

Initial Legal Review

Charter School Name: AMS Schools of Arkansas

General Legal Concerns:

Do you need a waiver of Ark. Code Ann. § 6-17-201(c)?

All debts incurred by a charter must be approved by the Secretary prior to the charter incurring the debt. See. Rule 6.11.1.5. Debt requests are to be submitted to legal (Shastady) and then legal will send it to the appropriate people for review and communicate regarding approval/denial once the review is completed.

THE CHARTER IS REQUESTING THE FOLLOWING WAIVERS:

WAIVER TOPIC	STATUTES, STANDARDS, RULES	NOTES
1. Acquisition of Commodities	Ark. Code Ann. § 6-21-303(b)	No concerns.
2. Alternative Learning Environment	Ark. Code Ann. § 6-15-1005(b)(5) 6-18-503(a)(1)(c)(i) 6-48-102 6-48-103 Standard 2-I.1 DESE Rules Governing Student Special Needs Funding -Section 4	No concerns.
3. Board of Directors	Ark. Code Ann. §§ 6-13-608 6-13-611 6-13-612(c) 6-13-613 6-13-615 6-13-616(a) 6-13-617 6-13-619(a), (c), (d)(1)(A), (d)(4) 6-13-620(5) 6-13-622(b) 6-13-630 6-13-631 6-13-634 6-13-635	There is a typo on the waiver list so please change 6-13-619(d)(1)(A) to 6-13-619(d)(2)(A).

	6-13-1303 6-14-101 et seq.	
4. Class Size and Teaching Load	Ark. Code Ann. § 6-17-812 Standard 1-A.5 1-A.6 DESE Rules Governing Class Size and Teaching Load	Do you intend to compensate your teachers for going over the teaching load? If so you will not need a waiver of 6-17-812. Be prepared to provide additional rationale to the CAP.
5. Classified Employee Minimum Salary	Ark. Code Ann. §§ 6-17-2201 et seq.	No concerns.
6. Flag Display	Ark. Code Ann. § 6-16-106 6-16-106	No concerns.
7. Instructional Material	Ark. Code Ann. § 6-21-413 DESE Rules Governing Instructional Materials – Sections 5.01, 5.01.2	No concerns.
8. Leased Academic Facilities	Ark. Code Ann. § 6-21-117(2)-(5) Standard 6-A.1 6-A.2	Standard 6-A.2 is not waivable under Ark. Code Ann. § 6-23-401(b), as it is for school safety. Otherwise, no concerns.
9. Library Media Specialist	Ark. Code Ann. §§ 6-25-103 6-25-104 Standard 4-F.1 4-F.2	No concerns.
10. Personnel Policies – Duty Free Lunch Period	Ark. Code Ann. § 6-17-111	No concerns.
11. Personnel Policies – Daily Planning Period	Ark. Code Ann. § 6-17-114	No concerns.
12. Personnel Policies – Non	Ark. Code Ann. § 6-17-117	No concerns.

Instructional Duties		
13. Personnel Policies – Committee on Personnel Policies	Ark. Code Ann. § 6-17-203 6-17-205 6-17-209	No concerns.
14. Personnel Policies – Personnel Polices Incorporated into Teacher Contracts	Ark. Code Ann. § 6-17-204	Please be prepared to clarify that you understand that to be eligible for the funding in the LEARNS Act, you must have a teacher salary schedule.
15. Personnel Policies – Grievance Procedure	Ark. Code Ann. § 6-17-208 6-17-210	No concerns.
16. Personnel Policies – Use of Personal Leave	Ark. Code Ann. § 6-17-211	No concerns.
17. Personnel Policies – Employment of Licensed Personnel	Ark. Code Ann. § 6-17-301	Please narrow your waiver to (a) & (b). You cannot waiver subsection (c).
18. Personnel Policies – Teacher Minimum Sick Leave	Ark. Code Ann. § 6-17-1201 et seq.	No concerns.
19. Personnel Policies – School Employees Minimum Sick Leave	Ark. Code Ann. § 6-17-1301 et seq.	No concerns.
20. Personnel Policies – Classified Employees	Ark. Code Ann. § 6-17-2301(c), (c)(1) & (d)(2) 6-17-2302 6-17-2303 6-17-2304 6-17-2405	To clean the request up do you want a waiver of 6-17-2301(c) or just (c)(1)?
21. Personnel Policies - Website Posting	DESE Rules Governing Documents Posted to School District and Education Cooperatives Websites – Sections 5 & 6	You will need to add a waiver of Ark. Code Ann. § 6-11-129(a)(1)(B). Please narrow your waiver request for the website rules to section 6 only, unless you feel you need both sections. If you need both then please provide rationale.

22. Principal	Ark. Code Ann. § 6-17-302 Standard 4-C.1 4-C.2	Be prepared to provide additional rationale to the CAP.
23. Salaries and Compensation	Ark. Code Ann. § 6-17-812 6-21-303(b)	You do not need to list 6-21-303(b) again as you have already requested this waiver above. <i>See Acquisitions</i> You do not need to list 6-17-812 here as you have already requested it above. <i>See Class Size.</i>
24. School Property and Supplies	Ark. Code Ann. § 6-21-303(b)	You do not need to list 6-21-303(b) again as you have already requested this waiver above. <i>See Acquisitions</i>
25. Superintendent	Ark. Code Ann. § 6-13-109 6-13-427 Standard 4-B.1 4-B.2 DESE Rules Governing the Superintendent Mentoring Program	How will you ensure a new superintendent is properly trained in AR?
26. School Counselor	Standard 4-E.2	Your counselor will be licensed in AR?
27. 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 – Section 7	No concerns.

28. Health Services – School Nurse	Ark. Code Ann. § 6-18-706	This waiver will not be granted as it is prohibited under Ark. Code Ann. § 6-23-401(b), as it is a health requirement.
29. Transportation	Ark. Code Ann. § 6-19-101 et seq.	A waiver of this section does not waive this charter’s responsibility to provide transportation to a student with a disability if transportation is required by the IEP.