

Initial Legal Review

Charter School Name: Bentonville School for Advanced Studies

General Legal Concerns:

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. 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. Be prepared to provide additional rationale to the CAP.
2. Gifted & Talented	Ark. Code Ann. § 6-20-2208(c)(6) 6-42-1502 Standard 2-G.1 DESE Rules Governing Gifted and Talented Approval Standards	Please correct the citation to 6-42-109.
3. Curriculum – Fine Arts	Standard 1-A.1.3.6	Are you only requesting this waiver until the 2026-2027 school year? If so, can you narrow down your request to expire on June 30, 2026?
4. Curriculum – Foreign Language	Standard 1-A.1.3.5	If you will have the required credits by the 2025-2026 school year then can you specify that this waiver will expire on June 30, 2025?
5. Curriculum – Career and Technical Education	Standard 1-A.1.3.9	Will you agree that this waiver will expire on June 30, 2027, since you will have all the credits in the 2027-2028 school year.

6. Curriculum – Advanced Placement	Ark. Code Ann. § 6-16-1204(c)(d) Standard 1-A.1.3.10	Do you also need a waiver of 6-16-1203(a)? Will you be offering pre-Advanced Placement classes? If not, then you also need to request to waive 6-16-1204(a). Is your waiver request that you are not going to offer any AP courses until the 2026-2027 school year or that you will not offer the minimum 4 AP courses in the 4 core areas until that time? Please just clarify this in your final application. Also take a look at the DESE Rules Governing Grading and Course Credit – Sections 4-1.00 & 6.00 to see if you need to request a waiver of these sections.
7. Required Instruction 9-12	Standard 1-A.1.3	Are you requesting to waiver all of the required courses or just the for you have listed above? <i>See Curriculum – Fine Arts, Foreign Language, Career and Technical, & Advanced Placement.</i>
8. Instructional Materials	Ark. Code Ann. § 6-21-413 DESE Rules Governing Instructional Materials – Sections 5.01, 5.01.2	No concerns.
9. Personnel Policies – Non Instructional Duties	Ark. Code Ann. § 6-17-117	Be prepared to answer questions regarding teacher breaks.
10. Teacher Fair Dismissal Act	Ark. Code Ann. §§ 6-17-1501 et seq.	The TFDA was repealed by the LEARNS Act. This will be effective on June 30, 2023, unless the AR Supreme Court decides against the State in the pending lawsuit.
11. Public School Employee Fair Hearing Act	Ark. Code Ann. §§ 6-17-1701 et seq.	The PSEFHA was repealed by the LEARNS Act. This will be effective on June 30, 2023, unless the AR Supreme Court decides against the State in the pending lawsuit.

12. Personnel Policies – Use of Personal Leave	Ark. Code Ann. § 6-17-211	No concerns.
13. Personnel Policies – Teacher Minimum Sick Leave	Ark. Code Ann. § 6-17-1201 et seq.	No concerns.
14. Personnel Policies – School Employees Minimum Sick Leave	Ark. Code Ann. § 6-17-1301 et seq.	No concerns.
15. Personnel Policies – Classified Employees	Ark. Code Ann. § 6-17-2301 et seq.	<p>To clean the request up do you want a waiver of 6-17-2301(c)(1) & (d)(2)?</p> <p>A waiver of 6-17-2306 is not typically granted so please provide rationale as to why you need this one. If you do not need this one then please update your final application to reflect all the code sections you do need.</p>
16. Personnel Policies	<p>Ark. Code Ann. § 6-17-201</p> <p>Standard 3-A.2</p>	<p>Please narrow your request to 6-17-201(c).</p> <p>There is only one other charter with this waiver, so please provide additional rationale as to why you need this waiver.</p> <p>Also please note that in order to comply with the LEARNS Act you must have a salary schedule, so you cannot waive the requirements for salary schedule if you wish to be eligible for the additional funding for teacher salaries under the LEARNS Act.</p>

<p>17. Personnel Policies - Website Posting</p>	<p>Sections 5-6 for Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries and Documents Posted to Websites</p>	<p>You will need to add a waiver of Ark. Code Ann. § 6-11-129(a)(1)(B).</p> <p>The correct title of the rules is “DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites”</p> <p>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.</p>
<p>18. Personnel Policies – Right to Join a Professional Org.</p>	<p>Ark. Code Ann. § 6-17-202</p>	<p>No concerns.</p>
<p>19. Personnel Policies – Personnel Policies Incorporated Into Teacher Contracts</p>	<p>Ark. Code Ann. § 6-17-204</p>	<p>No concerns.</p>
<p>20. Personnel Policies – Committee on Personnel Policies</p>	<p>Ark. Code Ann. §§ 6-17-203 6-17-205 6-17-209</p>	<p>No concerns.</p>
<p>21. Personnel Policies – Grievance Procedure</p>	<p>Ark. Code Ann. §§ 6-17-208 6-17-210</p>	<p>No concerns.</p>
<p>22. Personnel Policies – Employment of Licensed Personnel</p>	<p>Ark. Code Ann. § 6-17-301</p>	<p>Please narrow your request to (a) & (b).</p>

<p>23. Superintendent</p>	<p>Ark. Code Ann. § 6-13-109 6-13-427</p> <p>Standard 4-B.1 4-B.2</p> <p>DESE Rules Governing the Superintendent Mentoring Program</p>	<p>How will you ensure a new superintendent is properly trained in AR?</p>
<p>24. Principal</p>	<p>Ark. Code Ann. § 6-17-302</p> <p>Standard 4-C.1 4-C.2</p>	<p>Be prepared to provide additional rationale to the CAP.</p>
<p>25. Teacher Licensure</p>	<p>Ark. Code Ann. §§ 6-15-1004 6-17-309 6-17-401 6-17-418 6-17-902 6-17-908 6-17-919</p> <p>Standard 4-D.1</p> <p>DESE Rules Governing Educator Licensure – Section 7</p>	<p>No concerns.</p> <p>Be prepared to provide additional rationale to the CAP.</p>
<p>26. Health Services – School Nurse</p>	<p>Ark. Code Ann. § 6-18-706</p> <p>Standard 2-E.1 2-E.2</p>	<p>This waiver will not be granted as it is prohibited under Ark. Code Ann. § 6-23-401(b), as it is a health requirement.</p>
<p>27. Transportation</p>	<p>Ark. Code Ann. § 6-19-101 et seq.</p>	<p>No concerns,</p>
<p>28. Financial Management – Business Manager</p>	<p>Ark. Code Ann. § 6-15-2302(b)</p> <p>DESE Rules Governing the Arkansas Fiscal Assessment and Accountability Program – Section 12</p>	<p>What types of checks and balances are in place to keep the charter and CMO money separate? The charter is paying the CMO so ensure that in your governing structure there are appropriate safeguards against mismanagement of public funds.</p>