

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

PARENT PLAINTIFF KRISTI DOE and her minor children, CHRISTIAN DOE and CHASE DOE; PARENT PLAINTIFF LAKESHA DOE and her minor child, DENNIS DOE; PARENT PLAINTIFF EVELYN DOE and her minor child, EDWARD DOE; PARENT PLAINTIFF CANDICE DOE and her minor children, JAMES DOE and JADE DOE; and PARENT PLAINTIFF SONYA DOE and her minor child, JOHNNY DOE; JOY C. SPRINGER; and JIM ROSS

PLAINTIFF

v. CASE NO. 4:15cv00623DPM

ARKANSAS DEPARTMENT OF EDUCATION; TOYCE NEWTON, [Chair], JAY BARTH, JOE BLACK, SUSAN CHAMBERS, CHARISSE DEAN, MIREYA REITH VICKI SAVIERS, R BRETT WILLIAMSON, DIANE ZOOK, Members of the ARKANSAS STATE BOARD OF EDUCATION, in their Official Capacities; JOHNNY KEY, Commissioner Of Education [and LRSD SCHOOL BOARD], in his Official Capacity; BAKER KURRUS, Superintendent of the Little Rock School District, in his Official Capacity

DEFENDANTS

ANSWER TO AMENDED COMPLAINT

For its Answer, Little Rock School District Superintendent Baker Kurrus, in his official capacity as Superintendent of the Little Rock School District (“LRSD”), states:

1. To the extent the allegations of paragraph 1 of the Amended Complaint are directed at LRSD, LRSD denies them.
2. LRSD denies that it has violated the Constitution of the United States or the statutes cited in paragraph 2 of the Amended Complaint.

3. LRSD does not object to this Court's jurisdiction to decide the matters alleged in the Amended Complaint.

4. Paragraph 4 of the Amended Complaint does not assert claims against LRSD except for the implication that LRSD would retaliate against minor students for their participation in this action, which LRSD denies.

5. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5 of the Amended Complaint, and therefore denies those allegations.

6. LRSD denies paragraph 6 of the Amended Complaint.

7. LRSD denies paragraph 7 of the Amended Complaint.

8. LRSD denies paragraph 8 of the Amended Complaint.

9. LRSD denies paragraph 9 of the Amended Complaint.

10. LRSD denies paragraph 10 of the Amended Complaint.

11. LRSD denies paragraph 11 of the Amended Complaint.

12. LRSD denies paragraph 12 of the Amended Complaint.

13. LRSD denies that plaintiffs are entitled to the relief requested in paragraph 13 of the Amended Complaint.

14. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 14 of the Amended Complaint, and therefore denies those allegations.

15. LRSD denies paragraph 15 of the Amended Complaint.

16. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 16 of the Amended Complaint, and therefore denies those allegations.

17. LRSD denies paragraph 17 of the Amended Complaint.

18. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 18 of the Amended Complaint, and therefore denies those allegations.

19. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 19 of the Amended Complaint, and therefore denies those allegations.

20. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 20 of the Amended Complaint, and therefore denies those allegations.

21. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 21 of the Amended Complaint, and therefore denies those allegations.

22. LRSD denies paragraph 22 of the Amended Complaint.

23. LRSD denies paragraph 23 of the Amended Complaint.

24. LRSD denies paragraph 24 of the Amended Complaint.

25. LRSD denies paragraph 25 of the Amended Complaint.

26. LRSD denies paragraph 26 of the Amended Complaint.

27. LRSD denies that plaintiffs are entitled to the relief sought in paragraph 27 of the Amended Complaint.

28. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 28 of the Amended Complaint, and therefore denies those allegations.

29. LRSD denies paragraph 29 of the Amended Complaint.

30. LRSD denies paragraph 30 of the Amended Complaint.

31. LRSD denies paragraph 31 of the Amended Complaint.

32. LRSD denies paragraph 32 of the Amended Complaint.

33. LRSD denies paragraph 33 of the Amended Complaint.

34. LRSD denies paragraph 34 of the Amended Complaint.

35. LRSD denies that plaintiffs are entitled to any of the relief sought in paragraph 35 of the Amended Complaint.

36. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 36 of the Amended Complaint, and therefore denies those allegations.

37. LRSD denies paragraph 37 of the Amended Complaint.

38. LRSD denies paragraph 38 of the Amended Complaint.

39. LRSD denies paragraph 39 of the Amended Complaint.

40. LRSD denies paragraph 40 of the Amended Complaint.

41. LRSD denies paragraph 41 of the Amended Complaint.

42. LRSD denies that plaintiffs are entitled to any of the relief requested in paragraph 42 of the Amended Complaint.

43. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 43 of the Amended Complaint, and therefore denies those allegations.

44. LRSD denies paragraph 44 of the Amended Complaint.

45. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 45 of the Amended Complaint, and therefore denies those allegations.

