

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT,
et al.

PLAINTIFFS

v.

No. 4:82-cv-866-DPM

NORTH LITTLE ROCK SCHOOL DISTRICT,
et al.

DEFENDANTS

LORENE JOSHUA, *et al.*

INTERVENORS

STATUS REPORT

Jacksonville/North Pulaski School District (JNPSD), through its attorneys Scott P. Richardson and Patrick D. Wilson, states as follows for its Status Report:

JNPSD provides this report as an update on the desegregation activities that occurred in the district since the August 2015 status hearing. This report is not intended to be comprehensive. It is an update on two key areas: facilities and staffing.

A. JNPSD Report on Academic Facilities.

1. JNPSD's Facilities Plan and Anticipated Construction Projects

Attached as Exhibit 1 is JNPSD's draft master facilities plan ("the Plan"). In Tab Fourteen of Exhibit 1 are JNPSD's applications for State Partnership Program funding for six facilities projects for the 2017-19 Partnership Program funding cycle.

In summary, the plan provides for two new school facilities and additions to four elementary schools in the District. The JNPSD anticipates building a new high school facility on the former middle school site located on School Drive and Main Street in downtown Jacksonville. The JNPSD also anticipates building a new

elementary school to replace Arnold Drive and Tolleson Elementary Schools. The new elementary will be built near North Pulaski High School facility. At the remaining elementary schools JNPSD anticipates building multi-purpose buildings to provide space for physical education classes, fine arts classroom space, and a stage for school activities.

The Plan anticipates funding for these projects from three sources. First, a millage election has been set for February 9, 2016. JNPSD will ask the voters of the District for an additional 7.6 mills to support facilities projects. The current millage rate is 40.7 mills. Second, the District anticipates funding for its projects from the State's Academic Facilities Partnership Program. The amount of funding will depend on the percentage share calculated with the State's Facilities Wealth Index. It has been estimated that the District's share will be approximately 51% and the State share will be about 49%. The State will not calculate a final wealth index until 2016. Finally, because the new elementary will be located on Little Rock Air Force Base property, it is eligible for federal funding through a U.S. Department of Defense program.

The New High School: JNPSD anticipates building a new high school to replace the current, inadequate Jacksonville High School. Ex. 1 Tab 14 p. 2-4, Partnership App. The new school will be built in two phases: the first phase will provide classroom space for 1,400 students; the second phase will increase the capacity of the school to 1,693 students. Approximately 838 students (62% African-American) attend the current Jacksonville High School this school year (2015-16).

Approximately 375 students (32% African-American) attend the North Pulaski High School this year. Combined, 1,213 high school students (52% African-American) attend school in JNPSD. At JNPSD's request the Arkansas Division of Public School Academic Facilities and Transportation (DPSAFT) conducted a Facility Condition Index (FCI) inspection of the current Jacksonville High School campus. DPSAFT calculated a campus FCI of 0.75. DPSAFT considers an FCI above 0.65 to indicate that a school facility should be replaced rather than renovated. The JNPSD anticipates that replacement of the high school will cost on the order of \$60 million.

The New Elementary School: JNPSD anticipates building a new elementary school to replace Arnold Drive and Tolleson Elementary schools. Ex. 1 Tab 14 p. 5-8, Partnership App. The new school will be located near the North Pulaski High School. It will be built to serve 648 students. Arnold Drive Elementary currently serves 174 students (18% African-American). Tolleson Elementary currently serves 316 students (38% African-American). The combined enrollment of the two schools is 490 students (31% African-American). JNPSD anticipates the cost of this project will be over \$15 million. Funding will be divided among State Partnership Program funding, District funds, and federal funds through a Department of Defense grant program.

Middle School Campus: During the summer of 2016 JNPSD will convert the former North Pulaski High School to a middle school for the 2016-17 school year.

The Other Elementary Schools: The four remaining elementary schools will receive new multi-purpose buildings. Ex. 1 Tab 14 p. 8-16, Partnership App. The

elementary schools and their respective percentage of African-American enrollment are as follows: Bayou Meto (5%), Dupree (54%), Pinewood (50%), and Taylor (58%). The new multi-purpose buildings will each provide 9,000 square feet of additional space at each school for physical education, a fine arts classroom, and a stage for school activities. Each of the buildings will cost approximately \$1.5 million for an approximate total of \$6 million. Each of these schools currently lack dedicated physical education and fine arts space.

Summary: The JNPSD's facilities plan will provide replacement, renovation, and additional space to every school in the District. The total cost of the plan, if fully implemented, will be over \$81 million. The JNPSD anticipates completing the listed projects in the 2017-19 State Partnership Program funding cycle. This is an ambitious plan, which JNPSD believes will put its facilities on par with the surrounding school districts. In particular, the new high school will be a premier facility making the District competitive with all of the surrounding school districts.

The Joshua Intervenors may criticize this plan as not ambitious enough. JNPSD submits that for a nascent school district building towards its first year of independent operation, this is a massive commitment to excellence in education for the District. This plan contemplates investment in this area far beyond what has been done in the last forty years or more. Moreover, combining secondary facilities demonstrates a commitment to unitary education in the District. All middle and high school students will attend the same schools, which, by definition, provides

equality of educational opportunities to these students. Accordingly, JNPSD requests approval of its facilities plan for the 2017-19 funding cycle.

