



MEMO

DATE: December 2, 2022
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Renewal Open Enrollment Charter Application for KIPP Delta Public Schools

I. INTRODUCTION

KIPP Delta Public Schools submitted a renewal application for its open enrollment public charter school, KIPP Delta Public Schools. The charter school has campuses within the Blytheville School District and the Helena-West Helena School District. The charter school provides instruction to students in grades pre-kindergarten through twelve (PK-12). The charter's enrollment cap is 2,600.

II. STATUTORY REQUIREMENTS

Ark. Code Ann. § 6-23-106(a) requires the applicants for a charter school, the board of directors of the school district in which a proposed charter school would be located, and the charter authorizer to "carefully review the potential impact of an application for a charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools." Ark. Code Ann. § 6-23-106(b) requires the charter authorizer to "attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system." Ark. Code Ann. § 6-23-106(c) states that the authorizer "shall not approve any public charter school under this chapter or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state." This analysis is provided to inform the decision-making of the charter authorizer regarding the effect, if any, of the proposed public charter school upon the desegregation efforts of a public school district.

III. INFORMATION SUBMITTED BY THE APPLICANT AND THE AFFECTED SCHOOL DISTRICTS

A desegregation analysis submitted by the charter school is attached as Exhibit A. To date, no desegregation-related opposition to the charter renewal has been received.

IV. ANALYSIS FROM THE DEPARTMENT

Enrollment, as accessed on December 2, 2022, for the traditional public school districts and the open-enrollment charter schools in Mississippi and Phillips Counties are attached as Exhibit B.

“Desegregation” is the process by which a school district eliminates, to the extent practicable, the lingering negative effects or “vestiges” of prior *de jure* (caused by official action) racial discrimination. The goal of a desegregation case regarding assignment of students to schools is to “achieve a system of determining admission to the public schools on a non-racial basis.” *Pasadena City Board of Education v. Spangler*, 427 U.S. 424, 435 (1976) (quoting *Brown v. Board of Education*, 349 U.S. 294, 300-301 (1955)).

As stated above, Arkansas law does not allow the authorizer to approve any public charter school that “hampers, delays, or in any manner negatively affects the desegregation efforts” of a public school district. Ark. Code Ann. § 6-23-106(c). The Supreme Court noted in *Missouri v. Jenkins*, 515 U.S. 70, 115 (1995):

[I]n order to find unconstitutional segregation, we require that plaintiffs “prove all of the essential elements of *de jure* segregation -- that is, stated simply, a current condition of segregation resulting from *intentional state action directed specifically* to the [allegedly segregated] schools.” *Keyes v. School Dist. No. 1*, 413 U.S. 189, 205-206 (1973) (emphasis added). “[T]he differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or *intent* to segregate.” *Id.*, at 208 (emphasis in original).

ADE is not aware of any active desegregation orders in the Mississippi or Phillips County areas and no desegregation-related opposition was received from any of the affected school districts.

V. CONCLUSION

ADE has no reason to conclude, from data currently available, that approval of this renewal is motivated by an impermissible intent to segregate schools, or that approval would hamper, delay or negatively affect the desegregation efforts of the affected school districts.

Section 8: Desegregation Analysis

Describe the impact, both current and potential, of the public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

KIPP Delta Public Schools (KIPP Delta) is requesting the renewal of its open-enrollment public charter from the State's charter authorizer. The charter includes campuses in both Helena-West Helena and Blytheville within the geographic boundaries of the Blytheville (BSD) and Helena-West Helena (HWHSD) School Districts, serving Grades K-12 in each city. KIPP Delta will continue to enroll most of its students from within the geographic boundaries of the BSD and the HWHSD, so this desegregation analysis will address both districts.

The granting of this charter renewal to KIPP Delta should have no negative impact on the ability or the efforts of the BSD, HWHSD, or any other Arkansas public school district, to comply with any existing court orders or statutory obligations to create and maintain a unitary system of desegregated public schools. KIPP Delta is unaware of any desegregation court orders or consent decrees affecting either the BSD or the HWHSD. Based upon its careful review pursuant to Ark. Code Ann. §6-23-106, KIPP Delta does not believe that the granting of its requested charter renewal will hamper, delay or in any way negatively affect the desegregation efforts of either the BSD or the HWHSD.

