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Academics Plus Charter Schools, Inc. 2019 Renewal Application

Expiring Waivers

All waivers, other than those listed below, are fine and there are no legal comments.

Board of Directors

Ark. Code Ann. § 6-13-619

Ark. Code Ann. § 6-13-619(c)(1)(A)

Legal Comments: Applicant has listed both. Does the Applicant need a waiver of the entire statute, or does the Applicant need a waiver of only (c)(1)(A)? Also, the law was amended since the waiver was granted and now allows virtual attendance. Does the Applicant still need the waiver?

Applicant Response: APCSI wishes to amend its waiver to remove the waiver of all of Ark. Code Ann. §6-13-619, and retain a waiver of Ark. Code Ann. §6-13-619 (c)-(d). The rationale behind requesting/continuing the waiver of §6-13-619 (c)-(d) is that it is frequently difficult for APCSI's Trustees to appear in-person, and the frequency with which this need occurs is greater than would be permitted under a virtual attendance policy."

Legal Comments: None.

Duty-Free Lunch & Planning Periods

Ark. Code Ann. § 6-17-111

Ark. Code Ann. § 6-17-114

Legal Comments: Applicant has a waiver for both planning periods and duty-free lunch. How is the Applicant ensuring that teachers have adequate planning time?

Applicant Response: Planning Period: APCSI strives to allow teachers a 40 minute plan time during the student day. There are times when this may not be possible due to scheduling. For those instances the teachers have plan time after the student day. The expected work day for teachers is until 4:15. The student contact day ends at 3:15. This gives one hour after the students leave for teachers whose schedule might not allow for the plan time during the school day.

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Duty Free Lunch: APCSI insures teachers have a duty free period lunch time. There are times teachers may use their scheduled plan time as their lunch time. On those occasions the teachers will then be provided time for planning in the afternoon between 3:15 and 4:15.

Legal Comments: None.

Personnel Policies

Ark. Code Ann. § 6-17-201 et seq.

Ark. Code Ann. § 6-17-2301 et seq.

ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites (Sections 6, 8, and 9.01.2 only)

Legal Comments: Does the Applicant have written personnel policies that are distributed to its staff? If yes, Applicant does not need a waiver of the entire subchapter, and should review Ark. Code Ann. § 6-17-201 et seq. to determine which sections of the subchapter it needs to waive. Applicant needs to do the same for the waiver of Ark. Code Ann. § 6-17-2301 et seq. Applicant needs to review Sections 4, 5, 7.06, and 7.07 of the above-referenced rules to determine if additional waivers are necessary.

Applicant Response: APCSI wishes to amend its waiver to waivers of Ark. Code Ann. §§6-17-201 (c), 203, 204, 205, 208, and 209-211, as well as Ark. Code Ann. §§6-17-2301 (b)-(c), 2302, 2303, 2304 and 2305, and to add waiver of Sections 4.02, 5.02, 7.06 and 7.07 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites.

Legal Comments: What is the rationale behind the waiver of Ark. Code Ann. §§ 6-17-208 and 210? Does Academics Plus have a grievance procedure for employees? It appears that Academics Plus also needs a waiver of Section 5.01 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites to effectuate the waiver of Ark. Code Ann. § 6-17-2301(b).

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Classroom Supplies

Ark. Code Ann. § 6-21-303(b)(1)

Legal Comments: Applicant is the only non-virtual charter school holding this waiver. How does the Applicant ensure that teachers have the necessary supplies and can make purchases for classroom activities?

Applicant Response: APCSI provides adequate funding to provide teachers with necessary supplies for classroom activities. APCSI provides \$100 to all teachers K-12 for classroom supplies. APCSI has also worked with the PTO to help in this endeavor. The PTO has a program when parents make donations the teachers receive a portion of the donation for classroom supplies. Some teachers may earn over \$1500 through this program. Principals also have a budget for classroom supplies. Teachers who need supplies or funding for activities work with the principal to meet their needs. APCSI has utilized this system for the duration of this waiver and has always provided for teachers' classroom supply needs.

