

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

MAY 20 2013

JAMES W. MCCORMACK, CLERK  
By: \_\_\_\_\_  
DEP. CLERK

JAMES E. STEVENSON III,  
SHARYN STEVENSON, HEATH ADKISSON,  
LORI ADKISSON, RYAN BRASWELL,  
MELISSA BRASWELL, OLIVER COPPEDGE,  
TRACY COPPEDGE, GEORGE A. HALE III,  
STEPHANIE HALE, JEFF LANGSTON  
AND MISSY LANGSTON,

PLAINTIFFS

V.

NO. 3:13-cv-127-KGB

BLYTHEVILLE SCHOOL DISTRICT NO. 5

DEFENDANT

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs James E. Stevenson III, Sharyn Stevenson, Heath Adkisson, Lori Adkisson, Ryan Braswell, Melissa Braswell, Oliver Coppedge, Tracy Coppedge, George A. Hale III, Stephanie Hale, Jeff Langston and Missy Langston, for their complaint, state and allege:

This case assigned to District Judge Baker  
and to Magistrate Judge Young

**INTRODUCTION**

1. Plaintiffs seek injunctive and declaratory relief against the defendant Blytheville School District No. 5 ("Blytheville School District") for its unlawful and unconstitutional refusal to permit interdistrict school transfers in the coming school year, contrary to the commands of Act 1227 of 2013, also known as the Arkansas Public School Choice Act of 2013.

## **PARTIES**

2. Plaintiffs James E. Stevenson III and Sharyn Stevenson are citizens of Arkansas, long-time residents of Blytheville, Arkansas and Blytheville School District, grandparents of children within Blytheville School District, and taxpayers whose real property taxes go to support the operations and facilities of Blytheville School District. They are actively engaged in efforts of community and economic development within Blytheville and assert their interests in public school choice in order to promote educational reform and improvement within Blytheville School District and thereby economic and community development in and around Blytheville, Arkansas.

3. Plaintiffs Heath and Lori Adkisson are citizens of Arkansas, residents of Blytheville, Arkansas and Blytheville School District, parents of children in primary school in Blytheville School District, and desire to exercise their rights of public school choice on behalf of themselves and their children to improve educational outcomes for their children and to drive education reform and improvement in Blytheville School District.

4. Plaintiffs Ryan and Melissa Braswell are citizens of Arkansas, residents of Blytheville, Arkansas and Blytheville School District, parents of a child in primary school in Blytheville School District and a younger child, and desire to exercise their rights of public school choice on behalf of themselves and

their children to improve educational outcomes for their children and to drive education reform and improvement in Blytheville School District.

5. Plaintiff Oliver Coppedge, spouse of plaintiff Tracy Coppedge, is a citizen of Arkansas, resident of Blytheville, Arkansas and Blytheville School District, and parent of who attend public school in Missouri, and desires to exercise his rights of public school choice on behalf of himself and his children so they have the right to attend public school in Arkansas outside of Blytheville School District, to improve educational outcomes for his children and to drive education reform and improvement in Blytheville School District.

6. Plaintiff Tracy Coppedge, spouse of plaintiff Oliver Coppedge, is a citizen of Arkansas, resident of Blytheville, Arkansas and Blytheville School District, and parent of children who reside with their father in Armored School District, and desires to exercise her rights of public school choice on behalf of herself and her children so they may be educated at Armored School District even if they resided with her in Blytheville, to improve educational outcomes for her children and to drive education reform and improvement in Blytheville School District.

7. Plaintiffs George A. Hale III and Stephanie Hale are citizens of Arkansas, residents of Burdette, Arkansas and Blytheville School District, parents of children in primary school in Blytheville School District, and desire to exercise

their rights of public school choice on behalf of themselves and their children to improve educational outcomes for their children and to drive education reform and improvement in Blytheville School District.

8. Plaintiffs Jeff and Missy Langston are citizens of Arkansas, residents of Blytheville, Arkansas and Blytheville School District, parents of children in Blytheville School District and a younger child, and desire to exercise their rights of public school choice on behalf of themselves and their children to improve educational outcomes for their children and to drive education reform and improvement in Blytheville School District.

9. Blytheville School District is a duly created and existing public school district established under the laws of Arkansas. The Blytheville School District is a corporate body under Arkansas law with the power to sue and be sued.

10. Each plaintiff resides within the area of the Blytheville School District.

### **JURISDICTION AND VENUE**

11. This Court has jurisdiction over this action because plaintiffs present claims arising under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983. 28 U.S.C. § 1331. In addition, plaintiffs assert state-law claims that arise from the same nucleus of operative fact as the federal claims. This

Court has supplemental jurisdiction over the state-law claims under 28 U.S.C. § 1367.

12. This Court has jurisdiction over the subject matter of this action.

13. Each party is a resident of the Eastern District of Arkansas and is within this Court's personal jurisdiction.

14. The events giving rise to this action occurred in this judicial district and all parties are residents of this judicial district. Venue is therefore proper in this Court.

