

**IDEA Public Schools Arkansas  
2021 Open Enrollment Application**

*Legal comments are below, separated by waiver. For each comment, please provide a response in the "Response" field. The attorney will review your comments once you resubmit this Legal Review. Any legal concerns that are not addressed by your responses must be discussed in front of the Charter Authorizing Panel during your hearing. If you have any questions about the Legal Review, please contact Mary Claire Hyatt at 501-683-0960.*

**General Legal Concerns**

1. With which leaders in Central Arkansas has the school met?
  
2. Does the school plan to open two campuses in the same year with the same grade roll out as described on page 4?
  
4. In which district will the second site be located? We need a specific district. Did you send the required notices to the superintendents if you did not know the district within 7 days of the first publication required under the rules?
  
5. IDEA Public Schools is a registered AR 501c3, but it only has two directors. One is the attorney who I assume did the paperwork for the incorporation. Who serves on the Board of this organization?
  
6. IDEA Public Schools Board, IDEA Public Schools Arkansas, IDEA Arkansas or IPS Enterprises: The intersection of all of these organizations is not clear. How often will it meet? How will the meetings be publicized? How will the meetings ensure an opportunity for public participation? What is the conflict of interest policy? What is the separation of power?

## 1. Alternative Learning Environment

Ark. Code Ann. § 6-15-1005(b)(5)

Ark. Code Ann. § 6-18-503(a)(1)(C)(i)

Ark. Code Ann. § 6-48-102

Ark. Code Ann. § 6-48-103

Standard 1-I.1

Section 4.01.1, DESE Rules Governing Student Special Needs Funding

**Legal Comments:** None.

## 2. Board of Directors

Ark. Code Ann. § 6-13-608

Ark. Code Ann. § 6-13-611

Ark. Code Ann. § 6-13-613(c)

Ark. Code Ann. § 6-13-615

Ark. Code Ann. § 6-13-616(a)

Ark. Code Ann. § 6-13-617

Ark. Code Ann. § 6-13-618(a)

Ark. Code Ann. § 6-13-619(a), (c), (d)(1)(A), (d)(3), (4)

Ark. Code Ann. § 6-13-620(5)

Ark. Code Ann. § 6-13-622(b)

Ark. Code Ann. § 6-13-634

Ark. Code Ann. § 6-13-635

Ark. Code Ann. § 6-13-1303

Ark. Code Ann. § 6-14-101 et seq.

DESE Rules Governing School Board Zones and Rezoning

**Legal Comments:** You will need a waiver of Ark. Code Ann. § 6-13-612(c) to the extent it requires you to fill vacancies as stated in Ark. Code Ann. § 6-13-611. You need a waiver of all of Ark. Code Ann. § 6-13-613, not just Ark. Code Ann. § 6-13-613(c). I believe you will also need section (b) of that same law to the extent it requires you to fill vacancies as stated in Ark. Code Ann. § 6-13-611. You asked for a waiver of Ark. Code Ann. § 6-13-619(4). That does not exist. What is the rationale behind the waiver of Ark. Code Ann. § 6-13-620(5)?

### 3. Superintendent Licensure

Ark. Code Ann. § 6-13-109

Ark. Code Ann. § 6-14-619

Ark. Code Ann. § 6-17-427

DESE Rules Governing the Superintendent Mentoring Program  
Standards 4-B.1 and 4-B.2

**Legal Comments:** There is no Ark. Code Ann. § 6-14-619.

### 4. Teacher Licensure and Policies

Ark. Code Ann. § 6-15-1004

Ark. Code Ann. § 6-15-1005(b)(5)

Ark. Code Ann. § 6-17-301(a)(1)

Ark. Code Ann. § 6-17-309

Ark. Code Ann. § 6-17-401

Ark. Code Ann. § 6-17-418

Ark. Code Ann. § 6-17-702(a)(1)(A) and (B)

Ark. Code Ann. § 6-17-705(a)(2)

Ark. Code Ann. § 6-17-802

Ark. Code Ann. § 6-17-807

Ark. Code Ann. § 6-17-902

Ark. Code Ann. § 6-17-908(a)(4)(B)

Ark. Code Ann. § 6-17-919

Ark. Code Ann. § 6-17-2401 et seq.

