

Initial Legal Review

Charter School Name: Freedom Learning Academy

General Legal Concerns:

Are these all the waivers you are requesting? Please understand that if you do not request a waiver then it will be assumed that you intend to fully comply with the law, standard, and rules where applicable.

THE CHARTER IS REQUESTING THE FOLLOWING WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Class Size	Ark. Code Ann. § 6-17-812 Standard 1-A.5 Governing Class Size	The code cited is to allow a charter to not compensate a teacher for going over the teaching load. This statute doesn't have anything to do with class size and since you are not requesting a waiver of teaching load, I do not think you need a waiver of this code section. The appropriate rule title is DESE Rules Governing Class Size and Teaching Load. Also, for just class size, please narrow your request to Section 3 of the rules.
2. Food Service	Ark. Code Ann. §§ 6-18-705 6-20-701 et seq. DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment	The full title of the rules is DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools. You will also need to request a waiver of Standard 3-D.1 to fully effectuate a food services waiver. I will defer to the child nutrition unit on this request. I will note that you are going to receive many questions from the CAP regarding why you are not providing meals to your students. This will be especially true for students that would otherwise qualify for free/reduced meals.

<p>3. Gifted and Talented</p>	<p>Ark. Code Ann. §§ 6-20-2208(c)(6) 6-42-109</p> <p>Standard 2-G.1</p> <p>DESE Rules Governing Gifted and Talented Program Approval Standards.</p>	<p>No concerns.</p> <p>Please be prepared to provide additional rationale to the CAP.</p>
<p>4. Health Services</p>	<p>Ark. Code Ann. § 6-18-706</p>	<p>This waiver will not be granted because it is related to student health and is a prohibited waiver under Ark. Code Ann. § 6-43-401(b).</p>
<p>5. Library Media Services</p>	<p>Ark. Code Ann. § 6-25-103</p>	<p>Do you need a waiver of Standard 2-D.1?</p> <p>Please note that Act 372 of 2023 has changed the challenge policy requirements for materials.</p> <p>Please provide additional rationale.</p>
<p>6. Library Media Specialist</p>	<p>Ark. Code Ann. § 6-25-104</p> <p>Standard 4-F.1 4-F.2</p>	<p>How will you ensure that the library media standards are taught? You will want to add to your rationale here.</p>
<p>7. Teacher Licensure</p>	<p>Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-418 6-17-902 6-17-908 6-17-919</p> <p>Standard 5-D.1</p> <p>DESE Rules Governing Educator Licensure – Section 7</p>	<p>Please correct the standard to 4-D.1.</p> <p>Please ensure that you are prepared to provide additional rationale to the CAP.</p>

8. Transportation	Ark. Code Ann. §§ 6-19-101 et seq.	No concerns.
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