### **FACTS**

15. Each plaintiff other than the Stevensons and Tracy Coppedge has a minor child or children who reside within the area of Blytheville School District.

16. Act 1227 of 2013, the Arkansas Public School Choice Act of 2013 (the "Act"), was adopted as the law of Arkansas on April 16, 2013.

17. The General Assembly and the Governor made the Act effective immediately upon adoption on April 16, 2013 through an emergency clause.

18. Plaintiffs attach and incorporate herein by reference a true copy of the Act as Exhibit A.

19. The Act established a public school choice program to enable students to attend school in a non-resident district subject to certain limitations.

20. The Act requires each school district, including Blytheville School District, to participate in the public school choice program according to the terms of the Act.

21. In order to transfer from a resident to a non-resident school district under the Act, a student's parent must submit an application to the non-resident district with a copy to the resident district no later than June 1 of the year in which the student seeks to begin the fall semester at the non-resident district.

22. Each plaintiff other than the Stevensons has submitted an application for a transfer from the Blytheville School District to a non-resident district for the school year beginning in the fall of 2013.

23. Plaintiffs attach and incorporate herein by reference as group Exhibit B a copy of their applications for transfer under the Act, which have been redacted to conceal certain private information.

#### **LIMITATIONS ON TRANSFER UNDER THE ACT**

24. The Act contains two limitations that may apply to a resident district and may restrict or defeat a student's right to transfer to a non-resident district.

25. The first limitation, ARK. CODE ANN. § 6-18-1906(a), provides that if the provisions of the Act conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects

of past racial segregation in student assignment, the provisions of the order or plan shall govern. This limitation will be referred to as limitation (a) in this complaint.

26. Limitation (a) applies to both resident and non-resident school districts without any affirmative action, vote or conduct by the school district. In essence, limitation (a) permits a specific remedial order to take precedence over the school choice program set forth in the Act in the event that the remedial program would conflict with the choice program.

27. Blytheville School District is not subject to any enforceable desegregation court order or desegregation plan within the meaning of limitation (a) of the Act.

28. The second limitation under the Act is an “opt-out” provision set forth in ARK. CODE ANN. § 6-18-1906 (b). This limitation will be referred to as limitation (b) in this complaint.

29. Limitation (b) permits a school district annually to declare an exemption under the school choice program of the Act if the school district is subject to the desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

30. Limitation (b) requires a school district to notify the Department of Education by April 1 if it intends to declare an exemption under limitation (b) in the next school year.

31. Blytheville School District has attempted to declare an exemption under limitation (b) for the upcoming school year 2013-14.

**THE UNAVAILABILITY OF A LIMITATION (B) EXEMPTION FOR  
SCHOOL YEAR 2013-14**

32. Section 6-18-1906(b)(3) requires that a school district notify the Department of Education by April 1 if it intends to declare an exemption under limitation (b) in the next school year.

33. On April 29, 2013, Blytheville School District's Board of Education duly adopted a resolution attempting to declare a limitation (b) exemption from the Act. A true copy of Blytheville School District's April 29, 2013 resolution is attached and incorporated herein by reference as Exhibit C.

34. In Exhibit C, Blytheville School District directed its superintendent to provide notice to the Department of Education that the district sought an exemption under limitation (b). Blytheville School District notified the Department of Education of its April 29th resolution by letter dated May 9, 2013, received by the Department of Education on May 14, 2013. Exhibit C.

35. In Exhibit C, Blytheville School District stated that it attempted to exempt itself from the Act for the school year 2013-14.

36. The notice provided by Blytheville School District to the Department of Education that it intended to declare an exemption under limitation (b) was given after April 1, 2013.



37. Because the Act was adopted and became effective on April 16, 2013, the law does not allow any school district in the State of Arkansas to declare an exemption under limitation (b) for the school year beginning in the fall of 2013.

### **BLYTHEVILLE SCHOOL DISTRICT'S LEGAL DISOBEDIENCE**

38. Blytheville School District has resolved not to participate in the school choice program created by the Act in the school year beginning August 2013, notwithstanding its mandatory duty to do so under the laws of Arkansas.

39. Blytheville School District has provided notice to the Arkansas Department of Education of its unlawful exemption under limitation (b) of the Act for the school year beginning in the fall of 2013 notwithstanding the unavailability of that exemption for the coming school year.

40. On information and belief, Blytheville School District has communicated its unlawful effort to declare the unavailable exemption from the Act for the coming year to surrounding school districts to which the plaintiffs' children seek to transfer.

