

Initial Legal Review

Prepared by: Stephen Reynolds

Charter School Name: Real World Preparatory

The charter is requesting the following waivers:

Waiver Topic	Statutes, Standards, Rules	Notes
1. School Board	ACA 6-13-601, et seq.; ACA 6-14-101, et seq.	<ul style="list-style-type: none">• Rather than a blanket waiver of 6-13-601 et seq, please provide the code sections within the subchapter that you intend to request waivers for. I have noted that you are not requesting a waiver for 6-13-619 or 6-13-629. <p>Please explain the rationale for requesting a waiver of ACA 6-13-612(a) and (b).</p> <p>Please explain the rationale for requesting a waiver of ACA 6-13-616(b).</p> <p>Please explain how you will ensure that board members are provided notice under 6-13-617(b)(2) of the ethical prohibitions contained in 6-24-101 et seq.</p> <p>Please explain the rationale for requesting a waiver of 6-13-620. Generally, most of the powers here are reserved for the board. Who will have this authority if not the board of directors?</p> <p>Did you mean to include a request for a waiver of 6-13-623, 6-13-625, and 6-13-636?</p> <p>A waiver of 6-13-626 is constitutionally impermissible.</p>

		You may want to include 6-13-1303.
2. Business Manager	ACA 6-15-2302	You may want to consider limiting the waiver request to 6-15-2302(b) to avoid confusion.
3. Personnel	ACA 6-15-1004, 6-17-301, 6-17-302, 6-17-309, 6-17-401, 6-17-902, 6-17-919, Section 15.02 and 15.03 of ADE Rules Governing the Standards for Accreditation of Public School and School Districts, and ADE Rules Governing Educator Licensure	<ul style="list-style-type: none"> • Code sections 6-15-1004, 6-17-309, 6-17-401, 6-17-902 and 6-17-908, 6-17-919 should be under waiver topic – Teacher Licensure. <p>Only Section 7 of the Rule Governing Educator Licensure is waivable.</p> <p>Additionally, you will need to request a waiver of 6-17-908 to fully effectuate the teacher licensure waiver. You will need to add a request for Standard 4-D.1 to fully effectuate the waiver.</p> <ul style="list-style-type: none"> • 6-17-301 should be under waiver topic – Personnel Policies – Employment of Licensed Personnel • 6-17-302 should be under waiver topic – Principal. Additionally, you will need to add a waiver of Standard 4-C.1 and 4-C.2 to fully effectuate that waiver. • There is no Section 15.02 or 15.03 of the Rule Governing the Standards for Accreditation.
4. Curriculum Required Instruction	Standard 1-A.1.3	<ul style="list-style-type: none"> • I have no legal concerns. Please be prepared to explain this to the CAP.
5. Flag	ACA 6-16-105 and ACA 6-16-106	<ul style="list-style-type: none"> • I have no legal concerns. The correct waiver topic should be Flag Display.
6. Planning Period	ACA 6-17-114	<ul style="list-style-type: none"> • I have no legal concerns. Please be prepared to explain this to the CAP.

7. Teacher Duty	ACA 6-17-111 and ACA 6-17-117	<ul style="list-style-type: none"> I have no legal concerns. Please be prepared to explain this to the CAP.
8. Personnel	ACA 6-17-201 et seq. and 6-17-203	Did you intend to waive the entire 6-17-200 subchapter? Please be prepared to explain this to the CAP.
9. Personnel	ACA 6-17-1501 et seq. and ACA 6-17-1701 et seq.	<p>The Teacher Fair Dismissal Act was repealed in 2023. This waiver is no longer necessary</p> <p>The Public School Employees' Fair Hearing Act was also repealed in 2023. This waiver is no longer necessary.</p>
10. Personnel	ACA 6-17-2301 et seq.	I have no legal concerns. The correct waiver topic should be Personnel Policies – Classified Employees Personnel Policies. Please be prepared to explain your rationale to the CAP.
11. School Services	ADE Rules Governing Public School Student Service Section 16.01 and ACA 6-18-1001 et seq.	The ADE Rules Governing Public School Student Services and The Public School Student Services Act were repealed in 2019.
12. School Nurses	Standard 2-E.1, ACA 6-18-706, ACA 6-18-1001 et seq., ADE Rules Governing Public School Services Section 16.03	<p>Please be prepared to explain your rationale to the CAP.</p> <p>The ADE Rules Governing Public School Student Services and The Public School Student Services Act were repealed in 2019.</p>
13. Superintendent	ACA 6-13-109, ACA 6-17-302, ADE Standards Rules Section 15.01 and 15.02	<p>It is unclear what the ADE Standards Rules is referring to. Please explain. 6-17-302 is a requirement for a principal, not a superintendent.</p> <p>Additionally, you will need to add a waiver for A.C.A. 6-17-427 if you do not intend for your superintendent to complete the Department's mentoring program.</p>
14. Transportation	ACA 6-19-101 et seq.	I have no legal concerns.
15. Facilities	ACA 6-21-117	You might want to limit your waiver to 6-21-117(2)-(5). Please be prepared to explain this to the CAP.

