

TENTATIVE AGENDA
Joint Subcommittee on Desegregation Litigation Oversight

Friday, April 01, 2016
10:30 AM

Administrative Offices of the Blytheville School District, 405 Park Street
Blytheville, Arkansas

Legislative Members

Sen. Linda Chesterfield, Co-Chair
Sen. Joyce Elliott
Sen. Jeremy Hutchinson
Sen. Jane English

Rep. Fredrick J. Love, Co-Chair
Rep. Mark Lowery
Rep. Clarke Tucker
Rep. James J. Sorvillo

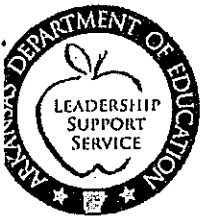
Non-Legislative Members

Mr. Cedric Hawkins

Mr. Jeremy Owoh

- A. Call to Order – 10:30 A.M.
- B. Remarks by the Chairs
- C. Adoption of the Minutes of the February 12, 2016 Meeting [Exhibit C]
- D. Welcome to the Blytheville School District.
Mr. Richard Atwill, Superintendent, Blytheville School District
- E. Update on the Unresolved Issues in the Desegregation Litigation Involving the Blytheville School District
- F. Other Business
- G. Adjournment

Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as "Members and Staff Only"



ARKANSAS DEPARTMENT OF EDUCATION

Johnny Key
Commissioner

December 14, 2015

State Board
of Education

Richard Atwill, Superintendent
Blytheville School District
405 W. Park
Blytheville, Arkansas 72316

Toyce Newton
Crossett
Chair

Mireya Reith
Fayetteville
Vice Chair

**Re: Standards for Accreditation: Desegregation Obligations
Blytheville School District**

Dr. Jay Barth
Little Rock

Dear Superintendent Atwill:

Joe Black
Newport

We have reviewed the information submitted by the Blytheville School District in response to its desegregation obligations under the Arkansas Department of Education Standards for Accreditation outlined in Commissioner's Memo COM-16-019. Based on a review of the supplemental information submitted on October 29, 2015, it appears that the Blytheville School District is no longer under active desegregation orders or under the supervision of the court in *Franklin v. Blytheville School District*.

Susan Chambers
Bella Vista

Charisse Dean
Little Rock

Based on this determination, the Blytheville School District has met its obligations required by Section 6.03 of the Standards of Accreditation and is released from further reports required by COM-16-019.

Vicki Saviers
Little Rock

R. Brett Williamson
El Dorado

Diane Zook
Melbourne

Per our conversation, we understand the Blytheville School District has concerns regarding whether Ark. Code Ann. § 6-18-317 presents a conflict with the District's ability to fully participate in school choice. While we do not believe this presents a conflict, to the extent that it does, the District may apply for a waiver of the prohibitions in § 6-18-317(a), pursuant to Ark. Code Ann. § 6-18-318.

Should the District wish to apply for a waiver, please submit your waiver request to myself via email or by mail to the ADE Legal Office no later than December 30, 2015, in order for the request to be placed on the January 2016 State Board of Education agenda.

If you have any questions or require additional information, please do not hesitate to contact me at (501) 682-4227 or Kendra.Clay@arkansas.gov.

Respectfully,

Kendra Clay
General Counsel

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

A.C.A. § 6-13-113 (2015)

6-13-113. School district desegregation orders -- Orders.

(a) By January 1, 2016, a school district that is subject to a desegregation order or desegregation-related order shall notify the Department of Education in writing:

(b) A school district that is subject to a desegregation order or a desegregation-related order shall include in the written notice to the department:

(1) A copy of the desegregation order or desegregation-related order;

(2) The case heading and case number of each court case in which the order was entered;

(3) The name and location of each court that maintains jurisdiction over the order; and

(4) A description of the school choice student transfer desegregation obligations, if any, that the school district is subject to, related to the order.

(c) A school district that is released from court supervision related to a desegregation order or desegregation-related order shall promptly notify the department.

(d) A school district that fails to meet the requirements of this section is in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(e) The department shall post on the department's website all written notifications received as required by this section.

HISTORY: Acts 2015, No. 560, § 1.



