

The Excel Center

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Information provided by Applicant is in italics.

**The Excel Center
Waivers Requested in Original Application
2016 Adult Education Charter Application**

I. Superintendent

Ark. Code Ann. § 6-5-405(b)(1) – Pertaining to the requirement for superintendents and assistant superintendents to have professional development on applying for state-supported student financial assistance for higher education

Ark. Code Ann. § 6-13-109 – School Superintendent

Ark. Code Ann. § 6-17-427 – Superintendent license-Superintendent mentoring program required

Section 15.01 of the Standards for Accreditation

ADE Rules Governing Superintendent Mentoring Program

A waiver for the role of Superintendents has been requested. The Excel Center will operate as a charter school and employ a school director who will be held accountable by the Board of Directors of Goodwill Arkansas Education Initiatives, Inc., who holds the charter for the school. Other school administrators may be hired or contracted, as necessary. The School Director will report to the Board of Directors of The Excel Center but will also have a dotted line reporting relationship to the Goodwill VP of Workforce Development, who will oversee the School Director on a daily basis, ensuring that the mission and vision of the Board is being carried out in the school and that the school is operating effectively and efficiently.

Legal Comments: Ark. Code Ann. § 6-5-405 is repealed. ADE Legal is uncertain whether Applicant intended to ask for a different section.

Applicant Response: *Applicant amends the waiver excluding Ark. Code Ann. § 6-5-405.*

Remaining Issues: None

2. Principals

Ark. Code Ann. § 6-17-302

Section 15.02 of the Standards for Accreditation

The Excel Center will hire a School Director and a Lead Teacher. The School Director will manage school operations and make day-to-day instructional and administrative decisions and will work closely with the Lead teacher to perform chief academic officer duties for The Excel Center. The School Director will be responsible for developing the culture and establishing

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strong connections with local community career pathways. He/she is responsible for reporting the additional professional development needs to be delivered at a local site.

Legal Comments: None

Remaining Issues: None

3. School Board

Ark. Code Ann. § 6-13-608 – Length of Director’s Terms

Ark. Code Ann. § 6-13-611 – Vacancies generally

Ark. Code Ann. § 6-13-615 – Election-Single member zones

Ark. Code Ann. § 6-13-616 – Director eligibility

Ark. Code Ann. § 6-1-619(c)(1)(A) – Requiring a board member to be physically present at a meeting to be counted for purposes of a quorum

Ark. Code Ann. § 6-13-620 – Powers and Duties

Ark. Code Ann. § 6-13-630 – Election by zone and at-large

Ark. Code Ann. § 6-13-634 – School district board of directors – size

ADE Rules Governing School Election Expense Reimbursement

ADE Rules Governing School Board Zones and Rezoning

Rationale: The Bylaws of The Excel Center, which govern the actions of its Board of Directors, are consistent with all requirements of Nonprofit Corporation law. The Bylaws specify the number of directors, the process of electing them, the length of their term of service, and processes for resignation and removal, and meeting requirements all of which are consistent with the requirements of law.

Legal Comments: Would recommend Applicant amend this section for a waiver of Ark. Code. Ann. § 6-13-1601 et seq. with the exception of § 6-13-622, and include Ark. Code Ann. § 6-14-101 et seq. which refers to school elections.

Applicant Response: *Applicant amends this section for a waiver of Ark. Code. Ann. § 6-13-1601 et seq. with the exception of § 6-13-622, and include Ark. Code Ann. § 6-14-101 et seq. which refers to school elections.*

Remaining Issues: None

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4. Licensure

Ark. Code Ann. § 6-15-1004 – Qualified teachers in every public school classroom

Ark. Code Ann. § 6-17-309 – Licensure – Waiver

Ark. Code Ann. § 6-17-401 – Teacher's license requirement

Ark. Code Ann. § 6-17-902 – Definitions [Arkansas Teachers' Salary Law]

Ark. Code Ann. § 6-17-908 – Teacher’s salary fund – authorized disbursements

Ark. Code Ann. § 6-17-919 – Warrants void without valid teaching license

ADE Rules Governing Educator Licensure

Rationale: A waiver for teacher license has been requested. All of our teachers will be Highly Qualified; however, within those requirements, we want to have the autonomy to hire the best possible teachers, even if some of those candidates' qualifications do not include an Arkansas license. The school will be committed to recruiting and hiring quality staff members who are eligible to earn a teacher certification.

