

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

RON AND KATHY TEAGUE, et al.

PLAINTIFFS

V.

CASE NO. 6:10-CV-6098

ARKANSAS BOARD OF EDUCATION, et al.

DEFENDANTS

CAMDEN FAIRVIEW SCHOOL DISTRICT et al.

INTERVENORS

**INTERVENORS' RESPONSE TO
STATE BOARD DEFENDANTS' MOTION FOR STAY**

Come now the Intervenor, Camden Fairview School District No. 16 of Ouachita County and El Dorado School District, and for their response to the State Board Defendants' Motion For Stay, state:

1. The Intervenor admits paragraph 1 to the extent that Ark. Code Ann. § 6-18-202(b)(1) speaks for itself.

2. The Intervenor admits paragraph 2.

3. The Intervenor admits paragraph 3 to the extent that it accurately describes the legal question raised by the State, *i.e.*, whether students already attending under the 1989 Act were "legally transferred . . . for education purposes." The Intervenor denies said students were transferred for "educational purposes" to the extent that characterization implies that all transfers pursuant to the 1989 Act are based on an assessment of the individual educational needs of the student, as opposed to the simple desire to transfer for whatever reasons.

4. The Intervenor admits paragraph 4 to the extent that they do not object to the Court permitting by stay pending appeal the continued attendance of students who actually attended school in a non-resident district during 2011-12 under the 1989 Act. The Intervenor denies that applications

for first time attendance in 2012-13 should be permitted under any construction of the Court's June 8, 2012 order, or any stay pending appeal of that order.

5. The Intervenors admit paragraph 5 to the extent that the requested stay applies only to permit the attendance of 1989 Act students to continue attending the school district attended in 2011-12. The Intervenors deny paragraph 5 to the extent it would permit attendance pursuant to pre-June 8, 2012 approved applications under the 1989 Act for transfer to a district not attended by the transferee in 2011-12.

WHEREFORE, the Intervenors request that their motion for limited stay filed contemporaneously herewith be granted; that the State Board Defendants' motion be granted to the extent it is not inconsistent with the Intervenors' motion for limited stay; that the Plaintiffs' Amended Motion For Stay Pending Appeal be denied in its entirety; and for all other relief to which they are entitled whether or not herein specifically requested.

Respectfully submitted,

Camden Fairview School District and
El Dorado School District

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CERTIFICATE OF SERVICE

I, Whitney F. Moore, do hereby certify that I filed the foregoing on the Court's CM/ECF system which shall send notification of such filing to:

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on this 18th day of June, 2012.

/s/ Whitney Moore
Whitney F. Moore