41. In Exhibit C, Blytheville School District asserted its limitation (b) exemption based on three cases and an agency mandate, to none of which Blytheville School District is subject and none of which provides a limitation (b) exemption under the Act to any school district. They are:

- a. *Brown v. Board of Education*, the seminal 1954 United States Supreme Court decision requiring dismantling of racially segregated dual school systems (which Blytheville School District accomplished 40 years ago);
- b. A 1969 “mandate” from the United States Department of Health, Education, and Welfare (which does not even exist currently under that name) requiring dismantling of dual school systems (which Blytheville School District accomplished 40 years ago);
- c. *Harvell v. Ladd*, E.D. Ark. No. J-C-89-225, a case involving Voting Rights Act violations in the election of school board members of Blytheville School District that was resolved almost 20 years ago and that never involved remedies for past racial segregation in schools; and
- d. *Franklin v. Board of Education of the Blytheville School District No. 5*, E.D. Ark. No. J-71-C-35, requiring dismantling of dual school systems by Blytheville School District (which Blytheville School District accomplished 40 years ago), which was terminated 40 years ago and dismissed 35 years ago.

42. Blytheville School District’s assertions of a limitation (b) exemption on the basis of these ancient, inapposite cases and asserted mandate, none of which

permit an exemption under limitation (b) of the Act in 2013 (if one were available), shows its bad faith and contemptuous actions in opposing the Act and depriving plaintiffs and their children of their rights as citizens of Arkansas under the Act. Blytheville School District's past racial discrimination in maintaining a segregated dual school system was remedied two generations ago. Blytheville School District cannot use its past racial segregation as a reason to deny plaintiffs and their children the benefits of the education-reform measures established in 2013 by the Arkansas General Assembly in the Act.

43. As a result of the actions of Blytheville School District, neighboring school districts are uncertain whether they may accept transfers of students, including plaintiffs' children, from Blytheville School District in the coming school year under the Act, and they have not accepted plaintiffs' children.

44. As a consequence of the unlawful actions of Blytheville School District, the plaintiffs will be deprived of their right to school choice under the Act unless appropriate injunctive relief is granted by this Court.

### **IRREPARABLE HARM**

45. Plaintiffs' children are entitled to participate in the school choice program of the Act during the school year 2013-14.

46. Plaintiffs' children are students attending their primary and secondary years, kindergarten through high school, of public school.

47. Due to their tender years and their need to continue and progress in their primary and secondary education, the children of the plaintiffs will suffer irreparable harm if they are not permitted to exercise their rights to public school choice and attend a non-resident district in the upcoming school year.

48. Plaintiffs and plaintiffs' children have an interest, identified and protected in the Act, in exercising their rights to public school choice and being more informed about and involved in the public educational system in a non-resident district.

49. Plaintiffs and plaintiffs' children seek to exercise school choice in order to increase the responsiveness and effectiveness of the State's schools and to provide teachers, administrators and school board members in Blytheville School District and surrounding non-resident districts additional incentives to satisfy their educational needs and the educational needs of residents of Blytheville School District.

50. Plaintiffs recognize that not every school is suitable for every child, and parents and children therefore should have the right to choose which public school district they wish to attend within the provisions of the Act.

51. The value of exercising rights to public school choice cannot be measured in dollars. The parental and student interests in information,

involvement, motivation, and attaining full academic potential that are protected and promoted by the Act cannot be adequately compensated by money damages.

52. Plaintiffs and plaintiffs' children will suffer irreparable injury if they are not permitted to exercise their rights to public school choice in the coming school year due to the opposition and obstruction of Blytheville School District.

### **COUNT I SECTION 1983 DUE PROCESS**

53. Plaintiffs incorporate herein by reference all allegations set forth in paragraphs 1 through 52 above.

54. The actions of Blytheville School District in connection with Exhibit C and the school choice program under the Act are state action within the meaning of 42 U.S.C. § 1983.

55. Plaintiffs and their school-age children have a property interest and a liberty interest in the school choice program under the Act that is defined and protected by the laws of Arkansas, including the Act.

56. Under color of state law, Blytheville School District has adopted the resolution attached as Exhibit C.

57. Because the exemption under limitation (b) of the Act is not available for school year 2013-14, the resolution of the Blytheville School District serves no legitimate governmental interest recognized in Arkansas.

58. Because the exemption under limitation (b) of the Act is unavailable for school year 2013-14, Blytheville School District's actions in connection with Exhibit C are completely and entirely irrational and at odds with the law and public policy of Arkansas.

59. On information and belief, Blytheville School District has taken its actions in opposition to the school choice program under the Act because it disagrees with and disputes the purposes and policies underlying the Act and seeks to intimidate parents and citizens and deprive them from exercising rights under the Act.

60. As is evident from Exhibit C, Blytheville School District is motivated at least in part by race in depriving plaintiffs and their children of the benefits of school choice under the Act.

61. Blytheville School District adopted Exhibit C in bad faith and for impermissible reasons of race.

## **COUNT II**

### **SECTION 1983 EQUAL PROTECTION**

62. Plaintiffs incorporate herein by reference all allegations set forth in paragraphs 1 through 61 above.

63. The parental and student rights to participate in the school choice program under the provisions of the Act are rights, privileges and benefits of

citizenship equally available to all citizens of Arkansas, including the plaintiffs and their children.

64. By adopting Exhibit C and taking the actions described above in connection with Exhibit C, Blytheville School District has denied each and every resident of the Blytheville School District, including plaintiffs and their children, the benefits, rights and privileges of the school choice program under the Act.

