

Hope Academy of Northwest Arkansas

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*Information provided by Applicant is in italics.*

## Hope Academy of Northwest Arkansas 2019 Open Enrollment Application

### **I. School Board**

**Ark. Code Ann. § 6-13-601 et seq. (except not 612, 622, or 629)**

**Ark. Code Ann. § 6-14-101 et seq.**

**Ark. Code Ann. § 6-13-619**

*The school seeks a waiver in these areas in order to maintain the integrity of our current board and with understanding that board member attendance may be inconsistent given the nature of work schedules. The school will require professional development for board members.*

**Legal Comments:** Ark. Code Ann. § 6-13-619 is included in the request for Ark. Code Ann. § 6-13-601 et seq. Ark. Code Ann. §§ 6-13-601-607 have been repealed so no waiver is necessary. Applicant should provide detail on the length of the terms of the board members, board member training, size of the board, and how board members will be appointed. Applicant only needs a waiver of Ark. Code Ann. § 6-13-612(c), rather than the entire statute. No rationale has been provided for a waiver of Ark. Code Ann. § 6-13-619, and the statute specifically allows for virtual attendance. No rationale has been provided for a waiver of Ark. Code Ann. § 6-13-620 through 629, therefore no waiver is necessary. Applicant has provided no rationale for the waiver of Ark. Code Ann. § 6-13-632 or 635.

**Response:** Applicant wishes to rescind its waiver requests for Ark. Code Ann. §§ 6-13-601-607; 6-13-612 (a)-(b); 6-13-623, 6-13-625-626; 6-13-632 and 6-13-635. As to Ark. Code Ann. §6-13-620, the Applicant wishes to maintain its waiver request to the extent that the provisions of §6-13-620 conflict with any other requested waivers (employment contracts, personnel policies, etc.). Ark. Code Ann. §§ 6-13-624 and 6-13-628 are inapplicable to open-enrollment public charter schools.

**Legal Comments:** Applicant should provide detail on the length of the terms of the board members, board member training, size of the board, and how board members will be appointed. No rationale has been provided for a waiver of Ark. Code Ann. § 6-13-619, and the statute specifically allows for virtual attendance. No rationale has been provided for a waiver of Ark. Code Ann. § 6-13-629

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## **2. Planning Period**

**Ark. Code Ann. § 6-17-111**

**Ark. Code Ann. § 6-17-114**

*It is our intent to provide teachers with at least 200 minutes of planning time per week but we desire the ability to provide that in differing increments, daily. Due to small staff, teachers may be required to work during usual lunch breaks.*

**Legal Comments:** 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:** Principal will work with teachers to provide adequate time, daily, for planning. It is recognized that teachers will need extended opportunities each day to focus on plans and preparation. Given our staff size, it is being requested that flexibility be granted in scheduling for daily teacher planning times. The full 200 minutes will be provided each week but it may be in less than 40-minute increments.

**Legal Comments:** None.

## **3. Personnel Policies**

**Ark. Code Ann. § 6-17-201 et seq.**

**Ark. Code Ann. § 6-17-203**

**Ark. Code Ann. § 6-17-2301 et seq.**

*The school requests a waiver of these laws and rules in order to draft personnel policies which reflect the unique needs and practices of the school. The policies will cover all necessary areas such as compensation; terms and conditions of employment; salary schedules; work days and holidays; leave, etc.*

**Legal Comments:** Ark. Code Ann. § 6-17-203 is included in the request for Ark. Code Ann. § 6-17-201 et seq. A waiver from Sections 4-5 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites is necessary to effectuate the waiver. Applicant should provide rationale for requests for waiver from §§ 6-17-201(d), 6-17-206, 6-17-208, 6-17-2301(d), and 6-17-2306 as none is provided. A waiver of Ark. Code Ann. § 6-17-207 is not necessary

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if the Applicant plans to develop personnel policies as stated in the application. Applicant should provide information on how it plans to ensure that the public, teachers, administrators, and other employees have access to the personnel policies.

