

Commonly Granted Waivers

Teacher & Administrator Licensure

Ark. Code Ann. §§ 6-15-1004, 6-17-302, 6-17-309, 6-17-401, 6-17-902, and 6-17-919
Standards for Accreditation 15.02 & 15.03
ADE Rules Governing Educator Licensure

Caveat #1: Even if a charter school is granted a waiver from the licensure requirements, the charter school is still required by federal law to hire only Highly Qualified teachers in core academic subject areas (English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art). Any charter school teacher who teaches a core academic subject area **must** meet the requirements of the Department's Rules Governing Highly Qualified Teachers, except for the licensure requirement.

Caveat #2: Standardized assessments required by the state (benchmark, EOC, etc.) **must** be administered only by licensed teachers.

Caveat #3: All teachers and school personnel, whether licensed or not, **must** comply with all state laws requiring background checks.

Caveat #4: This waiver does not exempt licensed employees from the Code of Ethics for Arkansas Educators.

Superintendent Licensure

Ark. Code Ann. §§ 6-13-109 & 6-17-427
Standards for Accreditation 15.01
ADE Rules Governing the Superintendent Mentoring Program

Teacher Fair Dismissal Act / Public School Employee Fair Hearing Act

Ark. Code Ann. §§ 6-17-1501 *et seq.*
Ark. Code Ann. §§ 6-17-1701 *et seq.*

Minimum Salaries for Certified and Classified Staff

Ark. Code Ann. §§ 6-17-201(c)(2), 6-17-2203, and 6-17-2403

Class Size & Teaching Load

Standards for Accreditation 10.02

Caveat #1: Typically only granted if the application proposes specific alternative maximum teacher-student ratios.

Start and End Dates for School Year

Ark. Code Ann. § 6-10-106

Licensed Guidance Counselors

Ark. Code Ann. § 6-18-1001 *et seq.*

Standards for Accreditation 16.01

ADE Rules Governing Public School Student Services

School Nurses

Ark. Code Ann. §§ 6-18-706 and 6-18-1001 *et seq.*

Standards for Accreditation 16.03

ADE Rules Governing Public School Student Services

Gifted & Talented Programs

Ark. Code Ann. §§ 6-42-101 *et seq.* and 6-20-2208(c)(6)

Standards for Accreditation 18.0

ADE Rules Governing Gifted and Talented Program Approval Standards

Licensed Library Media Specialist

Ark. Code Ann. §§ 6-25-103 & 104

Standards for Accreditation 16.02.3

Alternative Learning Environments (ALE)

Ark. Code Ann. §§ 6-15-1005(b)(5), 6-18-503(a)(1)(C)(i), and 6-48-101 *et seq.*

Standard for Accreditation 19.03

Section 4.00 of ADE Rules Governing the Distribution of Student Special Needs Funds

Caution: this list is not exhaustive, but is intended only to serve as a guide. Charter applicants are responsible for reviewing, in detail, all provisions of Arkansas law and determining the provisions for which it should seek waiver.

Commonly Denied Waivers

Grading Scale

Ark. Code Ann. § 6-15-902

ADE Rules Governing Uniform Grading Scales

The past practice has been to grant this waiver only as to non-core (i.e., elective) courses, when the request is made in a new charter school application. The waiver has been granted as to core courses only after a charter school has established itself and demonstrated a substantial need for the waiver. In addition, waiver may be granted only to the extent that the proposed grading scale is more rigorous than the scale provided by statute.

Nutrition and Physical Activity Standards

Ark. Code Ann. §§ 6-16-132 and 20-7-133 through 20-7-135

ADE Rules Regarding Nutrition and Physical Activity Standards

The authorizer may grant a waiver to those portions of the Rules arising from Ark. Code Ann. § 6-16-132, but the authorizer may not grant a waiver for the remainder of the Rules as they arise from Ark. Code Ann. §§ 20-7-133 – 20-7-135. The authorizer is without power to grant waivers involving laws or Rules not in Title 6 of the Education Code.