

Winslow Community School

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*Information provided by Applicant is in italics.*

## **Winslow Community School 2019 Open Enrollment Application**

**General Comments:** This application is incomplete and needs to be redone. Applicant should confirm it plans to meet the requirements of the Minimum Salary Law, all library media specialist rules, all family and community engagement rules, facility rules, curriculum, school nurse services, and the new requirements related to guidance counselors as none of these waivers were requested. Based on its application, it will need waivers of curriculum in 5-8 since they are doing a grade roll-out, so it should review Section 1-A.1.2 of the Standards for Accreditation.

*Response to General Comments: The starting salary for teachers with no experience will be \$36,500. We are not requesting a waiver of minimum salary in keeping with Act 170 even though it will be the school year 2022-2023 before the law requires the starting salary to be \$36,000.*

*WCS is committed to assuring that children have every opportunity possible to help them with reading to learn and loving to read. We believe that a trained media specialist is key to this process. Therefore, in the revised WCS budget sent with the last Charter Revision, we included a salary for a full-time Media Specialist. WCS is not requesting a waiver of a Library Media Specialist.*

**General Comments:** Applicant should verify the LMS will be licensed.

*WCS has budgeted for a .5 FTE guidance counselor for the first year of operation as indicated in the revised WCS budget. WCS does not seek a waiver of a guidance counselor.*

**General Comments:** Applicant should verify the guidance counselor will be licensed and the Applicant will meet all of the requirements of Act 190 of 2019.

*With regard to curriculum, we consulted with partner charter schools whose overall academic achievements have shown student growth each year. We reviewed and will continue to review approved state curriculum and Arkansas State Standards to ensure that our curriculum meets State Requirements as stated in our application regarding curriculum. WCS will adhere to **Standard 1- A** of the ADE Standard for Accreditation. WCS does not seek a waiver for curriculum.*

**Legal Comments:** Because the Applicant is going to be K-6 in year one, and will not be K-8 until 2022-2023, it will need a two year waiver of 1-A.1.2, 5-8 Curriculum.

*The above-mentioned Section deals with course offerings in grades 5-8 and the question as to whether or not WCS should seek a curriculum waiver. It is recognized that certain courses may be offered for high school credit in grades 5-8 with the approval of the ADE. We understand that the courses may be taught over a two-year period and that the teacher of record shall be licensed to teach and administer appropriate examinations for the course. We also recognize the time line for ADE approval of such courses. However, we believe that if we have students who qualify and who are academically ready to take classes for high school credit that these courses should be made available to them. Therefore, upon approval of our application, we will make the necessary course approval requests so that the courses are available as needed. Given that we now have Digital Learning options, we believe that we can offer the necessary high school courses – with ADE course approval – through an approved ADE learning provider with input from Team Digital. Therefore, we do not wish to see a curriculum wavier for this Standard.*

**Legal Comments:** Because the Applicant is going to be K-6 in year one, and will not be K-8 until 2022-2023, it will need a two year waiver of 1-A.1.2, 5-8 Curriculum.

*Applicant requests a waiver of Ark. Code Ann. § 6-19-101 et seq., Transportation, because WCS will not offer transportation, but will work with families to maintain a database of parents who are willing to carpool. It is in the intent of WCS to offer bus service as soon as it becomes financially possible.*

**Legal Comments:** Applicant should provide information on how it plans to meet the needs of students who require specialized transportation under a 504 Plan or IEP.

## **1. Certification**

### **Ark. Code Ann. § 6-17-309**

*Highly qualified teacher, not necessarily certified teachers will be allowed to teach at any grade level.*

**Legal Comments:** Applicant has not provided sufficient rationale. Applicant needs to explain how this waiver will help it meet its stated goals. Applicant should confirm that all teachers will meet the Arkansas Qualified Teachers rules, as those cannot be waived. Applicant should confirm that it is aware that special education licensure and certification cannot be waived. Applicant needs to review Ark. Code Ann. § 6-15-1004, § 6-17-1203, § 6-

17-201 et seq., § 6-17-301, § 6-17-401 et seq., § 6-17-902, and § 6-17-919, as well as 4-D.1 of the Standards for Accreditation, and the ADE Rules Governing Educator Licensure to determine which waivers they need. They have not provided enough rationale for legal to determine which waivers may be necessary, and their request is incomplete as written.