**Response:** Applicant wishes to rescind its waiver requests for Ark. Code Ann. §§ 6-17-201(d); 6-17-203 (as it is already contained in the request for Ark. Code Ann. §6-17-201 et seq.); 6-17-206; 6-17-207-208; 6-17-2301(d), and 6-17-2306. We wish to add a waiver request for Sections 4-5 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries and Documents Posted to District Websites. Applicant will disseminate such personnel policies that it develops to its personnel, and will post copies of such policies to its website.

**Legal Comments:** None.

#### **4. Teacher Fair Dismissal Act & Public School Employee Fair Hearing Act**

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

**Ark. Code Ann. § 6-17-1701 et seq.**

*This waiver is being requested to enable us to establish an "at-will" employment system for all of our staff members (both instructional and non-instructional). This waiver will allow us to make prompt personnel decisions, as and if necessary, to address performance issues which negatively impact the operation of the school.*

**Legal Comments:** None.

#### **5. School Nurses and Counselors**

**Ark. Code Ann. § 6-18-706**

**Ark. Code Ann. § 6-18-1001 et seq.**

*The school is seeking a waiver from employing a full-time nurse and a waiver from employing a counselor who is also a certified educator. The school will utilize nursing services from a certified organization, already under contract with the sponsoring entity. The medical organization will provide nursing services to our students on site multiple times per week. The medical organization will also provide hearing and vision screenings for all students at the beginning of the year and maintain immunization records. Trained staff from Northwest Arkansas Children's Shelter will pass medications to students as needed. Emergency situations will be addressed by trained staff and the proper professionals will be contacted immediately for appropriate medical care. The school will employ a full-time time*

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*counselor dedicated solely to the needs of the students at the charter. The charter plans to use counseling and medical services with a proven, positive track record working with children in another program overseen by the sponsoring entity. These service providers are able to provide expanded services for the charter.*

**Legal Comments:** Ark. Code Ann. § 6-18-1001 et seq. was repealed by Act 190 of 2019. Applicant should review the School Counseling Improvement Act, created by the same Act, and update its waiver request. Applicant should also review sections 4-E.1 and 4-E.2 of the Standards related to guidance counselors. Applicant should review 2-E.1 and 2-E.2 as well, related to school nursing services. Applicant should review the ADE Rules Governing Public School Student Services, as waivers of that rule are likely necessary.

**Response:** Applicant wishes to amend its waiver request to request waivers of Section 4. of Act 190 of 2019; the ADE Rules Governing Public School Student Services, and Sections 2-E.1, 4-E.1 and 4-E.2 of the ADE Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts (Standards Rules).

**Legal Comments:** Applicant should confirm it intended to ask for a waiver of Ark. Code Ann. § 6-18-2001 et seq., the School Counseling Improvement Act of 2019, rather than Act 190 of 2019. Applicant should provide information on how it plans to provide school counseling services to students. Applicant should provide information on how it plans to provide school nursing services to children, particularly those with health plans, 504 plans, or IEPs. Applicant should confirm it will provide all necessary medical services to students and that nothing in Section 504 or IDEA can be waived.

## **6. Superintendent**

**Ark. Code Ann. § 6-13-109**

**Ark. Code Ann. § 6-17-427**

**Ark. Code Ann. § 6-17-918**

**Sections 4-B.1 and 4-B.2 of the Standards for Accreditation**

*The school will employ a principal to manage day-to-day charter operations. With a maximum enrollment of 70 students in year 5, one administrator will be able to manage the responsibilities of a superintendent and a principal. It is fiscally responsible to retain only one school leader.*

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**Legal Comments:** Applicant will need a waiver of the ADE Rules Governing the Superintendent Mentoring Program to effectuate the waiver of Ark. Code Ann. § 6-17-427. No rationale has been provided for a waiver of Ark. Code Ann. § 6-17-918. Applicant should review 4-C.2 and 4-C.1 in the Standards to determine if any waiver is necessary. Applicant should review Ark. Code Ann. § 6-17-302(a) to determine if any waiver is necessary.