Rationale: Hiring top talent will be a challenge to The Excel Center, particularly in a large market where there are vast educational opportunities for teachers and educational leaders. The Excel Center will have the flexibility to identify those individuals best suited to facilitate the unique educational programs in non-core areas. All of our teachers will be Highly Qualified however, within those requirements, we want to have the autonomy to hire the best possible teachers, even if some of those candidates' qualifications do not include an Arkansas license. Any individuals hired as a result of this waiver will meet all other requirements, such as Highly Qualified status if applicable, and the successful completion of criminal background and Child Maltreatment Registry checks.

Legal Comments: None

Remaining Issues: None

5. Personnel Policies

Ark. Code Ann. § 6-1-201 et seq. – Written personnel Policies

Ark. Code Ann. § 6-17-203 – Committees on personnel policies-Members

Ark. Code Ann. § 6-17-1501 et seq. – Teacher Fair Dismissal Act

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Ark. Code Ann. § 6-1-1701 et seq. – Public School Employee Fair Hearing Act

Ark. Code Ann. § 6-17-2201 et seq. – Classified School Employee Minimum Salary Act

Ark. Code Ann. § 6-17-2301 et seq. – Classified School Employee Personnel Policy Law

Ark. Code Ann. § 6-17-2401 et seq. – Teacher Compensation Program of 2003

Ark. Code Ann. § 6-17-2802 – Teacher Excellence and Support System

ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites (not a waiver of website posting requirements)

The Board of Directors shall establish an employee handbook which outlines all personnel policies requirements outlined under Ark. Code Ann. §§ 6-17-201(c). School personnel will have an opportunity to provide input into these policies through public comment during meetings of the Board of Directors, which are open to the public. All staff will be at will employees. The Excel Center will adopt the same teacher evaluation system as that adopted by other Excel Centers across The Excel Center Network. All school personnel will receive annual staff evaluations, which evaluate teacher in the following domains: purposeful planning; effective instruction; teacher leadership; and core professionalism. Summative evaluations will result in one of four possible performance ratings. Classified staff will receive at least annual evaluations based on performance. Decisions to invite staff to return in subsequent school years will be at the discretion of the Board based on performance and school budget. All school employees will be offered a salary commensurate to salaries offered to similar positions in local area schools.

Legal Comments: Applicant should confirm if they meant to ask for Ark. Code Ann. § 6-17-201 et seq. when they asked for Ark. Code Ann. § 6-1-201 et seq. Also, they asked for the entire section, but later asked for § 6-17-203. Applicant should confirm if it needs the entire -201 section or just the single sections for 6-17-201 and 6-17-203. If Applicant is requesting to waive the minimum salaries for certified and classified staff, then only 6-17-2203 and § 6-17-2403 are needed, not the complete sections. Also, only § 6-17-2303 is needed for a waiver of the committee on personnel policy. Applicant requested a waiver of § 6-17-2802 which refers to the legislative intent of the Teacher Excellence and Support System. ADE Legal is uncertain why this waiver is necessary and how it will help Applicant to achieve its goals. If Applicant is requesting a waiver of the entire section (§ 6-17-2801 et seq.), then Applicant should provide additional rationale on how its educators will get the proper support needed. Only Sections 6 and 8 of the Rules Governing School District Requirements are needed.

Applicant Response: *Applicant amends this waiver request to Ark. Code Ann. § 6-17-2203 and Ark. Code Ann. § 6-17-2403.*

Applicant amends the waiver request to remove the request to waive Ark. Code Ann. § 6-17-2802.

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Applicant amends the waiver request to Ark. Code Ann. § 6-17-201 et seq.

