



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Johnny Key
Secretary

December 29, 2022

Dr. Ivy Pfeffer
Deputy
Commissioner

via email

Ms. Whitney Moore
whitney@probertslaw.com

Stacy Smith
Deputy
Commissioner

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

**State Board of
Education**

Dear Ms. Moore:

Ouida Newton
Poyen
Chair

The Arkansas Department of Education, Division of Elementary and Secondary Education, has reviewed the documentation submitted by the El Dorado 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: *Kemp, et al. v. Beasley, et al.*, Case No. ED-1048, and *Townsend v. Watson, et al.*, Case No. 1:89-cv-1111.

Dr. Sarah Moore
Stuttgart
Vice Chair

Based on the documentation provided, the Division has determined that the El Dorado School District currently 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, please do not hesitate to call me at (501) 682-1958.

Dr. Fitz Hill
Little Rock

Kathy McFetridge
Springdale

Steve Sutton
Marion

Respectfully,

Adrienne Woods
Rogers

/s/ Shastady Wagner
Staff Attorney
Arkansas Department of Education

Randy Henderson
Blytheville

Lisa Hunter
White Hall

Jeff Wood
Little Rock