46. LRSD denies paragraph 46 of the Amended Complaint.

47. LRSD denies paragraph 47 of the Amended Complaint.

48. LRSD denies that plaintiffs are entitled to the relief requested in paragraph 48 of the Amended Complaint.

49. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 49 of the Amended Complaint, and therefore denies those allegations.

50. LRSD denies paragraph 50 of the Amended Complaint.

51. LRSD denies paragraph 51 of the Amended Complaint.

52. LRSD denies paragraph 52 of the Amended Complaint.

53. LRSD denies paragraph 53 of the Amended Complaint.

54. LRSD denies that plaintiffs are entitled to any of the relief requested in paragraph 54 of the Amended Complaint.

55. LRSD admits paragraph 55 of the Amended Complaint.

56. LRSD admits paragraph 56 of the Amended Complaint.

57. LRSD admits paragraph 57 of the Amended Complaint.

58. Paragraph 58 of the Amended Complaint contains no allegations and no response from LRSD is required.

59. LRSD admits paragraph 59 of the Amended Complaint.

60. LRSD admits paragraph 60 of the Amended Complaint.

61. LRSD admits paragraph 61 of the Amended Complaint except that Mr. Kurrus was hired on May 5, not May 15, 2015.

62. LRSD denies in paragraph 62 of the Amended Complaint.

63. LRSD admits the 2008 – 09 enrollment and racial composition numbers at Cloverdale Middle School set out in paragraph 63 of the Amended Complaint; states that Cloverdale was built on a lake bed and is subject to structural movement and therefore has ongoing problems with cracks in the walls; states that the bathrooms at Cloverdale were renovated five years ago; states that Cloverdale was painted four years ago; states that the student lockers at Cloverdale are not in use and are scheduled to be removed; states that the school, the classrooms, the library and the gymnasium were built in accordance with the standards in place at the time of construction; states that Cloverdale has a full-court, standard gymnasium without air conditioning, but the only LRSD middle school which has an air-conditioned gym is Henderson Middle School; admits that the outside area for physical education is a typical grassy practice field; and denies the remaining allegations contained in paragraph 63 of the Amended Complaint.

64. LRSD admits the 2009 – 10 enrollment and racial composition numbers set out in paragraph 64 of the Amended Complaint, but denies the remaining allegations contained in paragraph 64.

65. LRSD admits paragraph 65 of the Amended Complaint.

66. In response to paragraph 66 of the Amended Complaint, LRSD states that Dunbar Middle School had only one mold problem which was in the basement, not a classroom, and that LRSD hired an outside remediation contractor to fix the problem; that Dunbar was totally repainted three years ago; that Dunbar has a good roof although there is occasional water dripping from condensation; that the Dunbar basement flooded occasionally when light well drains became clogged, but LRSD fixed that problem about a year ago; that the only asbestos abatement was done by a licensed abatement contractor and was not a major abatement project; admits that the school has a typical grassy practice field for outdoor physical education; and denies remaining allegations contained in paragraph 66 of the Amended Complaint.

67. LRSD admits paragraph 67 of the Amended Complaint.

68. LRSD admits that Roberts Elementary School is the District's newest and largest elementary school and generally agrees with the description of the school set out in paragraph 68 of the Amended Complaint.

69. LRSD admits that the State Department of Facilities and Transportation considered and approved the construction of the Roberts Elementary School but denies the remaining allegations contained in paragraph 69 of the Amended Complaint.

70. LRSD admits the enrollment numbers set out in paragraph 70 of the Amended Complaint, but denies the remaining allegations contained in paragraph 70 of the Amended Complaint.

71. LRSD admits the student enrollment numbers set out in paragraph 71 of the Amended Complaint; admits that during the 2012 – 2013 school year the air-conditioning system at Wilson Elementary School failed periodically but states that it has been replaced; admits that the cafeteria was closed but only for a few days because of damage to the serving line caused

during roof repair work and not by order of any public health authorities; and denies remaining allegations contained in paragraph 71 of the Amended Complaint.

72. LRSD denies the allegations of paragraph 72 of the Amended Complaint and states that out of 1,241 work orders submitted between 2011 and 2014 for Cloverdale Middle School, only five were not completed. LRSD spent 2.8 million dollars during that period of time on work orders at Cloverdale Middle School.

73. LRSD admits the enrollment numbers for Cloverdale Middle School set out in paragraph 73 of the Amended Complaint; states that any exposed electrical outlets were repaired; states that brown liquid from old roofing material may have seeped through after the roof was replaced at Cloverdale five years ago, but any such stains would have been painted over; states that LRSD contracts for pest control at every school every month; and denies the remaining allegations contained in paragraph 73 the Amended Complaint.