Remaining Issues: None

6. Teacher Excellence and Support System

Ark. Code Ann. § 6-17-301 – Concerning employment of certified personnel

ADE Rules Governing the Teacher Excellence and Support System

GEI, which founded the first Excel Center, has developed a Technical Leadership Series to help develop a pipeline of teachers, staff and school leaders. The Technical Leadership Series comprises eight training and development sessions, each of which teaches a specific set of imperatives that potential leaders can apply immediately to enhance their current role and prepare them for a next level leadership position. The process of selecting staff to participate in the Technical Leadership Series includes evaluation of performance in the staff member's current role, performance with accelerated assignments, the desire to grow within the organization, and the ability to balance ambition.

Legal Comments: Applicant should provide additional rationale on how its educators will get the proper support needed if they are granted a waiver of the ADE Rules Governing the Teacher Excellence and Support System. A waiver of Ark. Code Ann. § 6-17-301 does not appear to be needed in order for Applicant to achieve its goals.

Applicant Response: *Applicant amends the waiver request to remove a waiver from Ark. Code Ann. § 6-17-301.*

Remaining Issues: Applicant should provide additional rationale on how its educators will get the proper support needed if they are granted a waiver of the ADE Rules Governing the Teacher Excellence and Support System.

7. School Year Dates

Ark. Code Ann. § 6-10-106

The Excel Center's school calendar includes five, 8-week sessions, with new sessions beginning after the prior term ends. The Excel Center's instructional program continues year-round. Due to the school model, the anticipated school calendar will extend beyond the start and end date as prescribed by Ark. Code Ann. § 6-10-106. In the event that the school closes during the school year due to inclement weather and/or emergencies, The Excel Center will add any necessary make-up days to the end of the term.

Legal Comments: None

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Remaining Issues: None

8. Instructional Structure and Clock Hours

Ark. Code Ann. § 6-16-102 – School day hours

Ark. Code Ann. § 6-18-210 – Definition of planned instructional time

Section 10.02 of the Standards of Accreditation

Section 14.03 of the Standards of Accreditation

Section 9.03.4 of the Standards of Accreditation (regarding grades 9-12)

The Excel Center will operate at least four periods each day, each consisting of 90 minutes of instruction. Each day of fixed-time instruction provides 360 minutes (6 hours) of instructional time available for students. Students have the option of attending 4 hours a day. Flexible scheduling will be available to meet needs of working and busy adults. The school will be open from 9AM to 4PM for students who prefer to attend classes in the morning, afternoon and/or evening. Prior to each 8-week term, the school will evaluate students' needs to determine whether additional evening classes should be available to accommodate working students. In that event, up to six class periods will be available to students, providing 540 minutes of instructional time available for students.

The Excel Center will hold classes during morning, afternoon, and evening sessions, with some students leaving the building throughout the day as new students enter. As a result, the school will never have its full student capacity in classes during any one scheduled period. Consequently, teachers will only be teaching a portion of the student body at a given time. Each class will have an average of 15 students per teacher.

Due to the nature of The Excel Center, a curricular model that accelerates the time it takes to earn a high school diploma is critical to the success of the program. The Excel Center model includes 8-week terms during which students complete coursework that may take a semester or full year in a traditional high school setting. Course offerings will be made based on the needs of the enrolled students.

The Excel Center will utilize a competency-based approach to measuring student mastery of standards aligned curricula in lieu of seat time requirements. All courses offered will require students to demonstrate mastery of material via standards-aligned formative and summative assessments. To allow for the teaching of simultaneous, embedded, and/or online courses and to allow for the integration of graduation credit courses with courses as necessary, The Excel Center requests a waiver of the seat time requirement.

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Legal Comments: In order to effectuate these waivers, a waiver of Section 10.01.4 of the Standards for Accreditation is also needed. Applicant should provide additional rationale on why it needs a waiver of Section 10.02 (class size) if it plans to only average 15 students per teacher.

