

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

LITTLE ROCK SCHOOL DISTRICT

PLAINTIFF

v.

LR-C-82-866

PULASKI COUNTY SPECIAL SCHOOL
DISTRICT NO. 1, ET AL

DEFENDANTS

MRS. LORENE JOSHUA, ET AL

INTERVENORS

KATHERINE KNIGHT, ET AL

INTERVENORS

MOTION TO ENFORCE 1989 SETTLEMENT AGREEMENT

Plaintiff Little Rock School District (“LRSD”) for its Motion to Enforce 1989 Settlement Agreement states:

1. LRSD moves to enforce the 1989 Settlement Agreement for the reasons set forth in the accompanying Memorandum Brief in Support of Motion to Enforce 1989 Settlement Agreement, which is hereby incorporated by reference.

2. LRSD submits the following exhibits in support of its Motion to Enforce 1989 Settlement Agreement (listed by exhibit number):

1. M-to-M Stipulation filed August 26, 1986;
2. Magnet Stipulation filed February 16, 1987
3. 1989 Settlement Agreement, as Revised September 28, 1989;
4. Interdistrict Desegregation Plan dated April 29, 1992;

5. LRSD's Revised Desegregation and Education Plan ("Revised Plan");
6. PCSSD's Plan 2000;
7. Transcript of District Court's Decision on Proposed Jacksonville Splinter District, August 18, 2003 (Docket No. 3795);
- 7A. Attorney General Opinion, June 4, 2003;
8. ADE Rules and Regulations Governing Public Charter Schools (October 2009);
9. State Board Transcript, March 13, 2000;
10. Attorney General Opinion dated March 8, 2000;
11. Academics Plus Application, 2001-2002;
12. Attorney General Opinion dated January 5, 2001;
13. Academics Plus Enrollment Report, April 13, 2001;
14. State Board Minutes, May 14, 2001;
15. Pulaski County Public School Enrollment by District and by Year;
16. State Board Minutes, March 15, 2004;
17. Letter from Nancy Acre to Bobby Davis, November 18, 2009;
18. 2008 Adequacy Report, December Revision, Recommendation 7;
19. ADE Legal Comments, Academics Plus Renewal Application, 2004-2005;
20. Act 463 of 2001;
21. ADE Application Evaluation, Academics Plus, 2001-2002;
22. State Board Minutes, August 11, 2008;
23. LISA Academy Application, 2004-2005;
24. State Board Transcript, Jan. 12, 2004;

25. LISA Academy Response to ADE Application Evaluation, 2004-2005;
26. State Board Minutes, Jan. 12, 2004;
27. State Board Minutes, April 12, 2004;
28. State Board Transcript, Nov. 5-6, 2007;
29. State Board Minutes, April 9, 2007;
30. LISA Charter 2007;
31. Dreamland Academy Application, 2007-2008;
32. LISA NLR Application, 2008-2009;
33. ADE Legal Comments, LISA NLR, 2008-2009;
34. ADE Desegregation Analysis, LISA NLR, Nov. 1, 2007;
35. Covenant Keepers Application, 2008-2009;
36. ADE Desegregation Analysis, Covenant Keepers, Nov. 1, 2007;
37. State Board Minutes, Jan. 15, 2008;
38. ESTEM Elementary Application, 2008-2009;
39. ESTEM Middle Application, 2008-2009;
40. ESTEM High Application, 2008-2009;
41. ADE Application Evaluation, ESTEM High, 2008-2009;
42. ADE Desegregation Analysis, ESTEM, Nov. 1, 2007;
43. State Board Transcript, Dec. 10, 2007;
44. LRSD letter to ADE opposing ESTEM Expansion, Feb. 16, 2010 ;
45. Jacksonville Lighthouse Application 2009-2010;
46. ADE Desegregation Analysis, Jacksonville Lighthouse, Oct. 30, 2008;