74. LRSD admits paragraph 74 of the Amended Complaint except that the restrooms at Henderson Middle School were no more prone to flooding than any other restrooms and Henderson Middle School was totally painted four years ago. LRSD admits that Henderson Middle School did not have an auditorium, but states that only Mann, Pulaski Heights and Dunbar Middle Schools have auditoriums.

75. LRSD admits the racial composition numbers contained in paragraph 75 of the Amended Complaint; states that McClellan once had a problem with cold classrooms but LRSD replaced cracked heat exchangers to resolve that problem; states that Baseline Elementary School at one time did not have heat and air vents in all classrooms but that has not been true since a renovation three years ago; states that Washington Elementary School receives monthly pest

control visits and additional visits as needed to address specific problems; and denies the remaining allegations contained in paragraph 75 of the Amended Complaint.

76. LRSD denies paragraph 76 of the Amended Complaint and states that there were two construction projects, a Southwest Little Rock High School and a West Little Rock Middle School, for which LRSD purchased land and which LRSD considered to be of equal priority.

77. LRSD admits that Roberts Elementary School is its newest and largest elementary school but denies the remaining allegations contained in paragraph 77 of the Amended Complaint.

78. LRSD admits paragraph 78 of the Amended Complaint.

79. LRSD admits paragraph 79 of the Amended Complaint.

80. LRSD admits paragraph 80 of the Amended Complaint.

81. LRSD admits that Forest Heights Middle School is located north of Interstate Highway 630 but denies the remaining allegations contained in paragraph 81 of the Amended Complaint.

82. LRSD admits the allegations contained in paragraph 82 of the Amended Complaint and states that the construction and renovation projects at Forest Heights Middle School between 2006 and 2014 resulted in everything being replaced except the cafeteria, gymnasium and music room.

83. LRSD admits the enrollment numbers for Forest Heights Middle School for the 2013 – 14 school year set out in paragraph 83 of the Amended Complaint, but denies the remaining allegations in that paragraph and states that all seventh grade students were provided the option to remain at Forest Heights Middle School for their eighth grade year.

84. LRSD admits that the Forest Heights Middle School was converted to a “STEM Academy” beginning with the 2014-2015 school year and that LRSD considered applicants based on their interest in attending such a school, their grades, their standardized test scores and their report cards, but denies that this information is subjective, and denies the remaining allegations of paragraph 84 of the Amended Complaint.

85. LRSD admits paragraph 85 of the Amended Complaint is roughly correct.

86. LRSD admits paragraph 86 of the Amended Complaint.

87. LRSD admits paragraph 87 of the Amended Complaint.

88. LRSD admits the first sentence of paragraph 88 of the Amended Complaint and denies the remaining allegations contained in paragraph 88 of the Amended Complaint.

89. LRSD denies paragraph 89 of the Amended Complaint.

90. LRSD denies paragraph 90 of the Amended Complaint.

91. LRSD denies paragraph 91 of the Amended Complaint and states that Forest Heights Middle School enrolled between 112 and 118 special education students for the 2013 – 14 school year, and between 32 and 34 special education students in grades six through eight for the 2014-2015 school year.

92. LRSD admits paragraph 92 of the Amended Complaint.

93. LRSD denies paragraph 93 of the Amended Complaint.

94. LRSD denies paragraph 94 of the Amended Complaint and states that the schools listed in paragraph 93, when ranked by percentage of white enrollment, would have the following ranks: Forest Park Elementary (1); Jefferson Elementary (2); Roberts Elementary (3); Pulaski Heights Elementary (5); Forest Heights Stem Academy (8); Terry Elementary (16).

95. LRSD admits the first sentence and denies the rest of paragraph 95 of the Amended Complaint.

96. LRSD admits that at the beginning of the 2014 – 15 school year, due to the late addition at Dunbar Middle School of a third keyboarding class, one of the three classes used to paper keyboards until computers were received within three weeks. LRSD further admits that the computers were not new and admits the 2014 – 15 enrollment numbers for Dunbar Middle School set out in paragraph 96 of the Amended Complaint, and denies the remaining allegations contained in paragraph 96 of the Amended Complaint.

97. LRSD admits paragraph 97 of the Amended Complaint, except that the new technology course was added after Labor Day due to an influx of students at Henderson Middle School and, until the new computers arrived in October, the new technology course was taught in classrooms which already had computers.

98. LRSD admits that four of its five high schools have attendance zones and that Parkview High School is a magnet school without attendance zones and denies the remaining allegations of paragraph 98 of the Amended Complaint.

99. LRSD denies paragraph 99 of the Amended Complaint.

100. LRSD admits paragraph 100 of the Amended Complaint.

101. LRSD admits paragraph 101 of the Amended Complaint.

102. LRSD admits paragraph 102 of the Amended Complaint, except that there has been a total of 10 portable buildings at three other high schools, including four portable buildings at J. A. Fair High School, for a total of 20 classrooms at three other high schools with an identified capacity of 500 students, and the number of portable buildings has not remained constant since 2004-05.

