



MEMO

DATE: August 14, 2020
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Open Enrollment Charter Renewal Application--
Arkansas AgSTEM Academy

I. INTRODUCTION

ASSET Foundation submitted a renewal application for its open-enrollment public charter school, Arkansas AgSTEM Academy. The charter school is located within the boundaries of the Harrisburg School District. The proposed charter school would serve students in grades seven through twelve (7-12) and have a maximum enrollment cap of 250 students.

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 located at question 20 in the Applicant's charter application.

IV. ANALYSIS FROM THE DEPARTMENT

The 2019-20 enrollment data for the traditional public school districts and the open-enrollment charter schools in the impacted area are attached.

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).

DESE 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).

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.

	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts in Pulaski County							
Jacksonville North Pulaski	138 3.44%	32 0.80%	2,108 52.52%	312 7.77%	29 0.72%	1,395 34.75%	4,014 --
Little Rock School District	210 0.98%	666 3.10%	12,966 60.39%	3,417 15.91%	85 0.40%	4,128 19.23%	21,472 --
N. Little Rock School District	92 1.14%	91 1.13%	4,789 59.30%	771 9.55%	63 0.78%	2,270 28.11%	8,076 --
Pulaski Co. Spec. School District	388 3.29%	261 2.21%	5,059 42.87%	1,142 9.68%	48 0.41%	4,903 41.55%	11,801 --
DISTRICT TOTAL	828 1.83%	1,050 2.31%	24,922 54.94%	5,642 12.44%	225 0.50%	12,696 27.99%	45,363 --
Open-Enrollment Public Charter Schools in Pulaski County							
Academics Plus	49 3.2%	58 3.7%	283 18.2%	97 6.3%	11 0.7%	1,054 67.9%	1,552 --
Capitol City Lighthouse	7 4.3%	0 0.0%	142 86.6%	12 7.3%	0 0.0%	3 1.8%	164 --
E-Stem	189 5.9%	40 1.2%	1,887 58.9%	305 9.5%	12 0.4%	769 24.0%	3,202 --
Exalt Academy	10 2.1%	0 0.0%	145 29.8%	325 66.9%	0 0.0%	6 1.2%	486 --
Jacksonville Lighthouse	4 0.5%	16 1.9%	586 68.4%	57 6.7%	7 0.8%	187 21.8%	857 --
Lisa Academy	99 3.5%	200 7.1%	1,108 39.2%	748 26.5%	31 1.1%	639 22.6%	2,825 --
LR Prep Academy (Now LISA)	3 1.2%	0 0.0%	224 92.6%	13 5.4%	0 0.0%	2 0.8%	242 --
Premier High School (NLR)	1 1.4%	0 0.0%	56 80.0%	3 4.3%	0 0.0%	10 14.3%	70 =
Premier High School (LRSD)	1 1.1%	0 0.0%	87 91.6%	2 2.1%	0 0.0%	5 5.3%	95 --
REsed Classical Academy WLR	26 2.4%	286 26.9%	64 6.0%	97 9.1%	4 0.4%	587 55.2%	1,064 =
Friendship LR	1 0.4%	0 0.0%	173 74.9%	49 21.2%	0 0.0%	8 3.5%	231 =
Scholarmade	7 2.1%	0 0.0%	317 95.2%	4 1.2%	1 0.3%	4 1.2%	333 --
Graduate Arkansas	1 0.8%	0 0.0%	107 89.9%	7 5.9%	0 0.0%	4 3.4%	119 --
CHARTER TOTAL	398 3.5%	600 5.3%	5,179 46.1%	1,719 15.3%	66 0.6%	3,278 29.2%	11,240 --
COUNTYWIDE TOTAL	1,226 2.2%	1,650 2.9%	30,101 53.2%	7,361 13.0%	291 0.5%	15,974 28.2%	56,603

Source: ADE Data Center, 2019-20 Enrollment