

**INITIAL LEGAL REVIEW**

**Charter School Name: eStem Public Charter School**

**AS INDICATED BELOW, THE CHARTER WISHES TO CONTINUE OR RESCIND THE FOLLOWING WAIVERS:**

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Alternative Learning Environment - CONTINUE	Ark. Code Ann. §§ 6-15-1005(b)(5) 6-18-503(a)(1)(C)(i) 6-48-101, et seq.  DESE Rules Governing Student Special Needs Funding	It is not necessary to waive the entirety of 6-48-101, et seq. That request can be narrowed to 6-48-102 – 103.  You can narrow your request to Section 4 of the rules.  You would also need to add Standard 2-I.1
2. Arkansas History – CONTINUE	Ark. Code Ann. § 6-16-124  Standard 1-A.1.2.8	You can narrow your request to 6-16-124(a)(2).  Do you also need a waiver of 6-17-703 or 6-17-418?
3. Board of Directors - CONTINUE	Ark. Code Ann. §§ 6-13-619(d) 6-13-630 6-14-101, et seq. 6-13-608 6-13-619(c) 6-13-616 6-13-634 6-13-611	Please narrow you request for the waiver of 6-13-616 to subsection (a).
4. Class Size & Teaching Load - CONTINUE	Ark. Code Ann. § 6-17-812  Standards 1-A.5, 1-A.6  DESE Rules Governing Class Size & Teaching Load	No concerns.
5. Clock Hours - CONTINUE	Standard 1-A.2	No concerns.
6. Comprehensive School Counseling Program &	Standards 2-C.1, 2-C.2, 4-E.1, 4-E.2	Based on the rationale provided, you would need to add citations to statutes in order to effectuate this

<p>School Counselor – CONTINUE</p>		<p>waiver. Please see 6-18-2001, et seq. and add citations as needed.</p> <p>Standard 2-C.2 is for the guidance program, which is a separate waiver request.</p>
<p>7. Curriculum – Visual Arts or Music - CONTINUE</p>	<p>Ark. Code Ann. § 6-16-130</p> <p>Standards 1-A.1.1.5, 1-A.1.2.5, 1-A.1.3.6</p> <p>DESE Rules Governing Visual Art &amp; Music Instruction</p>	<p>No concerns.</p>
<p>8. Eye and Vision Screening - CONTINUE</p>	<p>DESE Rules Governing Eye and Vision Screening Reports</p>	<p>If you are meeting the requirements of the rules and law, why is the waiver needed?</p> <p>If you do need the waiver, please provide appropriate additional citations to the Arkansas Code (6-18-1501, 6-18-1502).</p>
<p>9. Financial Management – Business Manager - CONTINUE</p>	<p>Ark. Code Ann. § 6-15-2301</p> <p>Standard 3-A.5</p> <p>DESE Rule – Minimum Qualifications for General Business Managers</p>	<p>Please narrow your request down to specific subsections of 6-15-2301.</p> <p>If you have a business manager, what is the rationale for the waiver of 3-A.5?</p> <p>The rules cited have been repealed.</p>
<p>10. Gifted &amp; Talented - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-20-2208(c)(6) 6-42-101, et seq.</p> <p>Standard 2-G.1</p> <p>DESE Rules Governing Gifted &amp; Talented Program Approval Standards</p>	<p>You would only need a waiver of 6-42-109 and not the entire subchapter.</p>
<p>11. Health &amp; Wellness Plan - CONTINUE</p>	<p>Standard 1-B.3</p> <p>DESE Rules Governing Nutrition &amp; Physical Activity Standards</p>	<p>Please narrow down your request to specific sections of the rules.</p> <p>Are you asking for waivers related to food services?</p>

<p>12. Health &amp; Safety Services – CONTINUE</p>	<p>Standards 2-E.1, 2-E.2</p>	<p>The rationale does not support the request for a waiver of 2-E.2.</p> <p>Please also review 6-18-706. If you are asking for waiver for the school nurse, you would need to add this code section.</p> <p>The CAP has been cautious about granting waivers based on rationale that a school might (as opposed to will) need them, so please be prepared to provide additional rationale at the meeting.</p>
<p>13. Leased Academic Facilities – CONTINUE</p>	<p>Ark. Code Ann. §§ 6-20-1401 6-20-1407 Standard 6-A.2</p>	<p>A waiver of 6-20-1401 is not necessary. This statute states that CAPSAFT may create rules.</p> <p>eStem is the only charter with a waiver of 6-20-1407. Please be prepared to provide additional rationale at the CAP meeting.</p>
<p>14. Library Media Services &amp; Library Media Specialist - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-25-101, et seq.</p> <p>Standards 2-D.1, 4-F.1, 4-F.2</p>	<p>You would only need a waiver of sections 6-25-103 &amp; 104 and not the subchapter.</p> <p>How are the library media standards taught?</p>
<p>15. Personnel Policies – Classified Employees Personnel Policies - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-17-2301, et seq.</p> <p>DESE Rule – Waivers for Substitute Teachers</p>	<p>Can you narrow down your request to specific parts of 6-17-2301?</p> <p>The rules cited were repealed in 2012.</p>
<p>16. Personnel Policies – Committee on Personnel Policies - CONTINUE</p>	<p>Ark. Code Ann. § 6-17-203</p>	<p>No concerns.</p>
<p>17. Personnel Policies – Daily Planning Period – CONTINUE</p>	<p>Ark. Code Ann. § 6-17-114</p>	<p>No concerns.</p>
<p>18. Personnel Policies – Requirements - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-17-201, et seq.</p>	<p>Please narrow your request down to specific parts of 6-17-201 or specific statutes.</p>

