

Premier

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**Premier High School of Hot Springs  
Premier High School of Springdale  
2020 Open Enrollment Application**

**Note:** All school districts in Garland County are subject to a federal desegregation lawsuit.

**1. Alternative Learning Environment**

**Ark. Code Ann. § 6-15-1005(b)(5)**

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

**Ark. Code Ann. § 6-48-101 et seq.**

**ADE Rules: Section 4.0 Rules Governing Special Needs—Alternative Learning Environment**

*Premier will strive to provide an individualized approach to students by an alternative approach made possible by the small-sized high school environment. Premier embodies many of the practices described in the Exemplary Practices in Alternative Education: Indicators of Quality Programming.*

**Legal Comments:** Applicant should review Standard 2-I.1 to determine if a waiver is necessary. Only a waiver of Ark. Code Ann. § 6-48-102 and 103 is necessary, rather than the entire chapter. Rationale does not provide examples of how Applicant “embodies many of the practices described in the *Exemplary Practice in Alternative Education: Indicators of Quality Programming*.” Applicant is asking for a waiver of ALE, so it is unclear how the program will meet the practices described in the document. Applicant should provide additional rationale on how it plans to meet the needs of students who need alternative learning environments, 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.

**5. Board of Directors**

**Ark. Code Ann. § 6-13-608**

**Ark. Code Ann. § 6-13-611**

**Ark. Code Ann. § 6-13-613**

**Ark. Code Ann. § 6-13-615 through 616**

**Ark. Code Ann. § 6-13-619 through 621**

**Ark. Code Ann. § 6-13-630 through 631**

**Ark. Code Ann. § 6-16-634**

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**Ark. Code Ann. § 6-13-1303**

**Ark. Code Ann. § 6-13-1401 et seq.**

**Ark. Code Ann. § 6-14-101 et seq.**

**Standards: None**

**Rules: School Board Zones and Rezoning, School Election Expense Reimbursement**

*This waiver exempts the district from this portion of the Education Code to the extent that its provisions relating to board size, qualifications, elections, duties, powers, terms, meeting location, and vacancies are (a) generally not applicable in the open-enrollment charter school context, and/or (b) otherwise outlined in the Responsive Education Solutions of Arkansas' by-laws. The school district, in light of the waiver request that is being made concerning certified employees. Instead, Premier High School will require a to include classified employees as defined in Section 6-13-1302.*

**Legal Comments:** Applicant needs a waiver of Ark. Code Ann. § 6-13-612(c). No rationale has been provided for a waiver of Ark. Code Ann. § 6-13-619, therefore no waiver is necessary. Applicant should clarify the need for a waiver of Ark. Code Ann. § 6-13-1303. Ark. Code Ann. § 6-13-1401 et seq. does not apply to charter schools, therefore no waiver is necessary. No waiver of the ADE Rules Governing Reimbursement by School Districts for Election Expenses is necessary because the Applicant has requested a waiver from school elections.

### **3. Business Manager**

**Ark. Code Ann. § 6-15-2302**

**Standard: None**

**ADE Rules: Minimum Qualifications for General Business Managers**

*Applicant seeks exemption from this portion of the Education Code to the extent that it requires a general business manager for a public school district to meet the minimum qualifications established by rule of the Department of Education. Applicant seeks the flexibility to hire a general business manager or contract with a school business company that is able to address the unique needs of the school's business model.*

**Legal Comments:** Applicant should review Standard 3-A.5 to determine if any waiver is necessary. Rationale is incomplete. Applicant needs to provide additional information on what qualifications the business manager will be required to have, whether it will have a FTE business manager, etc.

### **4. Class Size and Teaching Load**

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## **Ark. Code Ann. § 6-17-812**

### **Standard: 1-A.6**

#### **Rule: Class Size and Teaching Load**

*Exemption from this portion of the Education Code because the school's education program requires flexibility in addressing the unique needs of its at-risk student population by having students' complete courses required to gain their High School Diploma. Students work on an individualized pace using a mastery based program that will help them gain credit faster than 120 clock hours which lends itself to larger class sizes (20-35) which ultimately effects Class Size and Teaching Load of the teaching staff. Increasing the class size will not create any additional work for the teachers or the need for additional pay due per pay teachers not having to create lesson plans and students working at their own pace.*

