



# Division of Elementary and Secondary Education

*Transforming Arkansas to lead the nation in student-focused education*

**Johnny Key**  
Secretary

December 23, 2019

Via Email and Regular U.S. Mail

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Dr. Michael Murphy, Superintendent  
Fountain Lake School District  
4207 Park Avenue  
Hot Springs, AR 71901  
[mmurphy@flcobras.com](mailto:mmurphy@flcobras.com)

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

Dear Superintendent Murphy:

The Arkansas Department of Education, Division of Elementary and Secondary Education, has reviewed the documentation submitted by the Fountain Lake 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 a lawsuit filed in the United States District Court for the Western District of Arkansas captioned *Davis, et al., v. Hot Springs School District, et al.*, Case No. 89-6088.

Based on the documentation provided, the Division has determined that the Fountain Lake School District is not required to participate in school choice under the Act, as participation would conflict with the terms of a federal court order. If you have any questions or require further information, I invite you and your attorney to call me at (501) 682-4234.

Respectfully,

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

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cc: (via email transmission only)  
Mr. Robert Brech at [rbrech@apsrc.net](mailto:rbrech@apsrc.net)

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