Applicant Response: *Applicant amends this waiver to include Section 10.01.4. Applicant amends waiver to remove Section 10.02.*

Remaining Issues: None

9. Student Attendance

Ark. Code Ann. § 6-18-209(b) – Adoption of student attendance policy

Ark. Code Ann. § 6-18-211 – Mandatory Attendance in Grades Nine through Twelve

ADE Rules Governing Mandatory Attendance Requirements for Students in Grades Nine through Twelve

Rationale: The Excel Center will only serve adults age 19 or older and students will not be subject to compulsory attendance rule or laws. Students will be adults, and flexibility in attendance to accommodate their adult responsibilities will be necessary.

Legal Comments: None

Remaining Issues: None

10. Grading

Ark. Code Ann. § 6-15-902 – Uniform Grading Scale

ADE Rules Governing Uniform Grading Scales for Public Secondary Schools

Rationale: The Excel Center may adopt a grading scale that is as rigorous or more rigorous as the uniform grading scale provided in statute.

Legal Comments: None

Remaining Issues: None

11. Report Cards

Ark. Code Ann. § 6-15-903(a)(2) – Report Cards

Rationale: All students enrolled in The Excel Center will be 19 years of age and older and will

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not be under the care of a parent or guardian. As a result, The Excel Center will ordinarily work directly with students instead of communicating with parents.

Legal Comments: None

Remaining Issues: None

12. Alternative Learning Environments

Ark. Code Ann. § 6-15-1005(b)(5) – Pertaining to alternative learning environments

Ark. Code Ann. § 6-18-503(a)(1)(C)(i) – Pertaining to alternative learning environments

Ark. Code Ann. § 6-18-1001 et seq. – Public School Student Services Act

Ark. Code Ann. § 6-48-101 et seq. – Alternative Learning Environments

Section 19.03 of the Standards for Accreditation

ADE Rules Governing Public School Student Services

The Excel Center is a unique learning environment designed to meet the needs of adults who have previously dropped out of high school. The school model is designed as an alternative learning environment for individuals who have not been successful in prior traditional academic learning environments and to provide a new education option that allows adults of all ages to earn a high school diploma.

Legal Comments: Applicant should provide rationale for why it is requesting a waiver of Ark. Code Ann. § 6-18-1001 and the ADE Rules Governing Public School Student Services and how it will help the Applicant achieve its goals. ADE Legal believes Applicant is requesting a waiver of guidance counseling services – if so, in order to effectuate the waiver, a waiver of Section 16.01 of the Standards for Accreditation is necessary. Section 4.00 of the ADE Rules Governing the Distribution of Student Special Needs Funds is needed in order to effectuate the waivers of ALE.

Applicant Response: *Applicant amends the waiver to include a waiver of Section 16.01 of the Standards for Accreditation and Section 4.00 of the ADE Rules Governing the Distribution of Student Special Needs Funds.*

*Rationale for requesting a waiver for Code Ann. § 6-18-1001 and the ADE Rules Governing Public School Student Services and how it will help the Applicant achieve its goals:
The Excel Center's coaching platform acts as a comprehensive guidance program for all students and is central to providing supportive relationships that enable students to manage work, life and family concerns as they achieve their educational goals.*

The Excel Center

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When students enroll in The Excel Center, they will be assigned to a Life Coach. Coaches take on the role of a traditional guidance counselor by working with students to identify goals, schedule them in classes that help them meet both their academic and personal goals, and also act as a resource for counseling, as needed. Life coaches monitor student attendance and academic progress, identify students who may be at risk of failure or dropping out, and work proactively to secure needed community resources.

Coaching in The Excel Center model, however, is designed to be more comprehensive than a traditional guidance program, by addressing the life barriers and issues that prevent students from being academically successful. Coaches work strategically to identify the non-academic barriers that keep the vast majority of adults from reengaging in school as well as the issues that led them to drop out of school in the first place. Coaches work with students to identify potential barriers to students' continued education, whether short-term barriers (such as food assistance or transportation) or long-term challenges (including student self-efficacy and self-confidence). The relationships that coaches create with each student is a critical factor in student success; those relationships provide security, confidence, and encouragement for students to continue when the work becomes difficult and life barriers become difficult to manage.