65. The actions of Blytheville School District serve no legitimate governmental interest, and in fact are opposed and contrary to the legitimate interests of the State of Arkansas in the Act.

66. Blytheville School District's actions with respect to Exhibit C are completely arbitrary and capricious and irrational in view of the interests and public policy set forth by the State of Arkansas in the Act.

67. Blytheville School District is, on information and belief, motivated at least in part by opposition and defiance to the interests of the State of Arkansas and the public policy set forth in the Act, and Blytheville School District seeks, in part, on information and belief, to intimidate and frustrate the legitimate rights and expectations of the plaintiffs and other residents of Blytheville School District through its actions concerning school choice for the upcoming year.

68. As is evident from Exhibit C, Blytheville School District is motivated at least in part by race in depriving plaintiffs and their children of the benefits of school choice under the Act.

69. Blytheville School District adopted Exhibit C in bad faith and for impermissible reasons of race.

**COUNT III**  
**ARKANSAS CIVIL RIGHTS ACT**  
**FUNDAMENTAL CONSTITUTIONAL RIGHT TO FREE AND**  
**ADEQUATE PUBLIC EDUCATION**

70. Plaintiffs incorporate herein by reference all allegations set forth in paragraphs 1 through 69 above.

71. The right to a free and adequate public education is a fundamental constitutional right of all Arkansas citizens. The right of public school choice under the Act is a part of the fundamental right to a free and adequate public education in Arkansas.

72. Blytheville School District has acted under color of state law in adopting the resolution attached as Exhibit C and in taking the acts described above in opposing and attempting to avoid participation in the public school choice program during the coming year.

73. The actions of Blytheville School District have violated the rights of plaintiffs and their children under the Arkansas Civil Rights Act, ARK. CODE ANN. § 16-123-105.



74. Blytheville School District has acted in bad faith and in opposition to the laws and public policy of the State of Arkansas in connection with the actions described in this complaint.

75. As is evident from Exhibit C, Blytheville School District is motivated at least in part by race in depriving plaintiffs and their children of the benefits of school choice under the Act.

76. Blytheville School District adopted Exhibit C in bad faith and for impermissible reasons of race.

**COUNT IV**  
**ARKANSAS CIVIL RIGHTS ACT**  
**PUBLIC SCHOOL CHOICE**

77. Plaintiffs incorporate by reference all allegations set forth above in paragraphs 1 through 76.

78. The Act provides plaintiffs and their children a statutory right and privilege under the laws of Arkansas to participate in the public school choice program in the school year beginning in August 2013.

79. Acting under color of state law, Blytheville School District has unlawfully deprived plaintiffs of their rights under the Act for the coming school year.

80. As is evident from Exhibit C, Blytheville School District is motivated at least in part by race in depriving plaintiffs and their children of the benefits of school choice under the Act.

81. Blytheville School District adopted Exhibit C in bad faith and for impermissible reasons of race.

### **COUNT V DECLARATORY JUDGMENT**

82. Plaintiffs incorporate by reference each and every allegation contained in paragraphs 1 through 81 above.

83. An actual and present controversy exists between plaintiffs and Blytheville School District concerning whether plaintiffs' children may transfer to a non-resident district in the coming school year, whether Blytheville School District has unlawfully and unconstitutionally deprived or interfered with the rights and interests of plaintiffs and their children under the Act, whether Blytheville School District has violated the Fourteenth Amendment rights of plaintiffs and plaintiffs' children, whether Blytheville School District has violated the Arkansas constitutional and statutory rights of the plaintiffs and their children, whether Blytheville School District has willfully opposed and disobeyed the requirements of Arkansas law in the Act in bad faith, whether Blytheville School District has acted based on race, whether plaintiffs and their children will suffer irreparable

harm in the absence of preliminary and permanent injunctive relief, and whether plaintiffs are entitled to injunctive and declaratory relief.

### **DEMAND FOR RELIEF**

84. Plaintiffs respectfully demand preliminary and permanent injunctive relief and a declaration and judgment against Blytheville School District that:

- a. Declares that Blytheville School District cannot obstruct or deprive plaintiffs and their children of their right to participate in public school choice under the Act for the upcoming school year 2013-14;
- b. Enjoins Blytheville School District to rescind the resolution attached as Exhibit C;
- c. Enjoins Blytheville School District to communicate to each and every non-resident school district to which it has communicated Exhibit C and the Department of Education that it has rescinded the resolution attached as Exhibit C;
- d. Enjoins Blytheville School District to participate and cooperate in all respects with the public school choice program established in the Act for the coming year;
- e. Awards plaintiffs their reasonable attorneys' fees and expenses against Blytheville School District; and
- f. Grants all other just and proper relief in the circumstances.

