

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

DOSSIE WAYNE KEMP, ET AL

PLAINTIFFS

v.

CASE NO. ED-1048

LEE ROY BEASLEY, ET AL

DEFENDANTS

and

REV. FRANK TOWNSEND, ET AL

PLAINTIFFS

v.

CASE NO. 89-CV-1111

**BOB WATSON, Individually
and in his official Capacity as
Superintendent of the El Dorado School
District No. 15, a Public Body Corporate, ET AL**

DEFENDANTS

MOTION FOR APPROVAL OF SCHOOL BOARD DISTRICT RE-ZONING

COMES the separate defendant, El Dorado School District No. 15 of Union County, Arkansas ("EDSD"), and for its Motion for Approval of School Board District Re-Zoning, states:

1. This Court has jurisdiction over the parties and the subject matter hereto.
2. These actions were instituted to desegregate defendant school district's public schools, remove the vestiges of segregation, including discriminatory governance. A specific remedy was removal of the previous at-large voting system used to elect school board members and replace it with single member districts drawn to allow black citizens of the district the opportunity of obtaining proportionate representation on the school board.
3. EDSD is currently operating under an Order of this Court enforcing school desegregation and has a zoned board of directors that meets the requirements of the federal Voting Rights Act of 1965.

4. Pursuant to prior orders of this Court regarding desegregation and school district governance, the board had eight single-member zones with members elected for four year terms. Arkansas law has required that all boards of directors be made up of five, seven, or nine members, with members of seven member boards each serving three or five year terms. Ark. Code Ann. § 6-13-606(g) (five, seven, or nine member board); and § 6-13-608 (three or five year terms). The intent of the eight-member, four year term, governance was to transition away from historic racial discrimination.

5. By motion filed herein on July 9, 2004, approved by order entered July 27, 2004, this Court, defendant district converted its governance from an eight to a seven member board with members elected from single member districts. This order, however, retained four year terms for each board member.

6. The Board of Directors for EDSD by board vote on April 30, 2013, to approve "Option 1" for school board rezoning. Copies of the maps comprising "Option 1" are attached hereto as a single Exhibit A. This exhibit includes both a zone map for the entire district and individual maps for each of the seven zones.

7. "Option 1" provides that the districts for each school board position will be redrawn in accordance with the 2010 decennial census, as required by Ark. Code Ann. § 6-13-631, and that the El Dorado School Board will be comprised of seven members instead of eight, in accordance with Ark. Code Ann. § 6-13-606(g). As stated, the board also voted to convert to three year terms from four year terms, again to be consistent with Arkansas law. "Option 1" provides black voters the opportunity to elect board members in proportion to their overall presence in the voting age population, as required by the said Voting Rights Act. "Option 1" also provides for seven zones which are substantially equal in total population, as that phrase is

interpreted for purposes of compliance with the “one-man-one-vote” requirements of the Fourteenth Amendment to United States Constitution. “Option 1” complies with said requirements.

8. EDSD requests that its actions in adopting “Option 1” for school board re-zoning, and converting from four to three year terms, be approved and that elections be held thereunder at the regular school elections in September of 2013.

10. EDSD further requests that the Court retain jurisdiction and supervision over EDSD’s desegregation generally. However, with regard to governance, EDSD requests that the Court consider after the September 2013 election releasing EDSD from court supervision as to governance issues so that thereafter EDSD would be allowed to operate in accordance with state law as to re-zoning and school board elections.

WHEREAS, the separate defendant, El Dorado School District No. 15 of Union County, Arkansas, requests that this Court approves the El Dorado School Board’s action approving “Option 1” for school board re-zoning in accordance with the 2010 decennial census; reducing school board member term length from four to three years; and for all other just and appropriate relief to which it is entitled.

By: /s/ Allen P. Roberts

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Attorneys for El Dorado School
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CERTIFICATE OF SERVICE

I, Allen P. Roberts, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record in this matter.

