

March 23, 2010

Dr. Linda Watson
Superintendent
Little Rock School District
810 West Markham Street
Little Rock, AR 72201

Re: LRSD v. PCSSD

Dear Dr. Watson:

The State of Arkansas has violated state and federal law and failed to meet its commitments under the 1989 Settlement Agreement in ways that hurt LRSD students. We can prove it and we can take action to stop it. I have attached a draft Motion to Enforce 1989 Settlement Agreement in order to show you in detail what the State has done wrong, how it hurts our ability to provide all students an equal opportunity for an adequate education, and what we can do about it.

We have tried to avoid litigation through settlement negotiations. The State would likely agree to significant payments for the three Pulaski County school districts for seven years (a total of \$430,000,000), but will not agree to any long term plan to assure that charter schools do not operate to the detriment of students who remain in traditional public schools. A majority of our Board has been unwilling to settle if the State will not address the charter school issue.

We have expressed our concerns clearly and repeatedly to the State Board of Education (SBE). We have tried to convince the SBE to impose reasonable conditions on charter schools in accordance with Arkansas law and to follow their own policies in evaluating those schools, but we have been unsuccessful. The SBE imposed some conditions on UCPC, but revoked them at the next meeting. They then voted to expand the ESTEM charter middle school and high school over our objections.

This case is headed toward litigation whether we seek to enforce the law or not. The Arkansas Department of Education and the Attorney General have been authorized by the legislature "to seek modification of the current consent decree...". See Act 395 of 2007 (Ark. Code Ann. §6-20-416). It is clear that the State will sue the districts to end desegregation funding as soon as PCSSD and NLRSD are declared unitary, if not sooner. The question is not whether there will be litigation, but when. The longer we wait, the greater the uncertainty about the future not only of the magnet and interdistrict schools, but of all of our schools.

PCSSD has actively opposed the unconditional approval of new charter schools by the SBE.

Dr. Linda Watson

March 23, 2010

Page 2

NLRSD and the Joshua Intervenors have taken positions similar to ours before Judge Miller. I believe these parties, as well as the Knight Intervenors, would support our efforts to hold the State to its obligations.

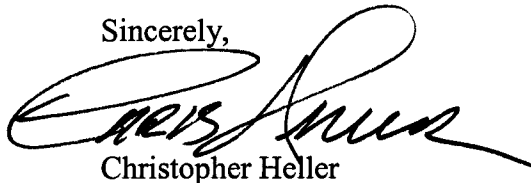
The time might be right to get all of the issues on the table. The NLRSD and PCSSD unitary status hearings have been completed, and it is not certain whether either of those districts will achieve unitary status in the near future. Our efforts to protect the interests of our students could bring all of the parties back together to discuss sensible ways to provide equal educational opportunities to all students in Pulaski County for the long term.

There are risks and costs to litigation. We will be criticized in some quarters for our efforts on behalf of our students. Even though many of the facts we will allege will not be in dispute and we should be in a position to seek summary judgment on a number of issues, we could spend \$50,000 just to get to that point. If all of the compliance and funding issues are fully litigated at trial, we could spend \$200,000. It is likely that the State would be required to reimburse LRSD for its attorney's fees if we prevail.

If the Board decides to seek to remedy the State's violations, I would not expect that effort to detract from LRSD's focus on student achievement or its efforts to implement our new strategic plan. LRSD is the largest school district in Arkansas and one of the largest employers in Pulaski County. There is always pending litigation involving LRSD. While our case against the State would likely receive more publicity than most cases, the issues could be developed without any significant imposition on the time and attention of board members, administrators and teachers.

I believe we have a case that can be made successfully and should be made for the long-term benefit of our students. I hope you will recommend to the Board that we take action to enforce the State's obligations to those students. In the words of President Kennedy, "There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction."

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Heller", with a large, stylized flourish extending from the end of the name.

Christopher Heller

CJH/kc