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DATE: April 11, 2024  
TO: Charter Authorizer  
FROM: ADE Legal Services Staff  
SUBJECT: Desegregation Analysis of District Conversion Charter Amendment Application for Cabot Panther Academy

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## I. INTRODUCTION

Cabot School District submitted an application to amend its charter to change the physical location of its Cabot Panther Academy district conversion charter school campus. The charter school is located within the boundaries of the Cabot School District. The charter school provides instruction to students in grades five through twelve (5-12). The charter school draws students from the Cabot School District.

## 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 regarding 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 amendment has been received.

#### IV. ANALYSIS FROM THE DEPARTMENT

Enrollment data, as of the 2023-2024 school year, for the traditional public school districts in Lonoke County in which the Cabot School District is located are attached as Exhibit B. There are no open-enrollment charter schools in Lonoke County.

“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 goal of a desegregation case regarding 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)).

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).

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

#### V. CONCLUSION

The Department has no reason to conclude, from data currently available, that this amendment is motivated by an impermissible intent to segregate schools, or that approval of this amendment would hamper, delay or negatively affect the desegregation efforts of the affected school districts.

# CABOT PANTHER ACADEMY

## Student Demographic Percentages

Excludes PK Students

325 Total Active Students On Oct 2, 2023

NOTE: Program Field counts/percentages reflect the field values on Oct 2, 2023. Non-program field (504, Homeless, Migrant & Home Language) counts/percentages are based on the current values of these fields.

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### Building Primary Race Percentages

Race	Race Count	Race Percentage
Asian	1	0.31%
Black	4	1.23%
Hispanic or Latino	17	5.23%
Native American/Alaskan Native	1	0.31%
Two or More Races	32	9.85%
White	270	83.08%
<b>Primary Race - Total</b>	<b>325</b>	<b>100.00%</b>

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# CABOT PANTHER ACADEMY

## Student Demographic Percentages

Excludes PK Students

294 Total Active Students On Oct 3, 2022

NOTE: Program Field counts/percentages reflect the field values on Oct 3, 2022. Non-program field (504, Homeless, Migrant & Home Language) counts/percentages are based on the current values of these fields.

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### Building Primary Race Percentages

Race	Race Count	Race Percentage
Asian	1	0.34%
Black	9	3.06%
Hispanic or Latino	20	6.80%
Two or More Races	20	6.80%
White	244	82.99%
<b>Primary Race - Total</b>	<b>294</b>	<b>100.00%</b>

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# CABOT PANTHER ACADEMY

## Student Demographic Percentages

Excludes PK Students

347 Total Active Students On Oct 1, 2021

NOTE: Program Field counts/percentages reflect the field values on Oct 1, 2021. Non-program field (504, Homeless, Migrant & Home Language) counts/percentages are based on the current values of these fields.

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### Building Primary Race Percentages

Race	Race Count	Race Percentage
Asian	1	0.29%
Black	10	2.88%
Hispanic or Latino	22	6.34%
Native American/Alaskan Native	2	0.58%
Two or More Races	21	6.05%
White	291	83.86%
<b>Primary Race - Total</b>	<b>347</b>	<b>100.00%</b>

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	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
<b>School Districts in Lonoke County</b>							
Cabot School District	768 7.43%	112 1.08%	272 2.63%	821 7.94%	43 0.42%	8,320 80.50%	10,336 --
Carlisle School District	23 3.83%	1 0.17%	57 9.48%	42 6.99%	0 0.00%	478 79.53%	601 --
England School District	29 4.87%	0 0.00%	193 32.38%	46 7.72%	5 0.84%	323 54.19%	596 --
Jacksonville-North Pulaski School District	268 6.42%	32 0.77%	2,201 52.73%	418 10.01%	24 0.57%	1,231 29.49%	4,174 --
Lonoke School District	67 4.34%	1 0.06%	344 22.28%	161 10.43%	4 0.26%	967 62.63%	1,544 --
Pulaski County Special School District	688 5.79%	308 2.59%	5,412 45.57%	1,378 11.60%	52 0.44%	4,037 34.00%	11,875 --
<b>DISTRICT TOTAL</b>	<b>1,479 6.48%</b>	<b>421 1.85%</b>	<b>5,741 25.17%</b>	<b>2,241 9.82%</b>	<b>95 0.42%</b>	<b>12,835 56.26%</b>	<b>22,812 --</b>

Source: ADE Data Center, accessed April, 2024

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