Upon enrollment in The Excel Center, life coaches also work with students to identify career goals and help start thinking about and prepare for "what comes next" after high school. Life coaches meet with each student to whom they are assigned regularly to track goals and to discuss academic progress toward graduation. The students and coaches will establish a graduation plan prior to students beginning their first term, and these plans will be revisited prior to scheduling each subsequent term. As students approach graduation, they transition from a Life Coach to a College & Career Readiness Coach, who continues to help students navigate personal and interpersonal issues, but begins focusing on assisting students to prepare for college or their career. The College & Career Readiness Coach may help students apply to college, apply for scholarships, and complete a FAFSA form. The College & Career Readiness Coach may also assist a student with scheduling a certification exam to complete an industry certification, fill out job applications, review resumes, and set-up mock interviews.

Ultimately, The Excel Center's coaching platform is designed to ensure that all of a student's academic and non-academic needs are met so that s/he is best prepared for "what comes next" after completing high school.

A top priority of The Excel Center is to identify any and all academic and non-academic barriers to students' success. In some instances, these barriers may include medical needs concerning a student's physical, emotional, or mental health. In order to ensure the wellbeing of all students, The Excel Center will utilize its relationships with local health service providers Harmony Health and Esperanza Clinic that serve low income patients to provide referrals to these health service providers, as necessary. Life Coaches are additionally charged with assisting students in finding any other needed services where partnerships may not already be established.

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13. Gifted and Talented

Ark. Code Ann. § 6-20-2208(c)(6) – Monitoring of expenditures (gifted and talented)

Ark. Code Ann. § 6-42-101 et seq. – General Provisions (gifted and talented)

Section 18 of the Standards for Accreditation

ADE Rules Governing Gifted and Talented Program Approval Standards

A waiver of a Gifted and Talented Program has been requested. Students' varied cognitive levels will be met through differentiated instruction and the ability to dual enroll in college courses. The Excel Center has a keen focus on college and career readiness and works to ensure students are prepared for "what comes next" after high school. As students progress through The Excel Center's course progression, they will have an opportunity to enroll in dual credit courses where they may earn college credit as well as in industry certification courses where they may earn an industry-recognized credential.

Legal Comments: Only a waiver of Ark. Code Ann. § 6-42-109 is needed, not the entire section.

Applicant Response: *Applicant amends this waiver request to Ark. Code Ann. § 6-42-109.*

Remaining Issues: None

14. Parental Involvement

Ark. Code Ann. § 6-15-1701 et seq. – Concerning a parental involvement plan

ADE Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More than Thirty (30) Consecutive Days and for Granting Waivers

Rationale: The Excel Center will only serve adults age 19 or older. The majority of students will no longer live with their parents and it is highly unlikely that many parents will be involved in the school.

Legal Comments: None

Remaining Issues: None

15. Instructional Resources

Ark. Code Ann. § 6-21-406 – Adoption, sale, or exchange of instructional materials

Ark. Code Ann. § 6-21-413 – Textbook selection committee

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Ark. Code Ann. § 6-25-101 et seq. – Public School Library and Media Technology Act

Ark. Code Ann. § 6-25-103-106 – Requiring a library media program

Ark. Code Ann. § 6-25-104 – Library media specialist-Qualifications

Rationale: The Excel Center will adopt many of the same curriculum and instructional materials that have been successfully used within a national model. Instructional resources are researched based materials used within a national model. The nature of the educational program is such that it will not offer a library media program, but resources will be made available to students through online and classroom resources.

Legal Comments: The Applicant should explain how a waiver of § 6-21-406 and § 6-21-413 will help it achieve its goals. In order to effectuate a waiver of instructional materials, a waiver of the ADE Rules Governing Instructional Materials is also needed. Waivers of § 6-25-103-106 and § 6-25-104 are not necessary since Applicant has requested a waiver of the full section (§ 6-25-101 et seq). In order to effectuate the waiver, a waiver of Section 16.02 of the Standards for Accreditation is also necessary.

