

Initial Legal Review

Charter School Name: Premier High Schools of Arkansas

THE CHARTER IS REQUESTING THAT THE FOLLOWING WAIVERS CONTINUE:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
<p>1. Alternative Learning Environment - Continue</p>	<p>Ark. Code Ann. §§ 6-15-1005(b)(5) 6-15-1005(b)(5) 6-18-503(a)(1)(C)(i) 6-48-102-103</p> <p>Standard 2-I.1</p> <p>Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of those Funds -Section 4.</p>	<p>The correct name of the rules is “DESE Rules Governing Student Special Needs Funding.”</p> <p>Please be prepared to provide additional rationale in your final application regarding how you will meet the needs of your students that cannot function in a traditional classroom, particularly special education students.</p>
<p>2. Board of Directors - Continue</p>	<p>Ark. Code Ann. §§ 6-13-608 6-13-611 6-13-612(c) 6-13-613 6-13-615 6-13-616 6-13-619 6-13-620 6-13-621 6-13-630 6-13-631 6-13-634 6-13-1303 6-13-1401 et seq. 6-14-101 et seq.</p> <p>School Board Zones and Rezoning School election Expense Reimbursement</p>	<p>Please narrow your waiver of 6-13-616 to subsection (a) only.</p> <p>Do you need a waiver of 6-13-618?</p> <p>Waivers of 6-13-1401 et seq. are not commonly granted.</p> <p>A waiver of the ADE Rules for Reporting 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 is not necessary.</p> <p>The correct name of the rules is “ADE Proposed Rules Governing Reimbursement by School Districts for Election Expenses.”</p>
<p>3. Class Size and Teaching Load – Continue</p>	<p>Ark. Code Ann. § 6-17-812</p> <p>Standard 1-A.5</p>	<p>You will also need to ask for a waiver of the DESE Rules Governing Class Size and Teaching Load, Section 3 and 4.</p>

	Standard 1-A.6	Please be prepared to provide additional rationale at the CAP meeting.
4. Curriculum, Grading, & Credit Hours – Continue	Ark. Code Ann. § 6-15-902(a) Standard 1-A.2 DESE Rules Governing Grading and Course Credit, Section 2-2.01	None.
5. Flag Display - Continue	Ark. Code Ann. § 6-16-106	Do you need a waiver of 6-16-105?
6. Facilities - Continue	Ark. Code Ann. § 6-21-117 Standard 6-A.1	Please narrow your waiver request to subsections (2)-(5).
7. Flexible Schedule - Continue	Ark. Code Ann. §§ 6-10-106	Please be prepared to provide rationale at the CAP meeting.
8. Instructional Day - Continue	Ark. Code Ann. § 6-16-102(a)(1)-(4), (c) Standard 1.A.4.2	Please be prepared to provide rationale at the CAP meeting.
9. Gifted and Talented - Continue	Ark. Code Ann. §§ 6-20-2208(c)(6) 6-42-109 Standard 2-G.1 Gifted and Talented Program Approval Standards	The correct name of the rules is “DESE Rules Governing Gifted and Talented Program Approval Standards. Please provide rationale as to how the needs of these students will be met.
10. Personnel Policies - Duty Free Lunch – Continue	Ark. Code Ann. § 6-17-111	Please be prepared provide additional rationale regarding how you will ensure that your teachers have enough time to plan, take breaks, and eat lunch.
11. Personnel Policies - Non-Instructional Duties – Continue	Ark. Code Ann. § 6-17-117	Please be prepared provide additional rationale regarding how you will ensure that your teachers have enough time to plan, take breaks, and eat lunch.

12. Personnel Policies - Planning Period - Continue	Ark. Code Ann. § 6-17-114	Please be prepared provide additional rationale regarding how you will ensure that your teachers have enough time to plan, take breaks, and eat lunch.
13. Personnel Policies – Requirements – Continue	Ark. Code Ann. § 6-17-201(c)	Please be prepared to provide rationale regarding what your personnel policies will look like.
14. Personnel Policies – Committee on Personnel Policies - Continue	Ark. Code Ann. §§ 6-17-203 6-17-205 6-17-209 School District Requirements for Personnel Policies, Salary Schedules, minimum Salaries, and Documents Posted to District Websites, Sections 4-8.	Do you need a waiver of 6-11-129? The correct name of the rules is “DESE Rules Governing Document Posted to School District and Education Service Cooperative Websites.” Also do you want to narrow the waiver to section 4-6, as those are the sections dealing with posting personnel policies? Please be prepared to provide rationale regarding what your personnel policies will look like.
15. Personnel Policies – Right to Join a Professional Organization – New	Ark. Code Ann. § 6-17-202	A waiver of 6-17-202 is not commonly granted.
16. Personnel Policies – Incorporation into Teacher’s Contract – Continue	Ark. Code Ann. § 6-17-204	Be prepared to provide additional rationale to the CAP.
17. Personnel Policies – Use of Personal Leave – Continue	Ark. Code Ann. § 6-17-211	Be prepared to provide additional rationale to the CAP.
18. Personnel Policies – Employment of Licensed Personnel – Continue	Ark. Code Ann. § 6-17-301	Be prepared to provide additional rationale to the CAP.
19. Personnel Policies – Classified Personnel Policies – Continue	Ark. Code Ann. § 6-17-2301(c)	Be prepared to provide additional rationale to the CAP.
20. Personnel Policies – Public School Employees’	Ark. Code Ann. § 6-17-1301 et seq.	Be prepared to provide additional rationale to the CAP.