2. Plan 2000 Compliance: Section H.(1)

Plan 2000 required PCSSD to prepare within 150 days of Court approval of Plan 2000 “a plan so that existing school facilities are clean, safe, attractive, and equal.” Plan 2000 Section H.(1). The District was then required to give the Joshua Intervenors “a 14 day period to comment on the content of the plan prior to its adoption.” *Id.* It is not clear whether this provision has continuing viability or whether it applies to JNPSD. But, on November 30, 2015, JNPSD substantially completed its six-year Master Facilities Plan (the “Plan”) for submission to the DPSAFT. Exhibit 1, Master Facilities Plan. (The Plan is an electronic document submitted to DPSAFT online.) On November 30, 2015, JNPSD provided the Joshua Intervenors with a print version of the Plan. Ex. 2, 11/30/15 Letter to Joshua. As of the submission of this status report, the Plan is still under review by the Joshua Intervenors. The Plan is due to be finally submitted to the DPSAFT by February 1, 2016. Thus, JNPSD has complied with Section H.(1) of Plan 2000 to the extent that it may be applicable to the District.

3. Plan 2000 Compliance: Section H.(3)

Plan 2000 requires that the Joshua Intervenors be notified “of plans for constructing new schools and for adding capacity to existing schools” as follows:

The notice shall identify the capacity of the proposed facility, the area of the system to be served, and the projected impact on the racial make-up of the students in each school expected to be affected by the

new construction. The Joshua Intervenors shall have a period of 14 days in which to provide input concerning each such proposal.

Plan 2000 Sec. H.(3).

On September 18, 2015, JNPSD identified three potential sites under consideration for the proposed new high school and requested the Joshua Intervenors' input regarding the desegregation considerations of those sites. Ex. 3, 9/18/15 Letter to Joshua. Nothing was returned in writing, but this became a point of discussion at the monthly desegregation meetings ordered by the Court. The Joshua Intervenors expressed a preference for a site closer to the Jacksonville city center. At its November 2, 2015, meeting the Board of Directors of JNPSD chose the former middle school site near Main street for the proposed high school.

On September 28, 2015, JNPSD notified the Joshua Intervenors by letter to counsel of the proposed new high school and elementary school facilities described above. Ex. 4, 9/28/15 Letter to Joshua. The notice included the three required informational elements. The Intervenors did not respond in writing. Thus, JNPSD has complied with Section H.(3) of Plan 2000.

B. JNPSD Staffing Update

The following update on adoption of staffing policies is provided for the Court's information only. JNPSD has begun advertising administrative positions for hiring principals and assistant principals for the 2016-17 school year and two administrative positions.

1. JNPSD Staff Policies

At the November 2, 2015, meeting of the JNPSD Board of Directors, the attached personnel policies were approved for public comment prior to adoption. Ex. 5, Licensed Staffing Policies; Ex. 6 Classified Staffing Policies. JNPSD forwarded a copy of the proposed policies to the Joshua Intervenors on November 17, 2015. The relevant licensed staff policies for this case are numbers 3.19 – Licensed Personnel Employment; 3.55 – Hiring of School Principals and Assistant Principals, and 3.56 – Hiring of District Level Administrator/Superintendent’s Cabinet. The relevant classified staff policies for this case are number 8.44 – Hiring of District Level Administrator/Superintendent’s Cabinet. JNPSD has patterned the policies on the Arkansas School Boards Association’s model district policies. Additionally, JNPSD’s policies for employment and hiring of licensed and central office staff are modeled on the Little Rock School District’s policies in place when that district was declared unitary, including in the area of staffing. *LRSD v. PCSSD*, 237 F.Supp.2d 988, 1022 (E.D. Ark. 2002)(stating that during nine days of hearings on LRSD’s unitary status, the Joshua Intervenors never “present[ed] *any evidence or arguments* to support the contentions . . . that LRSD was not in substantial compliance with its obligations regarding faculty and staff”)(emphasis in original).

Plan 2000’s staffing requirements are limited to (1) hiring of administrative staff, (2) hiring of teachers (i.e. licensed staff), (3) incentives for African-American teachers, and (4) racial composition of teaching and professional staff at the schools.

Plan 2000 sec. L. The policies in Exhibit 5, relate to the first two provisions of Plan 2000 section L. Specifically, Plan 2000 section L.(1) requires as follows:

The PCSSD shall recruit applicants for each available administrative position, by internal and external means, in a manner designed to communicate, broadly, its availability and to develop a racially diverse pool of applicants. The Assistant Superintendent for Desegregation shall, with the cooperation of the Assistant Superintendent for Personnel, be informed of the make-up of each such applicant pool and they shall have the authority to direct that additional recruitment take place prior to the offering of the position to a particular applicant.

Administrative staff may encompass central office staff and school building principals and assistant principals. Hiring for these positions is covered by sections 3.55 – Hiring of School Principals and Assistant Principals (Ex. 5, p. 100), and 3.56 – Hiring of District Level Administrator/Superintendent’s Cabinet (Ex. 5, p. 101) of the Licensed staff policies and section 8.44 – Hiring of District Level Administrator/Superintendent’s Cabinet (Ex. 6, p. 82) of the classified staff policies. These policies address the requirements of Plan 2000.

Hiring of teachers is covered by section L.(2) of Plan 2000. It contains, essentially, two requirements: 1) recruitment that produces “a racially diverse pool of [teacher] applicants” and 2) a hiring process that does not “impos[e] an upward limit on the proportion of black teachers.” Plan 2000 sec. L.(2). These provisions are addressed by Licensed Personnel Policy 3.19 – Licensed Personnel Employment. The policy commits JNPSD to “implement recruitment efforts to ensure that new teachers are selected from a racially diverse pool of applicants.” Ex. 5, p. 35. It goes beyond Plan 2000 to grant the assistant superintendent “authority to direct additional recruitment and to take action if a pool of applicants is not racially

diverse.” *Id.* In addition, the policy requires the assistant superintendent to “monitor . . . the hiring process so that no policy, practice or custom has the purpose or the effect of imposing an upward limit on the proportion of black teachers.” *Id.* This policy language is taken directly from Plan 2000.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

All Counsel of Record

/s/ Scott P. Richardson