Respectfully submitted,

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State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*  
*H4/6/13*

89th General Assembly  
Regular Session, 2013

## A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert  
By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,  
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

### For An Act To Be Entitled

AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*  
*2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*  
*TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

### Subtitle

*TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*  
*OF 2013; AND TO DECLARE AN EMERGENCY.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

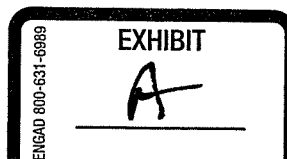
*SECTION 1. Arkansas Code § 6-18-206 is repealed.*

~~*6-18-206. Public school choice.*~~

~~*(a)(1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".*~~

~~*(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.*~~

~~*(3) The General Assembly further finds that giving more options*~~



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~~to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.~~

~~(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.~~

~~(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.~~

~~(b)(1)(A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.~~

~~(B)(i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.~~

~~(ii) If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.~~

~~(iii) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:~~

~~(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and~~

~~(b) Any instructions for the renewal procedures established by the district.~~

~~(iv)(a) Any student who accepts a school choice transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~  
3 ~~her resident district during the school year, the student's transfer is~~  
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~  
6 ~~district must adopt by resolution specific standards for acceptance and~~  
7 ~~rejection of applications. Standards may include the capacity of a program,~~  
8 ~~class, grade level, or school building. Nothing in this section requires a~~  
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~  
10 ~~the requirements and standards established by existing law. Standards shall~~  
11 ~~include a statement that priority will be given to applications from siblings~~  
12 ~~or stepsiblings residing in the same residence or household of students~~  
13 ~~already attending the district by choice. Standards may not include an~~  
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~  
15 ~~ability, handicapping conditions, English proficiency level, or previous~~  
16 ~~disciplinary proceedings except that an expulsion from another district may~~  
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~  
19 ~~section and is denied a transfer by the nonresident district may request a~~  
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~  
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~  
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~  
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~  
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~  
28 ~~student's resident school district to a nonresident school district shall be~~  
29 ~~borne by the student or the student's parents. The nonresident school~~  
30 ~~district may enter into a written agreement with the student, the student's~~  
31 ~~parents, or the resident school district to provide transportation to or from~~  
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~  
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~  
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~  
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~  
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~  
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~  
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~  
9 ~~the student's resident district except in the circumstances set forth in~~  
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~  
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~  
13 ~~two (2) districts within a county and if the minority percentage in the~~  
14 ~~student's race and majority percentages of school enrollment in both the~~  
15 ~~resident and nonresident district remain within an acceptable range of the~~  
16 ~~county's overall minority percentage in the student's race and majority~~  
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~  
19 ~~shall compute the minority percentage in the student's race and majority~~  
20 ~~percentages of each county's public school population from the October Annual~~  
21 ~~School Report and shall then compute the acceptable range of variance from~~  
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~  
24 ~~variance, the department is directed to use the remedial guideline~~  
25 ~~established in Little Rock School District v. Pulaski County Special School~~  
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~  
27 ~~white students of one fourth ( $\frac{1}{4}$ ) or twenty five percent (25%) of the county's~~  
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~  
30 ~~variance for school choice, the department is directed to use the remedial~~  
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~  
32 ~~minority or majority students of one fourth ( $\frac{1}{4}$ ) or twenty five percent (25%)~~  
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~  
35 ~~subdivision (f)(1) of this section if each school district affected by the~~  
36 ~~transfer does not have a critical mass of minority percentage in the~~



1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~  
3 ~~would result in a conflict with a desegregation court order or a district's~~  
4 ~~court approved desegregation plan, the terms of the order or plan shall~~  
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~  
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~  
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~  
11 ~~under subsections (b) (f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~  
13 ~~announcements to be made over the broadcast media and in the print media at~~  
14 ~~such times and in such a manner as to inform parents or guardians of students~~  
15 ~~in adjoining districts of the availability of the program, the application~~  
16 ~~deadline, and the requirements and procedure for nonresident students to~~  
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~  
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~  
20 ~~pertinent information needed to properly monitor compliance with the~~  
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~  
23 ~~department, or the data may be submitted electronically by the district using~~  
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~  
26 ~~district that fails to file its report each year or fails to file any other~~  
27 ~~information with a published deadline requested from school districts by the~~  
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~  
29 ~~between the request for the information and the published deadline except~~  
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~  
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~  
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~  
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

~~Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.~~

SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student transfers from a school district that is identified as being in academic distress, is amended to read as follows:

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another ~~geographically contiguous~~ school district not in academic distress during the time period that a school district is classified as being in academic distress and, therefore, not be required to file a petition by ~~July 1~~ June 1 but shall meet all other requirements and conditions of the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and attendance requirements for attending public schools, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to participate in a tuition agreement with a nonresident school district or to officially transfer to another school district pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(2)(A)(i) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et  
2 seq.

3  
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers  
5 from a school district that is identified as being in fiscal distress, is  
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as  
8 being in facilities distress shall automatically be eligible and entitled  
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School  
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another  
11 ~~geographically contiguous~~ school district not in facilities distress during  
12 the time period that a district is classified as being in facilities  
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~  
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~  
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of  
17 2013, § 6-18-1901 et seq.