*Response: Applicant added Ark. Code Ann. §§ 6-13-109, 6-15-1004, 6-17-302, 6-17-302, 6-17-401 et seq., 6-17-427, 6-17-902, 6-17-919, 6-17-1501 et seq., Standard 4-D.1, 15.0, 15.2, and 15.3. Winslow Community School seeks this set of waivers based on the unique, but educationally sound program that we will offer. We are seeking the flexibility to identify and hire those individuals best suited to our educational programs. It is the intention of WCS to hire certified teachers for content areas, however in cases where this may not be possible, WCS ensures that we will only hire teachers who are “Arkansas Highly Qualified Teachers.” Although WCS will seek to hire a certified superintendent or principal we are asking for the waiver for principal certification in the event we are unable to find one. The superintendent/principal of WCS will be hired on an “at-will” basis and will not be required to hold a valid Arkansas Building Administrator license. The principal selected, however, will have the requisite skills and experience in both education and management and will be appropriately qualified to lead WCS.*

*WCS confirms that certification and educational licensure waivers do not include special education teachers.*

*WCS seeks exemption from the Teacher Fair (Employee) Dismissal Act and seeks to employ all employees on an “at-will” basis. Our employees voluntarily enter into a contract and the employee is free to terminate the employment relationship at will, at any time, with or without notice or cause as long as there is no violation of applicable federal or state law. In like manner, WCS may terminate the employment relationship at will, at any time, with or without cause or notice so long as there is no violation of applicable federal or state law.*

**Legal Comments:** If the Applicant will have licensed teachers teaching out of area, they need a waiver of the ADE Rules Governing Educator Licensure, Section 7. No waiver of the entire 6-17-401 et seq. is necessary, only a waiver of 6-17-401, and this title contains prohibited waivers of background checks and ethics. Applicant has asked for a waiver of 6-17-427, the superintendent mentoring program, but has not explained how it will ensure the unlicensed superintendent will get trained. If they wish to waive the superintendent mentoring program, they will need a waiver of the ADE Rules Governing the Superintendent Mentoring Program. Applicant should review the Public School Employee Fair Hearing Act, at Ark. Code Ann. § 6-17-1701 et seq. as they will likely need a waiver of that provision. Sections 15.0, 15.2, and 15.3 of the Standards for Accreditation refer to repealed versions of the Standards. Applicant will need a waiver of 4-B.1 and 4-B.2 for superintendent licensure,

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and a waiver of 4-C.2 for principal licensure. Applicant should review 4-C.1 to determine if it needs a waiver.

## **2. Teacher's License Requirement**

### **Ark. Code Ann. § 6-17-491**

*Although WCS will seek to employ certified teachers or teachers in an Arkansas Highly Qualified in core areas, it may be necessary to employ a teacher who does not have licensure in Arkansas.*

**Legal Comments:** Ark. Code Ann. § 6-17-491 does not exist and the rationale is so incomplete that legal is unable to determine the Applicant's intent. Applicant needs to explain how this waiver will help it meet its stated goals. Applicant should confirm that all teachers will meet the Arkansas Qualified Teachers rules, as those cannot be waived. Applicant should confirm it is aware that the "highly qualified teacher" is not the current standard and has been repealed. Applicant should confirm that it is aware that special education licensure and certification cannot be waived. Applicant needs to review Ark. Code Ann. § 6-15-1004, § 6-17-1203, § 6-17-201 et seq., § 6-17-301, § 6-17-401 et seq., § 6-17-902, and § 6-17-919, as well as 4-D.1 of the Standards for Accreditation, and the ADE Rules Governing Educator Licensure to determine which waivers they need.