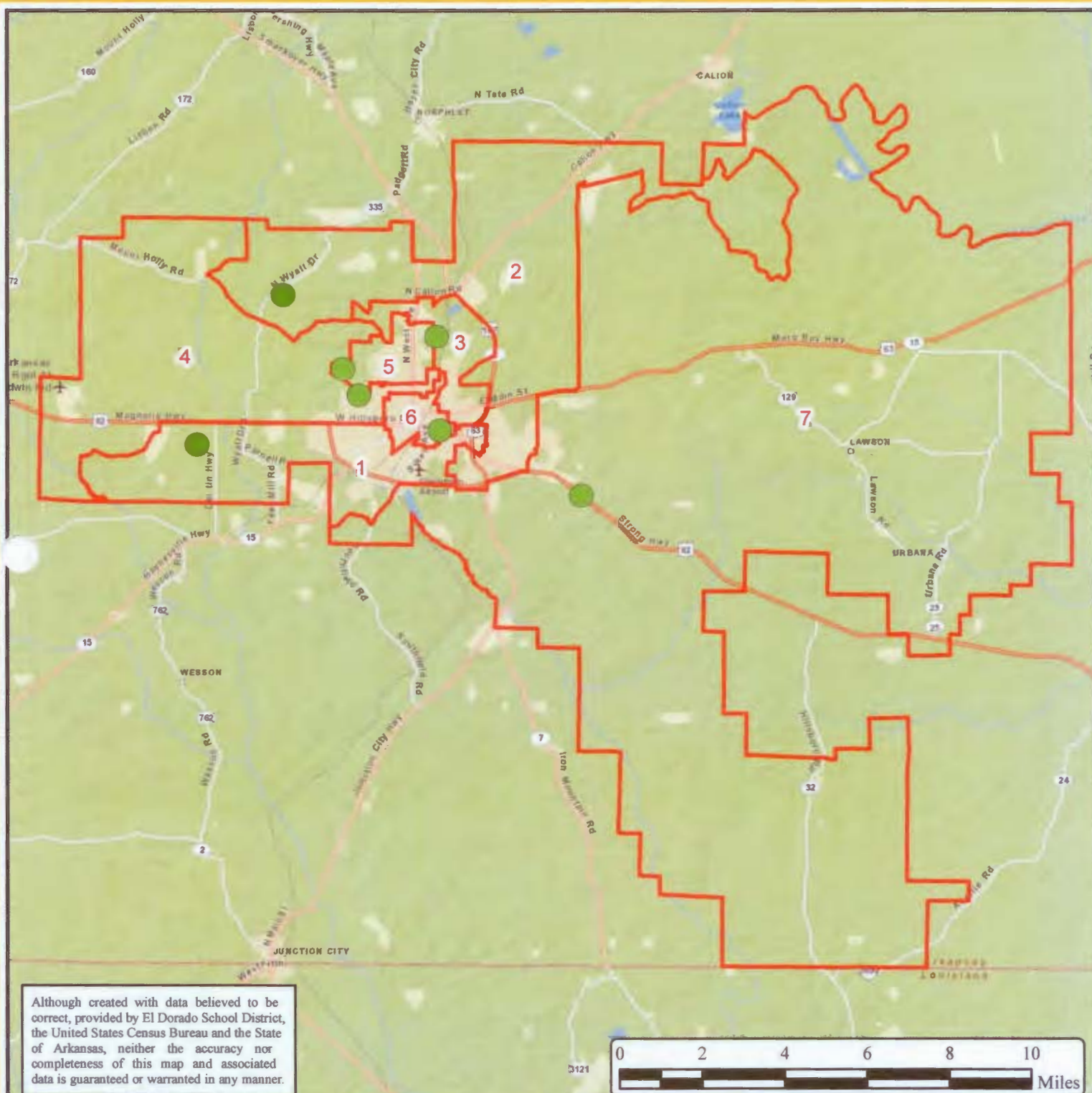
/s/ Allen P. Roberts
Allen P. Roberts

**EXHIBIT****A**

El Dorado School District

School Board Zones Overview - Option 1

Map Created: April 10, 2012



Although created with data believed to be correct, provided by El Dorado School District, the United States Census Bureau and the State of Arkansas, neither the accuracy nor completeness of this map and associated data is guaranteed or warranted in any manner.