BLYTHEVILLE PUBLIC SCHOOLS

405 W. Park • PO Box 1169
BLYTHEVILLE, ARKANSAS 72316
(870) 762-2053 • Fax (870) 762-0141

Richard Atwill
Superintendent

"Learners Today - Leaders Tomorrow"

December 15, 2015

Kendra Clay, General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

Sent via U.S. Mail and Email to
Kendra.Clay@arkansas.gov

Re: Standards for Accreditation: Desegregation Obligations
Blytheville School District – Request for waiver under § 6-18-318

Dear Mrs. Clay:

This will acknowledge receipt of your letter dated December 14, 2015, and our conversations in connection with the matters raised in your letter. As we discussed, Blytheville School District has concerns regarding whether Ark. Code Ann. § 6-18-317 presents a conflict with regard to the District's ability to fully participate in school choice inasmuch as §6-18-317 prohibits "legal transfers," if the District has ever been under a desegregation related order.

You advised the you did not believe that § 6-18-317 presents a conflict, but suggested that one way to legally resolve the potential conflict issue so that there is no legal uncertainty, would be for Blytheville School District to apply for a waiver of the transfer prohibitions set out at § 6-18-317(a), pursuant to the waiver provisions set forth at Ark. Code Ann. § 6-18-318.

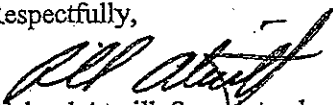
As you know, it has been the intent of Blytheville School District all along to comply with all applicable laws, court orders, and regulations. Therefore, please accept this letter as a formal request to the Arkansas Board of Education for a waiver of the prohibitions set forth in §6-18-317(a), pursuant to the waiver provisions set forth at § 6-18-318. We are asking that our request be submitted as soon as possible, which I understand will be the January 2016 meeting.

It is my understanding from reading your letter and our conversations that, if the waiver is granted, there will be no genuine legal conflict, in the eyes of the Arkansas Department of Education, which would prohibit Blytheville School District from participating in school choice under the 2015 School Choice Act. Therefore, Blytheville would be authorized and required to participate in school choice under the 2015 Act, to the same extent as school districts which have never been under any type of desegregation-related court order.

If my understanding is not correct or you have any questions or concerns regarding this letter, please feel free to contact me.

I look forward to hearing from you with regard to the decision of the State Board of Education with regard to my request.

Respectfully,



Richard Atwill, Superintendent

Minutes
State Board of Education Meeting
Thursday, January 14, 2016

The State Board of Education met Thursday, January 14, 2016, in the Arkansas Department of Education Auditorium. Vice-Chair Mireya Reith called the meeting to order at 10:00 a.m.

Present: Mireya Reith, Vice-Chair; Vicki Saviers; Joe Black; Diane Zook; Dr. Jay Barth; Susan Chambers; Brett Williamson; Charisse Dean; Ouida Newton, Teacher of the Year; and Johnny Key, Commissioner.

Absent: Toyce Newton, Chair

Commissioner's Report

Commissioner Key recognized Ms. Dorothy Gillam who is retiring tomorrow after more than 50 years at the Department. Ms. Gillam thanked everyone for their support.

Special Projects Director Ms. Susan Harriman said Dr. Mike Hernandez has been appointed to the Universal Service Administrative Company Board of Directors. The USAC is a not-for-profit designated by the Federal Communications Commission that collects contributions from telecommunications carriers and administers funding to help communities across the country secure access to affordable telecommunications services. The 19-member Board oversees the E-Rate program and the Connect America Fund, Healthcare Connect Fund, Rural Utilities Service and LifeLine. In 2013, these funds totaled over \$130 Million for Arkansas and over \$8 Billion for the country.

Ms. Harriman said there is no better representative for our students. Dr. Hernandez's background as a school district superintendent and as Deputy Commissioner at the Department make him uniquely qualified. She said most especially, with Dr. Hernandez's experience in federal funding and state finance he truly understands the complexity of funding technology for our students.

Hot Springs School District Superintendent Dr. Mike Hernandez said he was thankful for the support from the Department and school superintendents that helped him receive the appointment. He said it was important to have a representative from rural schools in Arkansas.

