



# Division of Elementary and Secondary Education

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January 30, 2020

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Via email transmission

Mr. Fred Lilly, Superintendent  
Camden Fairview School District  
[flilly@cfsd.k12.ar.us](mailto:flilly@cfsd.k12.ar.us)

**Re: Camden Fairview School District Claim of Conflict with the Public School Choice Act of 2015, Ark. Code Ann. § 6-18-1901 et seq.**

Dear Superintendent Lilly:

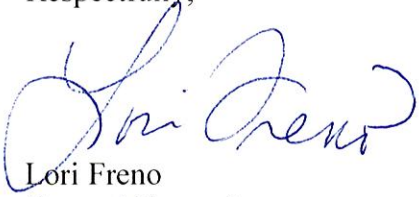
The Arkansas Department of Education, Division of Elementary and Secondary Education, has reviewed the documentation submitted by the Camden Fairview School District in support of the District's claim that provisions of an enforceable desegregation court order or a court-approved desegregation plan bars the District from participating in school choice under the Public School Choice Act of 2015. Specifically, the District provided documents concerning two lawsuits filed in the United States District Court for the Western District of Arkansas: *Milton, et al. v. Clinton, et al.*, Case No. 1:88-cv-1142 and *Lancaster, et al. v. Guess, et al.*, Case No. 1:09-cv-1056. These cases currently are on appeal to the United States Court of Appeals for the Eighth Circuit.

The Department of Education and State Board of Education have appealed the District Court's modification order of January 27, 2019, in the above case to the United States Court of Appeals for the Eighth Circuit. The case is fully briefed and the Court heard oral argument on December 11, 2019. If the Eighth Circuit rules in favor of the State appellants, it is probable that the Camden Fairview School District will be required to participate in school choice under the Public School Choice Act of 2015 during the 2020-2021 school year. In accordance with Ark. Code Ann. § 6-18-1906, however, the Division must respond to the District's notice of a genuine conflict within thirty calendar days of receipt. Today is day 30.

Pending an Eighth Circuit ruling, the Division must honor the District Court's January 27, 2019, modification order. Consequently, *at this juncture*, the Division has *conditionally and preliminarily* determined that the Camden Fairview School District is not required to participate in school choice under the Public School Choice Act of 2015 during the 2020-2021 school year. The Division will reconsider this determination, however, upon the issuance of a ruling by the Eighth Circuit.

If you have any questions or require further information, please do not hesitate to contact me at (501) 682-4234.

Respectfully,

A handwritten signature in blue ink that reads "Lori Freno". The signature is fluid and cursive, with the first name "Lori" being more prominent than the last name "Freno".

Lori Freno  
General Counsel  
Arkansas Department of Education  
Division of Elementary and Secondary Education

cc: (via email transmission)

Ms. Whitney Moore – [whitney@aprobertslaw.com](mailto:whitney@aprobertslaw.com)