

**Initial Legal Review**

**Charter School Name: Institute for the Creative Arts**

**General Legal Concerns:**

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Superintendent	Ark. Code Ann. §§ 6-13-109 6-17-427  Standard 4-B.2  Rules Governing School Superintendent Licensure	Do you need a waiver of Standard 4-B.1?  The correct name of the rules is “DESE Rules Governing the Superintendent Mentoring Program.”
2. Principal	Ark. Code Ann. § 6-17-302  Standard 4-C.2	Do you need a waiver of 4-C.1?  Be prepared to provide additional rationale to the CAP.
3. Teacher Licensure	Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-418 6-17-902 6-17-908 6-17-919  Standard 4-D.1  DESE Rules Governing Educator Licensure	The correct name of the rules is “DESE Rules Governing Educator Licensure”  Please narrow your waiver of the rules to Section 7.  Be prepared to provide additional rationale to the CAP.
4. Gifted and Talented	Ark. Code Ann. §§ 6-20-2208(c)(6) 6-42-109  Standard 2-G.1  Rules Governing 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.
5. Alternative Learning Environment	Ark. Code Ann. §§ 6-15-105(b)(5) 6-18-503(a)(1)(C)(i) 6-48-102	The correct name of the rules is “DESE Rules Governing Student Special Needs Funding.”

	<p>6-48-103</p> <p>Standard 2-I.1</p> <p>Rules Governing the Distribution of Student Special Needs Funds</p>	<p>Please narrow your waiver of the rules to Section 4.</p> <p>Be prepared to provide additional rationale to the CAP.</p>
<p>6. Board of Directors</p>	<p>Ark. Code Ann. §§</p> <p>6-13-608</p> <p>6-13-611</p> <p>6-13-612(c)</p> <p>6-13-615</p> <p>6-13-616(a)</p> <p>6-13-617</p> <p>6-13-619(c)(1)(A), (d)</p> <p>6-13-620(5)(A)(ii)(b)</p> <p>6-13-621</p> <p>6-13-624</p> <p>6-13-628</p> <p>6-13-629</p> <p>6-13-630</p> <p>6-13-631</p> <p>6-13-634</p> <p>6-13-635</p> <p>6-14-101 et seq.</p> <p>6-13-631</p> <p>6-13-1303</p> <p>Rules Governing Election of Directors Length of Terms</p> <p>Rules for Reporting Compliance and for withholding Aid from School Districts not in Compliance.</p>	<p>Do you need a waiver of 6-13-618?</p> <p>There is no 6-13-620(5)(A)(ii)(b), so were you wanting to waive subsection (5)(B) as well as (5)(A)(ii)?</p> <p>You do not need a waiver of 6-13-621, 6-13-624, or 6-13-628, but if you believe this to be an error please be prepared to explain.</p> <p>Please explain why you believe you need a waiver of training requirements for your board as required in 6-13-629? This requirement includes an annual training course on school safety. If granted this waiver, does your board still intend to have some annual training? If so what types of training?</p> <p>You requested 6-13-631 twice, please correct this on your final application.</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. This waiver is not necessary since you are requesting to waiver 6-13-631.</p> <p>The correct name of the rules is “ADE Proposed Rules Governing Reimbursement by School Districts for Election Expenses.”</p>

<p>7. Health and Safety Services</p>	<p>Ark. Code Ann. § 6-18-706</p> <p>Standard 2-E.1</p> <p>Rules to Govern School Nurse and Nurse to Student Ratio</p>	<p>This waiver will not be granted.</p>
<p>8. Library Media Specialist</p>	<p>Ark. Code Ann. §§ 6-25-103 6-25-104</p> <p>Standards 2-D.1 2-F.1 2-F.2</p> <p>Rules Governing Library Media Services and Library Media Specialist</p>	<p>There are no rules, so please correct this on your final application.</p> <p>Please explain how the library media standards will be taught.</p> <p>Also, please note that since you will utilize classroom libraries under 6-25-105 you will need to have a challenge policy in place. This new law change will be effective August 1, and I want to ensure it is on your radar.</p>
<p>9. Personnel Policies</p>	<p>Ark. Code Ann. § 6-17-201 et seq. 6-17-1501 et seq. 6-17-1701 et seq.</p> <p>Standard 5.01.4</p> <p>Rules Governing Documents Posted to School District and Education Service Cooperative Websites</p>	<p>Both the Teacher Fair Dismissal Act (6-17-1501 et seq.) and the Employee Fair Dismissal Act (6-17-1701 et seq.) have been repealed by Act 237 of 2023 or the LEARNS Act.</p> <p>Do you intend to pay teachers \$50,000 as required by the LEARNS Act? If so, you must also have a teacher salary schedule to be eligible for funding. If you want to be eligible for funding you cannot waive 6-17-201(a). This also means that to be eligible for funding you cannot have a waiver of 6-17-201(d).</p> <p>Do you need a waiver of 6-17-206 or 207? If so, please explain why you need these two waivers.</p> <p>Do you need a waiver of 6-17-2301(c)(1) &amp; (d)(2)? What about 6-17-2302-2305?</p> <p>I am unsure what standard you are referring to.</p>

		<p>To waive the website posting requirements you need to add Ark. Code Ann. § 6-11-129(a)(1)(B). Also, please narrow the rules request to Sections 6.</p> <p>Be prepared to provide additional rationale to the CAP.</p>
<p>10. Counseling Standards</p>	<p>Ark. Code Ann. § 6-18-2003(a)(2)(A)</p> <p>Standards 4-E.1 4-E.2</p> <p>Rules Governing Counseling Services</p>	<p>There are no rules, so please correct this on the final application.</p> <p>Be prepared to provide additional rationale to the CAP.</p>