103. LRSD denies paragraph 103 of the Amended Complaint.

104. LRSD denies paragraph 104 of the Amended Complaint.

105. LRSD admits paragraph 105 of the Amended Complaint.

106. LRSD admits paragraph 106 of the Amended Complaint.

107. LRSD denies paragraph 107 of the Amended Complaint.

108. LRSD denies paragraph 108 of the Amended Complaint.

109. LRSD denies paragraph 109 of the Amended Complaint and states that for the 2014 – 15 school year, the following numbers of students were enrolled in pre-advanced placement courses at Central High School: 605 black students; 485 white students; and 210 other students.

110. LRSD admits the Central High School enrollment percentages for the 2014 – 15 school year set out in paragraph 110 of the Amended Complaint, states that 221 black pupils, 413 white pupils and 214 other pupils were enrolled in advanced placement courses at Central that year, and denies the remaining allegations contained in paragraph 110 of the Amended Complaint.

111. LRSD admits paragraph 111 of the Amended Complaint.

112. LRSD admits paragraph 112 of the Amended Complaint, except not all students are referred to Hamilton for disciplinary reasons and not all students are required to remain at Hamilton for 45 days.

113. LRSD denies paragraph 113 of the Amended Complaint.

114. LRSD denies paragraph 114 of the Amended Complaint.

115. LRSD denies paragraph 115 of the Amended Complaint.

116. LRSD admits that Hamilton is an alternative learning environment but denies the remaining allegations of paragraph 116 of the Amended Complaint.

117. LRSD denies paragraph 117 of the Amended Complaint.

118. LRSD admits that for the 2014-15 school year the schools listed in paragraph 120 of the Amended Complaint had a percentage of white faculty members which exceeded the 68% average percentage of white faculty members in LRSD elementary schools and deny the remaining allegations contained in paragraph 118 of the Amended Complaint.

119. LRSD denies paragraph 119 of the Amended Complaint and states that for the 2014 – 15 school year the racial makeup of LRSD’s elementary school faculty consisted of 257 African-American teachers, 560 white teachers and 12 other teachers for a total of 819 elementary school teachers.

120. LRSD admits paragraph 120 of the Amended Complaint, and states Principals of Fulbright and Pulaski Heights are black.

121. LRSD admits paragraph 121 of the Amended Complaint.

122. LRSD admits paragraph 122 of the Amended Complaint.

123. LRSD admits paragraph 123 of the Amended Complaint.

124. LRSD admits paragraph 124 of the Amended Complaint, except that in the 2014-2015 school year the high school faculty in the LRSD was 51.9% white, not 59.7% white.

125. LRSD admits paragraph 125 of the Amended Complaint, except that for the 2014-15 school year, Parkview High School’s faculty was 59.1% white, not 69.4%; Central High School’s faculty was 64% white, not 64.2%, and McClellan High School’s faculty was 37.7% white, not 45.8% white.

126. LRSD admits paragraph 126 of the Amended Complaint.

127. LRSD admits that there was a school improvement grant in place for McClellan High School but denies the remaining allegations contained in paragraph 127 of the Amended Complaint.

128. LRSD denies paragraph 128 of the Amended Complaint.

129. LRSD denies paragraph 129 of the Amended Complaint.

130. LRSD denies paragraph 130 of the Amended Complaint.

131. LRSD denies paragraph 131 of the Amended Complaint.

132. LRSD denies paragraph 132 of the Amended Complaint.

133. LRSD denies paragraph 133 of the Amended Complaint.

134. LRSD denies paragraph 134 of the Amended Complaint.

135. In response to paragraph 135 of the Amended Complaint, LRSD restates its responses to paragraphs 1-118 of the Amended Complaint.

136. Paragraph 136 of the Amended Complaint does not contain any allegations against LRSD and therefore requires no response from LRSD, but LRSD nevertheless denies any implication of wrongdoing that may be contained in paragraph 136 of the Amended Complaint.

137. LRSD admits paragraph 137 of the Amended Complaint.

138. LRSD admits paragraph 138 of the Amended Complaint.

139. Except for the first two sentences, with respect to which LRSD lacks knowledge or information sufficient to form a belief, LRSD admits paragraph 139 of the Amended Complaint.

140. Paragraph 140 of the Amended Complaint is substantially correct with respect to LRSD, but LRSD lacks knowledge or information sufficient to form a belief about the truth of the allegations regarding e-Stem.

141. Paragraph 141 of the Amended Complaint is substantially correct with respect to LRSD, but LRSD lacks knowledge or information sufficient to form a belief about the truth of the allegations regarding e-Stem.

142. Paragraph 142 of the Amended Complaint is substantially correct with respect to LRSD, but LRSD lacks knowledge or information sufficient to form a belief about the truth of the allegations regarding e-Stem.