Ark. Code Ann. § 6-17-2805(c)(1), (c)(2), (d)(1)

Ark. Code Ann. § 6-17-2807(a)(1), (a)(2)

Ark. Code Ann. § 6-17-2808(c)

Ark. Code Ann. § 6-21-303

Standard. 4-D.1

DESE Rules Governing Educator Licensure

DESE Rules Governing Educator Support and Development, Section 7

**Legal Comments:** It's unclear why a waiver of Ark. Code Ann. § 6-15-1005(b)(5) is necessary. Although you are waiving having a separate ALE building and program, you are still required to meet the needs of those students. The statute only requires you to offer appropriate alternative education programs organized to address the needs to particular students. If your teachers are at will, do you also need a waiver of the other provisions of

Ark. Code Ann. §6 -17-301? You will need waivers of the DESE Rules Governing Professional Development to fully effectuate the PD waivers, as well as Standard 4-G.1. What is the rationale behind the request to waive Ark. Code Ann. § 6-17-705(a)(2) which states that before the first student-teacher interaction day of the school year, the district cannot require a teacher to work additional days that are not included in the contract without additional pay? No rationale has been provided for a waiver of Ark. Code Ann. § 6-17-807 either. You need a waiver of the entirety of Ark. Code Ann. § 6-17-908. There is no Ark. Code Ann. § 6-17-2805(d)(1), only (d). Was that your intent? Ark. Code Ann. § 6-17-2807(a)(1)-(2) is permissive, not mandatory, so it is unclear why a waiver is necessary. Ark. Code Ann. § 6-17-2808(c) does not exist. What is the rationale behind the request to waive Ark. Code Ann. § 6-21-303? Only a waiver of Section 7 of the DESE Rules Governing Educator Licensure is required. Your requested waiver of the DESE Rules Governing Educator Support and Development does not match the requested Arkansas Code Sections. Please review Standards 4-C.4 and 4-D.5.

#### **5. Planning Period, Duty-Free Lunch, and Non-Instructional Duties**

**Ark. Code Ann. § 6-17-111**

**Ark. Code Ann. § 6-17-114**

**Ark. Code Ann. § 6-17-117**

**Legal Comments:** None.

#### **6. School Start Date, Calendar, and Attendance**

**Ark. Code Ann. § 6-18-213(a)(1)**

**Ark. Code Ann. § 6-10-106**

**Standard 1-A.4.2**

**Standard 2-B.2**

**DESE Rules Governing Mandatory Attendance Requirements for Students in Grades Nine Through Twelve**

**Legal Comments:** The cited rules were repealed in 2018. eSchool is part of the APSCN, which cannot be waived. You are required to enter information into eSchool.

## 7. Gifted and Talented

Ark. Code Ann. § 6-20-2208(c)(6)

Ark. Code Ann. § 6-42-109

Standard 2-G.1

DESE Rules Governing Gifted and Talented Program Approval Standards

**Legal Comments:** None

## 8. Class Size and Teaching Load

Ark. Code Ann. § 6-17-812

Standard 1-A.5

DESE Rules Governing Class Size and Teaching Load

**Legal Comments:** None.

## 9. Principals

Ark. Code Ann. § 6-17-302(a) and (c)

Standards: 4-C.1, 4-C.2, 4-C.3, 4-C.4

**Legal Comments:** These waivers have never been granted before.

## 10. Personnel Policies

Ark. Code Ann. § 6-17-203

Ark. Code Ann. § 6-17-204

Ark. Code Ann. § 6-17-205

Ark. Code Ann. § 6-17-208

Ark. Code Ann. § 6-17-209

Ark. Code Ann. § 6-17-211

Ark. Code Ann. § 6-17-1201 et seq.

Ark. Code Ann. § 6-17-1301 et seq.

Ark. Code Ann. § 6-17-1501 et seq.

Ark. Code Ann. § 6-17-1701 et seq.

