

Final Legal Review

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

Charter School Name: Newman Virtual Academy

The charter is requesting the following waivers:

Waiver Topic	Statutes, Standards, Rules	Notes
1. Typical School Day/ Minimum Clock Hours/ Competency	Ark. Code Ann. §§ 6-16-102(a)(5) 6-15-216 Standards for Accreditation 1-A.4.2 1-A.2 1-A.4.3	I have no legal concerns. Please be prepared to explain this to the CAP.
2. Mandatory Attendance	Ark. Code Ann. § 6-18-213(a)(2)	The law only requires the charter to have a policy for taking attendance if it is a virtual school. From your rationale it appears that you have a policy for how you will take attendance; therefore, this waiver is unnecessary.
3. Flags/Period of Silence and Pledge of Allegiance	Ark. Code Ann. §§ 6-10-115 6-16-108 6-16-105 6-16-106	I have no legal concerns.
4. Teacher Licensure	Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-902 6-17-919 Standard for Accreditation 4-D.1 DESE Rules Governing Educator Licensure Section 7.00	I have no legal concerns. Please be prepared to explain this to the CAP.
5. Class Size and Teaching Load	Ark. Code Ann. §§ 6-17-812 Standards for Accreditation 1-A.5; 1-A.6	Do you anticipate that you will compensate teachers for going beyond the teaching load limit? It is unclear from your rationale. Please be prepared to explain this to the CAP.

	DESE Rule Governing Class Size and Teaching Load - Sections 3 & 4	
6. Food Services-Breakfast Program School Lunch Program	Ark. Code Ann. §§ 6-18-705 6-20-701 et seq. Standard for Accreditation 3-D.1 DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, Section 5.02, 12.00	Under Ark. Code Ann. § 6-23-401(b). sections 5.02.5 and 12.00 of the DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools are NOT waivable.
7. Library Media Services	Ark. Code Ann. §§ 6-25-104 6-25-103 Standards for Accreditation 2-D.1; 4-F.1; 4-F.2	I have no legal concerns. Please be prepared to explain this to the CAP.
8. Teacher and Classified Employee Minimum Salary	Ark. Code Ann. §§ 6-17-2201 et seq 6-17-2401 et seq. 6-17-2403 (a)(1)(C)	Please note that if you request a waiver of the minimum teacher salary requirements, you will not be eligible under Arkansas Code 6-17-2403(a)(1)(C) to receive additional funding to implement the minimum base salary of fifty thousand dollars (\$50,000).
9. Principals	Ark. Code Ann. § 6-17-302 Standard for Accreditation 4-C.1; 4-C.2	I have no legal concerns.
10. Text Books	Ark. Code Ann. § 6-21-413 DESE Rule Governing Instructional Materials Section 5.01	I have no legal concerns.
11. Gifted and Talented	Ark. Code Ann. §§ 6-42-109 6-20-2208(c)(6) Standard for Accreditation 2-G.1	I have no legal concerns. Please be prepared to explain this to the CAP.

	DESE Rule Governing Gifted and Talented Program Approval Standards	
12. Board of Directors	Ark. Code Ann. §§ 6-13-612(c) 6-13-619(c) 6-13-630 6-13-615 6-14-101 et seq. 6-13-608 6-13-619(c)(1)(A) 6-13-619(d)(4) 6-13-620(5)(A) 6-13-634 6-13-613	I have no legal concerns.
13. Board of Directors – Attend Meeting Remotely	Ark. Code Ann. §§ 6-13-619(d)(2) 6-13-619(d)(3)	<p>I have concerns with the requested waiver of Arkansas Code 6-13-619(d)(2). If a board member must attend a meeting remotely, this law requires that a policy adopted by the school must allow for (1) identification of the board member attending remotely and (2) for the board member attending remotely to see and hear the other board members and the public and vice versa. Does the charter have a policy for this?</p> <p>Irrespective of this waiver, the Arkansas Freedom of Information Act requires that board meetings be open to the public. How will the charter ensure compliance with this law?</p> <p>If the charter will confirm on the record that there are procedures in place to ensure that board members in executive session will not have individuals present who are not authorized to be present during an executive session, I have no legal concerns with the requested waiver of A.C.A §§ 6-13-619(d)(3).</p>
14. Acquisition of Commodities - Reimbursement	Ark. Code Ann. § 6-21-303(b)(1)(A)	I have no legal concerns.

for Classroom Activities		
15. Alternative Learning Environment	<p>Ark. Code Ann. §§ 6-48-103 6-18-503(a)(1)(C)(i) 6-15-1005(b)(5)(A) 6-48-102</p> <p>Standard for Accreditation 2-I.1</p> <p>DESE Rule Governing Student Special Needs Funding</p>	What is your plan to provide alternative learning environments for students should the need arise? Please be prepared to explain this to the CAP.
16. Business Manager	<p>Ark. Code Ann.§ 6-15-2302(b)</p> <p>Standard for Accreditation 3-A.5</p> <p>DESE Rule Governing the Arkansas Fiscal Assessment and Accountability Program – Section 12</p>	I have no legal concerns.
17. Defibrillators Required	Ark. Code Ann.§ 6-10-122	The requirements under this law would be limited to any physical buildings or facilities; I do not think this waiver is necessary based on the rationale.
18. Documents Posted to School District Websites	DESE Rule Documents Posted to School District Websites Sections 6.01-6.04	I do not understand the need for this waiver. Please provide additional rationale for this request.
19. Superintendent	<p>Ark. Code Ann.§§ 6-13-109 6-17-427</p> <p>Standard for Accreditation 4-B.1; 4-B.2</p> <p>DESE Rule Superintendent Mentoring Program</p> <p>DESE Rule Educator Licensure</p>	What is the long term plan for your superintendent? Do you intend to eventually hire a licensed superintendent?
20. Eye and Vision Screening Procedures	Ark. Code Ann. §§ 6-18-1501 et. seq.	Under Ark. Code Ann. § 6-23-401(b), this is not waivable

21. Finance - Teacher Salaries	Ark. Code Ann. § 6-20-2208(c)(1)	I have no legal concerns.
22. Personnel Policies - Classified Committee	Ark. Code Ann. §§ 6-17-2301(c)(1) & (d)(2)	I have no legal concerns.
23. Personnel Policies	Ark. Code Ann. §§ 6-17-201(a) & (c)	
24. Site-Based Decision Making	Ark. Code Ann. §§ 6-13-1301 et. seq.	I have no legal concerns.
25. School Counselor Ratio	Standard for Accreditation 4-E.2	I have no legal concerns. Please be prepared to explain this to the CAP.
26. Student Discipline and School Safety	DESE Rule Governing Student Discipline and School Safety Section 5.04.10	What is your plan to provide alternative learning environments for students should the need arise? Please be prepared to explain this to the CAP.
27. Utility and Maintenance Expenditure Requirements	Ark. Code Ann. § 6-21-808(d)	How do you intend to pay for utilities and maintenance costs for the drop-in centers? If the maintenance of your facilities (including server maintenance) does not meet the 9% requirement, where will the difference be spent? Please be prepared to explain this to the CAP.

Notes and General Concerns: None.