143. Paragraph 143 of the Amended Complaint is substantially correct with respect to LRSD, but LRSD lacks knowledge or information sufficient to form a belief about the truth of the allegations regarding e-Stem.

144. LRSD admits paragraph 144 of the Amended Complaint.

145. LRSD admits paragraph 145 of the Amended Complaint.

146. In response to paragraph 146 of the Amended Complaint, LRSD admits that state funding for education follows a student from the public school system to a charter school; but denies that LRSD loses \$10,000 per student and states that LRSD loses regular state aid plus categorical funding for each such student which, on average, amounts to less than \$8,000 per student; and denies remaining allegations contained in paragraph 146 of the Amended Complaint.

147. LRSD admits that its funding from the State of Arkansas is reduced when students leave LRSD to attend a charter school, states that the amount of the funding loss is on

average less than \$8,000 per student and denies the remaining allegations contained in paragraph 147 of the Amended Complaint.

148. LRSD denies paragraph 148 of the Amended Complaint and states, on information and belief, that e-Stem currently enrolls 500 high school students, that e-Stem plans to increase that number to 725 high school students during its first year of operation of a new school on the UALR campus, and that e-Stem's long term goal is 1,500 high school students, and 5000 total students.

149. LRSD admits paragraph 149 of the Amended Complaint.

150. Paragraph 150 of the Amended Complaint presents conclusions of law to which no answer is required by LRSD.

151. LRSD denies paragraph 151 of the Amended Complaint

152. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 152 of the Amended Complaint, and therefore denies those allegations.

153. LRSD admits that Arkansas' waivers included implementation of School Improvement Grants and that a U.S. DOE monitoring report dated January 28-31, 2013 included three findings of specific areas where the ADE lacked full implementation of the LRSD SIG grants, but denies the remaining allegations of paragraph 153 of the Amended Complaint.

154. LRSD admits the first sentence of paragraph 154 of the Amended Complaint, including subparts (a), (b) and (c), and states that it lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 154.

155. LRSD admits that ADE uses a portion of SIG grant funds to pay salaries of ADE staff members and denies the remaining allegations of paragraph 155 of the Amended Complaint.

156. LRSD admits paragraph 156 of the Amended Complaint.

157. LRSD admits paragraph 157 of the Amended Complaint.

158. LRSD admits that during some school years LRSD's Title I funding was delayed while ADE reviewed LRSD's ACSIP plans but denies the remaining allegations contained in paragraph 158 of the Amended Complaint.

159. LRSD denies paragraph 159 of the Amended Complaint and states that LRSD implemented its ACSIP plans in its Title I schools without waiting for the Title I funding from ADE.

160. LRSD admits paragraph 160 of the Amended Complaint.

161. LRSD denies paragraph 161 of the Amended Complaint.

162. LRSD admits paragraph 162 of the Amended Complaint.

163. Paragraph 163 of the Amended Complaint contains legal conclusions to which no response by LRSD is required by.

164. LRSD admits paragraph 164 of the Amended Complaint.

165. LRSD admits paragraph 165 of the Amended Complaint.

166. LRSD admits that Dexter Suggs was interviewed for the position of Superintendent of LRSD and denies the remaining allegations contained in paragraph 166 of the Amended Complaint.

167. LRSD admits paragraph 167 of the Amended Complaint.

168. LRSD admits paragraph 168 of the Amended Complaint, except that the State Board's vote was 6-2, not 5-4.

169. LRSD admits paragraph 169 of the Amended Complaint.

170. LRSD admits paragraph 170 of the Amended Complaint.

171. LRSD admits paragraph 171 of the Amended Complaint.

172. LRSD denies paragraph 172 of the Amended Complaint and states that LRSD's 2014-15 free and reduced lunch rate was 74.7%, not 65.4%, and that, on information and belief, the 2014-15 free and reduced lunch rate for Quest was 14.4%, not 6%.

173. LRSD admits paragraph 173 of the Amended Complaint.

174. LRSD admits paragraph 174 of the Amended Complaint.

175. In response to paragraph 175 of the Amended Complaint, LRSD admits that state funding for education follows a student from the public school system to a charter school; states that LRSD loses regular state aid plus categorical funding for each such student which, on average, amounts to less than \$8,000 per student; and denies the remaining allegations contained in paragraph 175 of the Amended Complaint.

176. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 176 of the Amended Complaint, and therefore denies those allegations.

177. In response to paragraph 177 of the Amended Complaint, LRSD states that the minutes of the State Board meeting of March 28, 2014 speak for themselves.

178. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 178 of the Amended Complaint, and therefore denies those allegations.

179. LRSD admits that ADE and the State Board adopted the definitions of academic distress described in paragraph 179 of the Amended Complaint, but is without sufficient information to admit or deny the remaining allegations of paragraph 179 and therefore denies those allegations.

