

Westwind 2020 Open Enrollment Application

Notes:

- 1.** Applicant needs to provide clearer information on the governance structure of the proposed school. The Sponsoring Entity is the Timmons Arts Foundation, which was incorporated by Theresa Timmons. Theresa Timmons also sits on the Board. The only other member listed on the Secretary of State's website as a board member is Robert Timmons, who I assume is a relative. Theresa Timmons is also the proposed Chief Operating Officer/ Executive Director of the school. In Question 9, Applicant states that the Executive Director will report to a Board of Directors. Is this Board of Directors the Timmons Arts Foundation Board, or a local Board? If it is the Timmons Arts Foundation, that appears to be a conflict. If it is not, will the Timmons Arts Board have authority over the local school board? It appears from the application that the governing structure and the operations of the school are very closely related. I have concerns that they are not conflict-free.
- 2.** Jennifer Conner owns 50% of CNG Learning, LLC, which the school intends to contract with to obtain educational products. If Jennifer Conner is an employee of the school or a board member, note that Ark. Code Ann. § 6-24-101 et seq. applies and the school will have to obtain Secretary approval for the contract.
- 3.** The stated goals (page 17) do not seem to align with the model.
- 4.** Applicant wishes to lease a building that will be owned by Team Summit, LLC, of which the Timmons family is the incorporator. Please note that Ark. Code Ann. § 6-24-101 et seq. applies and the contract must be approved by the Secretary of Education.
- 5.** Throughout, the rationales are vague and limited. I stopped making the comment in the Legal Comments because it seems to be an issue with nearly every request. Applicant should provide a more robust rationale for each waiver request that explains why the Applicant needs the waiver to meet the stated mission and goals of the school, how it plans to provide the waived services to students, how it will meet the needs of its students with a waiver, and how the school plans implement the waiver.
- 6.** Applicant has requested no waivers of any of the provisions related to School Board or school elections (Ark. Code Ann. §§ 6-13-601 et seq. and 6-14-101 et seq.), start date, school day, class size, teaching load, credit hours, curriculum, facilities, non-instructional duties, planning periods, duty-free lunches, or salaries and compensation.

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7. I have noted throughout some inconsistencies with the budget and the waiver requests. Additionally, on page 30, the Application states that the Applicant will collaborate with city bus services to provide bus passes to students, but the budget reflects a salary position for a bus driver in both Year 1 and Year 2, bus insurance, bus lease, and bus fuel. On page 79, your purchased services for transportation jumps from \$4,500 to \$80,000 from Year 1 to Year 2. I have concerns that you have budgeted too low for special education purchased services. Also please note that multi-year leases must be approved by the Department.

1. School Superintendent

Waiver Topic #1	School Superintendent
Arkansas Code Annotated	§ 6-13-109 § 6-17-427
Standard for Accreditation	Standard 4-B.1 and 4-B.2
ADE Rules	Rules Governing the Superintendent Mentoring Program
Rationale for Waiver	The school is requesting a waiver in this area. Westwind will employ a principal to handle day to day operations of the charter school. The principal will report directly to the Executive Director and Board of Directors.

Legal Comments: What is the rationale behind the waiver of the Superintendent Mentoring Program? How will the Applicant ensure that the Executive Director is properly trained? Does the proposed Executive Director have experience as a superintendent? Standard 4-B.1 only requires that the school employ a full-time superintendent. From the rationale, it appears the Applicant plans to meet that requirement, so it is unclear why a waiver is necessary.

2. Teachers and Principals

Arkansas Code Annotated	6-15-1004 6-17-302 6-17-309 6-17-401 6-17-902 6-17-919
Standard for Accreditation	4-D.1
ADE Rules	Educator Licensure

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Rationale for Waiver	A waiver for principal and teacher license is being requested. Although the school will make every effort to hire licensed principals and teachers, due to the uniqueness of our curriculum providing an arts integrated focus, we would like to have the ability to consider highly qualified candidates who would be quality teachers and/or principals in our educational model.
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Legal Comments: Will the Applicant have licensed teachers teaching outside of their licensure area? If yes, Applicant only needs a waiver of Section 7 of the DESE Rules Governing Educator Licensure. If no, no waiver of those Rules is necessary. It appears that the Applicant only needs a waiver of Ark. Code Ann. § 6-17-302(a), rather than the entire statute. Based on the rationale provided, it appears that the Applicant needs a waiver of 4-C.2 in the Standards.

3. Guidance Counselor

Arkansas Code Annotated	6-18-2002(2)(A) 6-18-2003(a)(2)(A)
Standard for Accreditation	4-E.1
ADE Rules	Rules Governing Public School Student Services
Rationale for Waiver	The school requests a waiver on employing a certified guidance counselor. The school would like to have the ability to use this position to conduct more direct teaching. This will allow us the ability to employ an unlicensed teacher while adhering to the 90/10 standards and enable us to fully provide the services required in the comprehensive school counseling plan set forth in Act 190 of 2019.

