



MEMO

DATE: August 14, 2020
TO: Charter Authorizer
FROM: ADE Legal Services Staff
SUBJECT: Desegregation Analysis of Open Enrollment Charter Renewal Application-- Premier High School of Springdale

I. INTRODUCTION

Responsive Education Solutions submitted a renewal application for its open-enrollment public charter school, Premier High School of Springdale. The charter school is located within the boundaries of the Springdale School District. The proposed charter school would serve students in grades nine through twelve (9-12) and have a maximum enrollment cap of 300 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. Hawaii an/ Pacific Islander	White	Totals
Affected School Districts							
Farmington School District	128	16	59	222	20	2,111	2,556
	5.01%	0.63%	2.31%	8.69%	0.78%	82.59%	--
Pea Ridge School District	33	12	20	185	38	1,943	2,231
	1.48%	0.54%	0.90%	8.29%	1.70%	87.09%	--
Bentonville School District	814	1,232	539	2,060	322	12,881	17,848
	4.56%	6.90%	3.02%	11.54%	1.80%	72.17%	--
Eureka Springs School District	6	7	9	50	4	573	649
	0.92%	1.08%	1.39%	7.70%	0.62%	88.29%	--
Prairie Grove School District	17	24	41	115	74	1,748	2,019
	0.84%	1.19%	2.03%	5.70%	3.67%	86.58%	--
Decatur School District	5	32	8	200	22	265	532
	0.94%	6.02%	1.50%	37.59%	4.14%	49.81%	--
Rogers School District	438	291	263	7,389	409	6,931	15,721
	2.79%	1.85%	1.67%	47.00%	2.60%	44.09%	--
West Fork School District	45	9	11	49	20	843	977
	4.61%	0.92%	1.13%	5.02%	2.05%	86.28%	--
Lincoln School District	37	31	12	96	42	831	1,049
	3.53%	2.96%	1.14%	9.15%	4.00%	79.22%	--
Springdale School District	306	357	510	10,564	3,094	7,333	22,164
	1.38%	1.61%	2.30%	47.66%	13.96%	33.09%	--
Fayetteville School District	766	323	1,033	1,246	144	6,975	10,487
	7.30%	3.08%	9.85%	11.88%	1.37%	66.51%	--
Greenland School District	40	3	7	64	6	633	753
	5.31%	0.40%	0.93%	8.50%	0.80%	84.06%	--
Huntsville School District	62	12	8	224	99	1,832	2,237
	2.77%	0.54%	0.36%	10.01%	4.43%	81.90%	--
Gentry School District	128	126	6	215	63	928	1,466
	8.73%	8.59%	0.41%	14.67%	4.30%	63.30%	--
Siloam Springs School District	202	147	58	1,345	260	2,359	4,371
	4.62%	3.36%	1.33%	30.77%	5.95%	53.97%	--
Gravette School District	59	22	8	125	63	1,620	1,897
	3.11%	1.16%	0.42%	6.59%	3.32%	85.40%	--
Elkins School District	59	2	13	55	21	1,100	1,250
	4.72%	0.16%	1.04%	4.40%	1.68%	88.00%	--
DISTRICT TOTALS	3,145	2,646	2,605	24,204	4,701	50,906	88,207
	3.57%	3.00%	2.95%	27.44%	5.33%	57.71%	--
Open-Enrollment Public Charter Schools							
LISA Academy	11	1	7	75	31	639	764
	1.4%	0.1%	0.9%	9.8%	4.1%	83.6%	--
Arkansas Arts Academy	89	18	21	169	8	808	1,113
	8.0%	1.6%	1.9%	15.2%	0.7%	72.6%	--
Haas Hall Bentonville (Now Haas Hall Academy)	20	58	7	38	6	227	356
	5.6%	16.3%	2.0%	10.7%	1.7%	63.8%	--
Haas Hall Academy	69	77	28	140	13	674	1,001
	6.9%	7.7%	2.8%	14.0%	1.3%	67.3%	--
CHARTER TOTALS	189	154	63	422	58	2,348	3,234
	5.8%	4.8%	1.9%	13.0%	1.8%	72.6%	--
COMBINED TOTAL	3,334	2,800	2,668	24,626	4,759	53,254	91,441
	3.6%	3.1%	2.9%	26.9%	5.2%	58.2%	--

Source: ADE Data Center, 2019-20, Enrollment