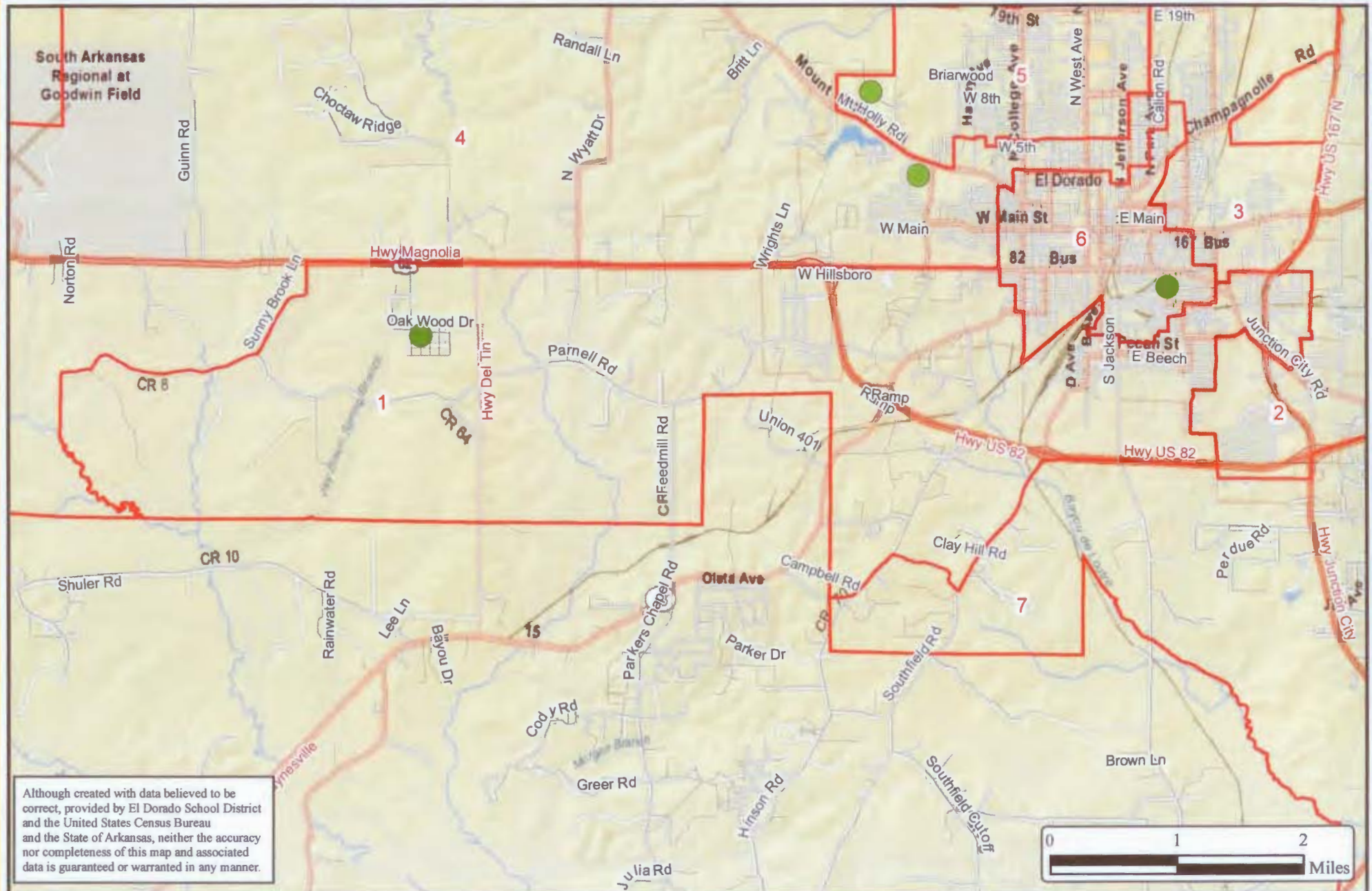
Total Population (Hispanic or Latino ethnicity is included in "Other")

District	Population	% Deviation	%White	%Black	%Aminidian	%Asian	%Hawaiian	%Other	% 2+ Races
Zone-1	3703	-1.56%	38.91%	56.66%	0.46%	0.32%	0.03%	2.84%	0.78%
Zone-2	3812	1.34%	52.05%	39.27%	0.26%	0.60%	0.00%	6.82%	1.00%
Zone-3	3734	-0.74%	30.82%	62.24%	0.19%	1.18%	0.03%	4.50%	1.04%
Zone-4	3725	-0.98%	74.85%	20.94%	0.27%	0.40%	0.03%	2.93%	0.59%
Zone-5	3845	2.21%	69.44%	22.26%	0.21%	1.79%	0.00%	4.50%	1.79%
Zone-6	3661	-2.68%	26.30%	66.84%	0.16%	0.16%	0.05%	5.35%	1.12%
Zone-7	3852	2.40%	79.65%	14.95%	0.29%	0.05%	0.05%	4.13%	0.88%

