



# MEMO

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DATE: October 5, 2016  
TO: Charter Authorizer  
FROM: ADE Legal Services Staff  
SUBJECT: Desegregation Analysis of Amendment Request for Haas Hall Academy

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## I. INTRODUCTION

The Academy, Inc. submitted an application for a license to operate an open-enrollment public charter school, Haas Hall Academy, in Rogers, Arkansas, which replicates the existing Fayetteville campus, including its sibling admission preference policy and waivers.

The proposed charter school would be located within the boundaries of the Rogers School District. The proposed charter school would provide instruction in seven through twelve (7-12) and possess a student enrollment cap of 400. According to its application, the proposed charter school expects to draw students from the Bentonville, Eureka Springs, Fayetteville, Huntsville, Rogers, Pea Ridge, and Springdale school districts.

## II. STATUTORY REQUIREMENTS

Although Ark. Code Ann. § 6-23-106 requires the authorizer to carefully analyze the impact of any new proposed charter school on the efforts of public school districts to achieve and maintain unitary systems, it does not require the authorizer to conduct an analysis of proposed amendments to an existing charter. However, Ark. Code Ann. § 6-23-106(c) states that the State Board “shall not approve any ... 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.”

## III. INFORMATION SUBMITTED BY THE APPLICANT AND THE AFFECTED SCHOOL DISTRICT

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. DATA FROM THE DEPARTMENT

The October 1, 2015, enrollment for the school districts and open-enrollment charter schools operating in Benton and Washington Counties are as follows:

	2 or More Races	Asian	Black/African American	Hispanic	Native Am. Hawaiian/Pacific Islander	White	Totals
<b>Affected School Districts</b>							
Bentonville School District	612 3.81%	975 6.07%	499 3.11%	1,722 10.72%	261 1.63%	11,991 74.66%	16,060 --
Decatur School District	2 0.34%	34 5.81%	15 2.56%	193 32.99%	23 3.93%	318 54.36%	585 --
Elkins School District	9 0.80%	3 0.27%	7 0.62%	74 6.54%	18 1.59%	1,020 90.19%	1,131 --
Farmington School District	88 3.72%	17 0.72%	60 2.54%	192 8.11%	20 0.85%	1,989 84.07%	2,366 --
Fayetteville School District	496 5.14%	363 3.76%	924 9.57%	1,164 12.06%	128 1.33%	6,577 68.14%	9,652 --
Gentry School District	87 6.02%	120 8.30%	7 0.48%	216 14.94%	78 5.39%	938 64.87%	1,446 --
Greenland School District	28 3.30%	2 0.24%	10 1.18%	50 5.89%	4 0.47%	755 88.93%	849 --
Gravette School District	41 2.27%	17 0.94%	8 0.44%	102 5.64%	60 3.32%	1,581 87.40%	1,809 --
Huntsville School District	61 2.67%	12 0.52%	5 0.22%	228 9.97%	62 2.71%	1,918 83.90%	2,286 --
Lincoln School District	30 2.49%	54 4.49%	9 0.75%	96 7.98%	38 3.16%	976 81.13%	1,203 --
Pea Ridge School District	25 1.30%	5 0.26%	19 0.98%	120 6.22%	15 0.78%	1,746 90.47%	1,930 --
Prairie Grove School District	3 0.16%	21 1.12%	26 1.38%	92 4.89%	33 1.75%	1,706 90.70%	1,881 --
Rogers School District	244 1.62%	290 1.92%	258 1.71%	6,775 44.94%	267 1.77%	7,243 48.04%	15,077 --
Siloam Springs School District	161 3.89%	117 2.83%	40 0.97%	1,175 28.39%	259 6.26%	2,387 57.67%	4,139 --
Springdale School District	301 1.42%	330 1.55%	517 2.43%	9,756 45.89%	2,608 12.27%	7,748 36.44%	21,260 --
West Fork School District	45 4.14%	11 1.01%	12 1.10%	44 4.04%	19 1.75%	957 87.96%	1,088 --
<b>DISTRICTS TOTAL</b>	<b>2,233</b> <b>2.70%</b>	<b>2,371</b> <b>2.86%</b>	<b>2,416</b> <b>2.92%</b>	<b>21,999</b> <b>26.58%</b>	<b>3,893</b> <b>4.70%</b>	<b>49,850</b> <b>60.23%</b>	<b>82,762</b> <b>--</b>

Open-Enrollment Public Charter Schools in Washington and Benton Counties							
Arkansas Arts Academy	39	12	15	108	16	584	774
	5.0%	1.6%	1.9%	14.0%	2.1%	75.5%	--
Haas Hall Academy	12	27	6	26	6	275	352
	3.4%	7.7%	1.7%	7.4%	1.7%	78.1%	--
Haas Hall Bentonville	7	40	4	25	7	212	295
	2.4%	13.6%	1.4%	8.5%	2.4%	71.9%	--
Ozark Montessori	1	2	4	46	5	78	136
	0.7%	1.5%	2.9%	33.8%	3.7%	57.4%	--
NWA Classical Academy	12	112	9	67	6	345	551
	2.2%	20.3%	1.6%	12.2%	1.1%	62.6%	--
<b>CHARTER TOTAL</b>	<b>71</b>	<b>193</b>	<b>38</b>	<b>272</b>	<b>40</b>	<b>1,494</b>	<b>2,108</b>
	<b>3.4%</b>	<b>9.2%</b>	<b>1.8%</b>	<b>12.9%</b>	<b>1.9%</b>	<b>70.9%</b>	<b>--</b>

Source: ADE Data Center, Oct. 1, 2015 Enrollment

#### IV. ANALYSIS FROM THE DEPARTMENT

“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 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)).

The ADE is unaware of any desegregation orders applicable to the Bentonville, Eureka Springs, Fayetteville, Huntsville, Rogers, Pea Ridge, and Springdale school 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 the proposal 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.



# HAAS HALL ACADEMY

STARR SCHOLAR CENTER

3880 NORTH FRONT STREET

FAYETTEVILLE, AR 72703.5130

(479) 966.4930 | (479) 966.4932 – FAX | HAASHALL.ORG

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## Desegregation Analysis

Haas Hall Academy is requesting a license to open an open-enrollment public charter school in Rogers within the boundaries of the Rogers School District. As an open-enrollment public charter school unconfined by district boundaries, Haas Hall Academy expects to obtain the majority of its students from within the boundaries of the Rogers, Springdale, Eureka Springs, Bentonville, and Pea Ridge School Districts. Besides those School Districts, the Rogers School District is also contiguous to the Huntsville School District. Haas Hall Academy may also receive some students from the Huntsville School District as well.

In carefully reviewing the potential impact that Haas Hall Academy would have upon the efforts of the surrounding school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools, the applicant finds that neither the Rogers School District nor any of its contiguous or neighboring school districts are currently subject to, or have ever been subject to, any court orders or judicial decrees concerning the desegregation of its schools. As an open-enrollment public charter school, Haas Hall Academy must be race-neutral and non-discriminatory in its student selection and admission processes, and the granting of this amendment request to open an additional campus in Springdale will not serve to hamper, delay, or in any manner negatively affect the desegregation efforts of any public school district or districts within the state.