Legal Comments: None.

Library Media

Ark. Code Ann. § 6-25-101 et seq. 2-D.1, Standards

Legal Comments: No waiver of Ark. Code Ann. § 6-25-101 or 102 is necessary. What is the rationale behind the request to waive Ark. Code Ann. § 6-25-105 and 106? What is the rationale behind the waiver of 2-D.1 in the Standards?

Applicant Response: APCSI rescinds its waiver of Section 2-D.1 of the ADE Standards for Accreditation Rules, and amends its statutory waiver request to Ark. Code Ann. §6-25-103 and 104 only.

Legal Comments: None.

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Gifted and Talented

Ark. Code Ann. § 6-42-101 et seq.

Legal Comments: The only section of this subchapter that contains a requirement on a school or school district is Ark. Code Ann. § 6-42-109. No waiver is necessary of any of the other sections of the subchapter.

Applicant Response: APCSI amends its waiver to Ark. Code Ann. §6-42-109 only.

Legal Comments: None.

Alternative Learning Environment

Ark. Code Ann. § 6-48-101 et seq.

Legal Comments: Very similar to my other comments, only Ark. Code Ann. § 6-48-102 and 103 have requirements that impact schools and school districts. No waiver of the other sections is needed.

Applicant Response: APCSI amends its waiver to Ark. Code Ann. §6-48-102 and 103 only.

Legal Comments: None.

Curriculum

1-A.2, Standards

Legal Comments: The new Standards for Accreditation allow credit to be given to a student for a course that meets for a minimum of 120 clock hours *unless* the school district awards credits based on subject matter competency in compliance with the district's approved plan under Ark. Code Ann. § 6-15-216. Does the Applicant need a waiver because the Applicant does not have an approved plan for providing competency based credit, or because the Applicant is not providing competency based credit or 120 clock hour credit?

Applicant Response: Applicant wishes to continue its waiver as it has occasions where students can complete their required credit-bearing coursework in less than 120 clock hours.

Legal Comments: The Standards for Accreditation allows credit to be given to a class that does not meet the 120 clock hour requirement if the district awards credits based on subject

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matter competency via an approved plan. Is there a reason Academics Plus cannot seek an approved subject matter competency plan for the classes that do not meet the 120 clock hour requirement?

School Safety

6-A.2 Standards

Legal Comments: What is the rationale behind the continued waiver of adopting and implementing school safety policies and procedures?

Applicant Response: APCSI has adopted and implemented school safety policies, but wishes to retain its waiver and add a waiver of Section 6-A.1. of the Standards for Accreditation Rules, to retain the ability to operate under its own policies and not subject itself to the inapplicable Rules of the Arkansas Division of Public School Academic Facilities and Transportation.

Legal Comments: If Academics Plus is adopting and implementing school safety policies, it does not seem that a waiver of 6-A.2 is necessary. No comments on the request for 6-A.1 as the rationale suffices.

Teacher Licensure

ADE Rules Governing Educator Licensure

Legal Comments: Does the Applicant have licensed teachers teaching outside of their licensure area? If yes, only a waiver of Section 7 is needed. If no, no waiver of these Rules is needed.

Applicant Response: APCSI wishes to amend its waiver to only Section 7. of the ADE Rules Governing Educator Licensure.”

Legal Comments: None.

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Parental Notification

ADE Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More than Thirty (30) Consecutive Days

Legal Comments: These Rules have been repealed. No waiver is necessary.

Applicant Response: APCSI wishes to rescind its waiver, as the applicable Rules have been repealed

Legal Comments: None.

Substitute Teachers

ADE Rules Governing Waivers for Substitute Teachers

Legal Comments: These Rules have been repealed. No waiver is necessary.