18  
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an  
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public  
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents  
27 will become more informed about and involved in the public educational system  
28 if students and their parents are provided greater freedom to determine the  
29 most effective school for meeting their individual educational needs. There  
30 is no right school for every student, and permitting students to choose from  
31 among different schools with differing assets will increase the likelihood  
32 that some at-risk students will stay in school and that other, more motivated  
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to  
35 where the students attend public school will increase the responsiveness and  
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational  
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our  
4 public schools justify permitting a student to apply for admission to a  
5 school in any school district beyond the school district in which the student  
6 resides, provided that the transfer by the student does not conflict with an  
7 enforceable judicial decree or court order remedying the effects of past  
8 racial segregation in the school district.

9  
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a  
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person  
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the  
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who  
19 transfers to a nonresident district through a public school choice option  
20 under this subchapter.

21  
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student  
24 to attend a school in a nonresident district, subject to the limitations  
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice  
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add  
29 teachers, staff, or classrooms, or in any way to exceed the requirements and  
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt  
32 by resolution specific standards for acceptance and rejection of applications  
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a  
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given  
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and  
4 (ii) Is already enrolled in the nonresident district  
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;  
8 (ii) Athletic or other extracurricular ability;  
9 (iii) English proficiency level; or  
10 (iv) Previous disciplinary proceedings, except that  
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall  
13 not discriminate on the basis of gender, national origin, race, ethnicity,  
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by  
17 another district; and

18 (2) Award a diploma to a nonresident student if the student  
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public  
21 announcements to be made over the broadcast media and either in the print  
22 media or on the Internet to inform parents of students in adjoining districts  
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to  
27 participate in the program.

28  
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice  
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and  
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per  
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may  
36 return to his or her resident district during the school year.

1 rejected.

2 (2) If the application is rejected, the superintendent of the  
3 nonresident district shall state in the notification letter the reason for  
4 rejection.

5 (3) If the application is accepted, the superintendent of the  
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall  
8 enroll in the nonresident district and after which the acceptance  
9 notification is null; and

10 (B) Instructions for the renewal procedures established by  
11 the nonresident district.

12

13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of  
15 an enforceable desegregation court order or a district's court-approved  
16 desegregation plan regarding the effects of past racial segregation in  
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this  
19 section if the school district is subject to the desegregation order or  
20 mandate of a federal court or agency remedying the effects of past racial  
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this  
23 subsection is irrevocable for one (1) year from the date the school district  
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors  
26 may elect to participate in public school choice under this section if the  
27 school district's participation does not conflict with the school district's  
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if  
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school  
34 choice transfers each school year from a school district, less any school  
35 choice transfers into the school district, under this section of not more  
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of  
3 school choice transfers under this subsection, siblings who are counted in  
4 the numerator as transfer students shall count as one (1) student, and  
5 siblings who are counted in the denominator as part of the average daily  
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report  
8 to each school district the net maximum number of school choice transfers for  
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under  
11 this subsection, the resident district shall give the student priority for a  
12 transfer in the following year in the order that the resident district  
13 receives notices of applications under § 6-18-1905, as evidenced by a  
14 notation made by the district on the applications indicating date and time of  
15 receipt.

16  
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement  
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is  
21 rejected by the nonresident district may request a hearing before the state  
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be  
24 in writing and shall be postmarked no later than ten (10) days after the  
25 student or the student's parent receives a notice of rejection of the  
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit  
28 supporting documentation that the transfer would be in the best educational,  
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the  
31 nonresident district on appeal, the state board shall notify the parent, the  
32 nonresident district, and the resident district of the basis for the state  
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the  
35 number of applications for student transfers under this section and study the  
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both  
2 resident and nonresident districts for up to two (2) years to determine if a  
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its  
5 findings from the study of the data under this subsection to the Senate  
6 Committee on Education and the House Committee on Education its finding.

7  
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,  
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that certain provisions of the  
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be  
14 unconstitutional by a federal court; that thousands of public school students  
15 are currently attending public schools in nonresident school districts under  
16 that law; that there is now uncertainty about the viability of those  
17 transfers and future transfers; that this act repeals the disputed provisions  
18 of that law while preserving the opportunity for public school choice; and  
19 that this act is immediately necessary to resolve the uncertainty in the law  
20 before the 2013-2014 school year and preserve existing student transfers.  
21 Therefore, an emergency is declared to exist, and this act being immediately  
22 necessary for the preservation of the public peace, health, and safety shall  
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,  
26 the expiration of the period of time during which the Governor may veto the  
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is  
29 overridden, the date the last house overrides the veto.

