



MEMO

DATE: October 4, 2022
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of District Conversion Charter Renewal Application for Bauxite Miner Academy

I. INTRODUCTION

Bauxite Miner Academy submitted a renewal application for a district conversion public charter school, Bauxite Miner Academy. The charter school is located within the boundaries of the Bauxite School District. The charter school provides instruction to students in grades six through twelve (6-12). The charter school draws students from Bauxite 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 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 of the 2021-2022 school year, for the traditional public school districts contiguous to Bauxite School District is attached as Exhibit B. There are no open-enrollment charter schools in the area of Bauxite Miner Academy.

"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.

Section 8: Desegregation Analysis

Describe the impact, both current and potential, of the public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Bauxite Miner Academy Conversion Charter Renewal Application

Desegregation Analysis

The Bauxite School District (Bauxite) is submitting a renewal application for its conversion charter school, Miner Academy (school). As a district conversion charter school, the school may only enroll students who live within Bauxite's boundaries, or lawfully transfer into the district. Bauxite is contiguous to the following school districts: Benton; Bryant; Glen Rose; Harmony Grove (Saline County); Poyen, and Sheridan. This analysis is provided to inform the decision making of the charter authorizer regarding the effect, if any, that the renewal of Bauxite's district conversion charter would have on the efforts of Bauxite 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.

Bauxite, in this analysis, has carefully reviewed the potential impact that the renewal 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, Bauxite 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. Bauxite 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, Benton had a student population of 5,638 students, of whom 74.86% were Caucasian; 9.86% were Hispanic, and 9.4% were African-American. Bryant had a student population of 9,394 students, of whom 59.68% were Caucasian; 19.11% were African-American, and 16.14% were Hispanic. Glen Rose had a student population of 948 students, of whom 91.37% were Caucasian and 3.68% were Hispanic. Harmony Grove had a student population of 1,234 students, of whom 89.74% were Caucasian and 4.44% were Hispanic. Poyen had a student population of 496 students, of whom 93.13% were Caucasian and 3.64% were Hispanic. Sheridan had a student population of 4,152 students, of whom 86.78% were Caucasian and 6.28% were Hispanic. Bauxite's student population was 1,589 students, of whom 90.52% were Caucasian and 4.71% were Hispanic. Ark. Code Ann. §6-23-106 also requires that Bauxite's continued 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. Bauxite'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, Bauxite 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 renew its district conversion charter for Miner Academy.



	2 or More Races	Asian	Black/ African American	Hispanic	Native Am. Hawaiian/ Pacific Islander	White	Totals
School Districts Contiguous to Bauxite School District							
Bauxite School District	25 1.57%	4 0.25%	41 2.58%	75 4.71%	6 0.38%	1,441 90.52%	1,592 --
Benton School District	262 4.64%	48 0.85%	530 9.40%	556 9.86%	22 0.39%	4,223 74.86%	5,641 --
Bryant School District	282 3.00%	170 1.81%	1,796 19.11%	1,517 16.14%	25 0.27%	5,609 59.68%	9,399 --
Glen Rose School District	33 3.47%	1 0.11%	5 0.53%	35 3.68%	8 0.84%	868 91.37%	950 --
Poyen School District	12 2.42%	2 0.40%	1 0.20%	18 3.64%	1 0.20%	461 93.13%	495 --
Pulaski County Special School District	451 4.00%	266 2.36%	4,998 44.37%	1,146 10.17%	55 0.49%	4,349 38.61%	11,265 --
Sheridan School District	119 2.88%	53 1.28%	105 2.54%	260 6.28%	10 0.24%	3,592 86.78%	4,139 --
DISTRICT TOTAL	1,184 3.54%	544 1.62%	7,476 22.33%	3,607 10.77%	127 0.38%	20,543 61.36%	33,481 --

Source: ADE Data Center, accessed October 2022

Prepared by:
Whitney James,
Staff Attorney