Applicant Response: APCSI wishes to rescind its waiver, as the applicable Rules have been repealed.

Legal Comments: None.

New Waivers

1. Guidance Counselor

Ark. Code Ann. § 6-18-2001 et seq.

Rationale: Since 2001 APCSI has held a waiver for Guidance and Counseling. The needs of the students of APCSI have been met in this area with the waiver in place. Currently, APCSI has five counselors on staff. Of the five counselors currently employed one is licensed as a school counselor. Each of the other four have an education in a related counseling field. Because APCSI has had a waiver for guidance and counseling these employees could be hired without being licensed school counselors. APCSI requests ACT 190 be waived so these non-licensed employees can continue to serve APCSI students and do not have to be terminated. The qualifications for these individuals are as follows:

A. Counselor 1 – M.S. in School Counseling – Certified P-12 School Counselor in Maryland and Arkansas in process. B.A. in Spanish – Minor in Teacher Education.

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B. Counselor 2 – M.S. in Religious Arts in Christian Psychology – B.S. in Psychology.

C. Counselor 3 – M.S. in Community Counseling – B.A. in Social Work.

D. Counselor 4 – M.S. in College Student Personnel Administration – B.A. in English – AR License in Language Arts 7-12.

E. Counselor 5 – M.S. in School Counseling – B.S. in Education – Certified in PK-4 Counseling / Early Childhood Education

In grades K-5 at Maumelle and Scott the counselors deliver classroom instruction to all students in the Second Step program. The delivery is in whole classroom settings. APCSI has found this curriculum is best delivered by the expert counselors. Because of this, APCSI would like to increase the allowable classroom sessions a counselor can deliver. It is important to understand that the APCSI instructional day is currently 405 minutes (45 minutes per day above the state standard). In addition, APCSI students attend 183 days per year. The faculty members are also required to work longer hours than many traditional school districts. Faculty at APCSI work a true eight-hour day from 7:45a.m. to 4:15p.m. with a 30-minute lunch break. APCSI is also overstaffed at the counselor position. The current state requirement is to have a counselor for every 450 students. Five counselors for 1550 students equals a ratio of 310 students per counselor.

When broken down by minutes required per student for the school year, APCSI provides 68% more direct/indirect minutes than the state requires. The difference in the time the state requires and APCSI provides is as follows:

State Requirement: $360 \text{ minutes per day} \times 178 \text{ days} / 450 \text{ students per counselor} \times 90\% = 128.16 \text{ minutes of direct/indirect minutes per year per child.}$

APCSI: $405 \text{ minutes per day} \times 183 \text{ days} / 310 \text{ students per counselor} \times 90\% = 215.17 \text{ minutes of direct/indirect minutes per year per child.}$

The waiver of counseling would allow APCSI flexibility in how counselors provide services for students. It would provide counselors the opportunity to conduct additional classroom instruction as well as other important tasks that may not be officially considered direct/indirect services. If the waiver is granted APCSI commits to provide at least an average of 128.16 minutes of direct/indirect minutes per child per year.

Legal Comments: Legal can find no record that APCSI ever held a waiver of Ark. Code Ann. § 6-18-1001 et seq. prior to its repeal in 2019. Applicant does have active waivers of guidance counselor licensure and ratio (4-E.1 and 4-E.2 in the Standards). To effectuate the waiver of guidance counselor licensure, only a waiver of Ark. Code Ann. § 6-18-2003(a)(2)(A) is necessary. To waive the 90%/10% time constraints on the counselor's time, only a waiver of Ark. Code Ann. § 6-18-2004 is necessary. Rationale has not been provided for a waiver of any other section.

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Applicant Response: In light of the previously-provided rationale and ADE Legal Comments, APCS I wishes to request waivers of Ark. Code Ann. §§6-18-2003(a) (2) (A) and 6-18-2004 to effectuate its current waivers.”

Legal Comments: None.

Desegregation Analysis: Fully responsive.