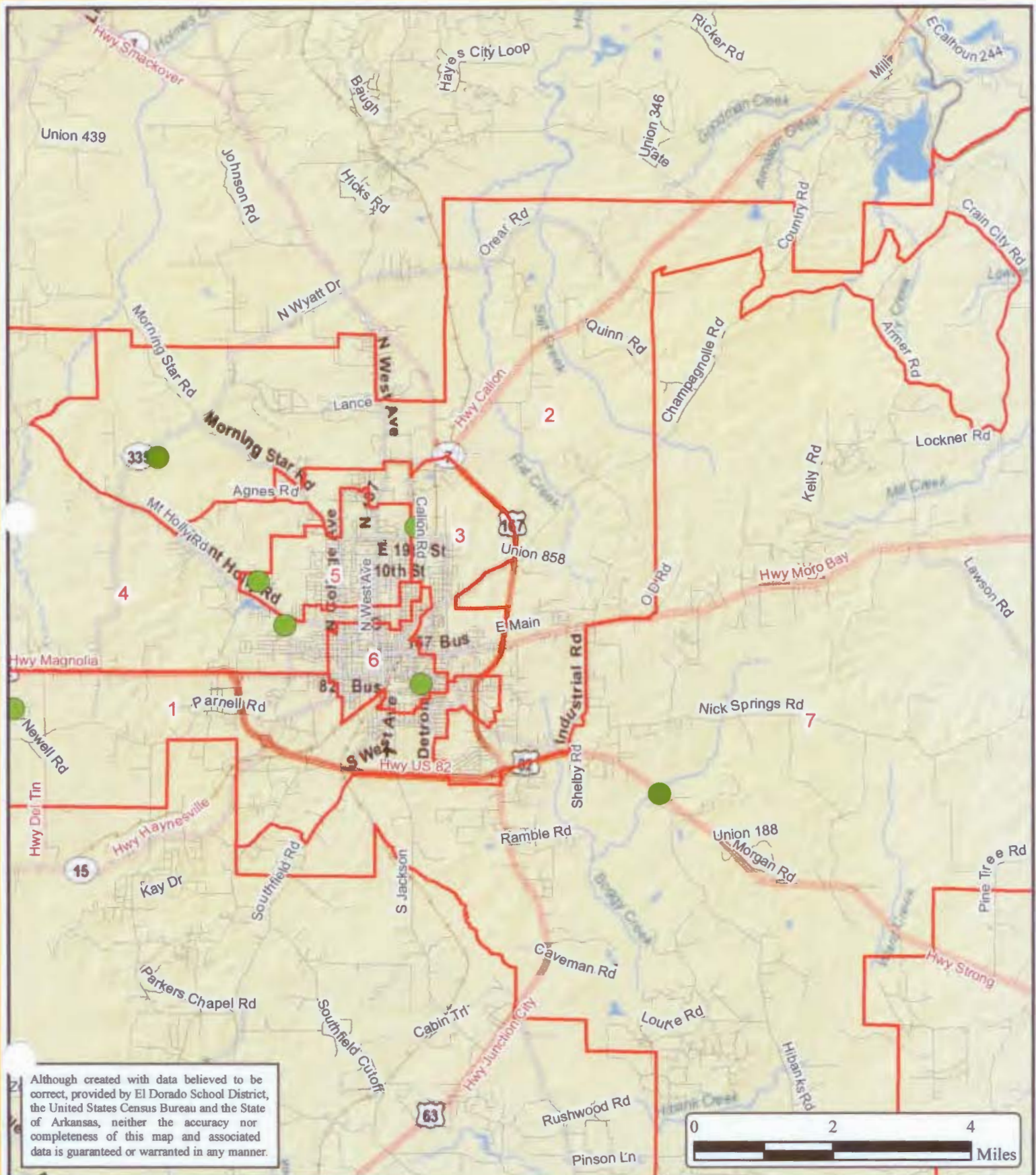
Voting Age Population (Hispanic or Latino ethnicity is included in "Other")