**Legal Comments 2:** See #1 above.

## **3. Pertaining to Alternative Learning Environments**

### **Ark. Code Ann. § 6-15-1005(b)(5)**

*WCS will not have an alternative learning environment.*

**Legal Comments:** This rationale section is incomplete. Applicant must address how it plans to provide these services to kids in the absence of a traditional ALE program. Applicant should provide additional rationale on how it plans to meet the needs of its ALE students, with special attention to those students who may be unable to function in the regular classroom environment, including students whose behavior interferes with their own learning or the educational process of other students. Applicant needs a waiver of Section 4 of the ADE Rules Governing the Distribution of Special Needs Funds. Applicant should review Ark. Code Ann. § 6-18-503(a)(1)(C)(i) and 6-48-101 et seq. to determine which sections it needs to waive-- the request as written is incomplete. Applicant needs additional waiver of Section 2-I.1 of the Standards for Accreditation.

*Response: Applicant requests waivers of Ark. Code Ann. § 6-48-101 and Section 2-I.1 of the Standards for Accreditation. Because of the individualized approach to student education, a small school learning environment, an inclusive, focused, and quality educational program, and attention to students' social, emotional and academic needs through our guidance program and our special education department, WCS seeks a waiver from the provisions for Alternative Learning Environments in the above Statutes and Standard.*

**Legal Comments:** Applicant should confirm it knows that special education and alternative learning environments are two separate things and not all ALE students can be served through special education services. Applicant needs a waiver of Section 4 of the ADE Rules Governing the Distribution of Special Needs Funds. Applicant needs a waiver of Ark. Code Ann. § 6-48-102 and 103. It appears Applicant needs a waiver of § 6-18-503(a)(1)(C)(i), which was suggested in the first legal review as well.

#### **4. Duty-Free Lunch for Teachers**

**Ark. Code Ann. § 6-17-111**

*Given the size of WCS, it is not possible to offer a duty-free lunch period for teachers.*

**Legal Comments:** Applicant has not provided a complete rationale and must provide additional information on how it plans to ensure proper planning time and breaks for teachers. Applicant needs to review the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites to determine which, if any, sections it needs to waive. Applicant should clarify whether it intends to compensate teachers for the lack of duty-free lunch periods. Applicant should provide additional rationale on whether teachers will be compensated for those extra duties, how it will ensure its teachers receive the time necessary to effectively prepare and plan, and how it will ensure that teachers do not get overtaxed. Applicant should review Ark. Code Ann. § 6-17-117 to determine if it plans to meet the non-instructional duties law.

**Legal Comments 2:** Applicant did not provide a response to this section.

#### **5. Written Personnel Policies**

**Ark. Code Ann. § 6-17-201 et seq.**

*The size of the staff does not warrant the adoption of written personnel policies.*

**Legal Comments:** Applicant has not provided sufficient rationale and this section is incomplete. As written, it is understood that the Applicant is saying it will not have personnel policies at all. Applicant should confirm whether it intends to meet the Minimum Sick Leave Law. Applicant needs to review the Personnel Policy Law for Classified Employees at Ark. Code Ann. §6-17-2301 et seq. and determine whether it intends to meet the requirements of that law. Applicant will need waivers of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites and should review those rules and respond with the sections they need waived.

*Response:* WCS seeks waivers for Certified and Classified Personnel Policies and Committees on Personnel Policies in order for the Board of Trustees to develop personnel policies and procedures that include, but are not limited to: adopting the state minimum salary requirements for certified staff; fringe benefits and other compensation issues; annual school calendar, including work days and holidays; evaluation procedures; grievance procedures, leave; termination or suspension; reduction in force and assignments. WCS will meet the requirements of the Personnel Policy Law for Classified Employees. Applicant requests waivers of Ark. Code Ann. § 6-17-201 et seq., 6-17-203, 6-17-2301 et seq., and Sections 4-8 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites.

