

MEETING SUMMARY

DESEGREGATION LITIGATION OVERSIGHT SUBCOMMITTEE

Friday, February 12, 2016

10:30 A.M.

National Park College, 101 College Drive
Hot Springs National Park, Arkansas

Senator Linda Chesterfield, the Co-Chair of the Desegregation Litigation Oversight Subcommittee, called the meeting to order at 10:30 a.m.

MEMBERS OF THE DESEGREGATION LITIGATION OVERSIGHT SUBCOMMITTEE IN ATTENDANCE:

Senator Linda Chesterfield, Co-Chair; Representative Fredrick J. Love, Co-Chair; Senator Joyce Elliott; Representative Mark Lowery; and Representative James J. Sorvillo.

NON-LEGISLATIVE MEMBERS OF THE DESEGREGATION LITIGATION OVERSIGHT SUBCOMMITTEE IN ATTENDANCE: Mr. Cedric Hawkins; and Mr. Jeremy Owoh.

OTHER MEMBERS OF THE GENERAL ASSEMBLY IN ATTENDANCE: Senator Alan Clark; Representative Bruce Cozart; and Representative Laurie Rushing.

Minutes:

Without objection, the minutes of December 14, 2015 were approved as written.

Exhibit:

Exhibit C – 12/14/2015 Minutes

Remarks by the Chairs

Senator Chesterfield welcomed attendees and stated the purpose of the meeting is to gain information. She requested members of the Subcommittee and members of the General Assembly and staff in attendance to introduce themselves.

The Honorable Fredrick J. Love, State Representative, District 29, and Co-Chair of the Desegregation Litigation Oversight Subcommittee, was recognized. Representative Love said he looked forward to covering the agenda.

Welcome to the Campus of National Park College

Presenter:

Dr. John Hogan, President, National Park College, was recognized. Dr. Hogan welcomed attendees and gave a brief overview of the college. He discussed the implementation of new initiatives that will better help students achieve their potential and better prepare them for the workforce.

Update on the Efforts to Resolve Garland County Desegregation Litigation

Senator Chesterfield welcomed superintendents from various school districts and/or their representatives and others participating in the discussion.

Ms. Ashley Hudson, Associate, Kutak Rock LLP, Little Rock, was recognized. Ms. Hudson, who represents six (6) of the school districts involved, gave a comprehensive presentation on the historical background of the Garland County Desegregation case. Following the presentation, an extensive discussion ensued on issues pertinent to resolving the litigation.

Contributors to the Discussion:

Arkansas Department of Education:

Ms. Kendra Clay, General Counsel, Arkansas Department of Education (ADE)

Cutter Morning Star School District, Fountain Lake School District, Jessieville School District, Lake Hamilton School District, Lakeside School District, Mountain Pine School District:

Ms. Ashley Hudson, Associate, Kutak Rock LLP, Little Rock

Garland County Chapter of the N.A.A.C.P.:

Mr. Q. Byrum Hurst, Jr., Attorney, Hurst Law Group, Hot Springs, AR

Hot Springs School District:

Ms. Whitney F. Moore, Attorney, Fuqua Campbell P.A., Little Rock, AR

Mr. Allen P. Roberts, Attorney at Law

Mr. Charles White, Attorney at Law

Superintendents:

Ms. Nancy Anderson, Superintendent, Cutter-Morning Star School District

Mr. Darin Beckwith, Superintendent, Fountain Lake School District

Mr. Shawn Cook, Superintendent, Lakeside School District

Issues Included in the Discussion:

- why unitary status was not sought by the school districts,
- the state meeting obligations to school districts contained in the 1991 Settlement Agreement,
- releasing the state from this case, except for monitoring requirements,
- availability to school districts of Training & Advisory Services Equity Assistance Centers, funded by the U.S. Department of Education under Title IV of the 1964 Civil Rights Act,
- specific things that are required to be monitored by the state under the Settlement Agreement,
- training programs were provided by the state in first two years following settlement, that is, before 1995,
- Garland County school districts continuing to work together to fulfill obligations through the Garland County Education Consortium,
- having no legal findings of fact as part of the challenge of this case,
- racial demographics of students and staff of the Garland County school districts,
- recruiting efforts for faculty and staff of school districts,
- recruiting efforts in high-need areas,
- possible expansion of the Teach for America program to Garland County school districts,
- percentages of minority students who are special education and gifted and talented; and systems in place to address the over-identified population of special education and under-identified population of gifted and talented, and
- following student-based state standards regarding ratio for personnel.

Mr. Q. Byrum Hurst, Jr., Attorney, Hurst Law Group, Hot Springs, AR, representing the Garland County chapter of the National Association for the Advancement of Colored People (N.A.A.C.P.), plaintiff, was recognized. Mr. Hurst set the history of the litigation which included a perspective on changes that took place in the size of school districts in Garland County as a result of the order for integration in the Hot Springs School District in the early 1970s. He said the Hot Springs School District, the largest school district in Garland County at that time, drastically decreased in size, while other school districts showed extensive growth. Mr. Hurst stated it was the concern of the N.A.A.C.P. that students in the Hot Springs School District would receive the same education as those in the larger growing areas of Hot Springs. He stated the litigation, which was started in 1988, asked that the administration of all seven (7) school districts be consolidated into one to save on expenses, and to ensure that students in all of the school districts receive the same quality of education. He said the lawsuit was settled in 1991. He stated there is an appeal at this time by six (6) of the seven (7) school districts to get out of the requirements of the Settlement Agreement. Mr. Hurst said his clients and the Hot Springs School District are arguing on appeal that the six (6) school districts should still be required to abide by the Settlement Agreement. Mr. Hurst referred to the *Garland County School Desegregation Case Comprehensive Settlement Agreement*, and said it should be reviewed for its historical perspective. Following Mr. Hurst's presentation, the discussion continued.

Issues Included in the Discussion:

- judges and courts involved in hearing the case,
- concern that everything is being done that can be done,
- impact of the case on the Lakeside School District,
- training programs in school districts continuing to meet the spirit of obligations set forth in the Settlement Agreement,
- connecting with students,
- preventing something from happening by having had no findings of fact,
- concern for the effect of the case on the quality of education for students of all races,
- never any findings or any admission of liability or wrongdoing by any school district involved in the case,
- clarification that schools were already integrated and were trying to work together to do everything right,
- school districts working together to make sure makeup is fair for each school district; not doing racial balancing,
- understanding Constitutional obligations in concert with the obligations school districts have to their students,
- effect of trends in enrollment in Hot Springs School District on its position in the appeal,
- the 1989 School Choice Act and the Settlement Agreement,
- number of School Choice students currently in elementary schools in Hot Springs, and
- the state not being party to the appeal.

Handouts:

Brief of Appellants
Garland County School Desegregation Case Comprehensive Settlement Agreement
Garland County School District Information

Senator Chesterfield thanked the presenters and wished them the best in pursuing the education of children.

Next Scheduled Meeting:

To be determined.

Adjournment:

The meeting adjourned at 12:11 p.m.

Approved: 04/01/2016