



MEMO

DATE: January 25, 2023

TO: Charter Authorizer

FROM: ADE Legal Services Staff

SUBJECT: Desegregation Analysis of Amendment Request for Friendship Aspire Academies of Arkansas

I. INTRODUCTION

Friendship Aspire Academies of Arkansas submitted a request to amend their current open-enrollment public charter school, Friendship Aspire Academies of Arkansas. The charter has campuses in within the boundaries of the Little Rock School District and the Pine Bluff School District. The charter school provides instruction to students in grades kindergarten through 12 (K-12). The charter school has a current enrollment cap of 2,285. The charter is seeking to add a campus in the North Little Rock School District and increase their enrollment cap by 500.

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 assessed on December 2, 2022, for the traditional public school districts and open-enrollment charter schools in Pulaski and Jefferson counties 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 the Watson Chapel School District. *U.S. v. Cotton Plant Sch. Dist. No. 1 et. al*, Case No. 4:88-cv-4082 & *Levert Blunt et. al. v. Charles Knight, Individually and in His Official Capacity as Superintendent of Watson Chapel School District No. 24, et al*, No. PB-C-890-417. 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)).

Because Friendship Aspire Academies of Arkansas will potentially draw students from the Watson Chapel School District, the authorizer must ensure that any act it approves does not hamper, delay, or in any manner negatively affect the desegregation efforts of the Watson Chapel School District. As 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).

Regarding the Watson Chapel School District, the current consent decree pertains to student discipline practices only. There is nothing in the current record regarding student transfers. The Department of Justice is actively monitoring Watson Chapel and the monitoring is likely to last until the end of the 2025 school year.

As noted above, the Watson Chapel School District remains under federal court supervision. Therefore, the authorizer should consider whether granting the renewal application will negatively affect Watson Chapel School District’s efforts to achieve full unitary status.

No desegregation-related opposition was received from any of the affected school districts.

V. CONCLUSION

ADE has no reason to conclude, from data currently available, that approval of this amendment request 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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Friendship Aspire Academies of Arkansas Desegregation Analysis

Friendship Aspire Academies of Arkansas (Friendship) is seeking an amendment of its open-enrollment charter from the State's charter authorizer. Friendship has schools located within the boundaries of both the Little Rock School District and Pine Bluff School District and, as an open-enrollment public charter school unconfined by district boundaries, 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), Jacksonville-North Pulaski (JNPSD), Pine Bluff (PBSD), Watson Chapel (WCSD), and White Hall (WHSD) School Districts. In its amendment request, Friendship seeks to obtain the transfer of Lighthouse Arkansas Charter Schools, Inc.'s open-enrollment public charter schools currently located within the boundaries of the NLRSD and PBSD, and correspondingly increase its enrollment cap by five hundred (500) students.

I. The Status of Pulaski County Desegregation Litigation

Friendship 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, Friendship has substantiated that the LRSD and the NLRSD have 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.



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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 lieu of LRSD's unitary status and the parties' 2014 Settlement Agreement, Friendship'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 Friendship's charter amendment request could impact LRSD's unitary status. To be clear, Friendship'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, Friendship 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 2021-2022 school year third-quarter Average Daily Membership enrollment figures as maintained by the DESE Data Center, LRSD had a student population of 20,518 students, of which 59.94% were Black/African- American; 19.57% were White, and 16.02% were Hispanic. NLRSD's student population was 7,640 students, of which 57.19% were Black/African-American; 25.75% were White, and 11.45% were Hispanic. PCSSD's student population was 11,227 students, of which 44.37% were Black/African- American; 38.61% were White, and 10.17% were Hispanic. JNPSD's student population was 3,841 students, of which 54.81% were Black/African-American; 33.85% were White, and 7.54% were Hispanic. Friendship's student population at its Little Rock campus was 267 students, of which 84.6% were Black/African-American, and 14.2% were Hispanic.

Ark. Code Ann. §6-23-106 requires that Friendship'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, Friendship's careful review of the relevant



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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. Jefferson County Data

According to the 2021-2022 school year third-quarter Average Daily Membership enrollment figures as maintained by the DESE Data Center, PBSD had a student population of 3,333 students, of which 94.6% were Black/African- American, and 2.7% were White. WCSD's student population was 1,918 students, of which 86.8% were Black/African-American, and 10.3% were White. WHSD's student population was 3,003 students, of which 64.9% were White, and 25.7% were Black/African-American. Friendship's student population at its Pine Bluff campuses was 438 students, of which 95.4% were Black/African-American.

Ark. Code Ann. §6-23-106 requires that Friendship'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, Friendship's careful review of the relevant statutes and court orders affecting the PBSD, WCSD, and WHSD and their student populations, and its own student population, shows that such negative impact is not present here.

IV. Conclusion

Friendship 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 with school locations contained within the geographic boundaries of the LRSD, PBSD and now the NLRSD.

