

ADE DAILY NEWS CLIPS

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Department of Education announces Arkansas's National Youth Science Camp delegation (Newton County Times)

The Arkansas Department of Education announced today that Margaret Nicole Woods and Karla Gabriela Morrissey have been selected as the two most promising young scientific leaders in the state's 2013 high school graduating class. At the invitation of Governor Earl Ray Tomblin of West Virginia, they will participate as delegates in the 50th year of the National Youth Science Camp held near the National Radio Astronomy Observatory at Green Bank, West Virginia. Rebecca Elizabeth Davis, Dennison Tyler Schultz, and Ryan D. Stafford have been selected as alternates.

School choice on legislators' minds (Arkansas Democrat-Gazette)

Lawmakers are considering several bills to modify a state law that allows students to choose which school districts to attend. A federal lawsuit over racial restrictions in the law is pending before the 8th U.S. Circuit Court of Appeals.

The court heard oral arguments in St. Louis on Jan. 16 after a lower court threw out the entire school-choice law last summer. That order has since been stayed until the appeals court makes its decision. There is no deadline for the court to rule.

The Arkansas School Choice Act of 1989 allows students to transfer out of their resident school districts with a few exceptions. Those exceptions include a prohibition on such transfers if the percentage of enrollment for the student's race in the new district exceeds that percentage in the district where the student lives. The law states the transfers are allowed as long as they "would not adversely affect the desegregation of either district."

The attorney general's office and some education groups have urged lawmakers to wait for the 8th Circuit's decision, but House Education Committee Chairman James McLean, D-Batesville, said parents are asking for clarity.

"That's our job as a Legislature to respond to that. The court decision is certainly something that we have to consider, and it could ultimately change the whole ballgame, but while we are here, and this is an issue, we need to talk about it," he said.

McLean said if the court strikes the entire law after the legislative session ends, students who attend a district they don't live in may have to switch back until the Legislature's 2015 session.

"All this could be a moot point, but I think we need to talk about this issue. We need to have an idea of where we want to go because this is something that is important to a lot of people," he said. THE STUDENTS

Fewer than 3 percent of Arkansas students have transferred to new districts this school year.

Arkansas Department of Education data show that 12,691 of the state's 471,867 students transferred out of their resident school districts in the 2012-13 school year. While it is not possible to determine how many of those students used the School Choice Act, the department has said the policy is the most popular method of transfers.

The department does not track which districts students leave, spokesman Phyllis Stewart said.

Instead, it tracks which districts receive students from other districts. Many transfers were to two districts: Little Rock (1,813) and Greene County Tech (737) near Paragould. (Some of the Little Rock transfers are the result of a desegregation settlement involving the Little Rock, North Little Rock and Pulaski County Special school districts.)

According to data from the department, 72 percent of students who transferred in the 2012-13 school year were white, 19.95 percent were black and 4.8 percent were Hispanic. The other 3.25 percent were Asian, American Indian or biracial.

Two superintendents told the Senate Education Committee last week that some race-based restrictions are necessary to prevent affluent, white students from switching districts and resegregating areas of the state.

El Dorado School District Superintendent Bob Watson said he has seen that flight firsthand in his 39 years with the district.

Sometimes parents admit that race is their motivation.

"I wish I could tell you that most people when they come in and see me as superintendent of schools, they're saying 'Mr. Watson I'm making this decision in the best interest of my child and his education needs,'" Watson said. "It's usually athletics that I hear, it's usually that there is attendance issues and I need to go somewhere else and I hear race quite frequently."

Pulaski County Special School District Superintendent Jerry Guess, the former superintendent in Camden, said that without a race-based provision, districts will segregate again.

"If unlimited choice exists ... the district would be resegregated very quickly," Guess said.

Lawmakers stress that they don't want public schools to become segregated again.

"We want the decision to be based on what the parents think is best for their student," said Sen. Jim Hendren, R-Gravette. "None of us want to go to a segregated school system. That's not the intent."

Sen. Johnny Key, R-Mountain Home, said the state cannot assume districts will become segregated.

"I have more faith in society as a whole today than to make that decision now that that's what's going to happen," Key said.

THE CASE

Parents in the Court of Appeals school-choice case wanted to transfer their children out of the 2,094-student Malvern district, which was 60 percent white at the time, to the 636-student Magnet Cove district, which was 95 percent white.

The parents said the school-choice law was unconstitutional because it discriminated on the basis of race. The state argued that the race-based provisions were constitutional and necessary to avoid increased racial segregation.

In June, U.S. District Judge Robert Dawson ruled in the Malvern-Magnet Cove case that the racial restriction violated the white parents' constitutional right to equal protection.

"The state must employ a more nuanced, individual evaluation of school and student needs, which, while they may include race as one component, may not base enrollment or transfer options solely on race," Dawson wrote in his opinion.