**Legal Comments:** None.

## **5. Curriculum, Grading, and Credit Hours**

### **Ark. Code Ann. § 6-15-902(a)**

#### **Standard: 1-A.2, 1-A.1.3, 1-A.3**

##### **Rule: None**

*Exemption from this portion of the Code because the school's education program requires flexibility in addressing the unique needs of its at-risk student population by having students complete courses required to gain their High School Diploma. Students must pass with a grade of 70 or higher on assessment to demonstrate mastery. The mastery based program enables students to gain credit faster than 120 clock hours. PHS will offer the 22 units required for graduation.*

**Legal Comments:** Applicant needs to review the DESE Rules Governing Grading and Course Credit to determine if any waivers are necessary. Standard 1-A.2 specifically allows for a district to award credit based on subject matter competency in compliance with the district's approved plan under Ark. Code Ann. § 6-15-216. If the district is not awarding credit based on subject matter competency or 120 clock hours, how is the Applicant awarding credit? Based on rationale provided, no waiver is needed. Standard 1-A.1.3 is all 9-12 curriculum, which contains graduation requirements and cannot be waived, therefore no waiver is necessary. If curriculum pieces are needed, Applicant should state narrowly which pieces it needs. Standard 1-A.3 of the 2018 Standards has been repealed. Applicant should review the 2020 Standards to determine if additional waivers are necessary.

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## **6. Facilities and Flag Display**

**Ark. Code Ann. § 6-16-105**

**Ark. Code Ann. § 6-16-106**

**Ark. Code Ann. § 6-21-117**

*PHS seeks exemption from this portion of the Code to the extent that it requires facilities leased by PHS to conform to the school facility standards defined in the Arkansas School Facility Manual. Considering the initial enrollment size, it will be difficult to financially follow through with this requirement. The Applicant ensures that any and all facilities that it leases for academic purposes shall meet the requirements of all state and local health and safety codes, the ADA, and the IDEA. Exemption from this portion of the Code to the extent that it requires the erection of a flagstaff on the school grounds. PHS may be leasing its facilities. As such, it may not be permitted to erect a flagstaff on the property. Otherwise, PHS will seek alternative methods for displaying the flag.*

**Legal Comments:** Applicant should provide additional rationale for the waiver request of Ark. Code Ann. § 6-21-117, specifically § 6-21-117(a)(1),.

## **7. Flexible Schedule**

**Ark. Code Ann. § 6-10-106**

**Ark. Code Ann. § 6-16-102**

**Standards: 1-A.5.2**

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Exemption from this portion of the Education Code because the school's education program requires flexibility in addressing the unique needs of its at-risk student population by having students complete courses required to gain their High School Diploma. As such, Premier High School requests that "school day" be defined as a day in which classes are in session and students receive at least four (4) hours of instructional time. Students will have the opportunity to participate in extended day academic programs. The instructional day will be extended up to and beyond (6) hours for students in need of additional assistance.

**Legal Comments:** Applicant does not need a waiver of Ark. Code Ann. § 6-16-102(a)(5). Standard 1-A.5.2 in the 2018 Standards has changed to Standard 1-A.4.2.

## **8. Gifted and Talented**

Ark. Code Ann. § 6-20-2208(c)(6)

Ark. Code Ann. § 6-42-101 et seq.

Standards: 2-G.1

Rules: Gifted and Talented Program Approval Standards

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Premier High School seeks exemption from this portion of the Education Code to the extent that it requires the inclusion of a gifted and talented program. While there will undoubtedly be students who would qualify and benefit from such a program, the general student population at Premier will be attending classes solely in order to get back on the path towards receiving their high school education as quickly as possible. Upon program assessment, if the need for such a program is determined then Premier High School will attempt to align with a local distinguished college or university in order to offer students the opportunity to take dual-enrollment classes. Such classes would allow those interested in a college education the ability to complete advanced education courses while still working towards their high school diploma.

**Legal Comments:** Only a waiver of Ark. Code Ann. § 6-42-109 is necessary rather than the entire subchapter.

#### **9. Non-Instructional Duties, Planning Periods, Duty Free Lunch**

**Ark. Code Ann. § 6-17-111**

**Ark. Code Ann. § 6-17-114**

**Ark. Code Ann. § 6-17-117**

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Premier High School requires teachers to be contracted if they are assigned to more than sixty (60) minutes of non-instructional duties per week. Instead, Premier High School requests that the time be increased to two-hundred forty (240) minutes. Such a revision recognizes that open-enrollment charter schools are often required to operate on a more limited budget than their traditional public school counterparts, requiring teachers to perform both instructional and non-instructional duties to achieve efficient and economical operation of the school. The individualized curriculum utilized by Premier High School dramatically reduces the time needed by a teacher for instructional planning.

