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A-1: ARKANSAS VIRTUAL ACADEMY

EXHIBIT ONE (1)

**SHARON K. HILL, CCR
(501) 680-0888**



MEMO

DATE: December 14, 2019
 TO: Charter Authorizer
 FROM: ADE Legal Services Staff
 SUBJECT: Desegregation Analysis of Open Enrollment Charter Renewal Application:
 Arkansas Virtual Academy

I. INTRODUCTION

Arkansas Virtual Academy submitted an application for a renewal of its open-enrollment public charter school. The charter school is a state-wide charter and is eligible to accept students from any Arkansas school district. The charter school provides instruction to students in grades K-12.

II. STATUTORY REQUIREMENTS

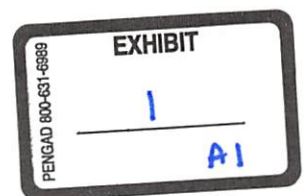
Ark. Code Ann. § 6-23-106(a) requires the applicants for a charter school, the board of directors of the school district in which a proposed charter school would be located, and the charter authorizer to “carefully review the potential impact of an application for a charter school on the efforts of a 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 provided in the Application.

IV. ANALYSIS FROM THE DIVISION

Enrollment by race, as of the 2019-2020 school year, for the state is attached as Exhibit A.



"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)).

In 2002, the Little Rock School District was declared unitary with respect to the majority of its desegregation plan obligations and released from court supervision in those areas. *Little Rock School District v. Pulaski County Special School District*, 237 F. Supp. 2d 988, 999 (E.D. Ark. 2002). In 2007, LRSD successfully completed its desegregation efforts and was declared fully unitary by the federal court. *Little Rock School District v. Pulaski County Special School District*, Case No. 4:82-cv-0866 (E.D. Ark.), Order filed February 23, 2007. This order was affirmed by the Eighth Circuit Court of Appeals on April 2, 2009. *Little Rock School District v. Pulaski County Special School District*, 561 F.3d 746 (8th Cir. 2009). In February and March 2010, the federal court held hearings on the motions of NLRSD and PCSSD to be declared unitary. On May 19, 2011, the federal court held that neither district was fully unitary. *Little Rock School District v. Pulaski County Special School District*, Case No. 4:82-cv-0866 (E.D. Ark.), Order filed May 19, 2011. However, on December 28, 2011, the Eighth Circuit Court of Appeals ruled that NLRSD is fully unitary but that PCSSD is not. *Little Rock School District v. State of Arkansas*, 664 F.3d 738 (8th Cir. 2011).

On January 13, 2014, the presiding federal judge in the Pulaski County Desegregation Case gave final approval to a settlement agreement between the Joshua Intervenors, Knight Intervenors, Little Rock School District, North Little Rock School District, PCSSD and the State of Arkansas. Pursuant to the settlement agreement, the only remaining obligation of the State of Arkansas is to continue the distribution of desegregation payments to the three Pulaski County school districts through the 2017-2018 school year. On January 30, 2014, the Court also approved a stipulation among the parties that PCSSD is unitary in the areas of Assignment of Students and Advanced Placement, Gifted and Talented and Honors Programs. Based on the stipulation, the Court released PCSSD from supervision and monitoring in these areas. Thus, as of January 30, 2014, all three school districts in Pulaski County are unitary in the area of student assignments. On April 4, 2014, the court found that PCSSD is unitary in the areas of special education and scholarships. The court has recently declared PCSSD unitary in the area of staffing, but they remain non-unitary in the following four areas of its desegregation plan: (1) Discipline; (2) School Facilities; (3) Student Achievement; and (4) Monitoring.

However, with the creation of the Jacksonville North Pulaski School District (JNPSD) detaching from PCSSD, the JNPSD assumed the desegregation obligations of the PCSSD at the time of detachment. JNPSD remains non-unitary in the following five areas of its

desegregation plan: (1) Discipline; (2) School Facilities; (3) Staff; (4) Student Achievement; and (5) Monitoring.

Because ARVA draws students from Pulaski County, Arkansas, the authorizer must ensure that any act it approves does not hamper, delay, or in any manner negatively affect the desegregation efforts of PCSSD or JNPSD. As 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).

As noted above, PCSSD and JNPSD remain under federal court supervision with regard to five areas of the district's desegregation plan. Therefore, the authorizer should consider whether granting the application will negatively affect PCSSD or JNPSD's efforts to achieve full unitary status.

ADE 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.

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A-2: CAPITAL CITY LIGHTHOUSE
EXHIBIT ONE (1)



MEMO

DATE: December 14, 2019

TO: Charter Authorizer

FROM: ADE Legal Services Staff

SUBJECT: Desegregation Analysis of Open Enrollment Charter Renewal Application: Capital City Lighthouse

I. INTRODUCTION

Capital City Lighthouse submitted an application for a renewal of its open-enrollment public charter school. The charter school is located in the North Little Rock School District. The charter school provides instruction to students in grades K-12.

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 provided in the Application.

IV. ANALYSIS FROM THE DIVISION

Enrollment by race, as of the 2019-2020 school year, for the neighboring traditional public schools is attached as Exhibit A.



"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)).