Ark. Code Ann. § 6-17-2301(c)(1) and (d)(2)—to the extent that the schedule must be posted on the website

Ark. Code Ann. § 6-17-2302

Ark. Code Ann. § 6-17-2303

Ark. Code Ann. § 6-17-2304

Ark. Code Ann. § 6-17-2305

**Standard 3-A.1**

**Standard 3-A.2- only to the extent that the schedule must be posted on the website DESE Rules Governing Doc. Posted to School District and ESC Websites, Sections 3.00 in whole, 5.01.4, 5.01.5, 6.01, and 6.02—to the extent salary information must be posted on the website**

**Legal Comments:** Please confirm you are aware that all salary information is public record and will be required to be provided upon request. Standard 3-A.1 requires the district to adopt and update written policies for the fiscal operation of the school. What is the rationale for that waiver request? Please confirm you will be posting the personnel policies without the salary schedules. What is the rationale behind the request to waive Section 3.0 of the Rules? That is how DESE monitors the information on the website.

**11. Library Media**

Ark. Code Ann. § 6-25-103

Ark. Code Ann. § 6-25-104

Standard 4-F.1

Standard 4-F.2

**Legal Comments:** None

**12. Minimum Salaries for Classified Employees**

Ark. Code Ann. § 6-17-2201 et seq.

**Legal Comments:** None.

### **13. Guidance Counselor and Student Services**

**Ark. Code Ann. § 6-18-706**

**Ark. Code Ann. § 6-18-2002(2)(A)**

**Ark. Code Ann. § 6-18-2003(a)(2)(A)**

**Standards: 2-C.1, 2-C.2, 2-E.2, 4-E.1, 4-E.2, 4-E.3, 6-A.2**

**DESE Rule Governing School Nutrition and Physical Activity, Section 6.01 (only as it pertains to establishing a committee at a district level, and provided that this does not disqualify us from federal and state funding)**

**Legal Comments:** Standards 2-C.1, 2-C.2, and 4-E.3 cannot be waived without waiving other pieces of the School Counseling Improvement Act of 2019. What is the rationale behind the waiver of 2-E.2, which requires the school to maintain appropriate materials and expertise to reasonably ensure the safety of students, employees, and visitors? In the final application it says that there will be one counselor that serves both schools. Ark. Code Ann. § 6-18-2004 requires that sufficient time at each public school shall be allotted for the school counselor to carry out the duties in the comprehensive school counseling plan. Each school needs a counselor, not one counselor for both schools.

### **14. Grading, Curriculum, and Credit Hours**

**Ark. Code Ann. § 6-17-429(d)(1)**

**Standard 1-A.1.3**

**Standard 1-A.2**

**DESE Rules Governing Instructional Materials, Sections 5.00, 5.01.2, 5.04, and 5.05**

**Legal Comments:** No school has a waiver of the Right to Read Act. To effectuate this waiver, you will also need to review the DESE Rules Governing the Right to Read Act to see which provisions need to be waived. You will also need to waive the appropriate Standard. Further, nothing in the rationale addresses this waiver request. Is it the intent of the applicant to only hold the waiver of 9-12 curriculum until the school is fully rolled out? What is the rationale behind waiving the requirement that instructional materials be consistent with the Arkansas Academic Content Standards when they are purchased with State Funds? No waiver of Section 5.05 is necessary as it is a requirement on DESE, not the district.

## **15. Facilities and Flag Display**

**Ark. Code Ann. § 6-16-105**

**Ark. Code Ann. § 6-16-106**

**Ark. Code Ann. § 6-21-117**

**Legal Comments:** None.

**Response:**

## **16. Transportation**

**Ark. Code Ann. § 6-19-120(b)**

**Legal Comments:** None.

## **17. Physical Education**

**Ark. Code Ann. § 6-16-132(b)(1)(A)(i)**

**Ark. Code Ann. § 6-16-132(b)(1)(A)(ii)**

**DESE Rules Governing Nutrition and Physical Activity, Sections 7.01.1 and 7.01.2**

**Legal Comments:** Please confirm you are aware that additional recess requirements exist for elementary students and you will be required to provide 40 minutes of instructional time per day for recess. See Ark. Code Ann. § 6-16-102(a)(5).