



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Johnny Key
Secretary

January 30, 2020

Via email transmission

**State Board
of Education**

Diane Zook
Melbourne
Chair

Dr. Bobby Hart, Superintendent
Hope School District
bobby.hart@hpsdistrict.org

Charisse Dean
Little Rock
Vice Chair

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

Susan Chambers
Bella Vista

Dear Superintendent Hart:

Dr. Fitz Hill
Little Rock

The Arkansas Department of Education, Division of Elementary and Secondary Education, has reviewed the documentation submitted by the Hope 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. Franks, et al.*, Case No. 4:88-cv-4082.

Kathy McFetridge
Springdale

Dr. Sarah Moore
Stuttgart

Ouida Newton
Poyen

Chad Pekron
Bryant

R. Brett Williamson
El Dorado

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 Hope 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.

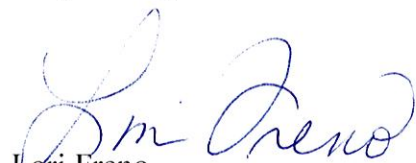
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.gov

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 Hope 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.

*An Equal
Opportunity
Employer*

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" and last name "Freno" clearly distinguishable.

Lori Freno

General Counsel

Arkansas Department of Education

Division of Elementary and Secondary Education

cc: (via email transmission)

Ms. Whitney Moore – whitney@aprobertslaw.com