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On January 13, 2014, the presiding federal judge in the Pulaski County Desegregation Case gave final approval to a settlement agreement between the Joshua Intervenors, Knight Intervenors, Little Rock School District, North Little Rock School District, PCSSD and the State of Arkansas. Pursuant to the settlement agreement, the only remaining obligation of the State of Arkansas is to continue the distribution of desegregation payments to the three Pulaski County school districts through the 2017-2018 school year. On January 30, 2014, the Court also approved a stipulation among the parties that PCSSD is unitary in the areas of Assignment of Students and Advanced Placement, Gifted and Talented and Honors Programs. Based on the stipulation, the Court released PCSSD from supervision and monitoring in these areas. Thus, as of January 30, 2014, all three school districts in Pulaski County are unitary in the area of student assignments. On April 4, 2014, the court found that PCSSD is unitary in the areas of special education and scholarships. The court has recently declared PCSSD unitary in the area of staffing, but they remain non-unitary in the following four areas of its desegregation plan: (1) Discipline; (2) School Facilities; (3) Student Achievement; and (4) Monitoring.

However, with the creation of the Jacksonville North Pulaski School District (JNPSD) detaching from PCSSD, the JNPSD assumed the desegregation obligations of the PCSSD at the time of detachment. JNPSD remains non-unitary in the following five areas of its

desegregation plan: (1) Discipline; (2) School Facilities; (3) Staff; (4) Student Achievement; and (5) Monitoring.

Because Capital City Lighthouse draws students from Pulaski County, Arkansas, the authorizer must ensure that any act it approves does not hamper, delay, or in any manner negatively affect the desegregation efforts of PCSSD or JNPSD. As 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).

As noted above, PCSSD and JNPSD remain under federal court supervision with regard to five areas of the district's desegregation plan. Therefore, the authorizer should consider whether granting the application will negatively affect PCSSD or JNPSD's efforts to achieve full unitary status.

ADE 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):

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A-2: CAPITAL CITY LIGHTHOUSE
EXHIBIT TWO (2)

Summit Learning

In the 2018-2019 school year, we piloted the Summit Learning program for our 6th graders in all core subject areas. The Summit Learning program personalizes the pace of learning for each student, emphasizes mastering standards and skills, builds in time for mentoring scholars one on one, and facilitates students creating plans and setting long and short-term goals. As evidenced by the data below, many individual students who have not found success throughout their entire educational career found, success within Summit Learning at Capital City.

First, when comparing the performance of the returning sixth grade Capital City students, we witnessed significant improvements in the percentage of students meeting the benchmark in all subjects: English by 4%, Reading by 12%, Science by 20%, and Math by 13% (See Chart Below). Moreover, this group of scholars had only one score in the Exceeding status on the 2018 ACT Aspire Summative test compared to 3 in Science, 5 in English, 1 in Reading, and 1 in Math. In addition to moving scholars from below the benchmark to meeting the benchmark, Summit Learning helped us challenge our scholars to reach higher levels of achievement.

6th Grade Cohort- ACT Aspire Achievement

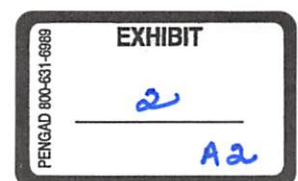
	English	Reading	Science	Math
2017-2018 5 th Graders	44%	12%	4%	16%
2018-2019 6 th Graders	48%	24%	24%	29%

When comparing year to year performance, we saw similar growth in the percentage of scholars meeting or exceeding the benchmark: English by 11%, Reading by 14%, Science by 10%, and Math by 10% (See Chart Below).

6th Grade Comparison- ACT Aspire Achievement

	English	Reading	Science	Math
2017-2018 6 th Graders	37%	10%	14%	19%
2018-2019 6 th Graders	48%	24%	24%	29%

With these significant increases in achievement, Capital City determined that we would continue to use Summit Learning after moving from K-8 to K-5 for our rising 5th grade scholars. We expect to see greater growth as we have more experience with the system and the same teacher will be leading these scholars this year that helped move so many scholars in the 2018-2019 school year.



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A-2: CAPITAL CITY LIGHTHOUSE
EXHIBIT THREE (3)

Action Item 2

JANE ENGLISH

SENATOR
34TH DISTRICT
OFFICE: 501-257-7670
jane.english@senate.ar.gov

3 GREAT OAK COURT
NORTH LITTLE ROCK, ARKANSAS 72116



THE SENATE
STATE OF ARKANSAS

CHAIR:
EDUCATION

MEMBER:
LEGISLATIVE COUNCIL
JOINT BUDGET
INSURANCE AND COMMERCE
RULES, RESOLUTIONS AND MEMORIALS
JOINT PERFORMANCE REVIEW

December 17, 2019

Dr. Ivy Pfeffer, Chairperson
Charter Authorizing Panel
Arkansas Department of Education
4 Capitol Mall
Little Rock, Arkansas 72201

Dear Panel Members:

It is my sincere pleasure to submit this letter in support of the Capital City Lighthouse Charter School as it applies to the Arkansas Department of Education to renew its charter. I am writing to express my full support for this application.

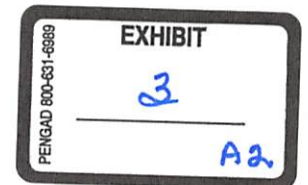
The Capital City Lighthouse Charter School offers K-5 students a grounded education that focuses on building a strong academic foundation and healthy relationships between teachers and students. The school is an important source of learning and support, as many of its students face challenges like food and housing insecurity in their home lives.

Thank you for your time and attention in this matter. Respectfully, I would ask you to give this application every consideration. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jane English
State Senator
District 34

JE:lag



C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas Division of Elementary and Secondary Education, Charter Authorizing Panel, in Little Rock, Arkansas, on December 18, 2019, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to this action.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: January 6, 2020.



Sharon K. Hill

SHARON K. HILL, CCR
 Certified Court Reporter
 Certificate No. 670

