rock, Arkansas 72201
501-944-7403 cell
501-492-3436 work
mbarnes@marciabarneslaw.com



C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on January 8, 2015, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: January 21, 2015.



Sharon K. Hill

SHARON K. HILL, CCR
 Certified Court Reporter
 Certificate No. 670