180. LRSD admits that under the rules proposed by ADE and adopted by the State Board, no school district could be identified as in academic distress based on the scores of African American students alone, but it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 180 of the Amended Complaint and therefore denies those allegations.

181. LRSD admits paragraph 181 of the Amended Complaint, except for the last sentence, with respect to which LRSD is without knowledge or information sufficient to form a belief about its truth.

182. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 182 of the Amended Complaint, and therefore denies those allegations.

183. Paragraph 183 contains conclusions of law to which no response is required by LRSD.

184. LRSD admits paragraph 184 of the Amended Complaint.

185. LRSD admits the first sentence of paragraph 185 of the Amended Complaint and states that it lacks knowledge or information sufficient to form a belief about the truth of the second sentence.

186. LRSD admits paragraph 186 of the Amended Complaint.

187. LRSD admits paragraph 187 of the Amended Complaint.

188. LRSD admits paragraph 188 of the Amended Complaint.

189. In response to paragraph 189 of the Amended Complaint, LRSD states that the transcript of the radio commercial speaks for itself.

190. In response to paragraph 190 of the Amended Complaint, LRSD states that the leaflet speaks for itself.

191. In response to paragraph 191 of the Amended Complaint, LRSD states that the leaflet speaks for itself.

192. In response to paragraph 192 of the Amended Complaint, LRSD states that the minutes of the State Board meeting of September 11, 2014 speak for themselves.

193. LRSD admits paragraph 193 of the Amended Complaint.

194. Paragraph 194 of the Amended Complaint contains conclusions of law to which no response is required by LRSD.

195. Paragraph 195 of the Amended Complaint presents a conclusion of law to which no response is required by LRSD and the cited statute speaks for itself.

196. LRSD denies paragraph 196 of the Amended Complaint.

197. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 197 of the Amended Complaint, and therefore denies those allegations.

198. LRSD admits paragraph 198 of the Amended Complaint except with respect to the last sentence and the statements about the intentions of former Superintendent Suggs, with respect to which LRSD lacks knowledge or information sufficient to form a belief about the truth.

199. In response to paragraph 199 of the Amended Complaint, LRSD states that the minutes of the October 23, 2014 LRSD board meeting minutes speak for themselves.

200. In response to paragraph 200 of the Amended Complaint, LRSD states that the minutes of the October 23, 2014 LRSD board meeting minutes speak for themselves.

201. In response to paragraph 201 of the Amended Complaint, LRSD states that the minutes of the October 23, 2014 LRSD board meeting minutes speak for themselves.

202. LRSD admits paragraph 202 of the Amended Complaint.

203. In response to paragraph 203 of the Amended Complaint, LRSD states that the Commissioner of Education's November 25, 2014 letter speaks for itself.

204. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 204 of the Amended Complaint, and therefore denies those allegations.

205. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 205 of the Amended Complaint, and therefore denies those allegations.

206. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 206 of the Amended Complaint, and therefore denies those allegations.

207. LRSD admits the first and last sentences of paragraph 207 of the Amended Complaint, and states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 207 of the Amended Complaint.

208. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 208 of the Amended Complaint, and therefore denies those allegations.

209. LRSD admits paragraph 209 of the Amended Complaint.

210. LRSD admits paragraph 210 of the Amended Complaint.

211. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 211 of the Amended Complaint, and therefore denies those allegations.

212. In response to paragraph 212 of the Amended Complaint, LRSD states that the minutes of the January 22, 2015 LRSD school board meeting speak for themselves.

213. LRSD admits paragraph 213 of the Amended Complaint.

214. Paragraph 214 of the Amended Complaint does not contain any allegations against LRSD and therefore requires no response from LRSD, but LRSD nevertheless denies any implication of wrongdoing that may be contained in paragraph 214 of the Amended Complaint.

215. LRSD admits paragraph 215 of the Amended Complaint.

216. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 216 of the Amended Complaint, and therefore denies those allegations.

217. LRSD admits the first sentence of paragraph 217 of the Amended Complaint, and states that it lacks knowledge or information sufficient to form a belief about whether additional time was requested by Joy Springer and Jim Ross or offered by the State Board of Education to allow them to speak at the January 28, 2015 meeting.

218. LRSD admits paragraph 218 of the Amended Complaint.

219. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 219 of the Amended Complaint, and therefore denies those allegations.

220. With respect to paragraph 220 of the Amended Complaint, LRSD states that the minutes and recordings of the meeting speak for themselves.

221. LRSD admits paragraph 221 of the Amended Complaint.

222. LRSD admits paragraph 222 of the Amended Complaint.

223. LRSD admits paragraph 223 of the Amended Complaint.

224. LRSD admits paragraph 224 of the Amended Complaint.

225. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 225 of the Amended Complaint, and therefore denies those allegations.