**Legal Comments:** Applicant should review the following to determine whether it needs a waiver of Ark. Code Ann. § 6-17-1201 et seq., the Teachers' Minimum Sick Leave Law, and Ark. Code Ann. § 6-17-1301 et seq., the School Employees' Minimum Sick Leave Law. In the response, Applicant states it will need the requirements of the Personnel Policy Law for Classified Employees, however it requested a waiver of Ark. Code Ann. § 6-17-2301 et seq., which is the Personnel Policy Law for Classified Employees. Applicant should clarify whether it intends to seek a waiver. It has also asked for a waiver of Section 5 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites, which covers Classified Employees policies and salary schedules.

## **6. Teacher Fair Dismissal Act**

**Ark. Code Ann. § 6-17-1501 et seq.**

*For a small charter school, the waiver will accelerate the process when a teacher is deemed to be performing poorly.*

**Legal Comments:** Applicant should provide additional rationale on why these waivers are necessary and how they will help the Applicant achieve its intended goals. Applicant likely needs additional waiver of Ark. Code Ann. § 6-17-1701 et seq., the Public School Employee Fair Hearing Act.

**Legal Comments 2:** See #1 above.

## **7. Daily Planning Period**

**Ark. Code Ann. § 6-17-114**

**Ark. Code Ann. § 6-17-117**

*The daily planning period does not work in block scheduling.*

**Legal Comments:** Applicants rationale is incomplete and incorrect. Applicant should provide additional rationale on whether teachers will be compensated for those extra duties, how it will ensure its teachers receive the time necessary to effectively prepare and plan, and how it will ensure that teachers do not get overtaxed.

*Response: Ark. Code Ann. § 6-17-114 and § 6-17-117. With regard to 6-17-114, WCS seeks exemption from daily planning periods. We will be recommending that the master schedule have a minimum of two hundred minutes twenty five of planning time for teachers each week, we would like to have the ability to for the minutes (if necessary) to be provided in a manner different from that required by the statute.*

*At WCS, accomplishment of non-instructional duties, particularly related to supervision of students is a primary concern. All teachers are on duty until all children have gone home or until an administrator relieves the teachers of their responsibility. This will afford stability for our children to feel safe during arrival and dismissal with someone they are familiar with, enforces our parent communication and our school community because teachers are able to interact with parents on a regular basis.*

**Legal Comments:** Applicant should provide additional rationale on whether teachers will be compensated for those extra duties.

## **8. Gifted and Talented Education**

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## **Section 2-G.1 of the Standards for Accreditation**

*All students will have access to a rigorous, enriched curriculum.*

**Legal Comments:** Applicant's rationale is incomplete and it needs to provide additional, specific, information about how it plans to meet the needs of accelerated students. Applicant needs a waiver of Sections 1-10 of the ADE Rules Governing Gifted and Talented Program Approvals. Applicant needs a waiver of Ark. Code Ann. § 6-20-2208(c)(6) and Ark. Code Ann. § 6-42-109.

**Legal Comments 2:** Applicant did not provide a response to this section.

## **9. Superintendent Licensure**

### **Section 4-B.1 of the Standards for Accreditation**

*WCS is a small school and will not have the resources to employ a certified Superintendent.*

**Legal Comments:** Applicant should explain how it plans to find a qualified superintendent. Section 4-B.1 in the Standards only requires that the district employ a full-time superintendent, so Applicant should confirm whether it needs that waiver. Superintendent licensure is Standard 4-B.2, which based on the rationale, the Applicant needs. Applicant should confirm that it plans to have a fully licensed principal. Applicant needs a waiver of Ark. Code Ann. § 6-17-109(a). Applicant should review Ark. Code Ann. § 6-17-427 and the ADE Rules Governing the Superintendent Mentoring Program and confirm it plans to meet those requirements.

**Desegregation Analysis:** Fully responsive