Minimum Sick Leave Law – Continue		
21. Personnel Policies – Teachers’ Minimum Sick Leave Act – Continue	Ark. Code Ann. § 6-17-1201 et seq.	Be prepared to provide additional rationale to the CAP.
22. Personnel Policies - Teacher Fair Dismissal – Continue	Ark. Code Ann. § 6-17-1501 et seq.	Be prepared to provide additional rationale to the CAP.
23. Personnel Policies - Public School Employee Fair Hearing – Continue	Ark. Code Ann. § 6-17-1701 et seq.	Be prepared to provide additional rationale to the CAP.
24. Classified Employee Minimum Salary - Continue	Ark. Code Ann. § 6-17-2201 et seq.	Do you need a waiver of 6-11-129? Please add the DESE Rules Governing Document Posted to School District and Education Service Cooperative Websites.
25. Salaries & Compensation - Continue	Ark. Code Ann. §§ 6-17-2401 et. seq. 6-17-908 6-17-919	Do you need a waiver of 6-17-902?
26. Twelve-Month Contract of Agriculture Teacher – Continue	Ark. Code Ann. § 6-17-802	Please provide rationale in your final application.
27. Principal – Continue	Ark. Code Ann. § 6-17-302(a) Standard 4-C.2	Do you need a waiver of Standard 4-C.1?
28. Health Services – School Nurse – Continue	Ark. Code Ann. § 6-18-706 Standard 2-E.1	Do you need a waiver of 6-18-1501 and 6-18-1502? If so, then also include the DESE Rules Governing Eye and Vision Screening Report in Arkansas Public Schools. Please be prepared to provide rationale regarding how you will ensure your students receive these services, particularly special education students.

29. School Counselor - Continue	Standards 4-E.1 4-E.2	Please be prepared to provide rationale regarding how you will ensure these services are provided to your students.
30. Comprehensive School Counseling Plan – Continue	Ark. Code Ann. § 6-17-2003(a)(2)(A)	
31. Library Media Specialist – Continue	Ark. Code Ann. § 6-25-104 Standard A-F.1 4-F.2	Please fix the standards citation. It should read 4-F.1. Please discuss how the library media academic standards will be taught.
32. Library Media Services – Continue	Ark. Code Ann. § 6-25-103 Standard 2-D.1	You listed Standard 2-D.1 on the rescind list. Please clear up this confusion in the final application. Please discuss how the library media academic standards will be taught.
33. Food Services – Continue	Standard 3-D.1	You have this listed on your rescind list. So, do you need this waiver or not? If you do need the waiver, do you also need a waiver of 6-18-705? Do you need to add the DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools? How do you intend to provide meals to your students? I will defer to the child nutrition unit for feedback on this request.
34. Superintendent - Continue	Ark. Code Ann. §§ 6-13-109 6-14-427 Standards 4-B.1 4-B.2 Superintendent Mentoring	Please update the rules with the appropriate name: “DESE Rules Governing the Superintendent Mentoring Program.” Please provide rationale regarding how you will ensure that your superintendent is properly trained.

35. Teacher Licensure - Continue	Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-902 6-17-919 Standard 4-D.1 Educator Licensure	Do you need a waiver of 6-17-401? Do you need a waiver of 6-17-418? Do you need a waiver of 6-17-908? Please add the correct rule name. The correct rule title is “DESE Rules Governing Educator Licensure (Section 7.00).” How will you ensure that your teachers meet all the Arkansas Qualified Teacher Standards for the courses they teach?
36. Transportation – Continue	Ark. Code Ann. § 6-19-101 et seq.	None.
37. Business Manager - Continue	Ark. Code Ann. § 6-15-2302 DESE Rule Governing Minimum Qualifications for General Business Managers	Do you need a waiver of Standard 3-A.5? This rule has been repealed. Please remove it in the final application.
38. 9-12 Curriculum - Continue	Standard 1-A.1.3	None.

THE CHARTER IS REQUESTING TO RESCIND THE FOLLOWING WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Acquisitions of Commodities - Rescind	Ark. Code Ann. § 6-21-303	None.
2. Facilities – School Safety - Rescind	Standard 6-A.2	None.
3. Library Media - Rescind	Standard 2-D.1	This waiver was on the continue list as well. Please clear up the confusion in the final application.
4. Food Services - Rescind	Standard 3-D.1	This waiver was on the continue list as well. Please clear up the confusion in the final application.
5. Monitoring - Rescind	Standard 1-A.3	None.

6. Comprehensive School Counseling Plan - Rescind	Standard 2-C.2	None.
7. Consolidation, Annexation, and Formation - Rescind	Ark. Code Ann. § 6-13-201 et seq.	This code section has been repealed
8. Health & Safety - Rescind	Standard 2-E.2	None.
9. School Calendar - Rescind	Ark. Code Ann. § 6-10-106	None.
10. Attendance - Rescind	DESE Rule Governing Mandatory Attendance Requirements for Students Grades Nine Through Twelve.	This cannot be waived.