**Legal Comments:** None.

## **10. Personnel Policies**

Ark. Code Ann. § 6-17-1201 et seq.

Ark. Code Ann. § 6-17-1301 et seq.

Ark. Code Ann. § 6-17-203

Ark. Code Ann. § 6-17-211

Ark. Code Ann. § 6-17-2301 et seq.

Ark. Code Ann. § 6-17-1501 et seq.

Ark. Code Ann. § 6-17-1701 et seq.

**Standards:** None

**Rules:** School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites



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Premier High School seeks exemption from this portion of the Education Code. Instead, the Board of Directors for Premier High School will adopt personnel policies, including, but are not limited to, the following terms and conditions of employment; salary schedule, fringe benefits, and other compensation issues; annual school calendar, including work days and holidays; evaluation procedures; leave; grievance procedures; termination or suspension; reduction in force; and assignments. Premier High School employees will be employed on an “at-will” basis and will be paid in accordance with the Fair Labor Standards Act, and in accordance with the personnel policies approved by the Board of Directors. Premier High School seeks exemption from this portion of the Education Code. As such, minimum sick leave for Premier High School teachers will be addressed in the Employee Handbook and will be given at a set rate and not accumulated on a monthly basis. Premier High School seeks exemption from this portion of the Education Code to the extent that it requires teachers to be certified and contracted. As such, Premier High School will have the flexibility to identify and hire those individuals best suited to facilitate the school’s unique educational program. Premier High School ensures that it will hire “highly qualified” teachers on an “at-will” basis.

**Legal Comments:** The School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites have drastically changed. Applicant should review the version of the Rules effective 7/6/20 to determine if any waivers are necessary. If teachers will be “at will” Applicant may need a waiver of Ark. Code Ann. § 6-17-204. No rationale has been provided for waivers of Ark. Code Ann. § 6-17-2301, 2302, or 2306.

## **11. Salaries and Compensation**



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**Ark. Code Ann. § 6-17-2201 et seq.**

**Ark. Code Ann. § 6-17-2401 et seq.**

**Ark. Code Ann. § 6-17-802**

**Ark. Code Ann. § 6-17-908**

**Ark. Code Ann. § 6-17-919**

**Ark. Code Ann. § 6-21-303**

Premier High School seeks exemption from this portion of the Education Code. Instead, the Board of Directors for Premier High School will adopt personnel policies, including, but are not limited to, the following terms and conditions of employment; salary schedule, fringe benefits, and other compensation issues; annual school calendar, including work days and holidays; evaluation procedures; leave; grievance procedures; termination or suspension; reduction in force; and assignments. Premier High School will provide compensation that is competitive with local public school districts. Premier High School reserves the right to determine a specific salary by taking into account the teacher's years of applicable work experience, current salary, skill, education, and other qualifications. Premier High School seeks exemption from this portion of the Education Code to the extent that it requires insurance or other fringe benefits to be approved by a majority of the teachers in the school district. Instead, the provisions of insurance or other fringe benefits will be considered and provided pursuant to action by the Board of Directors.

**Legal Comments:** No rationale has been provided for a waiver of Ark. Code Ann. § 6-21-303.

## **12. Principal**

**Ark. Code Ann. § 6-17-302**

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

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Premier High School seeks exemption from this portion of the Education Code. Instead, the Premier High School Principal will be employed on an “at-will” basis and will not be required to hold a valid supervisory or administrative certificate. In addition to identifying a Principal with the requisite skills and experience in education and management, Premier High School will ensure that its principal is appropriately qualified to lead the school through extensive training in the school’s educational methodology.

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**Legal Comments:** Based on the rationale provided, only a waiver of Ark. Code Ann. § 6-17-302(a) is necessary. No rationale has been provided for a waiver of 4-C.1.

### **13. Student Services**

**Ark. Code Ann. § 6-18-706**

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

**Ark. Code Ann. § 6-25-101 et seq.**

**Standards: 2-C.1., 2-C.2, 2-D.1, 2-E.1, 2-E.2, 3-D.1, 4-E.2, 4-F.2, 6-A.2**

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Premier High School seeks exemption from this portion of the Education Code to the extent that it requires a guidance program to employ on-campus certified counselors. The principal and Career and College Coach will be equipped to give students advice regarding higher education options, life after high school, etc. Similarly, Premier High School staff will be informed that they will be responsible to handle issues generally given to a campus counselor. Contracted Counseling Services will be ready should such situations arise. In compliance with state standards, Premier High School will have a media center, run by a part-time media specialist, available to students. A minimum of three thousand volumes, or at least eight books per student, whichever figure is larger, will be kept. At least one computer room will also be made available, as well.

