



MEMO

DATE: August 7, 2023
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Open Enrollment Charter Application for Garfield Scholars' Academy

I. INTRODUCTION

Garfield Scholars' Academy has submitted an application to open a new open enrollment public charter school. The charter school plans to service grades kindergarten (K) through five (5) in its first year and progressively add grades until it reaches grades pre-kindergarten (Pre-K) through eighth (8). The charter will have a progressive cap beginning with 200 in its first year, before arriving at 340 by the 2028-2029 school year.

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 August 1, 2023, for the traditional public school districts and the open-enrollment charter school in Benton 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.

The building is currently owned by Rogers Public Schools. There are no relationships between employees or directors of the sponsoring entity.

37. If the facility to be used by the school is not currently in compliance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA), provide a list of items that will need to be addressed to bring the facility into compliance.

This facility will need a chair lift and stair modifications to meet ADA compliance standards.

Currently, the 1st floor is fully accessible. GSA will seek state and federal funding to remedy the issues upon acquisition of the building to accommodate all students.

38. Are there any alcohol sales within 1,000 feet of the facility?

There is a convenience store next door to the school that began selling beer and wine when Benton County went "wet". There is no alcohol sold in this location.

39. Describe the potential impact of the proposed public charter school on the efforts of affected public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

There are no court orders or statutory obligations regarding desegregated public schools.

40. List the services that the CMO will provide to the charter and the annual cost of the services.

Garfield Scholars' Academy does not have a CMO.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Benton County							
Bentonville School District	887 4.75%	1,379 7.38%	603 3.23%	2,248 12.04%	398 2.13%	13,159 70.47%	18,674 --
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 --
Gravette School District	99 4.95%	41 2.05%	8 0.40%	145 7.26%	48 2.40%	1,657 82.93%	1,998 --
Gentry School District	175 10.82%	131 8.10%	10 0.62%	289 17.87%	63 3.90%	949 58.69%	1,617 --
Siloam Springs School District	382 8.56%	149 3.34%	40 0.90%	1,534 34.37%	216 4.84%	2,142 47.99%	4,463 --
Pea Ridge School District	36 1.47%	20 0.81%	45 1.83%	199 8.11%	48 1.96%	2,106 85.82%	2,454 --
Decatur School District	17 2.94%	33 5.70%	9 1.55%	224 38.69%	40 6.91%	256 44.21%	579 --
Rogers School District	580 3.70%	215 1.37%	221 1.41%	7,535 48.10%	466 2.97%	6,648 42.44%	15,665 --
DISTRICT TOTAL	2,173 3.74%	1,961 3.37%	1,337 2.30%	20,390 35.06%	3,979 6.84%	28,315 48.69%	58,155 --
Open-Enrollment Public Charter Schools in Benton County							
Haas Hall Academy	97 7.8%	196 15.7%	42 3.4%	173 13.9%	8 0.6%	732 58.7%	1,248 --
Arkansas Arts Academy	85 7.8%	12 1.1%	9 0.8%	221 20.3%	5 0.5%	758 69.5%	1,090 --
Premier High School of Springdale	0 0.0%	1 1.1%	2 2.1%	55 58.5%	2 2.1%	34 36.2%	94 --
LISA Academy Springdale	16 4.4%	5 1.4%	20 5.5%	164 45.3%	22 6.1%	135 37.3%	362 --
CHARTER TOTAL	182 7.8%	208 8.9%	51 2.2%	394 16.9%	13 0.6%	1,490 63.7%	2,338 --
COUNTYWIDE TOTAL	2,355 3.9%	2,169 3.6%	1,388 2.3%	20,784 34.4%	3,992 6.6%	29,805 49.3%	60,493 --

Source: ADE Data Center, accessed August 2023

Shasta Wagner,