Commissioner Key thanked the Department of Information Services, DIS Director Mr. Mark Myers, the superintendents from around the state, Ms. Harriman, Staff Attorney Mr. Cory Biggs, Senator David Pryor, Senator Mark Pryor, Senator John

Boozman, Senator Tom Cotton and many others for writing letters of support for Dr. Hernandez. He said the appointment is an affirmation of the qualifications of Dr. Hernandez.

Consent Agenda

Dr. Barth moved, seconded by Ms. Saviers, to approve the consent agenda. Ms. Zook voted no. The final vote was 6-1. The motion carried.

Items included in the Consent Agenda:

- Minutes - December 10, 2015
- Minutes - December 11, 2015
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- Student Services Program Annual Report
- Consideration for Public Comment – Proposed Arkansas Department of Education Policies Governing Educator Preparation Program Approval
- Consideration for Public Comment: Department of Education Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification
- Consideration for Public Comment: Proposed Arkansas Department of Education Rules Governing Public Charter Schools
- Consideration for Public Comment: Arkansas Department of Education Rules Governing the Monitoring of Arkansas Comprehensive School Improvement Plans (ACSIP)
- Consideration for Public Comment: Arkansas Department of Education Rules Governing Access to Public School Information on Arkansas Comprehensive School Improvement Plans (ACSIP)
- Consideration for Public Comment: ADE Rules Governing How to Meet the Needs of Children with Dyslexia
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T15-005 – Debra Reynolds
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-133 – Shaybreian Charnelle Willis
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-149 – Anthony Clarence Bridgeforth
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-150 – Heather Ann Davenport
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-151 – Justin Cole Deaton
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-167 – Lola Faye Dulaney
- Consideration of the Recommendation of the Professional Licensure

- Standards Board for Case #15-182 – Lorna Gail King
- Consideration of PCSSD Community Advisory Board Membership

Action Agenda

A-1 Consideration of the Little Rock School District Report of Progress

Little Rock School District Civic Advisory Committee Co-Chairs Dr. Dionne Jackson and Mr. Greg Adams said the LRSD Civic Advisory Committee continued to meet monthly. Mr. Adams said the four subcommittees also continued to meet regularly. He said the community engagement committee was making great progress. He said the facilitator, Ms. Jennifer Henderson, was helpful in the development of a plan. He said the Arkansas Public Policy Panel and the Rockefeller Foundation provided support for this work. He said the parent involvement committee was planning three parent meetings across the district. He said the facilities committee continued to work on feedback to the district regarding the number of schools needed in the future.

Little Rock School District Associate Superintendent Dr. Dan Whitehorn said safety was a priority in LRSD. He said parental involvement was critical to student success. He said a positive culture was important so that the curriculum could be implemented.

Dr. Whitehorn said each middle school has a math facilitator and a literacy facilitator. He said collaboration among educators was increasing the rigor of instruction and providing for differentiated instruction based on the needs of the students.

Dr. Whitehorn said the interim assessment results indicated the schools in academic distress were showing improvement. He said there was more focus on the administrative team being in the schools and ensuring that schools are using pre-tests and post-tests to make decisions. He said the sense of urgency for student growth was evident across the district.

Little Rock School District Superintendent Mr. Baker Kurrus recognized Ms. Cathy Kohler, President of Little Rock Education Association. He said he was working with Ms. Kohler and staff to review the district hiring procedures.

Little Rock School District Director of Certified Personnel Ms. Renee Kovach said the district used an online application process.

Mr. Kurrus said the district was focusing on doing the right things for students and the schools. He said what is different is that all adults are doing the right things consistently. He thanked the teachers and Ms. Kohler for their efforts to do the hard work.

Mr. Kurrus overviewed the ESEA district report, SOAR modules 1 and 2 data, and internal analysis reports. He said these are examples of the data being used to make data-informed decisions in real time.

Mr. Kurrus said the district was pursuing two facilities plans. He said the previous board had taken the first steps in identifying the needs for a high school in southwest Little Rock and a middle school in west Little Rock. He said the schools would serve diverse populations.