Finding that he could not remove the offending clause in the school-choice law without disrupting lawmakers' intentions to "not adversely affect the desegregation of either district," Dawson struck down the entire statute.

He later stayed that ruling, allowing the whole law to remain in effect while the higher court considered appeals.

Dawson acknowledged that the law was passed with the hope that "it would help in stemming segregation in its [the state's] public schools. ... no state has been scrutinized as much as Arkansas with respect to the integration and segregation of its public schools."

Attorneys in the case said they are split on what the Legislature should do.

Jess Askew, attorney for the Malvern parents, said that as a voter, he would want the Legislature to address the issue now. Allen Roberts, attorney for the Camden-Fairview and El Dorado school districts urged lawmakers to wait until after the court rules.

Chris Heller, the attorney who intervened in the school choice case for the Little Rock School District, said the state should wait because the court's decision may shape the new policy.

"The really important question for the state of Arkansas is whether or not the state is in a position, whether it is allowed to or required, to pass bills designed to remedy past segregation," he said. "That question has not been decided."

Gov. Mike Beebe's spokesman Matt DeCamp said the governor wants "some kind of word from the court as to what is and is not going to be allowable," before modifying the law.

"Without knowing what the 8th Circuit's going to do, it's tough to move forward," he said.

THE LEGISLATION

Eight bills dealing with the Arkansas School Choice Act were filed in this year's legislative session. Two would let students who have already transferred keep attending their new districts; one measure is a shell bill and contains no details other than a title. Specifics may be added later. The other four bills would rewrite the law.

House Bill 1181 by Rep. Kim Hammer, R-Benton, would require superintendents to approve a move to a new district if the student's transfer would mean that more than 65 percent of students in the district receive free or reduced-price lunches from the federal government. Superintendents would also weigh how the transfer would affect the resident district's percentage of students who receive free or reduced-price lunches. Both the sending and receiving school districts would have to agree to the transfer.

Another Hammer bill, House Bill 1507, would allow transfers when one of the districts has a racial-minority student population of more than 10 percent and the student is going to a district with a higher enrollment of their race than their resident district has.

Senate Bill 114 by Sen. Joyce Elliott, D-Little Rock, would allow a student to apply to attend a different district as long as the transfer doesn't conflict with a federal desegregation order and doesn't adversely affect or promote the desegregation of either school district.

Askew warned against putting a race limit in new legislation.

"It would put the state right back in the cross hairs," he said. "When you have a statute that has a race limit in it, you give a lawyer like me the easiest lawsuit he could ever have in his career."

Senate Bill 65 by Key removes the race exemption from the law altogether.

"In the Old Testament, the Lord told Moses, 'I will hold your sins against you to the second and third generation.' Without getting theological about that, I will say that is a fact of nature, a fact of society, and that's what we are dealing with here," he said. "The sins of the General Assemblies of the past in segregating purposefully our schools, have led us still yet to this point where we are having to make this such a part of the conversation. I'm hoping that by the time the third and fourth generation comes along, then that's not even a debate, that's not even a point of consideration,"

Roberts said Key's bill would still be unconstitutional because it doesn't have adequate desegregation protection.

"Free and unrestricted choice would result in widespread, rapid resegregation of the entire southern part of the state," Roberts said.

The General Assembly has a history of "encouraging and facilitating private acts of discrimination through choice options that were nothing more than thinly veiled attempts to avoid constitutional obligations," he said.

McLean said he expects legislators to like some elements in all of the bills.

"Everybody's going to have their opportunity to air their case, and hopefully we can meld these proposals in some form and fashion, and come up with a policy that's going to be good for the state," he said.

LR district hunting help on facilities plan (Arkansas Democrat-Gazette)

Little Rock School District leaders are taking initial steps to hire a consultant to aid the state's largest district in crafting a facilities plan that will take into account the need for schools in growing parts of the city and the need for money to pay for the changes.

Superintendent Morris Holmes and his staff will draft a request for proposals from consulting firms as a way to keep the Little Rock School Board moving ahead on the possible construction of a new middle school and high school, and on renovations and repairs throughout the 25,000-student district.

The building of new schools - one a replacement for McClellan High in southwest Little Rock and the other a middle school in the northwest section of the city - would cost between \$98 million and \$110 million. District

staff members have further estimated the costs of repairs and renovations throughout the district at \$100 million, but that doesn't fully address athletic facilities or kitchen needs.

Holmes told the School Board in a work session Thursday night that district staff members have in recent months defined facility and financial needs, and that creating a citizens advisory committee or hiring a consultant to shape a plan would now be productive and would prevent the staff from "dancing around like butterflies."

The superintendent, who is resigning effective Friday in advance of his contract expiring in June, also told the board that the district has the cash to purchase the land for two new schools. That is not the case for building the two schools or making other facility improvements.

Speaking at the session - which was attended by Dexter Suggs Sr., who will succeed Holmes as superintendent - Holmes said it will be necessary for the district to ask voters for a property-tax increase.