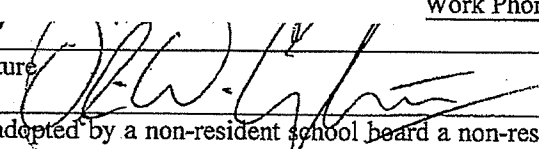
30  
31 /s/J. Key

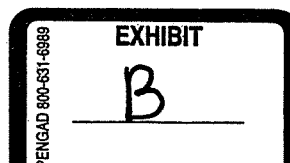
32  
33  
34 **APPROVED: 04/16/2013**



# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received by Resident District: 0424131359 (21)	
Applicant Name		Date and Time Received by Non-Resident District: 4/24/13 2:14pm Hc	
Date of Birth		Gender Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>	
		GRADE 2nd 3rd for 2013-14	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name Blytheville School District		County Name Mississippi	
Address 405 West Park Street			
Phone 870 762 - 2053			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name Armorel School District		County Name Mississippi	
Address 4539 North State Hwy 137			
Phone 870 - 762 - 7728			
Does the applicant already have a sibling or step-sibling in attendance in this district? yes			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name Oliver W Coppedge, III		Home Phone	
Address ;		Work Phone	
Parent/Guardian Signature 			Date 4-24-13
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			



# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

## "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received <u>4/25/13</u> by Resident District: <u>1:25 pm</u>	
Applicant Name		Date and Time Received by Non-Resident District: <u>4/25/13 2:00 pm</u> <sup>He</sup>	
Date of Birth	Gender	Male <input type="checkbox"/>	Female <input checked="" type="checkbox"/>
GRADE <u>12</u>			
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name <u>Blytheville Public Schools</u>		County Name <u>Mississippi</u>	
Address <u>405 West Park Street</u>		<u>Blytheville Ar 72315</u>	
Phone <u>870-762-2053</u>			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name <u>Armored School District</u>		County Name <u>Mississippi</u>	
Address <u>4555 E. St. Hwy 137</u>		<u>Armored Ar 72310</u>	
Phone <u>870-763-6639</u>		<u>P.O. Box 99 Armored Ar 72310</u>	
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>Yes</u>			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name <u>Tracy A. Coppedge</u>		Home Phone: _____	
Address: _____		Work Phone: _____	
Parent/Guardian Signature <u>Tracy A. Coppedge</u>		Date <u>4-24-2013</u>	
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

## "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received <u>4/25/13</u> by Resident District: <u>1:25 pm</u>	
Applicant Name _____		Date and Time Received by Non-Resident District: <u>4/25/13 2:00pm</u> <sup>He</sup>	
Date of Birth _____		Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>	
		GRADE <u>7</u>	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name <u>Blytheville Public Schools</u>		County Name <u>Mississippi</u>	
Address <u>405 W. Park Street Blytheville Ar. 72315</u>			
Phone <u>870-762-2053</u>			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name <u>Armored Public Schools</u>		County Name <u>Mississippi</u>	
Address <u>4555 E. St. Hwy 137 P.O. Box 99 Armored Ar. 72310</u>			
Phone <u>870-763-6639</u>			
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>yes</u>			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name <u>Tracy A. Coppedge</u>		Home Phone _____	
Address _____		Work Phone _____	
Parent/Guardian Signature <u>Tracy A. Coppedge</u>		Date <u>4-24-2013</u>	
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant _____			
Date Notification Sent to Resident District _____			

# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

## "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received by Resident District: <u>4/26/13 8:50 am</u>	
Applicant Name _____		Date and Time Received by Non-Resident District: <u>4/25/13 3:47pm</u>	
Date of Birth _____		Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>	
		GRADE <u>5</u>	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>		Asian <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>		Hispanic <input type="checkbox"/>	
		Native Hawaiian/ Pacific Islander <input type="checkbox"/>	
		White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name <u>Myrtlewood School District</u>		County Name <u>Mississippi</u>	
Address <u>216 E. IMPROVEMENT</u>		Address <u>Highway 11, Ar. 72315</u>	
Phone <u>(870) 763-5974</u>			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name <u>ARMOREL SCHOOL DISTRICT</u>		County Name <u>Mississippi</u>	
Address <u>P.O. Box 99 72410</u>			
Phone <u>(870) 762-7121</u>			
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>No</u>			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name <u>GEORGE A. HACE JR</u>		Home Phone _____	
Address _____		Work Phone _____	
Parent/Guardian Signature <u>[Signature]</u>			Date <u>4/26/13</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application Accepted <input type="checkbox"/>		Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant _____			
Date Notification Sent to Resident District _____			

# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received by Resident District: 4/26/13 8:50 am	
Applicant Name		Date and Time Received by Non-Resident District: 4/25/13 3:44 pm	
Date of Birth	Gender	Male <input type="checkbox"/>	Female <input checked="" type="checkbox"/>
		GRADE 7	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name BLYTHEVILLE School District		County Name MISSISSIPPI	
Address 700 W. CHICKASAW BA		Blytheville, AR 72315	
Phone (870)-762-2983			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name ARMOREL School District		County Name MISSISSIPPI	
Address P.O. Box 99		72310	
Phone (870)-767-7121			
Does the applicant already have a sibling or step-sibling in attendance in this district? NO			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name (Trey) GEORGE A. HALE III		Home Phone	
Address		Work Phone	
Parent/Guardian Signature (Signature)		Date 4/25/13	
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

# **APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT** **"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"**

