

Initial Legal Review

Charter School Name: Polk County Virtual Academy – Mena School District

THE CHARTER IS REQUESTING THAT THE FOLLOWING WAIVERS CONTINUE:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Instructional Day - Continue	Ark. Code Ann. § 6-16-102 Standard 1-A.4.2	None.
2. Clock Hours - Continue	Ark. Code Ann. § 6-15-216 Standard 1-A.2	6-15-216 is a “may” statute. Is there a particular section of the statute that you wish to waive?
3. Attendance - Continue	Ark. Code Ann. § 6-18-213	Please narrow your waiver to section (a)(2) in your final application.
4. Gifted and Talented – Continue	Ark. Code Ann. §§ 6-20-2208(c)(6) 6-42-101 Standards: 18, 18.01, 18.02 Rules: Gifted and Talented Program Approval Standards	Did you want to waive the entire chapter 42? If so then the appropriate citation would be 6-42-101 et seq. The appropriate standard for gifted and talented waiver is 2-G.1 The appropriate rule title is DESE Rules Governing Gifted and Talented Program Approval Standards. Please make sure you fix these citations in your final application.
5. Health Services – School Nurse - Continue	Ark. Code Ann. § 6-18-706 Standards 16.01-16.03 ADE Rules: 3.01.6	The standards and rules you cited are incorrect. The appropriate standard citation is 2-E.1. Please update the final application accordingly.
6. Health Services – Eye and Vision Screening - Continue	Ark. Code Ann. § 6-18-1501	Do you need a waiver of 6-18-1502? The appropriate rules title is DESE Rules Governing Eye and Vision

	Mandated eye and Viusion Screeing Procedures for Tests for Children	Screening Report in Arkansas Public Schools?
7. Library Media Services - Continue	Ark.Code Ann. § 6-25-103	Do you need a waiver of standard 2- D.1?
8. Library Media Specialist - Continue	Ark. Code Ann. § 6-25-104	Do you need a waiver of standards 4- F.1 and 4-F.2?
9. Guidance Counselor Services	Ark. Code Ann. § 6-18-1001 Standards: 16.01.03 Rule: 3.01.1	This statute has been repealed. Are looking to waiver the School Counseling Improvement Act? If so please look at 6-18-2002(2)(A) and 6- 18-2003(a)(2)(A). In order to fully effectuate this waiver you will also need to look at Standards 4-E.1 and 4- E.2. If you feel you need any of these then please list them in your final application under the appropriate waiver topics. Provide rationale regarding how you will offer your virtual students these services.
10. Flag – Continue	Ark. Code Ann. §§ 6-16-105 6-16-106	None.
11. Period of Silence - Continue	Ark. Code Ann. §	To effectuate this waiver you need to add 6-10-115. Please update your final application accordingly.
12. Pledge of Allegiance – Continue	Ark. Code Ann. § 6-16-108	None.
13. Teacher Licensure - Continue	Ark. Code Ann. §§ 6-15-1004 6-17-401 6-17-902 6-17-919 Standard 4-D.1 Rule: Licesnure – Educator Licensure (Section 7 Only)	Please make it clear in the final application where these waivers will apply. Do you need a waiver of 6-17-418 and 6-17-908? Discuss how you will ensure that all teachers in every virtual course are AQT.

		The correct rule title is DESE Rules Governing Educator Licensure (Section 7.00).
14. Class Size and Teaching Load	Standards: 10.02 ADE Rules Governing the Standards of Accreditation	Do you need a waiver of 6-17-812? In order to effectuate this waiver you need to add Standard 1-A.5 and 1-A.6. The correct rule citation is DESE Rules Governing Class Size and Teaching Load, Section 3 and 4. Please correct this on the final application.
15. Food Services - Continue	Ark. Code Ann. §§ 6-18-705 6-20-701	To effectuate this waiver you need to add Standard 3-D.1 and the DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools. I will defer to the child nutrition unit for this request.
16. Report Cards - Continue	Ark. Code Ann. § 6-15-903	Please narrow your waiver to subsection (a)(2).
17. Credit for College Courses - Continue	Ark. Code Ann. § 6-18-223	None.

THE CHARTER IS REQUESTING THE FOLLOWING NEW WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Teacher Licensure	Ark. Code Ann. § 6-17-309	Please make it clear in the final application to who and where this waiver will apply.
2. Personnel Policies – Teacher Fair Dismissal Act	Ark. Code Ann. § 6-17-1501 et seq.	Please make clear who this waiver applies to.
3. Personnel Policies – Public School Employee Fair Hearing Act	Ark. Code Ann. § 6-17-1701 et seq.	Please make clear who this waiver applies to.
4. National Anthem	Ark. Code Ann. § 6-10-135	This statute is for a day of prayer for AR students. Did you intend to waive this statute?

		<p>The statute for the national anthem is 6-10-136. Please update your final application accordingly.</p>
5. Recess	1-A.4.3	<p>For recess you must also ask to waive the DESE Rules Governing Nutrition and Physical Activity and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, Section 7.11</p> <p>Please make it clear that this waiver will only apply to your virtual students in your final application.</p>