"You and I - me as a private citizen - are going to use some shoe leather ... to walk the streets together," Holmes said about campaigning for a millage increase. "You want that school, and I want that [west Little Rock] school as a citizen. We want a new McClellan. We're going to do it the old-fashioned way - we're going to earn it. Otherwise we are not going to get it."

The discussion about facilities, funding and consultants is the latest development in the district's efforts to respond to west Little Rock residents who have been calling for years for the construction of a new middle school in the vicinity of Dr. Don R. Roberts Elementary, the district's newest and largest elementary school.

The school at Cantrell Road and LaMarche Drive is overcapacity, with more than 900 pupils in its third year of operation. The district will discontinue its four pre-kindergarten classes at Roberts next year to accommodate demand for space in kindergarten through fifth grades.

In its planning, the board is trying to get a handle on enrollment growth and overcrowding at schools such as Otter Creek, Pulaski Heights, Forest Park and Mabelvale elementaries; Mabelvale and Cloverdale middle schools; and Central High. Pre-kindergarten classes have been discontinued at Otter Creek to make room for older pupils.

Frederick Fields, special assistant to the superintendent and senior director of student services, said the district is losing families when their children complete elementary school, mostly in schools in west Little Rock.

Overall, 322 fifth-graders from the 2011-12 school year did not return for sixth grade this school year. At Roberts Elementary there were 110 fifth-graders in the 2011-12 school year. Only 39 returned to the district for the sixth grade, a retention rate of 35 percent.

Among fifth-grade completers at Fulbright, Williams Magnet and Terry elementaries - other large elementaries in the western part of the city - fewer than 58 percent returned for sixth grade, he said.

Overall, district enrollment is trending downward, Fields said. Middle-school enrollment has dropped by 398 students over five years. High-school enrollment fell by 606 students in the same period.

The declines are fueled in part by families leaving the district for charter, private or home schools if they are unable to enroll their children at Central or Parkview Magnet high schools, Fields said. The same is true for families unable to enroll at Pulaski Heights Middle School at the middle-school level, he added.

Board members asked district officials to double-check school capacity figures that show 9,108 vacant seats in all district schools, including alternative schools and portable buildings. When operating capacity - the student load that available staff at a school can support - is considered, there are 4,000 vacancies.

Board member Jody Carreiro argued that the schools with which he is familiar appear to be more full than the capacity numbers would indicate.

"If these are good numbers, let's move the [classroom] trailers tomorrow because we are 240 undercapacity," he said, citing Henderson Middle School as an example. "You can't move all those trailers. There are kids in those trailers, and there are kids in every classroom. This doesn't pass the smell test for me."

Kelsey Bailey, the district's chief financial officer, said the district has been able to do some large building projects in addition to routine maintenance in recent years because of federal stimulus funds and re-funding district bonds.

The one-time federal stimulus money produced \$79 million for buildings and technology in the district. The re-funding of district bonds produced \$4.6 million in savings that was used for buildings in 2011, \$6.7 million in 2012 and about \$7.9 million for this year and next, combined. The amounts drop dramatically for subsequent years - \$116,176 in 2015 and \$149,451 in 2016.

The money has enabled the district to replace school roofs, add a fine-arts wing at Horace Mann Magnet School and complete other projects.

Bailey said a 1-mill tax increase to the district's 46.4-mill tax rate would produce \$3.12 million to pay the debt on new construction bonds. A tax increase of 1.5 mills would support \$110 million in construction. A 3.1-mill increase would support \$200 million in construction, he said.

Board member Greg Adams, who welcomed the information, urged that the district buy land for new schools "now - before the real estate gets too hot."

Holmes responded that the district can do that.

"We are prepared to buy that land because we have managed the money so carefully, dollar by dollar," he said. "There is nothing between us and that land other than the seller."

Carreiro asked that land acquisition be on the agenda for the board's March 28 meeting in case there is the possibility of one or more purchases.

"It is time and past time for us to have land in our hip pocket so we can make these plans and go forward," he said.

"I'll wholeheartedly support ... a reasonable offer so that we can get that part nailed down, and we can build these dreams and color them in and figure out how to spend for them. We as a board have a lot of work to do to get there, but we have got to dream."

Kellyann Thornton, a parent of a Roberts Elementary pupil who has actively lobbied for new schools in west Little Rock, said after the work session that she was pleased by the discourse and that it has been a long time in coming. She said she appreciates Holmes' support for new construction.

“You have all this population growth that they wouldn’t even acknowledge,” Thornton said. “You have a school that has been open only three years, and it is busting at the seams. They have to close pre-k. They are overcapacity. You can’t keep denying there are people out there. Where do the kids go? What do they do? The data today showed that they don’t stay with the district. You have got to build them secondary schools, and it’s not just middle school, it’s a high school, too.”