Applicant Response: *Applicant amends the waiver to include ADE Rules Governing Instructional Materials and Section 16.02 of the Standards for Accreditation. Amends to withdraw Waivers of § 6-25-103-106 and § 6-25-104.*

Due to the uniqueness of The Excel Center school model which is geared towards adults and operates in accelerated 8-week terms, typical textbooks are not used and the majority of the school's curriculum is developed in-house. All curricula have been vetted by The Excel Center network curriculum experts and undergo regular revision to ensure rigor and alignment to CCSS and Arkansas standards. Curricular and instructional resources are housed in the Blackboard Learn learning management system, which is maintained by The Excel Center network. Teachers access their instructional materials via Blackboard Learn, and students are provided a level of access that will allow them to download course notes and take part in content discussions outside of the classroom. The Excel Center network adjusts curriculum and instructional materials to the requirements of CCSS and Arkansas standards and posts teacher and student resources for schools. In addition to these locally developed instructional materials, The Excel Center utilizes Pearson online textbooks for social studies and science courses; Middlebury Interactive Languages for world language; and Plato Courseware for art and music appreciation. Plato Courseware is also the online provider for GEC credit recovery coursework. Credit recovery is used on a limited basis for students who may only need one credit or a partial credit in a subject required for graduation. Scholastic System 44 and READ 180 are used for the remedial reading program. SAS Curriculum Pathways are utilized as an additional instructional resource for English Language Arts, Mathematics, Science, Social Studies, and Spanish, and English students additionally use noredink.com for supplemental grammar instruction. All off-the-shelf curricular materials have been selected because they have been proven effective for use with adult learners.

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16. Implementation

Ark. Code Ann. § 6-16-1204 Implementation (requirement that pre-Advanced Placement courses be offered)

Rationale: The Excel Center has a keen focus on college and career readiness and works to ensure students are prepared for "what comes next" after high school. As students progress through The Excel Center's course progression, students will have an opportunity to enroll in dual credit courses where they may earn college credit as well as industry certification courses where they may earn an industry recognized credential.

Legal Comments: Applicant should provide additional rationale on how this waiver will help Applicant achieve its goals. In order to effectuate this waiver, a waiver of the Standards for Accreditation Section 9.03.4.12 is needed.

Applicant Response: *Applicant amends this to include Standards for Accreditation Section 9.03.4.12*

While students returning to high school often are behind in earned credits, some students are of high cognitive ability. In addition to the differentiation provided in every classroom, The Excel Center's core content course progression will allow students who are advanced to pursue dual high school and college credits during their final term of their core content area. Dual credit has been shown to have significant outcomes in improving postsecondary success and high school credit attainment.

Across all of The Excel Centers in The Excel Center network, the schools partner with a local community college in order to provide dual credit opportunities as well as opportunities to earn industry certifications. In the case of The Excel Center in Little Rock, the school will partner closely with Pulaski Technical College when preparing students for "what's next." Pulaski Technical College has a growing menu of dual credit and certification opportunities. The Excel Center will offer these opportunities at no cost to students. The Excel Center will absorb the cost of courses to ensure students have the ability to participate in and complete these courses. Leveraging Goodwill's partnership and institutional knowledge in working with Pulaski Technical College, The Excel Center will be positioned to make strong referrals for students to the college.

The Excel Center does not have the capacity to offer Advanced Placement courses. The Excel Center provides an educational opportunity to a segment of the population with few options to achieve their academic goals or improve their economic opportunity due to not having a high school diploma. As adults, the majority of students will enter the school seeking to improve their immediate economic situation. As such, the school will focus on "what comes next" which, for most students is improved career opportunities – which is why the school places an emphasis on opportunities to earn an industry certification. Other students will enjoy opportunities to earn

The Excel Center

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dual credits.

Remaining Issues: None

17. Physical Education

Ark. Code Ann. § 6-16-132 concerning physical education

The school is requesting a waiver to physical education.

Legal Comments: In order to effectuate this waiver, a waiver of the Standards of Accreditation Section 9.0.3.5 is needed.

