

**Premier High School of Fort Smith
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

4. How often will the Responsive Ed Board meet? How will you ensure public access to those meetings? How often will the Arkansas Board meet? How will you ensure public access to those meetings?

6. Several times in your waivers, you mentioned that the Board will be deciding evaluation for staff. Do you intend to use TESS and LEADS? If not, please review the DESE Rules Governing Educator Support and Development (and corresponding laws found in section 2.0) to determine if additional waivers are necessary.

1. Alternative Learning Environment

Ark. Code Ann. § 6-15-1005(b)(5)(A)

Ark. Code Ann. § 6-18-503(a)(1)(C)(i)

Ark. Code Ann. § 6-48-102

Ark. Code Ann. § 6-48-103

Standard 2-I.1

Section 4, 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. § 6-13-612(c)

Ark. Code Ann. § 6-13-612

Ark. Code Ann. § 6-13-615

Ark. Code Ann. § 6-13-616

Ark. Code Ann. § 6-13-619

Ark. Code Ann. § 6-13-620
Ark. Code Ann. § 6-13-621
Ark. Code Ann. § 6-13-630
Ark. Code Ann. § 6-13-631
Ark. Code Ann. § 6-13-634
Ark. Code Ann. § 6-13-1303
Ark. Code Ann. § 6-13-1401 et seq.
Ark. Code Ann. § 6-14-101 se seq.
DESE Rules Governing School Board Zones and Rezoning
DESE Rules Governing School Election Expense Reimbursement

Legal Comments: In the final application is says that the Arkansas Board of Directors will meet quarterly. Is that the Arkansas Board or the Responsive Ed board? When does the Responsive Ed board meet if not? How will the information be provided to stakeholders prior to the meeting?

3. Business Manager

Legal Comments: Issue resolved. Applicant removed this waiver request in the final application.

4. Class Size and Teaching Load

Ark. Code Ann. § 6-17-812
Standard 1-A.6
DESE Rules Governing Class Size and Teaching Load

Legal Comments: This should be 1-A.5. Please confirm.

5. Curriculum, Grading, and Credit Hours

Ark. Code Ann. § 6-15-902(a)
Standard 1-A.2
Section 2-2.01 DESE Rules Governing Grading and Course Credit

Legal Comments: None.

6. Facilities and Flag Display

Ark. Code Ann. § 6-16-106

Ark. Code Ann. § 6-21-117

Legal Comments: Do you need a waiver of Ark. Code Ann. § 6-16-105? It was in the original application, but is not in the final application. Only a waiver of Ark. Code Ann. § 6-21-117(2-5) is necessary.

7. Flexible Schedule

Ark. Code Ann. § 6-10-106

Ark. Code Ann. § 6-16-102, except (a)(5)

Standard 1-A.4.2

Legal Comments: None.

8. Gifted and Talented

Ark. Code Ann. § 6-20-2208(c)(6)

Ark. Code Ann. § 6-42-109

Standard 2-G.1

DESE Gifted and Talented Program Approval Standards

Legal Comments: None.

9. Non-Instructional Duties, Planning Periods, Duty Free Lunch

Ark. Code Ann. § 6-17-111

Ark. Code Ann. § 6-17-114

Ark. Code Ann. § 6-17-117

Legal Comments: None.

10. Personnel Policies

Ark. Code Ann. § 6-17-203

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)

DESE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites, Sections 4-8

Legal Comments: The cited Rules no longer exist. Please review the DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites and update your request. Does the school need a waiver of Ark. Code Ann. § 6-17-209, 208, 205, 203?

11. Salaries and Compensation

Ark. Code Ann. § 6-17-2201 et seq.

Ark. Code Ann. § 6-17-2401 et seq.

Ark. Code Ann. § 6-17-802

Ark. Code Ann. § 6-17-908

Ark. Code Ann. § 6-17-919

Legal Comments: None.

12. Principal

Ark. Code Ann. § 6-17-302(a)

Standard 4-C.2

Legal Comments: None.

13. Student Services

Ark. Code Ann. § 6-18-706

Ark. Code Ann. § 6-18-2003(a)(2)(A)

Ark. Code Ann. § 6-25-103

Ark. Code Ann. § 6-25-104

Standards: 2-D.1, 2-E.1, 3-D.1, 4-E.2, 4-F.2, and 6-A.1

Legal Comments: Standard 2-D.1 only requires that the district annually budget and expend sufficient resources to purchase and maintain and appropriate balance, as determined by the district, of print, non-print, and electronic media. What is the rationale for this waiver request? What is the rationale behind the waiver request for food service (Standard 3-D.1)? Please confirm you are aware that while the CAP can grant this waiver, you must still meet all USDA requirements if you are participating in the Child Nutrition Program.

14. Superintendent

Ark. Code Ann. § 6-13-109

Ark. Code Ann. § 6-17-427

Standard 4-B.1

Standard 4-B.2

DESE Rules Governing Superintendent Mentoring Program

Legal Comments: None.

15. Educator Licensure

Ark. Code Ann. § 6-15-1004

Ark. Code Ann. § 6-17-201(c)

Ark. Code Ann. § 6-17-202

Ark. Code Ann. § 6-17-203

Ark. Code Ann. § 6-17-204

Ark. Code Ann. § 6-17-205

Ark. Code Ann. § 6-17-209

Ark. Code Ann. § 6-17-211

Ark. Code Ann. § 6-17-301

Ark. Code Ann. § 6-17-309

Ark. Code Ann. § 6-17-401

Ark. Code Ann. § 6-17-902

Ark. Code Ann. § 6-17-919

Standard 4-D.1

Standard 4-E.1

Standard 4-F.2

DESE Rules Governing Educator Licensure

Legal Comments: Standard 4-F.2 is not related to library media licensure, rather library media ratio. I believe you intended to request a waiver of Standard 4-F.1 which contains the licensure requirement for LMS. Only a waiver of Section 7 of the DESE Rules Governing Educator Licensure is necessary.

16. Transportation

Ark. Code Ann. § 6-19-101 et seq.

Legal Comments: None.