**Response:** Applicant wishes to amend its waiver request to substitute Ark. Code Ann. §6-17-919 for Ark. Code Ann. §6-17-918; add a waiver request of the ADE Rules Governing the Superintendent Mentoring Program, and to add waiver requests of Ark. Code Ann. §6-17-302(a) and Section 4-C.2 of the ADE Standards Rules.

**Legal Comments:** None.

## **7. Gifted and Talented**

**Ark. Code Ann. § 6-20-101 et seq.**

**Ark. Code Ann. § 6-42-2208(c)(6)**

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

*The school seeks exemption from these areas. Our model dictates that each student shall receive highly individualized instruction in the classroom based on the strengths and needs of the student. Our educational model is flexible and robust enough to encompass the needs of students who might ordinarily be classified as in need of Gifted and Talented instruction. Students will be encouraged to extend and apply thinking through lesson-planning focused higher-order thinking such as analysis and evaluation.*

**Legal Comments:** I believe this should be a request for Ark. Code Ann. § 6-42-101 et seq. and § 6-20-2208(c)(6). A waiver from Ark. Code Ann. § 6-42-101 is not necessary. A waiver from Ark. Code Ann. § 6-42-109 is necessary.

**Response:** Applicant wishes to amend its waiver request to substitute: a waiver request of Ark. Code Ann. §6-42-102 et seq. for Ark. Code Ann. §6-20-101 et seq.; a waiver request of Ark. Code Ann. §6-20-2208(c)(6) for Ark. Code Ann, §6-42-2208(c)(6); and to add a waiver request of Ark. Code Ann. §6-42-109.

**Legal Comments:** None.

## **8. Library Media Services**

**Ark. Code Ann. § 6-25-103**

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## **Ark. Code Ann. § 6-25-104**

### **Sections 4-F.1 and 4-F.2 of the Standards for Accreditation**

*The school seeks a waiver in this area. The technology that will be utilized is highly mobile and can be transported anywhere learning is happening in the school. Reference materials from EBSCO will be utilized by the students for reference needs and our facility currently maintains an extensive library of fiction and non-fiction works. Online access to a variety of materials will be available to students and classroom teachers will provide appropriate guidance in accordance with lesson plans.*

**Legal Comments:** None.

## **9. Student Policies**

**Ark. Code Ann. § 6-18-501 et seq.**

### **ADE Guidelines for the Development, Review, and Revision of School District Discipline and School Safety Policies**

*The school seeks a waiver in the area of discipline policies. Our policies will provide the student with full due process protections, including appeals to the Board of Directors as necessary. The school will utilize relational interventions to provide a safe space for students who have not learned appropriate communication and coping strategies. The school will partner with parents/guardians to collaborate on appropriate behavior modification strategies based on the needs of the individual student. Students will be educated on how to recognize and report bullying and an environment of cooperation and encouragement will be fostered through social and emotional development curriculum. There will be a zero-tolerance policy for all weapons that are brought to school.*

**Legal Comments:** Applicant should review the State Board's Student Discipline Task Force adopted recommendations and provide information on how the stated goal aligns with those recommendations. Applicant should explain how it will comply with discipline requirements under Section 504 and IDEA. No rationale has been provided for a waiver of the antibullying policies contained in Ark. Code Ann. § 6-18-514. No waiver of Ark. Code Ann. § 6-18-510 is necessary. No rationale has been provided for a waiver from Ark. Code Ann. § 6-18-502, 503, 504, 505, 507, 512, 513, 515, or 516.