District	Population	% Deviation	%White	%Black	%Aminidian	%Asian	%Hawaiian	%Other	% 2+ Races
Zone-1	2719	-4.00%	42.04%	54.25%	0.51%	0.22%	0.04%	2.43%	0.51%
Zone-2	2864	1.12%	56.53%	36.31%	0.28%	0.59%	0.00%	5.55%	0.73%
Zone-3	2732	-3.54%	36.20%	57.47%	0.22%	1.17%	0.04%	4.14%	0.77%
Zone-4	2830	-0.08%	78.59%	18.16%	0.35%	0.42%	0.04%	2.16%	0.28%
Zone-5	2967	4.76%	74.01%	19.41%	0.27%	1.62%	0.00%	3.47%	1.21%
Zone-6	2700	-4.67%	30.04%	64.59%	0.19%	0.19%	0.07%	4.15%	0.78%
Zone-7	3014	6.42%	81.25%	14.43%	0.33%	0.07%	0.07%	3.28%	0.56%

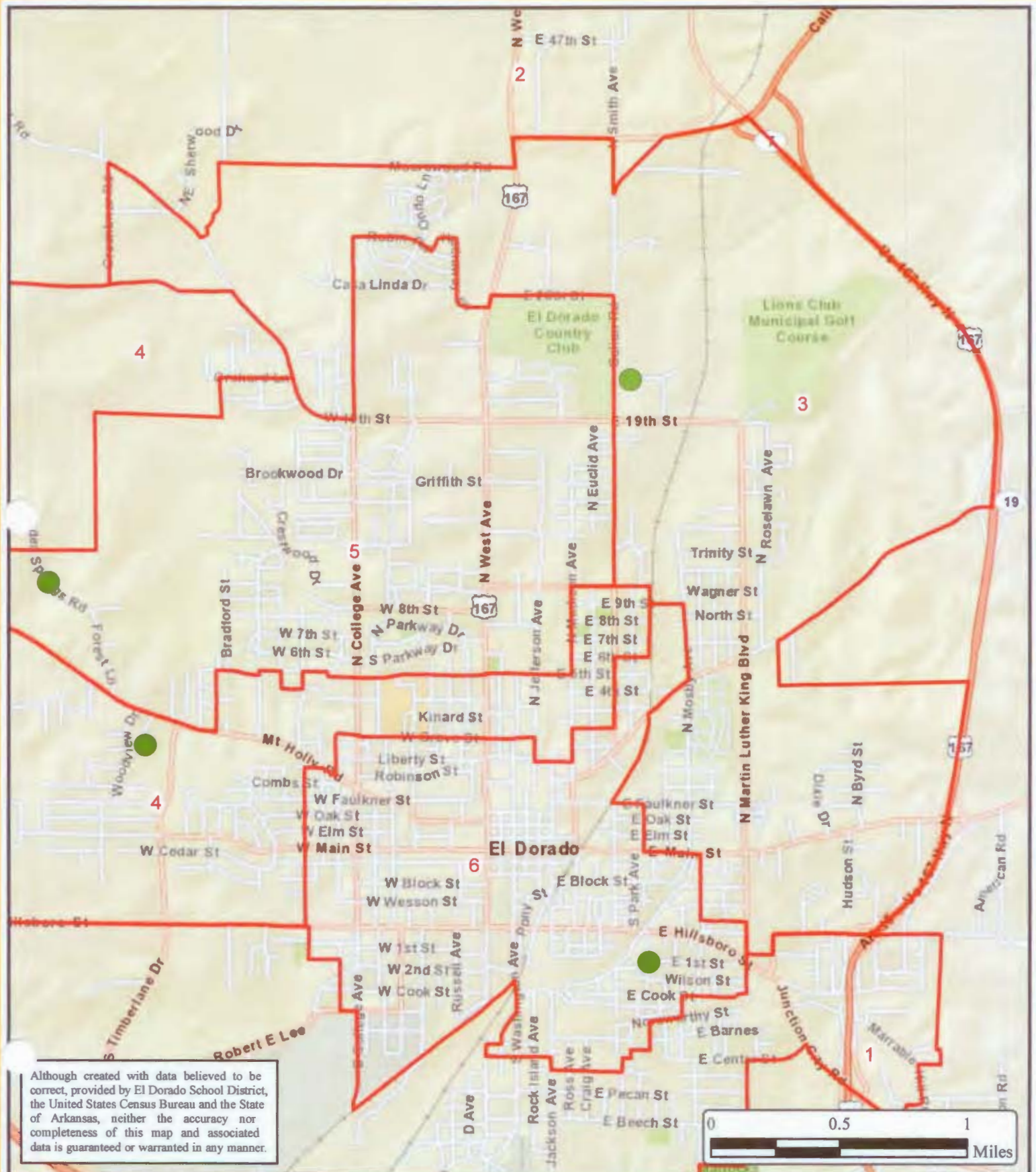
Map Created: April 10, 2012



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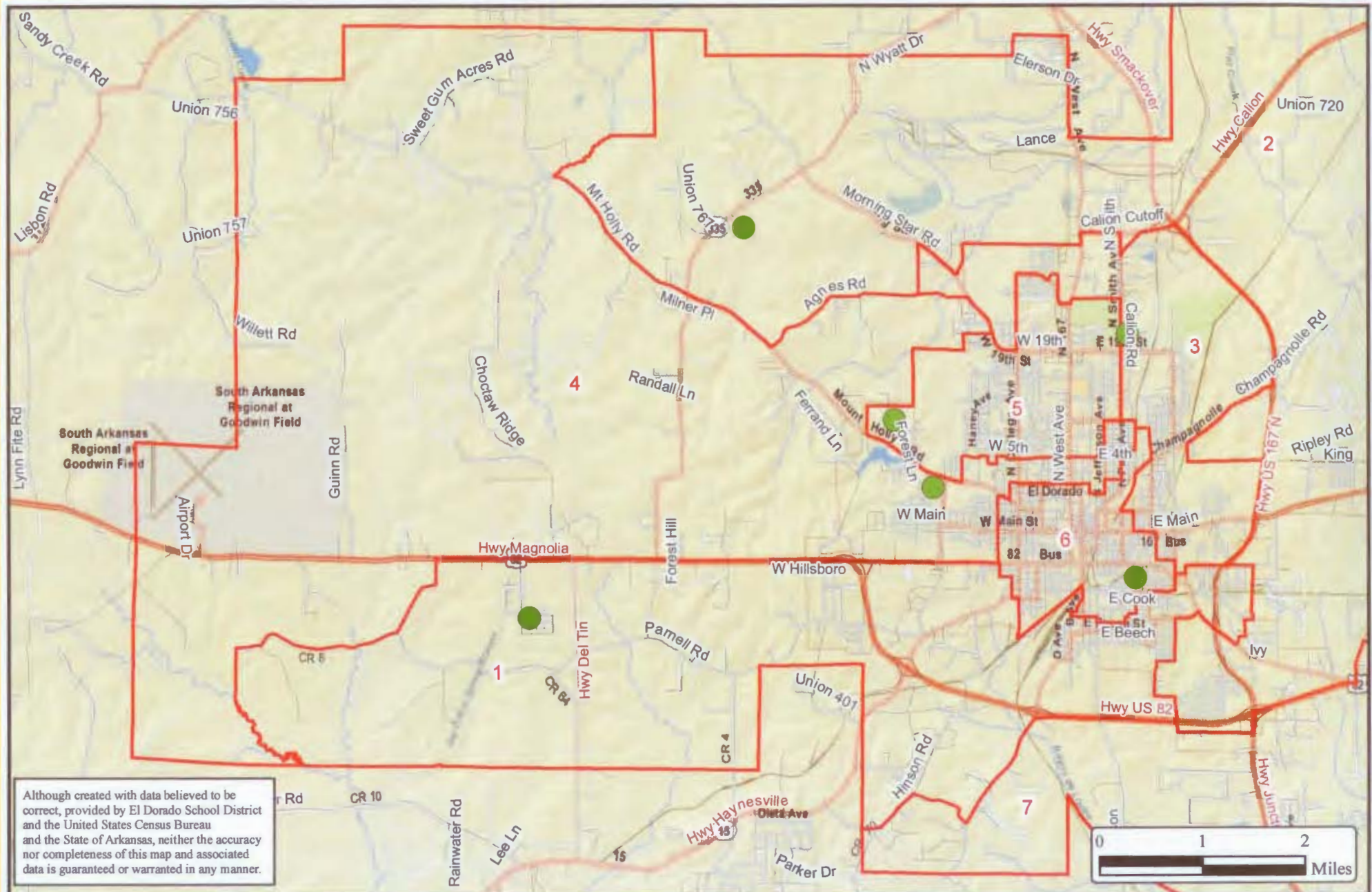