Mr. Kurrus said the district faced tremendous challenges regarding alienation. Fighting and disrespectful behaviors are issues that need to be addressed within the community in partnership with the schools. He said the district organization structure was addressing these behavioral issues.

Mr. Kurrus said the district was analyzing attendance zones by examining where the students live, which school they attend, and the transportation costs to the district. He said he was also examining how special services can be provided more efficiently. He said he was also considering how vacated buildings could be used for special services that would meet the needs of students and families.

Mr. Kurrus said organizational transformation was the step to district improvement. He said broader support in the community was the second step that would move the needle on academic distress. He said it was important to sustain the district financially, especially with the loss of desegregation funds. He said the district would move forward in good faith and with good will. He said the district would move forward with a long-range financial model that sustains world-class facilities. He said a long-range plan to consider a millage increase may be considered in the future. He said the district needed a highly engaged, highly paid lean team of educators.

Ms. Saviers moved, seconded by Ms. Chambers, to accept the Little Rock School District report of progress. The motion carried unanimously.

A-2 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-127 – Emory Lee Atkins

Ms. Zook moved, seconded by Dr. Barth, to remove this item from the table. The motion carried unanimously.

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said this item was tabled from the Consent Agenda on December 10, 2015, and was being resubmitted. Ms. Liwo said Mr. Emory Lee Atkins was in violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. Violation of Standard 2: An educator

maintains competence regarding his or her professional practice inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position. The Professional Licensure Standards Board Ethics Subcommittee affirmed its recommendation that the State Board order a written reprimand and assess a \$50.00 fine. Mr. Atkins was notified of the Ethics Subcommittee's recommendation on August 11, 2015. Mr. Atkins did not respond within the required thirty-day period.

Mr. Williamson moved, seconded by Ms. Zook, to accept the PLSB recommendation of a written reprimand and a \$50.00 fine for Mr. Emory Lee Atkins. The motion carried unanimously.

A-3 District Request for Waivers Granted to Open-Enrollment Charter: Barton-Lexa School District

Division of Learning Services Coordinator Ms. Mary Perry said Act 1240 of 2015 allowed a school district to petition the State Board of Education for all or some of the waivers granted to an open-enrollment public charter school that draws students from the school district.

-General Counsel Ms. Kendra Clay reviewed the hearing procedures.

Barton-Lexa School District Superintendent Mr. David Tollett said the district developed a vision and strategic plan to provide opportunities for students. He said the district has created four high school pathways for graduation. Mr. Tollett briefly explained each requested waiver and also requested an additional waiver from the Rules for Educator Licensure. He requested the waivers begin July 1, 2016, effective for five years. He said he would be willing to provide annual reports to the State Board.

Ms. Zook moved, seconded by Ms. Chambers, to approve the waivers for school start dates. The motion carried unanimously.

Ms. Zook moved, seconded by Mr. Black, to approve the waivers for daily planning period. Dr. Barth and Ms. Saviers voted no. The final vote was 5-2. The motion carried.

Ms. Chambers moved, seconded by Ms. Zook, to approve the waivers for teacher licensure. Dr. Barth and Ms. Saviers voted no. The final vote was 5-2. The motion carried.

Ms. Dean moved, seconded by Mr. Black, to approve the waivers for library media specialist. The motion carried unanimously.

The Board requested the Department provide annual reports of the progress of Act 1240 of 2015 waivers. Commissioner Key said the Department would design

a draft report and request input from the State Board prior to report time. The Board also requested survey data regarding the perception of the parents and community.

A-4 Consideration of Waiver Request for Legal Transfers - Blytheville School District

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-318, the Blytheville School District requested a waiver of the transfer prohibitions set out in A.C.A. § 6-18-317(a) which prevents a school districts board of directors from granting legal transfers when either the resident or receiving district is under or has ever been under a desegregation related court order and the transfer would negatively affect the racial balance of that district.

Blytheville School District Superintendent Mr. Richard Atwill said the request would ensure there are no issues in the future.

Blytheville School Board Member Mr. Tommy Bennett said the district welcomed school choice.

