

FORMAL ORDER

STATE OF ARKANSAS,)
) **SCT.**
SUPREME COURT)

BE IT REMEMBERED, THAT A SESSION OF THE SUPREME COURT BEGUN AND HELD, ON JUNE 2, 2023, WAS THE FOLLOWING PROCEEDING, TO-WIT:

SUPREME COURT CASE NO. CV-23-358

ARKANSAS DEPARTMENT OF EDUCATION; JACOB OLIVIA, IN HIS OFFICIAL CAPACITY AS ARKANSAS SECRETARY OF EDUCATION; RANDY HENDERSON, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; JEFF WOOD, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; ADRIENNE WOODS, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; STEVE SUTTON, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; O. FIZGERALD HILL, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; OUDIA NEWTON, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; SARAH MOORE, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; KATHY MCFETRIDGE, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; LISA HUNTER, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE ARKANSAS STATE BOARD OF EDUCATION; FRIENDSHIP EDUCATION FOUNDATION; AND MARVELL-ELAINE SCHOOL DISTRICT

APPELLANTS

V. APPEAL FROM PULASKI COUNTY CIRCUIT COURT, FOURTH DIVISION –
60CV-23-3267

DORIS IVY JACKSON; LAVERNE SIMS; JESSELIA MAPLES; DIAMACIOUS SIMS; DARRYL HARRIS; SYLVIA MOORE; DANIELLE WRIGHT; DERASHAUN MCGHEE; VIVIAN DAVIS; JAMES CARRUTH; IOLA HOSKINS; STEVEN GRAPPE; VERONICA MCCLANE; AND CITIZENS FOR ARKANSAS PUBLIC EDUCATION AND STUDENT (CAPES), A BALLOT QUESTION COMMITTEE

APPELLEES

APPELLANTS' EMERGENCY MOTION FOR STAY AND EXPEDITED CONSIDERATION. EXPEDITED CONSIDERATION GRANTED; MOTION FOR STAY DENIED. WOOD, WOMACK, AND WEBB, JJ., WOULD GRANT MOTION FOR STAY.

MARVELL-ELAINE SCHOOL DISTRICT'S REQUEST FOR EXPEDITED BRIEFING GRANTED. WOOD, WOMACK, AND WEBB, JJ., WOULD DENY.

MOTION OF AMICI CURIAE YES. EVERY KID. FOUNDATION AND AMERICANS FOR PROSPERITY FOUNDATION – ARKANSAS TO FILE BRIEF IN SUPPORT OF APPELLANTS' MOTION FOR STAY AND FOR EXPEDITED CONSIDERATION GRANTED.

TENDERED BRIEF OF AMICI CURIAE YES. EVERY KID. FOUNDATION AND AMERICANS FOR PROSPERITY FOUNDATION – ARKANSAS IN SUPPORT OF APPELLANTS' MOTION FOR STAY FILED THIS DATE.

APPELLANTS' AND APPELLEES' SIMULTANEOUS BRIEFS DUE TUESDAY, JUNE 6, 2023, AT 9:00AM; SIMULTANEOUS REPLY BRIEFS DUE WEDNESDAY, JUNE 7, 2023, AT 9:00AM. WOOD, WOMACK, AND WEBB, JJ., WOULD ASK THE PARTIES TO BRIEF WHETHER THE CASE PRESENTS A NONJUSTICIABLE POLITICAL QUESTION THAT VIOLATES SEPARATION OF POWERS. WOMACK AND WEBB, JJ., WOULD ASK THE PARTIES TO BRIEF WHETHER SOVEREIGN IMMUNITY BARS THE LAWSUIT.

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF THE ORDER OF SAID SUPREME COURT, RENDERED IN THE CASE HEREIN STATED, I, KYLE E. BURTON, CLERK OF SAID SUPREME COURT, HEREUNTO SET MY HAND AND AFFIX THE SEAL OF SAID SUPREME COURT, AT MY OFFICE IN THE CITY OF LITTLE ROCK, THIS 2ND DAY OF JUNE, 2023.



Kyle Burton
CLERK

BY: _____
DEPUTY CLERK

ORIGINAL TO CLERK

CC: NICHOLAS J. BRONNI, SOLICITOR GENERAL
DYLAN L. JACOBS, DEPUTY SOLICITOR GENERAL
HANNAH L. TEMPLIN, ASSISTANT SOLICITOR GENERAL
BRETT D. WATSON
ALI NOLAND AND ROSS NOLAND
W. CODY KEES
DEVIN R. BATES
HON. HERBERT THOMAS WRIGHT, CIRCUIT COURT