

## INITIAL LEGAL REVIEW

**Charter School Name: Omni Classical Prep of Cabot**

### **General Legal Concerns**

Do you plan to enroll home school students in courses? If so, please review Ark. Code Ann. § 6-18-232 and the DESE Rules Governing Home Schools. Unless you are a primarily-virtual open-enrollment charter school, you can only enroll home school students in a course if they live in the school district in which your school is located.

Notice requirements – re-run notice, second public hearing, notice to superintendents of contiguous districts.

You have asked for waivers of student services; however, per the budget plan, there will be 8 teachers, one SPED teacher, and two paraprofessionals. It also appears that you plan to have 9 class periods per day. Please provide additional rationale in your final application.

Location – Have you entered into a lease agreement or contract? Also, if the facility being used for your school is owned by or leased from a sectarian organization, the terms of the facility agreement must be disclosed to the authorizer. (See Ark. Code Ann. § 6-23-302)

Separation of Power between sponsoring entity, board, and director - There needs to be a clear delineation. Right now, your director and one board member are part of the sponsoring entity and director has all spending power.

### **Waivers**

<b>WAIVER TOPIC</b>	<b>STATUTES, STANDARDS, RULES</b>	<b>NOTES</b>
1. Superintendent	Ark. Code Ann. § 6-17-427  Standards 4-B.1, 4-B.2  DESE Rules Governing the Superintendent Mentoring Program	Do you need a waiver of 6-13-109?  In your final application, please provide additional rationale in for this waiver request. Please explain how the school will ensure that your administrators are properly-trained.
2. Principal	Ark. Code Ann. § 6-17-302	Do you need waivers of standards 4-C.1 & 4-C.2?  In your final application, please provide additional rationale for this waiver request.
3. Teacher Licensure	Ark. Code Ann. § 6-15-1004	Do you need a waiver of 6-17-908?

	<p>6-17-301 6-17-309 6-17-401 6-17-902 6-17-919</p> <p>Standard 4-D.1</p> <p>DESE Rules Governing Educator Licensure</p>	<p>Please narrow your waiver of 6-17-301 to subsections (a) – (b).</p> <p>In your final application, please provide additional rationale for this waiver request.</p> <p>Add Section 7 to citation for Educator Licensure rules.</p> <p>Please confirm that you understand the requirement to meet AQT in core academic subject areas.</p>
4. Library Media Specialist	<p>Ark. Code Ann. § 6-25-104</p> <p>Standards 4-F.1, 4-F.2</p> <p>Licensure</p>	<p>Please confirm which rules you are asking to waive.</p> <p>In your final application, please provide additional rationale for your request and the plan for rescinding your waiver.</p>
5. Library Media Services	<p>Ark. Code Ann. § 6-25-103</p>	<p>In your final application, please provide additional rationale for your request and the plan for rescinding your waiver.</p> <p>Do you need a waiver of 2-D.1?</p> <p>How will the library media academic standards be taught?</p>
6. Comprehensive School Counseling Program & School Counselor	<p>Ark. Code Ann. §§ 6-18-2002(2)(A) 6-18-2003(a)(2)(A)</p> <p>Standard 4-E.1</p> <p>Rules Governing Public School Student Services</p>	<p>In your final application, please provide additional rationale regarding how counseling services will be offered to students. See general legal concerns.</p> <p>Re: request for waiver of Standard 4-E.1, you state on pg. 14 of your application that you have a goal of hiring a licensed counselor. Will this be at some point in the future?</p> <p>The rules cited no longer exist – repealed in 2020.</p>