**Legal Comments:** No rationale has been provided for waiver of school nurse or nursing services. Only a waiver of Ark. Code Ann. § 6-25-103 and 104 is necessary. No rationale has been provided for a waiver of Ark. Code Ann. § 6-25-105 or 106. No rationale has been provided for a waiver of 2-C.1, additionally if the Applicant wishes to move forward with that waiver, applicant will need additional waivers of the Arkansas School Counseling Improvement Act and should review Ark. Code Ann. § 6-18-2001 et seq. to determine which additional sections it needs. Based on the rationale provided, no waiver of 2-C.2 is necessary. No rationale has been provided for a waiver of 2-D.1. No rationale has been provided for a waiver of 2-E.2. It appears applicant needs a waiver of 4-E.1 and 4-F.1. No rationale has been provided for a waiver of 6-A.2. The DESE Rules Governing Public School Student Services has been repealed.

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## **14. Superintendent**

**Ark. Code Ann. § 6-13-109**

**Ark. Code Ann. § 6-17-427**

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

**ADE Rules Governing Superintendent Mentoring**

Premier High School seeks exemption from this portion of the Education Code. Instead, the Premier High School Superintendent will be employed on an “at-will” basis and will not be required to hold a valid supervisory or administrative certificate. In addition to identifying a Superintendent with the requisite skills and experience in education and management, Premier High School will ensure that its Superintendent is appropriately qualified to lead the school through extensive training in the school's educational methodology.

**Legal Comments:** What is the rationale behind the waiver of the superintendent mentoring program if the superintendent will not be licensed? Applicant should provide additional rationale. What is the rationale behind waiving 4-B.1, the requirement to have a full-time superintendent?

## **15. Educator Licensure**

**Ark. Code Ann. § 6-15-1004**

**Ark. Code Ann. § 6-17-201 et seq.**

**Ark. Code Ann. § 6-17-301**

**Ark. Code Ann. § 6-17-309**

**Ark. Code Ann. § 6-17-401**

**Ark. Code Ann. § 6-17-902**

**Ark. Code Ann. § 6-17-919**

**Standards: 4-D.1, 4-E.1, 4-F.1**

**ADE Rules Governing Educator Licensure**

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Premier High School seeks exemption from this portion of the Education Code to the extent that it requires teachers to be certified and on a contract for the school year. As such, Premier High School will have the flexibility to identify and hire those individuals best suited to facilitate the school's unique educational program. Premier High School ensures that it will hire Arkansas Highly Qualified" teachers. Premier High School seeks exemption from this portion of the Education Code to the extent that it requires teachers to be certified. As such, Premier High School will have the flexibility to identify and hire those individuals best suited to facilitate the school's unique educational program. Premier High School ensures that it will hire Arkansas Highly Qualified" teachers. Premier High School seeks exemption from this portion of the Education Code. Instead, the Premier High School principal will be employed on an "at-will" basis and will not be required to hold a valid supervisory or administrative certificate. In addition to identifying a principal with the requisite skills and experience in education and management, Premier High School will ensure that its principal is appropriately qualified to lead the school through extensive training in the school's educational methodology. Premier High School seeks exemption from this portion of the Education Code. Instead, Premier High School will employ all employees on an "at-will" basis. This means that employment with Premier High School is voluntarily entered into, and the employee is free to resign at will, at any time, with or without notice or cause. Similarly, Premier High School may terminate the employment relationship at will, at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.



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**Legal Comments:** Applicant should confirm that all special education teachers will be fully licensed as those requirements cannot be waived. No rationale has been provided for a waiver of Ark. Code Ann. § 6-17-201 et seq., therefore no waiver is necessary. Will the Applicant have licensed teachers teaching outside of their licensure area? If yes, it needs a waiver of Section 7 of the DESE Rules Governing Educator Licensure. If no, no waiver of those Rules is needed.

## **16. Transportation**

**Ark. Code Ann. § 6-19-101 et seq.**

Premier High School seeks exemption from this portion of the Education Code to the extent that it requires Premier High School implement a traditional school bus transportation program. Premier will implement a transportation program utilizing public transportation at no cost to the students.

**Legal Comments:** None.

**General Comments:** I did not see a waiver of the TESS/LEADS systems, despite several rationales describing a waiver from evaluation requirements

**Desegregation Analysis:** Not responsive