Friendship further submits that upon the basis of its review, nothing would prohibit the State's charter school authorizer from granting its charter amendment request to continue operating open-enrollment public charter schools within the geographic boundaries of the LRSD, PBSD, and now the NLSRD.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Pulaski County							
Jacksonville North Pulaski School District	202 4.76%	36 0.85%	2,238 52.68%	370 8.71%	22 0.52%	1,380 32.49%	4,248 --
Little Rock School District	136 0.68%	691 3.43%	11,925 59.23%	3,348 16.63%	129 0.64%	3,906 19.40%	20,135 --
N. Little Rock School District	355 4.65%	66 0.86%	4,402 57.62%	938 12.28%	40 0.52%	1,839 24.07%	7,640 --
Little Rock School District	136 0.68%	691 3.43%	11,925 59.23%	3,348 16.63%	129 0.64%	3,906 19.40%	20,135 --
DISTRICT TOTAL	829 1.59%	1,484 2.85%	30,490 58.46%	8,004 15.35%	320 0.61%	11,031 21.15%	52,158 --
Open-Enrollment Public Charter Schools in Pulaski County							
Academics Plus -	57 3.4%	79 4.7%	312 18.5%	74 4.4%	8 0.5%	1,155 68.5%	1,685 --
Capitol City Lighthouse	0 0.0%	0 0.0%	112 89.6%	7 5.6%	0 0.0%	6 4.8%	125 --
E-Stem	184 6.0%	28 0.9%	1,947 63.8%	291 9.5%	5 0.2%	597 19.6%	3,052 --
Exalt Academy	11 2.0%	0 0.0%	118 21.9%	409 75.9%	0 0.0%	1 0.2%	539 --
Jacksonville Lighthouse (Elem.,	9 1.2%	10 1.4%	496 68.2%	62 8.5%	7 1.0%	143 19.7%	727 --
Lisa Academy	106 3.4%	218 7.0%	1,428 45.7%	773 24.8%	24 0.8%	573 18.4%	3,122 --
Premier High School (NLR)	3 2.1%	1 0.7%	102 71.3%	5 3.5%	1 0.7%	31 21.7%	143 --
Premier High School (LR)	4 3.2%	0 0.0%	101 80.8%	0 0.0%	2 1.6%	18 14.4%	125 --
Founders Classical Academy WLR	8 6.5%	3 2.4%	47 38.2%	5 4.1%	1 0.8%	59 48.0%	123 --
Friendship LR	0 0.0%	0 0.0%	226 84.6%	38 14.2%	1 0.4%	2 0.7%	267 --
Scholarmade	2 0.5%	1 0.3%	375 96.2%	10 2.6%	0 0.0%	2 0.5%	390 --
Westwind School for Performing Arts	2 15.4%	0 0.0%	46 353.8%	2 15.4%	0 0.0%	0 0.0%	13 --
Graduate Arkansas	0 0.0%	0 0.0%	82 58.2%	19 13.5%	5 3.5%	35 24.8%	141 --
CHARTER TOTAL	384 3.7%	340 3.3%	5,346 51.2%	1,693 16.2%	54 0.5%	2,622 25.1%	10,439 --
COUNTYWIDE TOTAL	1,213 1.9%	1,824 2.9%	35,836 57.2%	9,697 15.5%	374 0.6%	13,653 21.8%	62,597 --

Source: ADE Data Center, accessed November 2022

Prepared by:
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	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Jefferson County, Arkansas							
Pine Bluff School District	63 2.06%	9 0.29%	2,847 93.25%	41 1.34%	19 0.62%	74 2.42%	3,053 --
White Hall School District	100 3.30%	94 3.10%	784 25.89%	116 3.83%	24 0.79%	1,910 63.08%	3,028 --
Watson Chapel School District	28 1.56%	14 0.78%	1,554 86.53%	33 1.84%	0 0.00%	167 9.30%	1,796 --
DeWitt School District	51 4.59%	2 0.18%	135 12.15%	63 5.67%	4 0.36%	856 77.05%	1,111 --
DISTRICT TOTAL	242 2.69%	119 1.32%	5,320 59.19%	253 2.81%	47 0.52%	3,007 33.46%	8,988 --
Open-Enrollment Public Charter Schools in Jefferson County, Arkansas							
Pine Bluff Lighthouse Elementary Academy	2 1.4%	0 0.0%	139 95.9%	0 0.0%	0 0.0%	4 2.8%	145 --
Pine Bluff Lighthouse Friendship	0 0.0%	0 0.0%	59 93.7%	2 3.2%	0 0.0%	2 3.2%	63 --
Aspire Academy	0 0.0%	0 0.0%	155 98.7%	0 0.0%	0 0.0%	2 1.3%	157 --
Friendship Aspire Academy	0 0.0%	1 1.3%	70 93.3%	2 2.7%	0 0.0%	2 2.7%	75 --
CHARTER TOTAL	0 0.0%	1 0.7%	129 93.5%	4 2.9%	0 0.0%	4 2.9%	138 --
COUNTYWIDE TOTAL	242 2.7%	120 1.3%	5,449 59.7%	257 2.8%	47 0.5%	3,011 33.0%	9,126 --

Source: ADE Data Center, accessed December 2022

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