226. LRSD admits that as of January 28, 2015, six of LRSD's forty-eight schools, but not the District itself, had been classified as being in academic distress, but states that it is without sufficient knowledge or information to form a belief about the truth of the remaining allegations contained in paragraph 226 of the Amended Complaint, and therefore denies those allegations.

227. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 227 of the Amended Complaint, and therefore denies those allegations.

228. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 228 of the Amended Complaint, and therefore denies those allegations.

229. In response to paragraph 229 of the Amended Complaint, LRSD states the minutes and transcripts speak for themselves.

230. LRSD admits the last two sentences of paragraph 230 of the Amended Complaint and states of that, with respect to the unanimous approval of its facilities plan, the LRSD School Board did not evidence dysfunction.

231. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 231 of the Amended Complaint, and therefore denies those allegations.

232. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 232 of the Amended Complaint, and therefore denies those allegations.

233. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 233 of the Amended Complaint, and therefore denies those allegations.

234. Paragraph 234 does not contain allegations directed to LRSD so no response by LRSD is required, but LRSD nevertheless denies any implication of wrongdoing that may be implied in paragraph 234 of the Amended Complaint.

235. LRSD admits that the words quoted in paragraph 235 of the Amended Complaint may have been part of what former Superintendent Suggs said on January 29, 2015.

236. LRSD admits paragraph 236 of the Amended Complaint.

237. Paragraph 237 of the Amended Complaint does not contain any allegations against LRSD and therefore requires no response from LRSD, but LRSD nevertheless denies any implication of wrongdoing that may be contained in paragraph 237 of the Amended Complaint.

238. With respect to paragraph 238 of the Amended Complaint, LRSD admits that Dexter Suggs' application for the superintendent position reflected that he held a doctorate degree from Indiana Wesleyan University and, on information and belief, that Indiana Wesleyan University later rescinded that degree pursuant to allegations that Suggs plagiarized his dissertation, but denies that the State Board terminated Dexter Suggs and states that it is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 238 of the Amended Complaint.

239. LRSD admits that former Superintendent Suggs made statements to the State Board at least three public meetings and that the State Board has not reconsidered its actions as of January 28, 2015 but denies the remaining allegations contained in paragraph 239 of the Amended Complaint.

240. In response to paragraph 240 of the Amended Complaint, LRSD admits that the State Board selected Baker Kurrus to serve as superintendent of the LRSD, states that that occurred on May 5, not May 15, 2015, admits that Mr. Kurrus does not possess any certificates awarded "to qualified educators"; denies that Mr. Kurrus has never taught in a K-12 classroom; states that the process by which Mr. Kurrus became superintendent is provided for in state law; and denies remaining allegations contained in paragraph 240 the Amended Complaint.

241. LRSD denies paragraph 241 of the Amended Complaint.

242. LRSD admits that Commissioner Key, who acts as the Board of Directors for the LRSD, and Mr. Kurrus, who is the LRSD Superintendent, are white; states that there are a number of African Americans employed within the "governance structure for the LRSD," and denies the remaining allegations contained in paragraph 242 of the Amended Complaint.

243. LRSD denies paragraph 243 of the Amended Complaint.

244. LRSD admits the first sentence of paragraph 244 of the Amended Complaint but denies the rest of that paragraph.

245. LRSD admits the first sentence of paragraph 245 of the Amended Complaint but denies the rest of that paragraph.

246. LRSD denies paragraph 246 of the Amended Complaint.

247. Paragraph 247 of the Amended Complaint contains conclusions of law to which no response is required by LRSD.

248. Paragraph 248 of the Amended Complaint contains conclusions of law to which no response is required by LRSD.

249. LRSD admits paragraph 249 of the Amended Complaint.

250. LRSD admits paragraph 250 of the Amended Complaint.

251. LRSD denies paragraph 251 of the Amended Complaint.

252. LRSD admits the first sentence of paragraph 252 of the Amended Complaint and states that it lacks sufficient knowledge or information as to the truth of the remaining allegations in that paragraph.

253. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 253 of the Amended Complaint, and therefore denies those allegations.

254. Paragraph 254 of the Amended Complaint does not contain any allegations against LRSD and therefore requires no response from LRSD, but LRSD nevertheless denies any implication of wrongdoing that may be contained in paragraph 254 of the Amended Complaint.

255. Paragraph 255 of the Amended Complaint does not contain any allegations against LRSD and therefore requires no response from LRSD, but LRSD nevertheless denies any implication of wrongdoing that may be contained in paragraph 255 of the Amended Complaint.

256. LRSD admits paragraph 256 of the Amended Complaint.

257. LRSD admits paragraph 257 of the Amended Complaint.

258. Paragraph 258 of the Amended Complaint presents a conclusion of law to which no response by LRSD is required.

259. Paragraph 259 of the Amended Complaint presents conclusions of law to which no response is required by LRSD.

260. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 260 of the Amended Complaint, and therefore denies those allegations.

