

Final Legal Review

Prepared by: Stephen M. Reynolds, staff attorney for the Department of Education

Charter School Name: Bentonville School for Advanced Studies

THE CHARTER IS REQUESTING THE FOLLOWING WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Board of Directors	Ark. Code Ann. §§ 6-13-619(a)(1)(A) 6-13-619(a)(1)(C) 6-13-619(c) 6-13-619(d)(2)(A), (3), and (4)	<p>No legal concerns with waiver requests for: 6-13-619(a)(1)(A) 6-13-619(a)(1)(C) 6-13-619(c) 6-13-619(d)(2)(A) 6-13-619(d)(4)</p> <p>The waiver of 6-13-619(d) is typically limited to 6-13-619(d) (d)(2)(A) and (d)(4).</p> <p>6-13-619(d)(3) requires that a board member attending a board meeting remotely not attend an executive session or closed meeting or vote on an issue that is the subject of an executive session. This waiver would allow a board member attending remotely to attend executive session and vote on items that were the subject of an executive session.</p> <p>If the charter intends to ask for a waiver of 6-13-619(d)(3), the prohibition of board members attending remotely being involved with an executive session, it should be prepared to answer questions from the CAP.</p> <p>The Department would recommend that if the CAP chooses to grant the waiver of 6-13-619(d)(3) that it places conditions on the waiver such as:</p> <p>That the board member attending remotely be located outside the state of Arkansas at the time of the meeting;</p>

		<p>That the board member attending remotely keep their camera on during entirety of the executive session; and</p> <p>That a board member attending remotely who participates in an executive session attest that no other person is present.</p>
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Note: The charter originally requested a waiver of 6-13-619(d) in its entirety, however, after a phone conversation with the charter they agreed to limit the waiver request to 6-13-619(d)(2)(A), (3), and (4). Those changes have been reflected in red. I will ask the charter to confirm that on the record.

The charter originally requested a waiver of 6-13-619(a)(1)(C)(i), however after a phone conversation with the charter, we agreed that the waiver request should be amended to 6-13-619(a)(1)(C).