



MEMO

DATE: December 12, 2023
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Application for Change in Physical Location of the Haas Hall Academy Open Enrollment Charter Public Charter School

I. INTRODUCTION

Haas Hall Academy submitted an application to amend its charter to change the physical location of its Rogers campus (Haas Hall at the Lane). The charter has four schools: Haas Hall Academy (grades 7-12); Haas Hall at the Lane (grades 7-12); Haas Hall Academy Jones Center (grades 7-12); and Haas Hall Bentonville (grades 7-12). According to its amendment request, the charter expects to continue to draw students primarily from within the boundaries of the Springdale, Fayetteville, Bentonville, and Rogers School Districts. The existing campus and proposed new campus are both located within the Rogers School District which is contiguous or in close proximity to the Siloam Springs, Gentry, Greenland, Huntsville and Pea Ridge School Districts. Additionally, the charter operates campuses in Benton and Washington counties where the Decatur, Elkins, Farmington, Gravette, Lincoln, Prairie Grove, Siloam Springs, and West Fork School Districts are located.

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 data, as accessed on December 12, 2023, for the traditional public-school districts and the open-enrollment charter schools in Benton County and Washington 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.



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EVERY SCHOLAR, EVERY DAY – COLLEGE BOUND

Desegregation Analysis

Haas Hall Academy is requesting an amendment to relocate our Rogers campus within the boundaries of the Rogers School District. As an open-enrollment public charter school unconfined by district boundaries, Haas Hall Academy expects to obtain the majority of its students from within the boundaries of the Springdale, Fayetteville, Bentonville, and Rogers School Districts. Besides the Springdale, Fayetteville, Bentonville, and Rogers School District, the Rogers School District is also contiguous or in close proximity to the Siloam Springs, Gentry, Greenland, Huntsville and Pea Ridge School Districts. Haas Hall Academy may also receive some students from these districts as well.

In carefully reviewing the potential impact that Haas Hall Academy would have upon the efforts of the surrounding school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools, the applicant finds that neither the Rogers School District nor any of its contiguous or neighboring school districts are currently subject to, or have ever been subject to, any court orders or judicial decrees concerning the desegregation of its schools. As an open-enrollment public charter school, Haas Hall Academy must be race-neutral and non-discriminatory in its student selection and admission processes, and the granting of this amendment request to relocate our campus in Rogers will not serve to hamper, delay, or in any manner negatively affect the desegregation efforts of any public school district or districts within the state.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
Public School Districts and Open-Enrollment Public Charter Schools in Benton County and Washington County							
Arkansas Arts Academy	75	15	9	213	7	685	1004
	7.47%	1.49%	0.90%	21.22%	0.70%	68.23%	--
AR Connections Academy	269	25	520	287	58	2645	3804
	7.07%	0.66%	13.67%	7.54%	1.52%	69.53%	--
Bentonville School District	974	1,527	601	2,383	400	13,252	19,137
	5.09%	7.98%	3.14%	12.45%	2.09%	69.25%	--
Decatur School District	7	33	5	251	45	232	573
	1.22%	5.76%	0.87%	43.80%	7.85%	40.49%	--
Elkins School District	101	4	18	89	24	1171	1407
	7.18%	0.28%	1.28%	6.33%	1.71%	83.23%	--
Farmington School District	213	18	84	300	30	2178	2823
	7.55%	0.64%	2.98%	10.63%	1.06%	77.15%	--
Fayetteville School District	912	258	1066	1432	192	6304	10164
	8.97%	2.54%	10.49%	14.09%	1.89%	62.02%	--
Gentry School District	177	121	13	318	72	969	1670
	10.60%	7.25%	0.78%	19.04%	4.31%	58.02%	--
Gravette School District	112	41	10	149	42	1699	2053
	5.46%	2.00%	0.49%	7.26%	2.05%	82.76%	--
Greenland School District	54	1	14	59	5	587	720
	7.50%	0.14%	1.94%	8.19%	0.69%	81.53%	--
Huntsville School District	74	27	13	261	95	1799	2269
	3.26%	1.19%	0.57%	11.50%	4.19%	79.29%	--
Lincoln School District	60	42	5	123	34	798	1062
	5.65%	3.95%	0.47%	11.58%	3.20%	75.14%	--
Pea Ridge School District	35	19	48	221	53	2151	2527
	1.39%	0.75%	1.90%	8.75%	2.10%	85.12%	--
Prarie Grove School District	95	31	28	188	51	1724	2117
	4.49%	1.46%	1.32%	8.88%	2.41%	81.44%	--
Premier High School Springdale	3	1	3	36	5	25	73
	4.11%	1.37%	4.11%	49.32%	6.85%	34.25%	--
Rogers School District	655	211	209	7586	449	6419	15529
	4.22%	1.36%	1.35%	48.85%	2.89%	41.34%	--
Siloam Springs School District	389	159	49	1637	223	2054	4511
	8.62%	3.52%	1.09%	36.29%	4.94%	45.53%	--
Springdale School District	651	296	472	10,555	3,036	6,702	21,712
	3.00%	1.36%	2.17%	48.61%	13.98%	30.87%	--
West Fork School District	50	3	4	45	11	665	778
	6.43%	0.39%	0.51%	5.78%	1.41%	85.48%	--
DISTRICT TOTAL	4,096	1,563	610	2,679	456	14,149	20,488
	19.99%	7.63%	2.98%	13.08%	2.23%	69.06%	--

Source: ADE Data Center, accessed December 12, 2023

Prepared by:
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