

Initial Legal Review

Charter School Name: Pinecrest Preparatory Academy Fayetteville

General Legal Concerns:

All debts incurred by a charter must be approved by the Secretary prior to the charter incurring the debt. See. Rule 6.11.1.5. Debt requests are to be submitted to legal (Shastady) and then legal will send it to the appropriate people for review and communicate regarding approval/denial once the review is completed.

THE CHARTER IS REQUESTING THE FOLLOWING WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Alternative Learning Environment	Ark. Code Ann. § 6-15-1005(b)(5) 6-18-503(a)(1)(c)(i) 6-48-102 6-48-103 Standard 2-I.1 DESE Rules Governing Student Special Needs Funding -Section 4	No concerns. Be prepared to provide additional rationale to the CAP.
2. Board of Directors	Ark. Code Ann. §§ 6-13-608 6-13-611 6-13-612(c) 6-13-613 6-13-615 6-13-616(a) 6-13-617 6-13-618 6-13-619(a), (c), (d)(1)(A), (d)(4) 6-13-620(5) 6-13-622(b) 6-13-630 6-13-631 6-13-634 6-13-635 6-13-1303 6-14-101 et seq. Rules Governing School Board Zones and Rezoning	There is a typo on the waiver list so please change 6-13-619(d)(1)(A) to 6-13-619(d)(2)(A). The rules you have listed pertain to compliance with 6-13-631, but since you are waiving that statute you do not need a waiver of these rules. Please remove these on your final application.

3. Class Size and Teaching Load	Ark. Code Ann. § 6-17-812 Standard 1-A.5 1-A.6 DESE Rules Governing Class Size and Teaching Load	Do you intend to compensate your teachers for going over the teaching load? If so you will not need a waiver of 6-17-812. Be prepared to provide additional rationale to the CAP.
4. Flag Display	Ark. Code Ann. § 6-16-105 6-16-106	No concerns.
5. Leased Academic Facilities	Ark. Code Ann. § 6-21-117	Please narrow your request (2)-(5).
6. Library Media Service & Specialist	Ark. Code Ann. §§ 6-25-103 6-25-104 Standard 2-D.1 4-F.1 4-F.2	No concerns. Please note that Act 372 of 2023 amended 6-25-105 to have a robust challenge policy for library materials. This law will be effective on August 1, so you may want to go ahead and take a look at it.
7. Personnel Policies – Duty Free Lunch Period	Ark. Code Ann. § 6-17-111	No concerns.
8. Personnel Policies – Daily Planning Period	Ark. Code Ann. § 6-17-114	No concerns.
9. Personnel Policies – Non Instructional Duties	Ark. Code Ann. § 6-17-117	No concerns.
10. Personnel Policies – Requirements	Ark. Code Ann. § 6-17-201(a) & (c)	Can you narrow this request to just (c)? Please note that in order to qualify for the additional funding under the LEARNS Act you must have a teacher salary schedule.
11. Personnel Policies – Committee on Personnel Policies	Ark. Code Ann. § 6-17-203 6-17-205 6-17-209	No concerns.
12. Personnel Policies – Grievance Procedure	Ark. Code Ann. § 6-17-208 6-17-210	No concerns.

13. Personnel Policies – Employment of Licensed Personnel	Ark. Code Ann. § 6-17-301	Please narrow your waiver to (a) & (b). You cannot waiver subsection (c).
14. Personnel Policies – Classified Employees	Ark. Code Ann. § 6-17-2301(c) 6-17-2301(c)(1) & (d)(2) 6-17-2302 6-17-2303 6-17-2304 6-17-2405	The waiver sheet had a second typo so please narrow 6-17-2301(c)(1) and (d)(2).
15. Personnel Policies - Website Posting	Standard 3-A.2 (only to the extent that the classified salary schedule must be published on the school’s website) DESE Rules Governing Documents Posted to School District and Education Cooperatives Websites – 5-01.4, 5.01.5, 6.01, 6.02	You will need to add a waiver of Ark. Code Ann. § 6-11-129(a)(1)(B) for website postings. Please note that even if the salary schedule is not published on your website, that information must be provided under the AR Freedom of Information Act, if request.
16. Principal	Ark. Code Ann. § 6-17-302 Standard 4-C.1 4-C.2	Be prepared to provide additional rationale to the CAP.
17. Report Cards	Ark. Code Ann. § 6-15-903(a)(2)	No concerns.
18. Required Instruction	Standard 1-A.1.3	Please be prepared to provide additional rationale to the CAP.
19. Superintendent	Ark. Code Ann. § 6-13-109 6-13-427 Standard 4-B.2	How will you ensure a new superintendent is properly trained in AR? Do you need a waiver of 4-B.1? Do you need a waiver of the DESE Rules Governing the Superintendent Mentoring Program?
20. School Counselor	Ark. Code Ann. § 6-18-2003(a)(2)(A) Standard 4-E.1	No concerns.
21. Teacher Licensure	Ark. Code Ann. §§	Please add Standard 4-D.1.

	6-15-1004 6-17-309 6-17-401 6-17-418 6-17-902 6-17-908 6-17-919 DESE Rules Governing Educator Licensure – Section 7	
22. Health Services – School Nurse	Ark. Code Ann. § 6-18-706	This waiver will not be granted as it is prohibited under Ark. Code Ann. § 6-23-401(b), as it is a health requirement.