261. In response to paragraph 261 of the Amended Complaint, LRSD states that the minutes of the September 11, 2014 meeting speak for themselves.

262. In response to paragraph 262 of the Amended Complaint, LRSD states that the minutes of the October 14, 2014 meeting speak for themselves.

263. In response to paragraph 263 of the Amended Complaint, LRSD states that the minutes of the October 14, 2014 meeting speak for themselves.

264. In response to paragraph 264 of the Amended Complaint, LRSD states that the minutes of the November 13, 2014 meeting speak for themselves.

265. Paragraph 265 of the Amended Complaint contains a legal conclusion, to which LRSD is not required to respond, and a statement about the contents of Exhibit 6 to the Complaint, which speaks for itself.

266. In response to paragraph 266 of the Amended Complaint, LRSD states that Exhibit 6 (Tony Wood's November 25, 2014 letter to Dexter Suggs) speaks for itself, states that Forest Heights Middle School is located at the corner of Evergreen Drive and University Avenue in Little Rock, and denies the remaining allegations contained in paragraph 266 of the Amended Complaint.

267. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 267 of the Amended Complaint, and therefore denies those allegations.

268. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 268 of the Amended Complaint, and therefore denies those allegations.

269. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 269 of the Amended Complaint, and therefore denies those allegations.

270. In response to paragraph 270 of the Amended Complaint, LRSD states that the minutes of the January 8, 2014 ADE meeting speak for themselves.

271. In response to paragraph 271 of the Amended Complaint, LRSD states that Commissioner Wood's January 8, 2014 letter speaks for itself.

272. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 272 of the Amended Complaint, and therefore denies those allegations.

273. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 273 of the Amended Complaint, and therefore denies those allegations.

274. LRSD admits that Forest Heights Middle School was removed from the academic distress list when plans were made to convert that school to a STEM, and denies the remaining allegations contained in paragraph 274 of the Amended Complaint.

275. Paragraph 275 of the Amended Complaint presents a legal conclusion to which no response is required by LRSD.

276. In response to paragraph 276 of the Amended Complaint, LRSD admits that there were several meetings between November 2014 and January 2015 involving the LRSD Board, the SBE and former Superintendent Suggs, and states that the minutes of those meetings speak for themselves.

277. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 277 of the Amended Complaint, and therefore denies those allegations.

278. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 278 of the Amended Complaint, and therefore denies those allegations.

279. LRSD is without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 279 of the Amended Complaint, and therefore denies those allegations.

280. LRSD denies the paragraphs of the Amended Complaint which come under the heading "Conclusion."

281. LRSD denies that plaintiffs are entitled to any of the relief requested in the prayer of the Amended Complaint.

282. LRSD denies each and every allegation of the Amended Complaint which is not specifically admitted in this answer.

AFFIRMATIVE DEFENSES

283. Plaintiffs have failed to state facts upon which relief can be granted against LRSD.

284. Plaintiffs' claims against LRSD are barred, in whole or in part, by the doctrines of settlement, release, accord and satisfaction or performance.

285. Plaintiffs' claims against LRSD are barred, in whole or in part, by applicable statutes of limitation, laches, or other inaction on the part of plaintiffs.

286. Plaintiffs' claims against LRSD are barred, in whole or in part, by the doctrines of waiver or consent.

287. Plaintiffs' claims against LRSD are barred, in whole or in part, by the doctrines of estoppel, including promissory estoppel, equitable estoppel and judicial estoppel.

288. Plaintiffs' claims against LRSD are barred, in whole or in part, by pending or prior litigation, including the doctrines of issue and claim preclusion or collateral attack.

289. LRSD has acted in good faith and in substantial compliance with applicable state and federal constitutions, laws, rules and regulations.

290. Because LRSD is currently without knowledge or information sufficient to form a belief as to whether it might have additional defenses, LRSD reserves the right to assert any other matter(s) constituting avoidances or affirmative defenses after further investigation and discovery.

WHEREFORE, LRSD prays that Plaintiffs' Amended Complaint be dismissed with prejudice, for its costs and attorneys' fees expended in this case, and for all other relief to which it may be entitled.

Respectfully submitted,

LITTLE ROCK SCHOOL DISTRICT

Friday, Eldredge & Clark
Christopher Heller (#81083)
Khayyam M. Eddings (#2002008)
400 West Capitol, Suite 2000
Little Rock, AR 72201-3493
(501) 370-1506
heller@fridayfirm.com

By: /s/ Christopher Heller
Christopher Heller

*Attorneys for Defendant Superintendent
Baker Kurrus, in his official capacity as
Superintendent of the Little Rock School District*

CERTIFICATE OF SERVICE

I certify that on February 10, 2016, 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 parties of record.

/s/ Christopher Heller
Christopher Heller