KIPP Delta will continue to comply with all federal and state laws concerning enrollment in a public school and in particular those laws specific to enrollment in an open-enrollment public charter school. According to last year's third-quarter Average Daily Membership enrollment figures as maintained by the DESE Data Center, the BSD had a student population of 1,604 students, of which 80.5% were Black/African-American and 13.3% were White. The HWHSD had a student population of 1,081 students, of which 93.1% were Black/African-American and 4.2% were White. KIPP Delta had a student population of 1,091 students, of which 90.1% were Black/African-American and 5.3% were White.

KIPP Delta submits that upon the basis of its review, no desegregation court orders nor consent decrees exist concerning either the BSD or the HWHSD that would prohibit the State's charter authorizer from granting its renewal application to continue operating an open-enrollment public charter school within the geographic boundaries of the BSD and the HWHSD.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Mississippi County, Arkansas							
Rivercrest School District	42 3.95%	2 0.19%	287 27.00%	93 8.75%	2 0.19%	637 59.92%	1,063 --
Osceola School District	38 4.20%	5 0.55%	782 86.50%	21 2.32%	0 0.00%	58 6.42%	904 --
Blytheville School District	21 1.36%	6 0.39%	1,263 81.85%	74 4.80%	3 0.19%	176 11.41%	1,543 --
Armored School District	0 0.00%	9 2.23%	34 8.42%	21 5.20%	0 0.00%	340 84.16%	404 --
Gosnell School District	73 6.22%	7 0.60%	268 22.85%	94 8.01%	2 0.17%	729 62.15%	1,173 --
Manila School District	6 0.60%	0 0.00%	6 0.60%	32 3.21%	1 0.10%	952 95.49%	997 --
E. Tomsett County School District	25 4.57%	0 0.00%	62 11.33%	37 6.76%	2 0.37%	421 76.97%	547 --
Marked Tree School District	13 2.63%	2 0.40%	158 31.92%	24 4.85%	0 0.00%	298 60.20%	495 --
Marion School District	196 5.10%	34 0.88%	2,126 55.34%	265 6.90%	2 0.05%	1,219 31.73%	3,842 --
DISTRICT TOTAL	414 3.77%	65 0.59%	4,986 45.46%	661 6.03%	12 0.11%	4,830 44.04%	10,968 --
Open-Enrollment Public Charter Schools in Mississippi County, Arkansas							
Kipp Delta Blytheville Collegiate	3 2.2%	4 3.0%	102 76.1%	9 6.7%	1 0.7%	15 11.2%	134 --
Kipp Delta Blytheville	3 1.2%	1 0.4%	233 90.3%	13 5.0%	0 0.0%	8 3.1%	258 --
CHARTER TOTAL	6 1.5%	5 1.3%	335 85.5%	22 5.6%	1 0.3%	23 5.9%	392 --
COUNTYWIDE TOTAL	420 3.7%	70 0.6%	5,321 46.8%	683 6.0%	13 0.1%	4,853 42.7%	11,360 --

Source: ADE Data Center, accessed Dec. 2022

Prepared by:
Shasta Wagner,
Staff Attorney

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Phillips County, Arkansas							
Helena / West Helena School	17	2	919	9	3	39	989
	1.72%	0.20%	92.92%	0.91%	0.30%	3.94%	--
Marvell-Elaine School District	1	0	282	7	0	16	306
	0.33%	0.00%	92.16%	2.29%	0.00%	5.23%	--
DISTRICT TOTAL	18	2	1,201	16	3	55	1,295
	1.39%	0.15%	92.74%	1.24%	0.23%	4.25%	--
Open-Enrollment Public Charter Schools in Phillips County, Arkansas							
KIPP Delta Elementary Literacy Academy	2	2	373	7	0	17	401
	0.5%	0.5%	93.0%	1.7%	0.0%	4.2%	--
KIPP Delta College Preparatory	2	1	163	6	0	10	182
	1.1%	0.5%	89.6%	3.3%	0.0%	5.5%	--
KIPP Delta Collegiate High School	3	1	233	13	0	8	258
	1.2%	0.4%	90.3%	5.0%	0.0%	3.1%	--
CHARTER TOTAL	5	2	396	19	0	18	440
	1.1%	0.5%	90.0%	4.3%	0.0%	4.1%	--
COUNTYWIDE TOTAL	23	4	1,597	35	3	73	1,735
	1.3%	0.2%	92.0%	2.0%	0.2%	4.2%	--

Source: ADE Data Center, accessed December 2022

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Shasta Wagner,
Staff Attorney