Ms. Saviers moved, seconded by Mr. Williamson, to approve the waiver request for legal transfers for the Blytheville School District. The motion carried unanimously.

A-5 Hearing on Open-Enrollment Public Charter School Application: Arkansas Connections Academy, Bentonville, Arkansas

Charter School Coordinator Ms. Alexandra Boyd said on November 17, 2015, the Charter Authorizing Panel continued the hearing from October 14, 2015, for the open-enrollment charter application for Arkansas Connections Academy. Representatives of Arkansas Connections Academy appeared before the Panel and requested to serve students across the state in grades K-12 with a maximum enrollment of 3,000 in a virtual environment. Ms. Boyd said by a 5-2 vote, the Panel approved the application. On December 10, 2015, the State Board of Education voted to review the decision of the Charter Authorizing Panel.

President of the Arkansas Connections Academy Board Mr. Dennis Beck said the application was for an online academy available to all students in Arkansas. He said the minimum number of 50 students would be required.

Executive Vice President of Curriculum and Instruction Ms. Pat Hoge said response to intervention was the foundation of the academy. She gave a brief explanation of the curriculum design.

Executive Director of State Relations Mr. Bryce Adams said disaggregated data by race and incomes are available.

Representative Jim Dotson spoke on behalf of the charter application. He said the state needed more online options for students.

Ms. Zook moved, seconded by Ms. Chambers, to affirm the Charter Authorizing Panel's recommendation to approve the Open-Enrollment Public Charter School application for the Arkansas Connections Academy, Bentonville, Arkansas. Dr. Barth and Mr. Black voted no. The final vote was 5-2. The motion carried.

A-6 American Sign Language Proficiency Interview (0634)

Program Advisor of Educator Preparation Mr. Michael Rowland said Educational Testing Service (ETS) has arranged for educators who wish to teach American Sign Language (ASL) to take the American Sign Language Proficiency Interview (ASLPI) delivered and evaluated by ASL Diagnostic and Evaluation Services of Gallaudet University (ASL-DES) in Washington, DC. The ASLPI has replaced the Praxis™ Assessment of Signed Communication – American Sign Language (0632). He said the 0632 are currently required for the American Sign Language (K-12) Arkansas Educator License. He said Act 328 of 2013 provided authority for Arkansas public schools to offer American Sign Language as a credit-bearing modern language or foreign language. He said ASLPI was a 20-25-minute interactive dialogue between the test taker and the interviewer. The interview is rated by a team of evaluators, and test takers are awarded an overall proficiency level on a 0-5 rating scale. The ASLPI passing score for provisional certification is 3+ on the ASLPI 5 point rating scale. ETS has a conversion table for ASLPI on the existing Praxis 100-200 point scale. According to ETS, a 3+ is equivalent to a 170 on the Praxis point system. On December 2, 2015, a representative from ETS conducted a test review of the ASLPI with Arkansas ASL practitioners. He said panel members agreed with the 170 cut score recommendation. Mr. Rowland recommended adopting the American Sign Language Proficiency Interview (0634) with a passing score of 170 effective immediately.

Dr. Barth moved, seconded by Mr. Black, to adopt the American Sign Language Proficiency Interview (0634) with a passing score of 170 effective immediately. The motion carried unanimously.

A-7 Consideration for Final Approval: Arkansas Department of Education Rules Governing Professional Development

General Counsel Ms. Kendra Clay said Acts 44 and 1090 of 2015 revised Arkansas laws pertaining to the educator professional development requirements. On August 13, 2015, the Board approved these rules for public

comment. She said a public comment hearing was held on September 2, 2015. Public comments were received which resulted in a second public comment period. A second public comment hearing was held on November 4, 2015. One public comment was received, but no substantive changes were made. The Governor's approval was first received on August 21, 2015. Ms. Clay requested the State Board of Education give final approval for these rules.

Ms. Dean moved, seconded by Mr. Williamson, to approve the Arkansas Department of Education Rules Governing Professional Development. The motion carried unanimously.