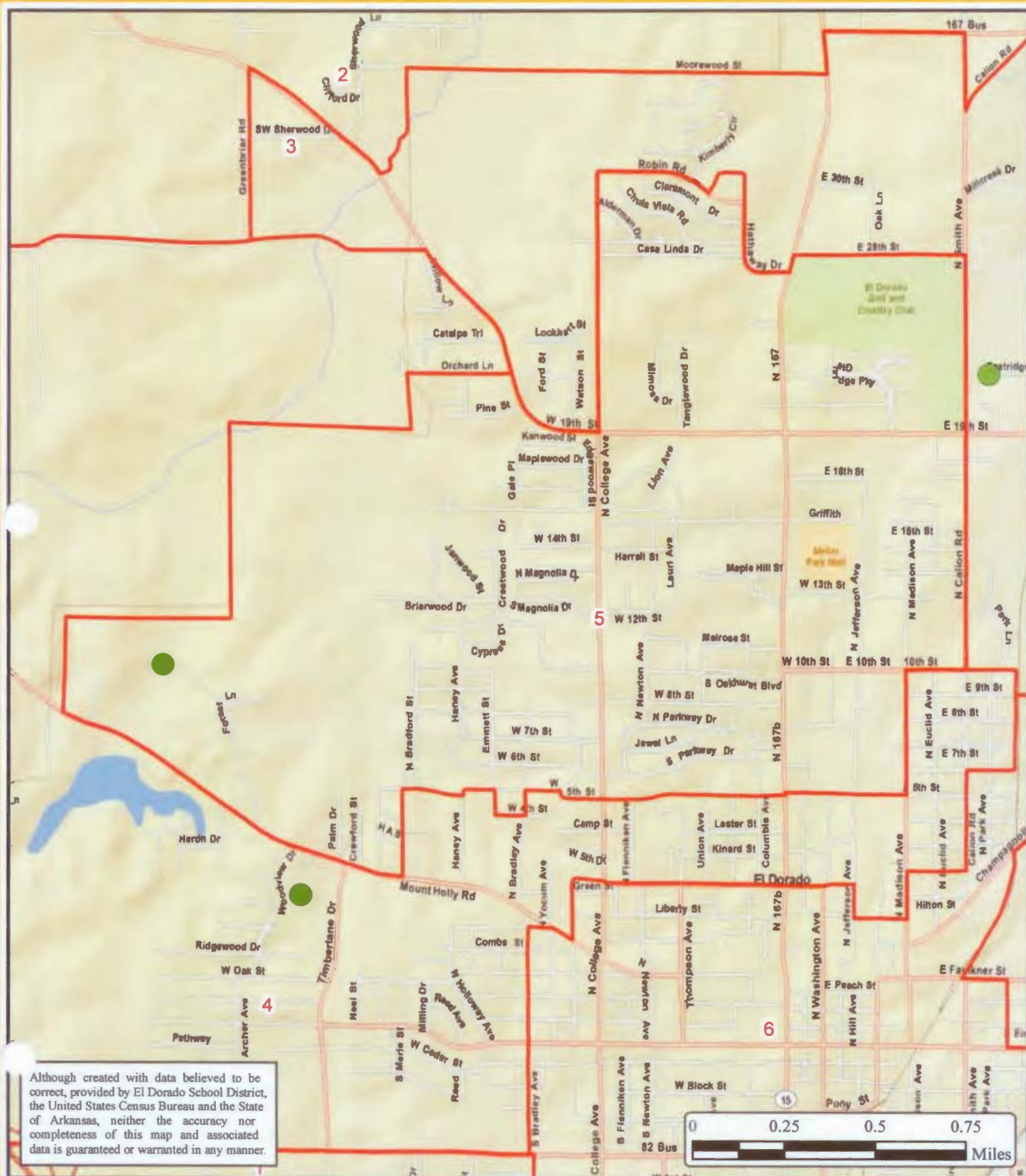
El Dorado School District

School Board Zone 4 - Option 1

Map Created: April 10, 2012



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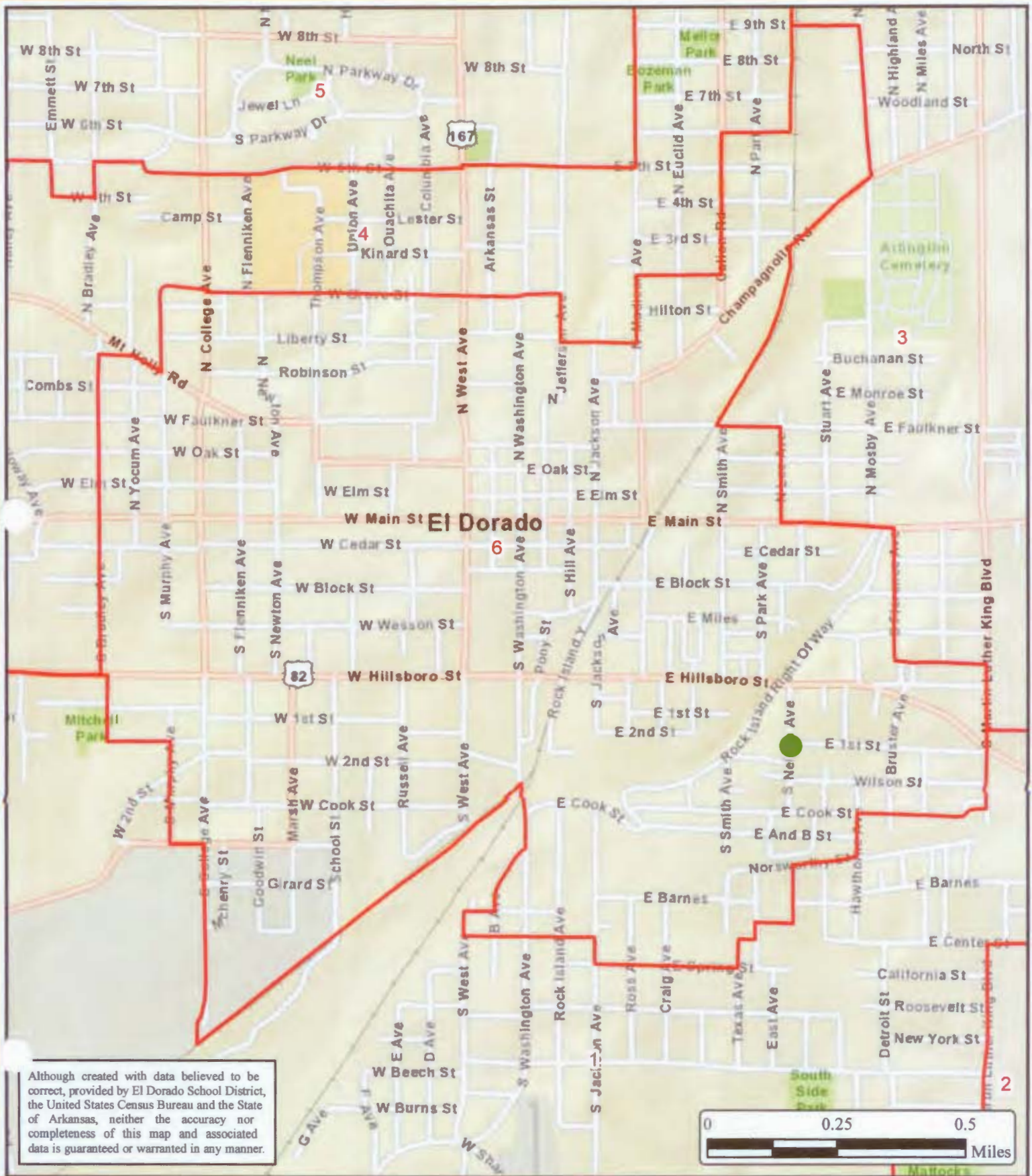




El Dorado School District

School Board Zone 6 - Option 1

Map Created: April 10, 2012





El Dorado School District

School Board Zone 7 - Option 1

Map Created: April 10, 2012