47. LRSD letter to ADE, Sept. 30, 2008;
48. State Board Transcript, Nov. 3, 2008;
49. Little Rock Prep Application, 2009-2010;
50. State Board Transcript, Nov. 4, 2008;
51. Arkansas Democrat Gazette, "New Charter Schools Battles Setbacks," August 9, 2009;
52. UCPC Application, 2010-2011;
53. LRSD Findings of Fact, UCPC, Sept. 29, 2009;
54. State Board Transcript, Nov. 9, 2009;
55. LRSD State Board Submission on UCPC;
56. State Board Transcript, Dec. 14, 2009;
57. State Board Transcript, Jan. 19, 2010;
58. Pulaski County Open-Enrollment Charter Schools Authorized Enrollment;
59. RICHARD D. KAHLBERG, "Turnaround Schools That Work: Moving from Separate to Equal," p. 19 (Century Foundation 2009);
60. ADE AYP Report 2008-2009, dated Oct. 9, 2009;
61. ADE Gain Index 2008-2009, dated March 14, 2009, LRSD and Open-Enrollment Charter Schools in Pulaski County;
62. LRSD by School and by Free and Reduced Eligible, 2009-2010, Oct. 1, 2009;
63. LRSD Withdrawal Report, Benchmark Classification, 2009-2010;
64. Interdistrict Schools and Magnet Charters Percentage Black;
65. Analysis of Students Lost to ESTEM, 2008-2009;
66. Magnet Waiting List, Oct. 1, 2009;

67. KIPP letter to Kimbrell, Oct. 22, 2009;
68. United States Department of Education, Office of Civil Rights, "Applying Federal Civil Rights Laws to Public Charter Schools," (May 2000);
69. BLR's "study" of transportation required by Act 1604 of 2007;
70. Act 293 of 2010;
71. 2008 Adequacy Report.
72. Odden, Picus and Goetz, "The Arkansas Recalibration Report," (August 30, 2006).
73. 2008-2009 Annual Statistical Report Spreadsheet - Transportation Cost Per Student.

WHEREFORE, LRSD respectfully requests:

1. That the Court schedule a hearing; on these issues and enter an appropriate scheduling order allowing the parties sufficient time to develop the issues through discovery in advance of the hearing.
2. That the State Board be enjoined from approving any new open-enrollment charter school in Pulaski County or authorizing an increase in enrollment of any existing open-enrollment charter school in Pulaski County, except upon approval of the Court and on such terms and conditions necessary to ensure compliance with the "terms and spirit" of 1989 Settlement Agreement;
3. That the State Board be directed to amend the charters of open-enrollment charter schools in Pulaski County to include such terms and conditions determined by the Court to be necessary to ensure compliance with the "terms and spirit" of 1989 Settlement Agreement including, but not limited to, that the State pay the full cost of transporting economically

disadvantaged students to open-enrollment charter schools in Pulaski County;

4. That the State be directed, retroactively and until otherwise ordered by the Court, to pay LRSD the sending district incentive payment required by the M-to-M Stipulation for students who reside in LRSD but attend(ed) an open-enrollment charter school in Pulaski County;

5. That the State be directed to comply with the 1989 Settlement Agreement and to identify or develop programs, policies and/or procedures designed to provide a substantially equal opportunity for an adequate education to all students attending high-poverty schools located in LRSD;

6. That the State be directed to pay to the full cost of implementing the programs, policies and/or procedures identified or developed to provide a substantially equal opportunity for an adequate education to all students attending high-poverty schools located in LRSD;

7. That the State be directed to reimburse LRSD the actual cost of transportation of economically disadvantaged students for the 2007-2008 school year and continuing thereafter;

8. That the State be directed to retain experts approved by LRSD to review the 1989 Settlement Agreement to determine whether a race-neutral student assignment system can achieve the goals of the 1989 Settlement Agreement;

9. That the State be directed to pay LRSD its costs and attorneys' fees expended herein; and,

10. That LRSD be awarded all other just and proper relief to which it may be entitled.

Respectfully submitted,

LITTLE ROCK SCHOOL DISTRICT
Friday, Eldredge & Clark

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CERTIFICATE OF SERVICE

I certify that on May 19, 2010, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

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