19. Personnel Policies – Employment of Licensed Personnel - CONTINUE	Ark. Code Ann. §§ 6-17-301	Please narrow your request to parts (a) – (b) of the statute. Part (c) of this statute cannot be waived.
20. Classified Employee Minimum Salary - CONTINUE	Ark. Code Ann. § 6-17-2403	No concerns.
21. Personnel Policies – Non-Instructional Duties - CONTINUE	Ark. Code Ann. § 6-17-117	No concerns.
22. Personnel Policies – Public School Employees’ Fair Hearing Act - CONTINUE	Ark. Code Ann. § 6-17-1701, et seq.	No concerns.
23. Personnel Policies – Teacher Fair Dismissal Act - CONTINUED	Ark. Code Ann. § 6-17-1501, et seq.	No concerns.
24. Physical Education - CONTINUE	Ark. Code Ann. § 6-16-132  Standards 1-A.1.1.6, 1-A.1.2.6	Do you also need a waiver of 1-A.1.3.8?  Also, please review the DESE Rules Governing Nutrition and Physical Activity Standards and list citations to any sections of the rules that you wish to waive.
25. Principal - CONTINUE	Ark. Code Ann. § 6-17-302  Standards 4-C.1, 4-C.2	No concerns.
26. Professional Development - CONTINUE	Standard 4-G.1	Do you also need waivers of 6-17-703, 6-17-704, 6-17-705 and the DESE Rules Governing Professional Development?  Please verify that you will be providing the teen suicide awareness, bullying, human trafficking, parental involvement, and child maltreatment professional development.  How is PD provided so that teachers can obtain required PD for licensure renewal?

<p>27. Report Cards - CONTINUE</p>	<p>Ark. Code Ann. § 6-15-902</p> <p>DESE Rules Governing Uniform Grading Scales for Public Secondary Schools and for Optional Use in Elementary Schools</p>	<p>It appears that this is a request for a waiver of grading scale. If that is correct, please update the name of the waiver in the final application. The title of the current rules is “DESE Rules Governing Grading and Course Credit.” Please consider narrowing your request to 2-2.01 of the rules.</p>
<p>28. Salaries and Compensation - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-17-807 6-17-902 6-17-908 6-17-919</p> <p>DESE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites</p>	<p>The current name of the rules is Arkansas Division of Elementary and Secondary Education Rules Governing Documents Posted to School District and Education Service Cooperative Websites.</p> <p>Please cite the specific sections of the rules that you wish to waive.</p>
<p>29. School Calendar – School Start Date – CONTINUE</p>	<p>Ark. Code Ann. § 6-10-106</p>	<p>No concerns but the CAP may ask for additional rationale.</p>
<p>30. Student Discipline Procedures – CONTINUE</p>	<p>DESE Rule – Guidelines for the Development, Review, and Revision of School District Student Discipline and School Safety Policies</p>	<p>These rules have been repealed. Please review current rules and, if needed, provide citations for the sections that you wish to waive.</p>
<p>31. Superintendent – CONTINUE</p>	<p>Ark. Code Ann. §§ 6-13-109 6-17-427</p> <p>Standards 4-B.1, 4-B.2</p> <p>DESE Rules Governing the Superintendent Mentoring Program</p>	<p>No concerns.</p>
<p>32. Teacher Licensure - CONTINUE</p>	<p>Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-418</p>	<p>Please narrow your request for the waiver of the licensure rules to Section 7.</p> <p>The second set of rules cited were repealed in 2012.</p>

	<p>DESE Rules Governing Educator Licensure</p> <p>DESE Rule – Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More than Thirty (30) Consecutive Days</p>	
33. Attendance (DLP waiver) – CONTINUE	Ark. Code Ann. § 6-18-213(a)(2)	No concerns.
34. Class Size & Teaching Load (DLP waiver) – CONTINUE	<p>Ark. Code Ann. § 6-17-812</p> <p>Standards 1-A.5, 1-A.6</p> <p>DESE Rules Governing Class Size &amp; Teaching Load</p>	No concerns.
35. Six-Hour Instructional Day (DLP waiver) – CONTINUE	<p>Ark. Code Ann. §§ 6-16-102 6-10-126</p> <p>Standard 1-A.4.2</p>	No concerns.
36. Clock Hours (DLP waiver) – CONTINUE	Standard 1-A.2	No concerns.
27. Recess (DLP waiver) - CONTINUE	<p>Ark. Code Ann. § 6-16-102(a)(5)</p> <p>DESE Rules Governing Nutrition and Physical Activity Standards – Section 7.11</p>	No concerns.

**The charter is not requesting any new waivers.**