Applicant Response: *Applicant amends this section to include Standards of Accreditation Section 9.0.3.5.*

Remaining Issues: None

18. Music

Section 9.03.4.5 of the Standards for Accreditation

The Excel Center is requesting a waiver from the requirement that 1 unit of vocal music and 1 unit instrumental music each be offered within the required curriculum to be taught annually. The environment is not conducive to the performance requirement described for vocal music and instrumental music.

Legal Comments: The requested waiver relates to foreign language requirements. A waiver of Section 9.03.4.6 and Ark. Code Ann. § 6-16-130 is necessary for music.

Applicant Response: *The applicant amends this waiver request to Section 9.03.4.6 and Ark. Code Ann. § 6-16-130.*

Remaining Issues: None

19. Food Service

Ark. Code Ann. § 6-18-705 school breakfast program

Rationale: The Excel Center will only serve adults age 19 or older and the school will not provide meals to students.

Legal Comments: In order to effectuate this waiver, a waiver of Ark. Code Ann. § 6-20-701 et seq. is also needed.

The Excel Center

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Applicant Response: Applicant amends this waiver to include Ark. Code Ann. § 6-20-701 et seq.

Remaining Issues: None

20. Safety

Ark. Code Ann. § 6-10-110 School fire marshal program

Rationale: The school will serve adult learners and will not offer extracurricular activities.

Legal Comments: The School fire marshal program is not an extracurricular activity, but rather a safety protocol. Applicant should provide additional rationale on how it will ensure the safety of its learners and why this waiver is necessary to help it achieve its goals.

Applicant Response: Applicant amends the waiver request to remove a waiver from Ark. Code Ann. § 6-10-110.

The safety and security of students, staff, the facility, and all school property is a top priority for The Excel Center. The Excel Center will take every step necessary to ensure that students and staff are prepared for any foreseen or unforeseen emergency, disaster, or threat. To that end, The Excel Center has developed an Emergency Response Procedure Handbook which outlines the school's plans and procedures in the event of a fire or other environmental disaster, tornado, earthquake, nuclear or chemical contamination, or any event concerning guns/weapons, a hostage situation, bomb threat, suspicious vehicle, riot/civil unrest, or other emergency situation requiring a school lockdown or evacuation. The Excel Center will participate in any mandatory fire, tornado, and lockdown drills, as required by law or rule. A copy of The Excel Center's Emergency Response Procedure Handbook is provided to all staff.

Remaining Issues: None

21. Health Services

Ark. Code Ann. § 6-18-706 School Nurses

Ark. Code Ann. § 6-18-1005(a)(6) Health Services

ADE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age

Rationale: The Excel Center students will be adults. Any emergency on-sight health issues will be addressed according to Goodwill standard operating policy via emergency or other private health care provider. The Excel Center will establish partnerships with a variety of health service providers and students will be provided referrals to these health service providers, as necessary.

Legal Comments: In order to effectuate this waiver, a waiver of Section 3.01.6 of the ADE

The Excel Center

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Rules Governing Public School Student Services is necessary.

Applicant Response: Applicant amends this request to include Section 3.01.6 of the ADE Rules Governing Public School Student Services.

Remaining Issues: None

22. Substitute Teachers

ADE Rules Governing Waivers for Substitute Teachers

The school director or other qualified staff will serve as substitutes in the event of teacher absence.

Legal Comments: The rules requested by the Applicant are not current rules. Applicant should clarify its request.

Applicant Response: Applicant withdraws this waiver request.

Remaining Issues: None

23. General Business Managers

ADE Rules Governing Minimum Qualifications for General Business Managers

The Excel Center will hire the most qualified individual for the position, and that individual will receive any training necessary. This individual will also have a dotted line reporting relationship to accountants in the Finance Department of Goodwill.

Legal Comments: In order to effectuate this waiver, a waiver of Ark. Code Ann. § 6-15-2302 is necessary.

Applicant Response: Applicant amends this request to include Ark. Code Ann. § 6-15-2302.

Remaining Issues: None

23. Distribution of Student Special Needs Funding

ADE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds

The Excel Center does not believe it is eligible for these funds.

