



MEMO

DATE: September 7, 2023
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Open Enrollment Charter Amendment Request for Premier High Schools of Arkansas

I. INTRODUCTION

Premier High Schools of Arkansas submitted an amendment request to open two new campuses in the 2024-2025 school year. The charter school will serve grades nine (9) through twelve (12). The charter schools is requesting to raise its enrollment cap from 975 to 1225 students. The new Fayetteville campus will have an enrollment cap of 175 students and the Russellville campus will have an enrollment cap of 75 students.

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 with regard to 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 of September 7, 2023, for the traditional public school districts and the open-enrollment charter school in Washington County and Pope County 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 ADE is aware of desegregation orders affecting LRSD, PCSSD, and the North Little Rock School District (NLRSD). *Little Rock School District, et al. v. Pulaski County Special School District, et al.*, Case No. 4:82-cv-00866-DPM (E.D. Ark.). The goal of a desegregation case with regard to 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)).

The Division is not aware of any active desegregation orders in the affected districts, and no desegregation-related opposition was received from any of the affected school districts.

V. CONCLUSION

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).

The Division has no reason to conclude, from data currently available, that approval of this application 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 district.

Premier High Schools of Arkansas
Desegregation Analysis (Fayetteville and Russellville Campuses)

I. Introduction

Premier High Schools of Arkansas (Premier) is seeking an amendment to increase its system-wide enrollment cap for its Premier High Schools of Arkansas charter (which currently covers Premier High School campuses in Fort Smith, Little Rock and Texarkana) from 950 to 1,200 students, by adding campuses in Fayetteville and Russellville. This desegregation analysis covers the proposed Fayetteville and Russellville campuses, which will have enrollment caps of 175 and 75 students respectively.

II. General Analysis

Premier, in this analysis, has carefully reviewed the potential impact that its enrollment cap increase would have upon the efforts of the Fayetteville (FSD) and Russellville (RSD) School Districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. In conducting its review, Premier has found that neither the FSD nor RSD are under any court orders concerning their desegregation obligations, and are therefore unitary in all respects of their school operations. Therefore, the small enrollment cap increase sought by Premier cannot be said to have a negative impact on the FSD and RSD's ability to comply with their statutory obligations to create and maintain a unitary system of desegregated public schools.

III. Fayetteville Campus Student Information

According to the 2022-2023 student enrollment information as maintained in the ADE Data Center, the FSD had a student population of 10,426 students, of whom 63.1% were White; 13.1% were Hispanic, and 10.1% were Black.

IV. Russellville Campus and Premier Student Information

According to the 2022-2023 student enrollment information as maintained in the ADE Data Center, the RSD had a student population of 5,412 students, of whom 60.6% were White; 25.6% were Hispanic, and 6% were Black. According to the 2022-2023 student enrollment information as maintained in the ADE Data Center, Premier had a student population of 307 students, of whom 59.2% were Black; 28% were White, and 7.2% were Hispanic.

V. Conclusion

In conclusion, Premier submits that upon the basis of its review pursuant to Ark. Code Ann. §6-23-106, no statutory or other impediments concerning the operation of desegregated public schools prohibit the State's charter school authorizer from granting its amendment request to increase its system-wide enrollment cap from 950 to 1,200 students by adding new campuses in Fayetteville and Russellville.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Washington County							
Fayetteville School District	931 8.93%	283 2.71%	1,055 10.12%	1,365 13.09%	212 2.03%	6,580 63.11%	10,426 --
Springdale School District	590 2.71%	326 1.50%	505 2.32%	10,462 47.99%	3,067 14.07%	6,851 31.43%	21,801 --
Elkins School District	99 7.22%	3 0.22%	14 1.02%	83 6.05%	22 1.60%	1,150 83.88%	1,371 --
Greenland School District	55 7.17%	1 0.13%	12 1.56%	63 8.21%	8 1.04%	628 81.88%	767 --
West Fork School District	44 5.47%	6 0.75%	2 0.25%	50 6.22%	17 2.11%	685 85.20%	804 --
Prairie Grove School District	82 3.89%	20 0.95%	26 1.23%	186 8.83%	52 2.47%	1,741 82.63%	2,107 --
Farmington School District	204 7.60%	14 0.52%	81 3.02%	267 9.94%	28 1.04%	2,091 77.88%	2,685 --
Prairie Grove School District	54 5.07%	39 3.66%	8 0.75%	117 10.98%	40 3.75%	808 75.80%	1,066 --
DISTRICT TOTAL	1,878 5.39%	651 1.87%	1,582 4.54%	12,027 34.49%	3,341 9.58%	15,389 44.14%	34,868 --
Open-Enrollment Public Charter Schools in Washington County							
Haas Hall Academy	36 8.3%	56 12.9%	16 3.7%	40 9.2%	3 0.7%	282 65.1%	433 --
Haas Hall Academy Jones Center	6 3.9%	7 4.5%	6 3.9%	54 34.8%	3 1.9%	79 51.0%	155 --
Premier High School of Springdale	0 0.0%	1 1.1%	2 2.1%	55 58.5%	2 2.1%	34 36.2%	94 --
Premier High School of Fort Smith	7 11.1%	1 1.6%	8 12.7%	15 23.8%	0 0.0%	32 50.8%	63 --
LISA Academy Springdale	16 4.4%	5 1.4%	20 5.5%	164 45.3%	22 6.1%	135 37.3%	362 --
CHARTER TOTAL	58 6.1%	68 7.2%	42 4.4%	258 27.2%	28 2.9%	496 52.2%	950 --
COUNTYWIDE TOTAL	1,936 5.4%	719 2.0%	1,624 4.5%	12,285 34.3%	3,369 9.4%	15,885 44.3%	35,818 --

Source: ADE Data Center, accessed September 2023

Shasta Wagner,

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Pope County							
Atkins School District	18 1.90%	2 0.21%	17 1.79%	26 2.74%	5 0.53%	880 92.83%	948 --
Dover School District	37 3.05%	4 0.33%	2 0.16%	37 3.05%	10 0.82%	1,123 92.58%	1,213 --
Hector School District	7 1.14%	4 0.65%	6 0.98%	25 4.07%	3 0.49%	569 92.67%	614 --
Pottsville School District	0 0.00%	16 0.88%	25 1.37%	156 8.56%	7 0.38%	1,618 88.80%	1,822 --
Russellville School District	319 5.89%	70 1.29%	324 5.99%	1,386 25.61%	28 0.52%	3,285 60.70%	5,412 --
COUNTY TOTAL	381 3.81%	96 0.96%	374 3.74%	1,630 16.29%	53 0.53%	7,475 74.68%	10,009 --

Source: ADE Data Center, accessed September 2023

Prepared by:
Shasta Wagner,
Staff Attorney