16. Personnel	ACA 6-17-201(c)(2), ACA 6-17-2203, ACA 6-17-2403, ADE Rules Governing School District Requirements for Personnel Policies Sections 5-8	<p>You've previously requested a waiver of 6-17-201 in another section.</p> <p>Please be aware that the existence of 6-17-2203 does not alter the state minimum wage statute, 11-4-210.</p> <p>Please be aware that a waiver of the minimum teacher salary requirements will make the charter ineligible for teacher salary funding.</p> <p>It is unclear what the ADE Rules Governing School District Requirements for Personnel Policies is referring to.</p>
17. Business Operation	ACA 6-21-304	The code section that you've cited requires that when a school district or open enrollment charter school makes purchases of \$20,000 or more, it must procure the commodities by soliciting bids. Please provide a rationale for . . .
18. Student Services	ACA 6-20-2208(c)(6), ACA 6-42-101 et seq., Rules Governing Gifted and Talented Program Section 18.01-18.02	<p>Did you intend to waive the entire 6-42-101 subchapter?</p> <p>It is unclear what Rules Governing Gifted and Talented Program Section 18.01-18.02 is referring to.</p> <p>You will need to add a waiver of Standard 2-G.1 to fully effectuate this waiver.</p>
19. Student Services	<p>Ark. Code Ann. § 6-20-2208(c)(6)</p> <p>Ark. Code Ann. § 6-42-101 et. seq.</p> <p>Section 18.01-18.03 Rules Governing Gifted and Talented Program</p> <p>Alternative Learning Environment: A.C.A. 6-15-1005(b)(5); 6-18-503(a)(1)(C)(i); 6-48-101 et seq.;</p> <p>Section 19.03 ADE</p>	<p>It is unclear what Section 18.01-18.03 Rules Governing Gifted and Talented Program and Section 19.03 ADE Standards Rules are referring to.</p> <p>Did you intend to waive the entire 6-42-101 subchapter?</p> <p>Did you intend to waive the entire 6-48-101 subchapter?</p> <p>You will need to add a waiver of 2-I.1 and 2-G.1 to fully effectuate waivers for ALE and Gifted and Talented, respectively.</p>

	Standards Rules; ADE Rules Governing Gifted and Talented Program Approval Standards; Section 4.00 of ADE Rules Governing the Distribution of Students with Special Needs Funds	
20. Student Services	Ark. Code Ann. §§6-25-103 and 104 concerning School Library Media and Technology Section 16.02.3 of the ADE Standards Rules	It is unclear what Technology Section 16.02.3 of the ADE Standards Rules is referring to. You will need to waive Standards 2-D.1, 4-F.1 and 4-F.2 to fully effectuate this waiver.
21. Class Size	Section 10.02 of the ADE Standards Rules (Class Size)	It is unclear what Section 10.02 of the ADE Standards Rules (Class Size) is referring to. You will need to waive Standard 1-A.5 and Section 3.00 of the DESE Rule Governing Class Size and Teaching Load to fully effectuate this waiver.
22. Student Policies	Ark. Code Ann. § 6-18-501 et seq. concerning Student Discipline Policies and the ADE Guidelines for the Development, Review, and Revision of School District Discipline and School Safety Policies	It is unclear what the ADE Guidelines for the Development, Review, and Revision of School District Discipline and School Safety Policies is referring to. Did you intend to waive the entire 6-18-501 subchapter?

Note: