



MEMO

DATE: July 25, 2022
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of District Conversion Charter Application for Rivercrest Junior High Prep. Academy

I. INTRODUCTION

Rivercrest Junior High Prep. Academy submitted an application for a district conversion public charter school. The proposed charter school would be part of the Rivercrest School District. The proposed charter school would provide instruction to students in grades seven and eight (7-8).

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 application has been received.

IV. ANALYSIS FROM THE DEPARTMENT

Enrollment data, as of the 2021-2022 school year, for the traditional public school districts and the open-enrollment charter schools in Mississippi County is 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)).

ADE 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).

It is difficult to conclude, from data currently available, that approval of the charter school 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.

Rivercrest Junior High School Conversion Charter Application
Desegregation Analysis

The Rivercrest School District (Rivercrest) is submitting an application to convert its Junior High School (school) to a district conversion charter school. The school will be comprised of Grades 7-8, with a maximum enrollment of 250 students. As a district conversion charter school, the school may only enroll students who live within Rivercrest's boundaries, or lawfully transfer into the district. Rivercrest is contiguous to the following school districts: Armorel; Blytheville; East Poinsett County; Gosnell; Manila; Marion; Marked Tree, and Osceola. This analysis is provided to inform the decision making of the charter authorizer regarding the effect, if any, that the granting of a district conversion charter to Rivercrest would have on the efforts of Rivercrest and the above-listed contiguous school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Rivercrest, in this analysis, has carefully reviewed the potential impact that the opening of its district conversion charter school would have upon its efforts and the efforts of the contiguous 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, Rivercrest has found that none of the contiguous school districts listed above are under any court orders concerning their desegregation obligations, and are therefore unitary in all respects of their school operations. Rivercrest itself is not under any court order concerning its desegregation obligations.

According to last school year's third-quarter average daily membership enrollment figures as maintained by the DESE Data Center, Armorel had a student population of 414 students, of whom 85.19% were Caucasian and 8.25% were African-American. Blytheville had a student population of 1,604 students, of whom 80.5% were African-American and 13.35% were Caucasian. East Poinsett County had a student population of 560 students, of whom 77.5% were Caucasian and 11% were African-American. Gosnell had a student population of 1,158 students, of whom 64.78% were Caucasian and 21.56% were African-American. Manila had a student population of 1,008 students, of whom 94.47% were Caucasian and 4.24% were Hispanic. Marion had a student population of 3,736 students, of whom 54.93% were African-American and 33% were Caucasian. Marked Tree had a student population of 496 students, of whom 59.15% were Caucasian and 33% percent were African-American. Osceola had a student population of 992 students, of whom 85.15% were African-American and 7.78% were Caucasian. Rivercrest's student population was 1,025 students, of whom 62.72% were Caucasian and 26% were African-American. Ark. Code Ann. §6-23-106 also requires that Rivercrest's operation of the charter school 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. Rivercrest's careful review of the relevant statutes affecting the contiguous school districts, and the student populations of such districts, shows that such negative effect is not present here.

In conclusion, Rivercrest submits that upon the basis of its review, no statutory or other impediments concerning the creation and operation of desegregated public schools prohibit the State's charter school authorizer from granting its application to convert its Junior High School into a conversion charter school.



	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	32 3.13%	4 0.39%	266 26.03%	77 7.53%	2 0.20%	641 62.72%	1,022 --
Osceola School District	46 4.65%	7 0.71%	843 85.15%	17 1.72%	0 0.00%	77 7.78%	990 --
Blytheville School District	24 1.48%	6 0.37%	1,309 80.50%	70 4.31%	0 0.00%	217 13.35%	1,626 --
Armored School District	0 0.00%	8 1.94%	34 8.25%	19 4.61%	0 0.00%	351 85.19%	412 --
Gosnell School District	61 5.24%	8 0.69%	251 21.56%	88 7.56%	2 0.17%	754 64.78%	1,164 --
Manila School District	10 0.99%	0 0.00%	1 0.10%	43 4.24%	2 0.20%	957 94.47%	1,013 --
E. Tomsett County School District	25 4.46%	0 0.00%	62 11.07%	38 6.79%	1 0.18%	434 77.50%	560 --
Marked Tree School District	16 3.22%	1 0.20%	164 33.00%	22 4.43%	0 0.00%	294 59.15%	497 --
Marion School District	158 4.25%	35 0.94%	2,040 54.93%	251 6.76%	4 0.11%	1,226 33.01%	3,714 --
DISTRICT TOTAL	372 3.38%	69 0.63%	4,970 45.19%	625 5.68%	11 0.10%	4,951 45.02%	10,998 --
Open-Enrollment Public Charter Schools in Mississippi County, Arkansas							
Kipp Delta Blytheville Collegiate	2 1.6%	5 4.1%	98 79.7%	7 5.7%	1 0.8%	10 8.1%	123 --
Kipp Delta Blytheville College Prep	6 2.5%	1 0.4%	212 89.1%	9 3.8%	0 0.0%	10 4.2%	238 --
CHARTER TOTAL	8 2.2%	6 1.7%	310 85.9%	16 4.4%	1 0.3%	20 5.5%	361 --
COUNTYWIDE TOTAL	380 3.3%	75 0.7%	5,280 46.5%	641 5.6%	12 0.1%	4,971 43.8%	11,359 --

Source: ADE Data Center, accessed July 2022

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