**Response:** Applicant has read and is aware of the mandates from the Student Discipline Task Force report. The discipline policies of the charter school will provide for leveled support and guidance to modify behaviors. The use of social and emotional learning and Trust Based

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Relational Intervention will be focus for how discipline is handled at the school. Training will be provided to staff and teachers to respond engage students appropriately for social and emotional development. Students who are served under IDEA or with a 504 will have behavior needs met according to the needs of individual diagnoses and as stated in their programming. Applicant wishes to amend its waiver requests to request waivers of Ark. Code Ann. §§6-18-501-506. The rationale for this request is that the above-referenced sections conflict with waivers that the Applicant is seeking such as the ability to promulgate its own discipline policies (which may not necessarily follow the requirements of Ark. Code Ann. §6-18-503) and teacher licensure.

**Legal Comments:** No rationale has been provided for a waiver of Ark. Code Ann. § 6-18-501. Applicant should clarify whether it is still requesting waiver of Ark. Code Ann. § 6-18-507-516.

## **10. Alternative Learning Environment**

**Ark. Code Ann. § 6-15-1005(b)**

**Ark. Code Ann. § 6-18-503(a)(1)(C)(i)**

**Ark. Code Ann. § 6-42-109**

**Ark. Code Ann. § 6-48-101 et seq.**

**Section 2-I.1 of the Standards for Accreditation**

**Section 4.00, ADE Rules Governing the Distribution of Student Special Needs Funding**

*Given the size of our school and our model for providing an environment for students who have shown difficulty adapting to a general education setting, we are asking of a waiver from providing an alternative learning environment in this already unique setting. All needs of each student will be addressed through high staff to student ratio and a focus on the individual behavioral and academic needs of each child. Our educational model is flexible and robust enough to encompass the needs of students who might ordinarily assigned to an alternative school environment.*

**Legal Comments:** Only a waiver of Ark. Code Ann. § 6-15-1005(b)(5) is necessary. 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.

**Response:** With high staff to student ratio, the charter school will be able to provide highly individualized attention to the needs of each student. Staff will deal with behaviors that



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interfere with student learning by providing guidance from evidence-based programs in social and emotional development. In addition, space will be available for student who benefit from quiet and 1:1 staff attention. Applicant wishes to amend its waiver request of Ark. Code Ann. §6-15-1005(b) to Ark. Code Ann. §6-15-1005(b)(5).

**Legal Comments:** None.

### **General Legal Comments**

**General Comments:** I didn't see any waiver of teacher licensure, teacher salary, family and community engagement, or professional development. Applicant should confirm it plans to meet the requirements of all of those areas.

**Response:** Applicant wishes to request waivers of Ark. Code Ann. §§6-15-1004; 6-17-309; 6-17-401, and 6-17-902; the ADE Rules Governing Teacher Licensure; and Section 4-D.1 of the ADE Standards Rules. The rationale in support of this request is to afford the Applicant the ability to hire individuals who are best suited to deliver quality instructional services in its unique educational model. The Applicant will follow the requirements for the hiring of Arkansas Qualified Teachers when such is required.

Applicant wishes to request waivers of Ark. Code Ann. §§6-17-2201 et seq. and 6-17-2401 et seq., and Sections 6-8 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The rationale in support of this request is to allow the Applicant to have the ability to create its own salary schedule apart from the state-required schedule, to appropriately provide for the compensation of its employees in a way that is tailored to the unique needs and duties of the school's staff. As with its personnel policies, the Applicant will post its compensation information on its website."

**Legal Comments:** Applicant should review Ark. Code Ann. § 6-17-908 and § 6-17-919 to determine whether it needs a waiver of that statute. Will the Applicant have licensed teachers teaching outside of their licensure area? If yes, they only need a waiver of Section 7 of the ADE Rules Governing Educator Licensure. If no, they need no waiver of the ADE Rules Governing Educator Licensure. Applicant should confirm it is aware that special education licensure cannot be waived.



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**Desegregation Analysis:** Fully responsive