

## **2023 Open-Enrollment Charter Applicant State of Assurances**

The signature of the President of the Board of Directors of the proposed public charter school's sponsoring entity certifies that the following statements are and will be addressed through policies adopted by the sponsoring entity and policies to be adopted by the public charter school; and, if the application is approved, that the sponsoring entity, governing body, administration, and staff of the open-enrollment charter shall abide by them.

1. The information submitted in this application is true to the best of my knowledge and belief, and this application has been sent to the superintendent of all the districts from which we expect to draw students.
2. The open-enrollment public charter school shall be open to all students, on a space-available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools. The charter may provide for the exclusion of a student who has been expelled from another public school district.
3. If enrollment exceeds the approved enrollment cap, the open-enrollment charter school shall hold an annual random and anonymous public lottery, followed with notifying parents of enrollment status for all applicants. The waiting list generated by the lottery will be maintained for one year.
4. In accordance with federal and state laws, the open-enrollment public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
5. The open-enrollment public charter school shall operate in accordance with federal laws and rules governing public schools, applicable provisions of the Arkansas Constitution, and state laws and regulations governing public schools not waived by the approved charter.
6. The open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity, or as collateral for debt.
7. Open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by Ark. Code Ann.

§ 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the State of Arkansas.

8. The open-enrollment public charter school shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.
9. The open-enrollment public charter school shall not be religious in its operations or programmatic offerings.
10. The open-enrollment public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the Arkansas State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of a traditional school district is covered.
11. The employees and volunteers of the open-enrollment public charter school are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.
12. The open-enrollment public charter school shall be reviewed for its potential impact on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
13. The open-enrollment public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.
14. The applicant confirms the understanding that certain provisions of state law shall not be waived. The open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation approved by the State Board of Education under this title relating to:
  - (a) Monitoring compliance with Ark. Code Ann. § 6-23-101 *et seq.*, as determined by the Commissioner of the Department of Education;
  - (b) Conducting criminal background checks for employees;
  - (c) High school graduation requirements as established by the State Board of Education;
  - (d) Special education programs as provided by this title;
  - (e) Public school accountability under this title;
  - (f) Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24- 101 *et seq.*, and any other controlling state or federal law regarding ethics or conflicts of interest; and
  - (g) Health and safety codes as established by the State Board of Education and state and local governmental entities.

15. The facilities of the public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.
16. Should the open-enrollment public charter school voluntarily or involuntarily close, the applicant confirms the understanding that any fees associated with the closing of the school including, but not limited to, removal of furniture, equipment, general expenses, etc., are the sole responsibility of the sponsoring entity. No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the open-enrollment public charter school. If the open-enrollment public charter school used state or federal funds to purchase or finance personal property, real property or fixtures for use by the open-enrollment public charter school, the authorizer may require that the property be sold. The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.
17. To be eligible for a charter school license, an entity must hold or have applied for 501(c)(3) status at the time this charter application is filed. The entity must receive formal tax exempt status under §501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.
18. Any applications submitted without documentation showing that 501(c)(3) status has been applied for or received will not be reviewed. Articles of incorporation or a letter acknowledging non-profit status from the Secretary of State will not suffice.
19. The curriculum used in the school will be aligned to the Division of Elementary and Secondary Education curriculum standards.
20. The Arkansas Public School Computer Network (APSCN) Financial Management System, provided by the Division of Elementary and Secondary Education, shall be the original and official accounting systems of record for the public charter school as required by state law and the rules and regulations of the Division of Elementary and Secondary Education for all financial transaction records and reporting (including, but not limited to, payroll processing and wage and tax reporting to the IRS ATRS, DFA, etc., accounts payable, fixed assets, personnel budgeting, and budgeting). APSCN shall be used to record all private, as well as, local, state, and federal revenues and expenditures.
21. Ark. Code Ann. §6-24-105 prohibits charter school board members from contracting with or being employed by the charter school except in certain limited circumstances.
22. The Arkansas Public School Computer Network (APSCN) Financial Management System, provided by the Department of Education, shall be the original and official accounting system of record for the public charter school as required by state law and the rules and regulations of the Department of Education for all financial transaction

records and reporting (including, but not limited to, payroll processing and wage and tax reporting to IRS, ATRS, DFA, etc., accounts payable, fixed assets, personnel budgeting, and budgeting). APSCN shall be used to record all private, as well as, local, state, and federal revenues and expenditures.

23. The Arkansas Public School Computer Network (APSCN) Student Management System, provided by the Department of Education, shall be the original and official student management system for the public charter school as required by state law and the rules and regulations of the Department of Education for all student management areas (including, but not limited to, systems administration, demographics, attendance, scheduling, report cards, discipline, medical, Cognos reporting, and Statewide Information System reporting).
24. The facility to be used will be in compliance with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws and local zoning ordinances.
25. **A copy of the entity's letter from the IRS reflecting tax exempt status or a copy of the entity's application for 501(c)(3) status must be included with the application.** Articles of incorporation or a letter acknowledging non-profit status from the Secretary of State will not suffice.) To be eligible, an entity must hold or have applied for 501(c)(3) status at the time this charter application is filed. The entity must receive formal tax exempt status under §501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students. Non-profit entities without the required Internal Revenue Service documentation are not eligible to be awarded charters; therefore, any **applications submitted without documentation showing that 501(c)(3) status has been applied for or received will not be reviewed.**

  
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Applicant Signature

05/15/2023  
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Date

Craig Barrett  
\_\_\_\_\_  
Printed Name