

The Excel Center
2021 Renewal Application

Legal comments are below, separated by waiver. For each comment, please provide a response. The attorney will review your comments once you resubmit the legal review. Any legal concerns that are not addressed by your responses must be discussed in front of the Charter Authorizing Panel during your hearing. If you have any questions about the legal review, please contact Whitney James at (501) 683-1876.

General Legal Concerns

Waivers

1. **Advance Placement Courses** (Continue)

Ark. Code Ann. § 6-16-1204

Standard 1-A.1.3.10

Legal Comments: None.

2. **Alternative Learning Environment** (Continue)

Ark. Code Ann. §§

6-48-102

6-48-103

6-18-503(a)(1)(C)(i)

6-15-1005(b)(5)

Standard 2-I.1

DESE Rules Governing Student Special Needs Funding, Section 4

Legal Comments: None.

3. **Attendance** (Continue)

Ark. Code Ann. §§

6-18-209(b)

6-18-213(b)

Legal Comments: Please review code section listed and confirm if you are asking for a waiver of § 6-18-213(a)(2).

4. **Board of Directors** (Continue)

Ark. Code Ann. §§

6-13-608

6-13-611

6-13-615

6-13-616(a)

6-13-619(c)(1)(A)

6-13-620

6-13-629

6-13-630

6-13-634(a)

6-14-101, et seq.

Standard 3-A.6

DESE Rules Governing School Board Zones and Rezoning

Legal Comments: None.

5. **Business Manager** (Continue)

Ark. Code Ann. § 6-15-2302(b)

Standard 3-A.5

Legal Comments: None.

6. **School Counseling** (Continue)

Ark. Code Ann. 6-18-2003(a)(2)(A)

Standards: 2-C.1, 4-E.1, 4-E.2

Legal Comments: None.

7. **Arkansas History** (Continue)

Standard 1-A.1.2.8

Legal Comments: None.

8. **Fine Arts** (Continue)

Ark. Code Ann. § 6-16-130

Legal Comments: Please confirm whether you are asking for a waiver of the Rules Governing Visual Art and Music.

9. **Physical Education, Nutrition, & BMI Screening** (Continue)

Ark. Code Ann. §§

6-16-132

6-18-705

DESE Rules Governing Nutrition and Physical Activity, Sections 6, 7, 8, 12.

Legal Comments: For a 9-12 P.E. waiver, you would also need to list Standard 1-A.1.3.8.

10. **Superintendent** (Continue)

Ark. Code Ann. §§

6-13-109

6-17-427

Standards: 4-B.1, 4-B.2

DESE Rules Governing Superintendent Mentoring

Legal Comments: None.

11. **Principal** (Continue)

Ark. Code Ann. § 6-17-302

Standards 4-C.1, 4-C.2

Legal Comments: None.

12. **Evaluations** (Continue)

Ark. Code Ann. § 6-17-2801, et seq.

DESE Rules Governing Educator Support and Development: Sections 6, 7 & 8.

Legal Comments: If you are waiving TESS/LEADS, you would need to ask for a waiver of the set of rules. Have you spoken with Public School Accountability (PSA) to make sure that they are aware of the request to continue this waiver?

13. **Foreign Language 9-12** (Continue)

Standard 1-A.1.3.5

Legal Comments: None.

14. **Gifted and Talented** (Continue)

Ark. Code Ann. §§

6-20-2208(c)(6)

6-42-109

Standard 2-G.1

DESE Rules Governing Gifted and Talented Program Approval Standards

Legal Comments: None.

15. **Grading Scale** (Continue)

Ark. Code Ann. § 6-15-902

DESE Rule: Uniform Grading Scales for Public Secondary Schools and for Optional Use in Public Elementary Schools

Legal Comments: The rules listed no longer exist. Please see DESE Rules Governing Grading and Course Credit and specify sections for this waiver.

16. **School Nurse** (Continue)

Ark. Code Ann. §§

6-18-706

Legal Comments: None.

17. **Library Media Services & Instructional Materials** (Continue)

Ark. Code Ann. §§

6-21-413

6-25-103

6-25-104

Standards: 2-D.1, 4-F.1, 4-F.2.

DESE Rules Governing Instructional Materials, Sections 5.01 and 5.01.2

Legal Comments: None.