The Excel Center

Red=Waivers not previously requested, need additional discussion, or have remaining issues

Green=Waivers previously granted, no remaining issues

Information provided by Applicant is in italics.

Legal Comments: Only a waiver of Section 4 of these rules is necessary as they are the only section with program requirements. If the school does not receive funding, then the other sections will not matter.

Applicant Response: *Applicant amends this request to only waive Section 4 of ADE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds.*

24. Public School Student Services

ADE Rules Governing Public School Student Services

The Excel Model provides particular student services necessary to address the needs of its adult students

Legal Comments: None (Applicant has already requested waivers of specific provisions of these rules).

Remaining Issues: None

Desegregation Analysis: Fully Responsive

General Comments: Applicant stated they wanted a waiver from participation in the lottery, but did not request one. Same for the use of APSCN. Applicant should provide additional rationale why a waiver of these provisions are necessary for the Applicant to achieve its goals. ADE Legal understands that one building the school may occupy is already ADA compliant, but the other is not at this time, but if used as the school, Applicant would ensure compliance. Applicant should provide clarification on this matter.

Applicant Response: *Applicant amends this request to include a waiver from Ark. Code Ann. § 6-23-306(6)(b).*

An enrollment lottery will be held on June 7, 2016. To maintain transparency with the public, the lottery will be held at a public location and will be open to the public. All individuals who submitted an enrollment application will be invited to attend. It will be monitored by a non-biased third party and a representative of the Arkansas Department of Education will also be invited to attend. The lottery will include all eligible individuals who submitted a timely enrollment application. These individuals will be assigned a number, and then numbers will be drawn at random to identify who will be enrolled in the school. Once all available spaces have been filled, numbers will continue to be drawn to determine the order in which individuals are placed on a waitlist. Individuals who attended the lottery will receive immediate notification of their admittance into the school or order on the waiting list. All individuals included in the lottery, including those who attended, in-person, will be notified by June 14, 2017 both in writing and with a phone call of their admittance into The Excel Center or their order on the waiting list.

The Excel Center

Red=Waivers not previously requested, need additional discussion, or have remaining issues

Green=Waivers previously granted, no remaining issues

Information provided by Applicant is in italics.

After the lottery is complete, interested individuals may continue to apply but will continue to be placed on the waitlist in the order that their completed enrollment information is received. Once a student is enrolled in the school, the student will be afforded the opportunity to attend the school in successive years without having to re-apply or partake in the school's lottery process.

During The Excel Center's academic year, some students will leave the school (either by graduating or by withdrawing from the school). When this happens, the student's vacated space in the school is back-filled by students on the waiting list. The waiting list is maintained year-round and students will be enrolled in the school on an ongoing basis at the beginning of each 8-week term, based on their order on the waiting list and as seats become available.

Due to the ongoing nature of enrollment at The Excel Center, The Excel Center will not conduct an annual lottery. Instead, The Excel Center proposes to conduct a lottery during the first year of operation and continue to enroll students based on their order on the waiting list in subsequent years.

Remaining Issues: None

Applicant Response: *Applicant withdraws request to waive use of APSCN.*

Remaining Issues: None

Applicant Response: *Applicant has applied to City of Little Rock for change of zoning of current headquarters building which is already ADA compliant. We expect to learn the result of the request at a hearing on October 6.*

If that change of usage is not approved, then The Excel Center will be located at Goodwill Industries' former headquarters, located at 1110 W. 7th Street in Little Rock. That facility is currently zoned UU, and is an adult charter school is a permitted use. The building will be renovated, and those renovations will bring the building into compliance with the ADA and IDEA. The modifications will include: enlarging the elevator if necessary and adding appropriate visual, tactile and auditory elevator controls/indicators for those with visual and hearing impairments; adjusting tension on door hinges, repaving and repainting lines of parking lot, insulating lavatory water pipes/drains. There is one dining establishment, The Box, which sells beer and is located within 1,000 feet of the facility. The students at The Excel Center are adults, and it is not expected that the presence of the restaurant, which is only open for lunch, will interfere in the educational experience.

Remaining Issues: None