Legal Comments: The cited Rules have been repealed. What is the rationale for the waiver of Ark. Code Ann. § 6-18-2002(2)(A)?

4. Library Media

Arkansas Code Annotated	6-25-103 6-25-104
Standard for Accreditation	4-F.1
ADE Rules	Licensure

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Rationale for Waiver	The school is requesting a waiver in this area. The school will have access to Chromebooks to leverage programs such as MyOn Read or Lexion for example. The school will partner with AR Kids Read and the public library to ensure access to literary and media-related material. Additionally, all core teachers will participate in professional development to develop an ability to implement Arkansas Department of Education standards with the core curriculum. The curricula itself will provide opportunities for students to learn and apply library media practices.
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Legal Comments: I am not sure which Rules you are referencing here, but no waiver of DESE Rule is required to effectuate this waiver. Applicant should provide additional information on how it plans to ensure students have access to an appropriate mix of print and electronic materials. In the rationale it says the school will have chromebooks and be utilizing programs such as MyOn and Lexicon, but these expenses are no captured in the budget that I can tell. Based on the rationale provided, it seems the Applicant needs a waiver of 4-F.2 to effectuate the waiver.

5. Health and Safety

Arkansas Code Annotated	6-18-706
Standard for Accreditation	2-E.1
ADE Rules	Public School Student Services
Rationale for Waiver	The school is requesting a waiver in the area of hiring a licensed registered nurse. The school plans to partner with UAMS who will provide an RN two days a week, to administer health services to students, review health records and consult with certified staff to ensure the students daily health care needs are managed and all necessary student health plans are created and fulfilled.

Legal Comments: The cited Rule has been repealed. Applicant should provide information on how it plans to meet the needs of students who require the administration of medication that cannot be delegated daily and how it will provide health services on field trips or other off campus activities. In the budget, the Applicant has nothing listed for “purchased services” under “Health Services” but in the rationale it says the Applicant is going to contract with UAMS.

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6. Gifted and Talented

Waiver Topic #6	Gifted and Talented
Arkansas Code Annotated	6-42-101 6-20-2208
Standard for Accreditation	2-G.1
ADE Rules	Rules Governing Gifted and Talented Program Approval Standards
Rationale for Waiver	Gifted and talented students will be served through the increased academic rigor in the core classes along with enrichment opportunities in performance and fine arts.

Legal Comments: The rationale is insufficient. Applicant should provide additional information on how it plans to meet the needs of its GT students. No waiver of Ark. Code Ann. § 6-42-101 is necessary, but a waiver of Ark. Code Ann. § 6-42-109 is necessary. Applicant only needs a waiver of Ark. Code Ann. § 6-20-2208(c)(6), rather than the entire statute.

7. Alternative Education Services

Arkansas Code Annotated	6-15-1005(b)(5)(c) 6-18-503(a)(1)(C)(i) 6-48-101 et seq.
Standard for Accreditation	2-I.1
ADE Rules	Rules Governing the Distribution of Student Special Needs Funds
Rationale for Waiver	The school is requesting a waiver in this area due to the size of the school and model as this is a unique setting. The school will provide in house services through counseling and education programs established to service students who would ordinarily be classified as in need of alternative education eservices.

Legal Comments: Applicant only needs a waiver of Section 4 of the cited Rules. Applicant should provide additional rationale on how it plans to meet the needs of students, not just with counseling services, but in the classroom environment.

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8. Teacher Fair Dismissal, Public School Employee Fair Dismissal

Arkansas Code Annotated	6-17-1501 et seq. 6-17-1701 et seq.
Standard for Accreditation	Teacher Fair Dismissal Act Public School Employee Fair Hearing Act
ADE Rules	
Rationale for Waiver	The school requests a waiver to establish an at will employment system for staff. This will allow us to make prompt personnel decisions as necessary and to address performance issues which negatively impact the operation of the school.

Legal Comments: I am not sure which Standard you are requesting.

9. Personnel Policies

Arkansas Code Annotated	6-17-201 6-17-2301 et seq.
Standard for Accreditation	3-A.2
ADE Rules	Sections 4-8 of the Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites.
Rationale for Waiver	The school requests a waiver in this area to draft personnel policies that reflect the unique needs of the school, but will cover all necessary areas.

Legal Comments: This rationale is incomplete and does not support a waiver of any of the requested provisions. The ADE Rules cited have changed drastically, effective 7/6/20. Applicant should review the new rules, DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites, as most of the information concerning personnel policies, salary schedules, and minimum salaries has been removed. Applicant has not requested statutory waivers of minimum salaries or salary schedules. What is the rationale behind the request for 3-A.2? The limited rationale provided suggests that the Applicant will be meeting the requirement of that Standard. No rationale has been provided

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for waivers of Ark. Code Ann. § 6-17-201 et seq. or § 6-17-2301 et seq., therefore no waivers are needed.

Desegregation Analysis: Responsive.