7. Gifted & Talented	Ark. Code Ann. § 6-42-109 6-20-2208(c)(6)  Standard 2-G.1  Rules Governing Gifted & Talented Program Approval Standards	In your final application, please provide additional rationale regarding how you will meet the needs of students. See general legal concerns.
8. Personnel Policies - Teacher Fair Dismissal Act	Ark. Code Ann. §§ 6-17-1501, et seq.  Teacher Fair Dismissal Act	None.
9. Personnel Policies - Public School Employee Fair Hearing Act	Ark. Code Ann. §§ 6-17-1701, et seq.  Public School Employee Fair Hearing Act	None.
10. Transportation	Ark. Code Ann. §§ 6-19-101, et seq.  Standards 6-A.1, 6-A.2	If you are not providing transportation, you do not need a waiver of the code sections regarding transportation.  Re: the waivers of Section 6 of the standards, these cover more than just transportation. If you are not offering transportation, you should not need to request a waiver of these standards.  In your final application, please confirm that you are aware that if an IEP requires transportation services, they must be provided.
11. Board of Directors	Ark. Code Ann. §§ 6-13-608 6-13-611 6-13-613 6-13-615 6-13-616 6-13-619 6-13-620 6-13-621 6-13-630 6-13-631	You may run into issues with legislative audit and the panel will likely have concerns regarding the balance of power between board of directors and director as well as sponsoring entity. (see pgs. 18-19 of application)  The correct name of the second set of rules is "Arkansas Dept. of Education Rules and Regulations for Reporting

	<p>6-13-634 6-13-1303 6-13-1401, et seq. 6-14-101, et seq.</p> <p>DESE Rules Governing School Board Zones &amp; Rezoning</p> <p>DESE Rules Governing School Election Expense Reimbursement</p>	<p>Compliance with Ark. Code Ann. § 6-13-631 and for Withholding Aid From School Districts Not in Compliance with Ark. Code Ann. § 6-13-631”</p> <p>The correct name of the last set of rules listed is “Arkansas Department of Education Rules Governing Reimbursement by School Districts for Election Expenses.”</p>
<p>12. Alternative Learning Environment</p>	<p>Ark. Code Ann. §§ 6-48-101 6-48-102 6-15-1005(b)(5) 6-18-503(a)(1)(C)(i)</p> <p>Standard 2-I.1</p> <p>DESE Rules Governing the Distribution of Student Special Needs Funds</p>	<p>Please see comments above about staffing concerns.</p> <p>A waiver of 6-48-101 is not necessary.</p> <p>You will need to also ask for a waiver of DESE Rules Governing Student Special Needs Funding, Section 4</p> <p>Please cite correct rule title.</p>
<p>13. Financial Management – Business Manager</p>	<p>Ark. Code Ann. § 6-15-2302(b)</p> <p>ADE Rules Governing the Arkansas Fiscal Assessment &amp; Accountability Program</p>	<p>I would suggest also including a citation to Standard 3-A.5.</p> <p>No other schools have a waiver of the rules cited. These are not rules that you would be able to waive.</p>
<p>14. Curriculum, Required Instruction</p>	<p>Ark. Code Ann. §§ 6-15-902 6-15-1502</p> <p>Standard 1-A.1.3, et seq.</p> <p>DESE Rules Governing Grading &amp; Course Content</p> <p>Rules for Standards for Accreditation</p>	<p>It appears that you are asking for a waiver of the required 38 for the first year. Is that correct? 6-15-902 addresses grading scale. 6-15-1502 does not impose requirements on the school – it addresses the state board’s duties to develop a comprehensive plan to review and revise the academic standards and curriculum frameworks.</p> <p>Re: DESE Rules Governing Grading &amp; Course Credit, you will need to narrow down your request to specific sections of the rules.</p>

		Please narrow down your request for waivers of the standards to specific sections.
15. Personnel Policies - Requirements	Ark. Code Ann. §§ 6-17-201  Standard 3-A.2  DESE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to Websites, Sections 4-8	If you will have personnel policies in place, do you need a waiver of the entirety of 6-17-201?  Do you want to narrow your request for waivers of the website rules to parts of Sections 5 & 6? Sections 4, 7, and 8 do not address personnel policies.
16. Personnel Policies – Classified Employees Personnel Policies	Ark. Code Ann. §§ 6-17-2301, et seq.	Please narrow down your request to specific statutes and sections of statutes.