**(Must be submitted to Non-Resident and Resident Districts)**

<b>APPLICANT INFORMATION</b>		Date and Time Received by Resident District: 4/26/13 10:17 am
Applicant Name _____		Date and Time Received by Non-Resident District: 4/26/13 10:40 am
Date of Birth _____	Gender Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>	GRADE <del>5th</del> 5th
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>		
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>		
District Name <u>Blytheville School District</u>		County Name <u>Mississippi, Co.</u>
Address <u>405 West Park St.</u>		
Phone <u>762-2053</u>		
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>		
District Name <u>Armores School District</u>		County Name <u>Mississippi, Co.</u>
Address <u>4539 N. State Hwy 137</u>		
Phone <u>763-16639</u>		
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>No</u>		
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>		
Name <u>Jeff and Missi Laneston</u>		Home Phone _____
Address _____		Work Phone _____
Parent/Guardian Signature <u>[Signature]</u>		Date <u>4/26/2013</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>		
<b>DISTRICT USE ONLY</b>		
Application	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>
Date Notification Sent to Parent/Guardian of Applicant _____		
Date Notification Sent to Resident District _____		



# APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

<b>APPLICANT INFORMATION</b>		Date and Time Received by Resident District: <u>0422/30753</u>	
Applicant Name		Date and Time Received by Non-Resident District:	
Date of Birth	Gender	Male <input type="checkbox"/>	Female <input checked="" type="checkbox"/>
<b>GRADE</b>			
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
<b>ETHNIC ORIGIN (CHECK ONE)</b> (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
<b>RESIDENT SCHOOL DISTRICT OF APPLICANT</b>			
District Name <u>Blytheville</u>		County Name <u>Mississippi</u>	
Address <u>405 W. Park Blytheville, AR 72315</u>			
Phone <u>(870) 762-2053</u>			
<b>NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name <u>Armored</u>		County Name <u>Mississippi</u>	
Address <u>4555 N. State Hwy 137 Blytheville, AR 72315</u>			
Phone <u>(870) 763-5600 / (870) 763-6639</u>			
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>no</u>			
<b>PARENT OR GUARDIAN INFORMATION OF APPLICANT</b>			
Name <u>Melissa Braswell</u>		Home Phone ( )	
Address		Work Phone	
Parent/Guardian Signature <u>Melissa Braswell</u>			Date <u>4/19/13</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
<b>DISTRICT USE ONLY</b>			
Application Accepted <input type="checkbox"/>		Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

**CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION  
OF BLYTHEVILLE, ARKANSAS SCHOOL DISTRICT NO. 5, ADOPTED AT  
THE BOARD'S SPECIAL MEETING OF APRIL 29, 2013**

WHEREAS, the Board of Education of Blytheville, Arkansas School District No. 5 ("Blytheville School Board" and "BSD") met in special session on April 29, 2013, at 6:00 p.m. in Blytheville, Arkansas; and,

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and,

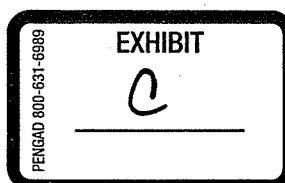
WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of BSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(b)(1) (to be codified as set forth in Act 1227) provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, BSD is subject to a desegregation order or mandate of a federal court of agency remedying the effects of past racial segregation; and,

WHEREAS, Blytheville, Arkansas, historically operated racially dual school systems that segregated black and non-black students and was segregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and,

WHEREAS, the federal court or agency orders include the original directive from the *United States Supreme Court in Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools was unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health,





Education, and Welfare to the same effect; and the various orders entered over the years in *Harvell, et al. vs. Ladd, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-C-89-225, and *Franklin, et al. vs. Board of Education of the Blytheville School District No. 5, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-71-C-35; and,

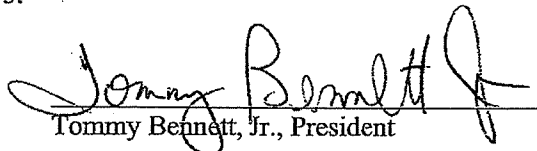
WHEREAS, BSD desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013, until April 1, 2014, on the basis of the aforementioned federal court cases and orders, and agency mandates; and,

WHEREAS, the Blytheville School Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Blytheville School District, by a vote of 6 to 0, hereby declares that BSD is exempt from the provisions of Act 1227, the Public School Choice Act of 2013, for the school year 2013-2014.

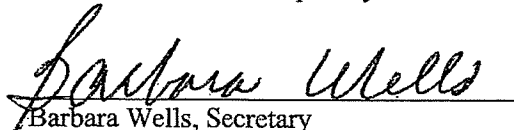
The Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption.

Dated this 29th day of April, 2013.

  
Tommy Bennett, Jr., President

#### CERTIFICATION

I, Barbara Wells, Secretary of the Board of Education of Blytheville School District, hereby certify that the above and foregoing resolution was considered and adopted by said board at a special session on April 29, 2013.

  
Barbara Wells, Secretary