

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

**RON AND KATHY TEAGUE, on and behalf of
minor children, T.T. and S.T.;**
**DARRIN AND JULIE HARDY, on and behalf
of minor child, C.H.;**
**RHONDA RICHARDSON on and behalf of
minor child, A.R.;**
**MARK AND JENNIFER DRAPER on and
behalf of minor children, A.D. and S.D.**

PLAINTIFFS

v.

CASE NO. 6:10-cv-6098

ARKANSAS BOARD OF EDUCATION;
**JIM COOPER; BRENDA GULLETT; SAMUEL
LEDBETTER; ALICE WILLIAMS MAHONY;**
**DR. BEN MAYS; JOE BLACK, TOYCE
NEWTON, MIREYA REITH, and VICKI
SAVIERS, in their official capacity;**
**MAGNET COVE SCHOOL DISTRICT:
KAREN SCOTT, DANNY LINAM, LISA
LOFTIS, KIM BRAY, and JACK RYNDERS, in
their official capacity;**
**THE ARKANSAS DEPARTMENT OF
EDUCATION**

DEFENDANTS

**CAMDEN-FAIRVIEW SCHOOL DISTRICT
NO. 16 OF OUACHITA COUNTY;**
**EL DORADO SCHOOL DISTRICT #15,
UNION COUNTY, AR**

INTERVENORS

STATE DEFENDANTS' MOTION FOR STAY

Come now the State Board Defendants, Jim Cooper, Brenda Gullett, Samuel Ledbetter, Alice Williams Mahony, Dr. Ben Mays, Joe Black, Toyce Newton, Mireya Reith, and Vicki Saviers, in their official capacities only as members of the Arkansas State Board of Education, and the Arkansas Department of Education (ADE) by and through their attorneys, Arkansas

Attorney General Dustin McDaniel and Assistant Attorney General Scott P. Richardson, and for their *Motion for Stay*, state:

1. Arkansas law requires students to attend school in the district within which the students reside or to which school age children “have been legally transferred . . . for education purposes.” Ark. Code Ann. § 6-18-202(b)(1).

2. As the Court noted in its Memorandum Opinion and Order, over 15,000 students have been granted transfer to non-resident school districts under Arkansas laws including the school choice law that is the subject of this lawsuit.

3. The Court’s order and Judgment entered June 8, 2012 (DE # 98), raises the question of whether the students who had been granted transfers under the School Choice Act (§ 6-18-206) before the opinion and Judgment were entered “have been legally transferred” and therefore may continue to attend school in the non-resident school district.

4. The purpose of this motion is to request a stay (or a clarification) of the Court’s injunction so that the injunction will only prohibit applications for transfer subsequent to the entry of the Court’s judgment and will not prohibit transfers that were granted under the Act in years prior to June 8, 2012.

5. As explained more fully in the brief filed herewith, State Defendants request a limited Stay of the Court’s injunction so that it will operate prospectively only and not impair any student’s ability to continue attending school at his or her chosen school district.

For the foregoing reasons, the State Board Defendants respectfully request that this Court issue a stay of its judgment pending outcome of the appeal and grant all other relief to which State Defendants are entitled.

Respectfully submitted,

DUSTIN McDANIEL
Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2012, I 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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