18. Open-Enrollment Charter Schools – Admission Procedures (Rescind)

Ark. Code Ann. § 6-23-306(14)(B)

Legal Comments: None.

19. Parental Involvement (Continue)

Ark. Code Ann. 6-15-1701, et seq.

Legal Comments: None.

20. Personnel Policies (Continue)

Ark. Code Ann. §§

6-17-201, et seq.

6-17-204

6-17-1205

6-17-1206

6-17-1304

6-17-1305

6-17-1501, et seq.

6-17-1701, et seq.

6-17-2301, et seq.

6-17-2403

DESE Rule: Website Requirements, Sections 5.01.4, 5.01.5, and 6.00

Legal Comments: Please update request to correct rule name.

21. Report Cards – Delivery Requirements (Continue)

Ark. Code Ann. § 6-15-903(a)(2)(B)

Legal Comments: None.

22. Paying Unlicensed Faculty (Continue)

Ark. Code Ann. §§

6-17-908

6-17-919

Legal Comments: None.

23. **School Calendar** (Continue)

Ark. Code Ann. § 6-10-106

Legal Comments: None.

24. **School Lunch Program** (Continue)

Ark. Code Ann. § 6-20-701, et seq.

Legal Comments: None.

25. **Teacher Licensure & Salaries** (Continue)

Ark. Code Ann. §§

6-15-1004

6-17-309

6-17-401

6-17-902

6-17-2203

DESE Rule: Educator Licensure, Section 7

Legal Comments: None.

26. **Instructional Structure and Clock Hours** (Continue)

Ark. Code Ann. § 6-16-102

Standards: 1-A.2, 1-A.4.1, 1-A.4.2

Legal Comments: None.

27. **Attendance Records and Reports – Days In Each Quarter and ADM** (New)

Ark. Code Ann. 6-18-213(b) – (d)

Legal Comments: None.

28. **Delay or Early Release of School Due to Emergency Circumstances** (New)

Ark. Code Ann. § 6-10-126(b)

Legal Comments: None.

29. **Teacher Licensure** (New)

Standard 4-D.1

Legal Comments: None.

30. **Arkansas History** (New)

Ark. Code Ann. §§

6-16-124(a)(2)

6-17-418

6-17-703

Legal Comments: None.

31. **Food Services** (New)

Standard: 3-D.1

Legal Comments: None.

32. **Fine Arts** (New)

Standard 1-A.1.3.6

Legal Comments: Please confirm if you are asking for a waiver of DESE Rules Governing Visual Art and Music.

33. **Immunization** (New)

Ark. Code Ann. § 6-18-702

Legal Comments: Please provide additional rationale at the CAP meeting.

34. **Class Size & Teaching Load** (New)

Ark. Code Ann. § 6-17-812

Standard 1-A.5

DESE Rules Governing Class Size & Teaching Load

Legal Comments: None.

35. Statewide Assessment (New)

Ark. Code Ann. §§

6-15-2907(a)(1)(4)(B)

6-15-2907(e)

6-15-2907(f)

6-15-2907(l)

Standards 1-C.1, 1-C.1.1, 1-C.1.2

Legal Comments: Did you mean to request a waiver of 6-15-2907(a)(2)(4)(B)?

36. Board Member Remote Attendance (New)

Ark. Code Ann. §§

6-13-619(d)(3)

6-13-619(d)(4)

Legal Comments: None.

37. Non-Recurring Salary Payments (New)

Ark. Code Ann. 6-20-412(c)

Legal Comments: None.

38. Teacher Licensure (New)

Standard 4-D.1

Rules Governing Educator Licensure, Section 7.00

DESE Rules Governing Nutrition and Physical Activity Standards, Sections 7.09.1, 7.09.2, 7.10).

Legal Comments: In the teacher licensure waiver requests above, you have already listed this standard and rule sections.

39. Teacher Pay (New)

Ark. Code Ann. §§

6-11-129(a)(1)(A)(vii)

6-11-129(a)(1)(A)(viii)

6-17-807

6-17-812

6-17-2401, et seq.

DESE Rules Governing Documents Posted to School District and Education
Cooperative Service Websites

Legal Comments: None.

40. **Board of Directors** (New)

Ark. Code Ann. §§

6-13-612(c)

6-13-613

Legal Comments: None.