

Responsive Education Solutions Amendment Request
Desegregation Analysis-Hybrid/Virtual Campus

This desegregation analysis is in support of Responsive Education Solutions' (RES) amendment request to open a hybrid/virtual campus (and add an additional building to house the students) to its Founders Classical Academies of Arkansas (Founders) charter, and to increase its enrollment cap by 500 students from 2500 students to 3000 students. The entire 500 student enrollment cap increase will be allocated to the new hybrid/virtual campus. RES is required to carefully review the potential impact its operations would have upon the efforts of the Bentonville School District (BSD), Little Rock School District (LRSD), and the Rogers School District (RSD), the three (3) school districts in which Founders campuses are currently located, to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. Founders' hybrid/virtual campus will serve students in grade levels K-12. While the hybrid/virtual school could draw students statewide (just as Founders can now), this analysis is focused on the school districts in which the current Founders campuses are located. The hybrid/virtual school's administrative offices are scheduled to be housed in Founders Classical Academy Rogers school building (located within the boundaries of the Rogers SD).

I. The Status of Pulaski County Desegregation Litigation, and Bentonville and Rogers School Districts

RES is providing this desegregation analysis in accordance with Ark. Code Ann. §6-23-106 to review the potential impact that its charter amendment would have upon the efforts of the LRSD to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. In conducting its review, RES has substantiated that the LRSD has been declared unitary in all respects of its school operations. The Pulaski County desegregation litigation was first filed in 1982. *Little Rock School District, et al v. Pulaski County Special School District, et al.*, Case No. 4:82:cv-00866-DPM. In 1989, the parties entered into a settlement agreement (the "1989 Settlement Agreement") under which the Arkansas Department of Education, the then-three (3) Pulaski County school districts, and the intervenors agreed to the terms of state funding for desegregation obligations.

LRSD successfully completed its desegregation efforts in 2007 and was declared fully unitary by the federal court in 2007. *Little Rock School District v. Pulaski County Special School District*, Case No. 4:82-cv-0866 (E.D. Ark.), Order filed February 23, 2007. In 2010, LRSD filed a motion to enforce the 1989 Settlement Agreement. The motion contended that operation of open-enrollment public charter schools within Pulaski County interfered with the "M-M Stipulation" and the "Magnet Stipulation." On January 17, 2013, Judge D.P. Marshall Jr. denied LRSD's motion, stating:

“The cumulative effect of open enrollment charter schools in Pulaski County on the stipulation magnet schools and M-to-M transfers has not, as a matter of law, substantially defeated the relevant purposes of the 1989 Settlement Agreement, the magnet stipulation, or the M-to-M stipulation.”

Little Rock School District v. Pulaski County Special School District, Case No. 4:82-cv-0866 (E.D. Ark.), Order filed January 17, 2013. LRSD appealed to the Eighth Circuit Court of Appeals.

One (1) year later, on January 13, 2014, Judge Marshall approved a Settlement Agreement that included a provision stipulating to the voluntary dismissal with prejudice of LRSD’s pending appeal concerning the charter school issues. In light of LRSD’s unitary status and the parties’ 2014 Settlement Agreement, Premier’s requested charter renewal cannot interfere with the purposes of the Pulaski County desegregation litigation, which has been fully concluded as to LRSD. After the dismissal and the settlement agreement, the case was completely concluded for all purposes as to LRSD, and the federal court terminated all jurisdiction in the matter. Because of that, there is no possibility that Premier’s proposed amendment could impact LRSD’s unitary status. To be clear, LISA North’s proposed amendment cannot impact LRSD’s unitary status because 1) there is no case in which LRSD’s unitary status could be an issue; 2) LRSD made a claim regarding operation of open-enrollment charter schools in federal court in 2010 and lost it; and 3) As a consequence of the 2014 Settlement Agreement, the LRSD released any claims it had concerning the charter school issues. On January 30, 2014, the Court also approved a stipulation among the parties that PCSSD is unitary in the areas of Assignment of Students and Advanced Placement, Gifted and Talented and Honors Programs. Based on the stipulation, the Court released PCSSD from supervision and monitoring in these areas. Thus, as of January 30, 2014, LRSD, NLRSD and PCSSD are unitary in the area of student assignments. On April 4, 2014, the court found that PCSSD is unitary in the areas of Special Education and Scholarships. Subsequently, PCSSD was also found to be unitary in the areas of Staff and Monitoring. PCSSD thus remains non-unitary in the following three (3) areas of its desegregation plan: 1) Discipline; 2) School Facilities; 3) Student Achievement, and 4) Monitoring. JNPSD is non-unitary in the areas of: 1) Discipline; 2) School Facilities; 3) Staff; 4) Student Achievement, and 5) Monitoring.

RES is unaware of any federal court orders or consent decrees concerning desegregation affecting the Bentonville and Rogers School Districts. Upon review, RES believes that its request to amend its Premier charter shall have no negative, segregative effects on the LRSD, BSD and RSD.

II. Premier Data

According to the latest enrollment figures as maintained by the ADE Data Center, LRSD’s student population of 20,786 students, of which approximately 60% are Black; 19.6% are White, and 16% are Hispanic. BSD’s student population is 18,536 students, of which approximately 70.6% are Black; 11.8% are Hispanic, and 7.7% are Asian. RSD’s student population is 15,603 students, of which approximately 47.8% are Hispanic and 42.8% are White. The Founders Bentonville campus’ student population is 781 students, of which approximately 44.4 % are Asian; 44.4% are White, and 6% are Hispanic. The Founders West Little Rock Middle/High School campus’ (Grade Levels 6-12) student population is 107 students, of which approximately 49.5% are White; 36.4% are Black, and 6.5% are Two or More Races. The Founders West Little Rock Elementary campus’ (Grade Levels K-2) student population is 15 students, of whom 53.3% are Black; 33.3% are White, and 6.7% are Two or More Races. Under Ark. Code Ann.

§6-23-306(6)(A), RES must be race-neutral and non-discriminatory in its student selection and admission process. While it is impossible to project its future racial composition accurately, RES will continue to implement admissions policies that are consistent with state and federal laws, regulations, and/or guidelines applicable to charter schools.

In addition, Ark. Code Ann. §6-23-106 requires that RES' operation will not serve to hamper, delay, or in any manner negatively affect the desegregation efforts of a public school district or districts within the state. As explained in more detail above, RES' careful review of the relevant statutes and court orders affecting the LRSD and its student populations shows that such negative impact is not present here.

III. Conclusion

RES submits that upon the basis of its review, neither any existing federal desegregation order affecting the LRSD, nor the 1989 Settlement Agreement, prohibit the State's charter school authorizer from granting its amendment request to add a hybrid/virtual school to the Founders charter. RES also submits that it found no evidence of any federal desegregation court order or consent decree affecting the BSD and the RSD.