A-8 Consideration for Approval for Computer Science Curriculum Frameworks

Computer Science Director Mr. Anthony Owen said the Arkansas K-8 Computer Science Standards are focused on the foundational computer science and computer literacy skills necessary for 21st century learners within the Arkansas K-8 educational system. He said the K-8 standards are composed of grade specific content standards to be embedded in all content areas, a 7th/8th grade coding block, and practices that should be habits of mind for computer science students, educators, and industry professionals. The committee was composed of K-8 classroom educators spanning multiple subject areas, business education teachers, secondary and post-secondary computer science educators, school administrators, an Arkansas Department of Career Education Specialist, ADE Curriculum and Instruction and Licensure Specialists, and computer science industry representatives. He said the standards were open for a 30-day public feedback survey, and the committee had a chance to respond to all survey responses. Mr. Owen recommended the Board adopt the standards.

Ms. Chambers moved, seconded by Dr. Barth, to adopt the K-8 Computer Science Curriculum Frameworks. The motion carried unanimously.

A-9 Consideration for Approval for Computer Science Praxis Cut Score

Computer Science Director Mr. Anthony Owen said the Arkansas Department of Education asked the Board for approval for a passing score range for the Computer Science Praxis assessment. He said the range would include up to -2 SEM, within the national standard setting recommendations of a "just qualified candidate." As defined by ETS, a "just qualified candidate" is a test taker who has met the minimum level of knowledge believed necessary to be a qualified teacher for the content or licensure area being tested. He said the reason for the request was that there has been insufficient time to conduct the state standard setting study for Computer Science Praxis, but the need for qualified teachers was immediate. He said it was important for the test to align with what Arkansas

required of these licensure candidates. Although some candidates may possess the content knowledge by virtue of their experience, content knowledge may not specifically align with teaching competencies and standards identified in Arkansas. Additionally, educator preparation programs for this licensure content area have not yet been implemented. Therefore, until the competencies, standards, and testing are fully aligned through a state standard setting study, and educator preparation programs are implemented, the Department recommended this -2 SEM range of 171 (current cut score) to 159. He said on October 30, 2015, the Professional Licensure Standards Board voted to approve this recommendation and seek approval from the Board.

Program Advisor of Educator Preparation Mr. Michael Rowland said the score would be in an acceptable range.

Assistant Commissioner Educator Effectiveness and Licensure Ms. Ivy Pfeffer said ETS would be developing a new assessment anticipated within two years.

Ms. Dean moved, seconded by Ms. Chambers, to approve the Computer Science Praxis Cut Score of 159. The motion carried unanimously.

Adjournment

Ms. Zook moved, seconded by Ms. Saviers, to adjourn. The motion carried unanimously.

The meeting adjourned at 3:10 p.m.

Minutes recorded by Deborah Coffman.

Work Session

Discussion regarding the Fiscal Distress status of the Pulaski County Special School District

The State Board convened at the Mills University Studies High School Auditorium, Pulaski County Special School District, 1205 E. Dixon Road, Little Rock, AR at 6:30 p.m. for a work session to discuss the district's current fiscal distress status. Public comment was accepted.



ARKANSAS
DEPARTMENT
OF EDUCATION

Unitary Status – Desegregation Obligations

Memo Information

Memo Number: COM-16-019

Memo Date: 9/4/2015

Memo Type: Regulatory

Section: Public School Accountability

Regulatory Authority: Ark. Code Ann. § 6-15-202

Response Required: NO

Attention: Superintendents;

Contact Information

Name: Oliver Dillingham

Phone Number: 501 682-4213

Email: Oliver.Dillingham@arkansas.gov

Memo Text

Ark. Code Ann. § 6-15-202 directs the Arkansas State Board of Education to include in the Standards for Accreditation a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations.

The district's responsibilities regarding its desegregation obligations are outlined in Sections 6.03 and 6.04 of the Standards for Accreditation:

6.03 By September 15 of each school year, any school district that has not been declared by court order to have reached complete and full unitary status shall file a report with the Arkansas Department of Education stating whether in the district's opinion the school

district is unitary in status or not. Any school district that has not reached complete and full unitary status and has not been released from court supervision over desegregation obligations but which believes the district is in complete and full unitary status shall provide a written quarterly report to the Arkansas Department of Education by September 15 and the report shall provide a detailed plan with proposed time lines of how the district has complied with any desegregation plan or obligations and shall state how the district will seek to obtain a determination of full unitary status and release from court supervision and a release of any and all court ordered desegregation obligations.

