

Exalt Academy of Southwest Little Rock Desegregation Analysis

Exalt Academy of Southwest Little Rock (Exalt) is seeking an amendment of its open-enrollment charter from the State's charter authorizer, to expand its grade levels served from Grades K-8 to Grades K-12. Exalt is also asking for an expansion of its enrollment cap from 1,080 students to 1,880 students. It plans to start with two additional (2) grade levels, starting with 9th and 10th grade, adding an additional grade level each year after that, until it reaches K-12 with a max of 800 high school students in year 2028-2029 school year. Exalt's campus and new high school are both located within the boundaries of the Little Rock School District. As an open-enrollment public charter school unconfined by district boundaries, Exalt expects to continue to obtain most of its students from within the boundaries of the Little Rock (LRSD), North Little Rock (NLRSD), Pulaski County (PCSSD) and Jacksonville-North Pulaski (JNPSD) School Districts.

I. The Status of Pulaski County Desegregation Litigation

Exalt is providing this desegregation analysis in accordance with Ark. Code Ann. §6-23-106 to review the potential impact that its amendment request would have upon the efforts of all four (4) of the Pulaski County 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, Exalt has substantiated that the LRSD and the NLRSD have been declared unitary in all respects of their 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, Exalt's charter amendment request 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 Exalt's charter amendment request could impact LRSD's unitary status. To be clear, Exalt's charter amendment request 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. Pursuant to Judge Marshall's order on May 6, 2021, both PCSSD and JNPSD are unitary in all areas except School Facilities.

Upon review, Exalt believes that its charter amendment request shall have no negative effects on the efforts of the PCSSD and JNPSD to attain unitary status.

II. Data

According to the most current enrollment figures as maintained by the DESE Data Center, LRSD had a student population of 19,565 students, of which 57.0% were Black/African- American; 18.8% were White, and 18.0 % were Hispanic. NLRSD's student population was 7,203 students, of which 57.9 % were Black/African-American; 20.2% were White, and 14.7% were Hispanic. PCSSD's student population was 11,873 students, of which 45.2% were Black/African- American; 33.1% were White, and 12.1% were Hispanic. JNPSD's student population was 4,093 students, of which 53.8% were Black/African-American; 26.9% were White, and 10.4% were Hispanic. Exalt's student population was 754 students, of which 82.8% were Hispanic; 14.9% were Black/African-American, and 1.5% were White.

Ark. Code Ann. §6-23-106 requires that Exalt's charter amendment request 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, Exalt's careful review of the relevant statutes and court orders affecting the LRSD, NLRSD, PCSSD, and JNPSD and their student populations, and its own student population, shows that such negative impact is not present here.

III. Conclusion

Exalt submits that upon the basis of its review, neither any existing federal desegregation order affecting the PCSSD, LRSD, NLRSD, and JNPSD, nor the 1989 Settlement Agreement, prohibit the State's charter school authorizer from granting its charter amendment request.