6.04 If by July 1, 2009 and each school year thereafter, the Arkansas Department of Education is unable to verify the district's attempts to comply with their submitted detailed plan for obtaining a determination of full unitary status and release from court supervision as required in §6.03 of these Rules, then the Department of Education shall report to the State Board of Education:

1. Whether the failure of the school district to obtain full and complete unitary status is having a negative impact on the state's overall obligation to provide a general, suitable and efficient school system; and
2. Whether the school district should be placed on probationary status and subject to the provisions of Ark. Code Ann. § 6-15-201 et seq.

All districts that have not been declared unitary as outlined in Section 6.03 above, shall submit the required reports to the Arkansas Department of Education.

Reports must be submitted by mail to:

Arkansas Department of Education

Division of Public School Accountability

Four Capitol Mall, Room 204B

Little Rock, AR 72201

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

MRS. EMANUEL FRANKLIN, et al

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE
BLYTHEVILLE SCHOOL DISTRICT
NO. 5, et al

DEFENDANTS

ORDER

On the basis of correspondence with counsel for the parties, the Court concludes that issues reserved in the Court's order of August 30, 1971, are no longer a subject of controversy. There being no pending issues in this proceeding, it is ordered that this case be, and it is hereby, closed but that the Court retain jurisdiction of this cause and of the parties hereto for necessary and appropriate purposes.

Dated this 21st day of June, 1973.

(s) GARNETT THOMAS EISELE

United States District Judge

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

MRS. EMANUEL FRANKLIN, et al.

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE
BLYTHEVILLE SCHOOL DISTRICT
NO. 5, et al.

U.
CAUSE

OF
ARNSAS
DEFENDANTS

DEC 07 1978

ORDER W. H. MCCLELLAN, CLERK
BY: *[Signature]*
DEP. CLERK

By Order of June 21, 1973, the above styled case was closed, but the Court retained jurisdiction of the cause and of the parties for necessary and appropriate purposes.

Since that time, the Court has received no further communication concerning this case.

It is therefore Ordered that this cause be, and it is hereby, dismissed.

Dated this 6th day of December, 1978.

(s) GARNETT THOMAS EISELE

United States District Judge

WALKER, HOLLINGSWORTH & JONES

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING SUITE 1191

LITTLE ROCK, ARKANSAS 72201

TELEPHONE 501-374-3758

JOHN W. WALKER
P. A. HOLLINGSWORTH
HENRY L. JONES, JR.

OF COUNSEL
WILEY A. BRANTON
825 SIXTH STREET, S.W.
WASHINGTON, D. C. 20024

December 9, 1978

The Honorable G. Thomas Eisele
United States District Judge
Post Office Box 3684
Little Rock, Arkansas 72203

Re: Mrs. Emanuel Franklin, et al. v. Board of Education of the
Blytheville School District, No. 5, et al.
Case No. J-71-C-35

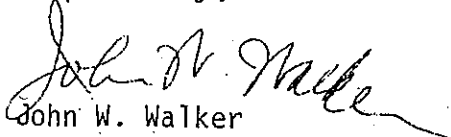
Dear Judge Eisele:

The Court sua sponte closed this case. I am writing to remind the Court that there is no finding by the Court that a unitary school system has been achieved, and there is no order requiring the school district to hereafter maintain an integrated system in all respects. Finally, the Court did not award the prevailing parties appropriate costs and counsel fees.

With respect to the establishment of a unitary school system, I think the obligation of the Court is to make some further inquiry and to also insure that faculty and staff desegregation principles are clearly expressed.

I am bringing these matters to the Court's attention in the hope that the Court will rescind its order and judgement filed December 7 and substitute an order requiring the defendants to provide the Court something in the nature of a comprehensive final report which relates to students, staff, programs and facilities.

Respectfully,


John W. Walker

JWW/dc

cc: Mr. James W. Steinsiak