



Research Report

District- and School-Level Waivers

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Prepared for

**THE HOUSE INTERIM COMMITTEE ON EDUCATION
AND THE SENATE INTERIM COMMITTEE ON EDUCATION**



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INTRODUCTION

Since 1995, the General Assembly has created various kinds of waivers to allow public schools – both charter and traditional – to be exempt from some of the rules and regulations governing education in Arkansas. What began with limited parameters, however, has grown significantly in the last few years. By the middle of the 2016-17 school year, in fact, Arkansas public school districts, public schools and charter school systems were operating under nearly 3,000 waivers from state laws and rules covering Arkansas’s education system. Those schools and districts accounted for almost 35% of the state’s enrollment in public schools that year.

Waivers from education laws were first legislated in Act 1126 of 1995 for the purpose of creating conversion charter schools, which were to operate free from some of the state’s education laws and rules as well as local policies in order to execute plans to improve student achievement. When no public school pursued the charter school course, however, the General Assembly broadened the law in 1999 to allow nonprofit organizations to apply to operate open-enrollment charter schools, with waiver requests being part of the application. Charter schools of both sorts were in operation by the early years of the new millennium. Waivers for schools and districts of innovation and for “Act 1240” school districts, which can apply for waivers being used by open-enrollment charter schools that have drawn students from the district, were legislated in more recent years.

A number of the waivers granted today are for laws that grew out of the response to the Arkansas Supreme Court’s 2002 “Lake View” ruling, which declared the state’s education system to be unconstitutional. The court found that in order to “ever maintain a general, suitable and efficient system of free public schools” as required by Arkansas’s constitution, the state’s education funding system must address both adequacy and equity standards in terms of quality of and access to education. In 2004, and then again in a subsequent Lake View ruling in 2007, the court found that by enacting the laws it did as part of the post-Lake View reforms, Arkansas’s General Assembly had met the adequacy and equity standards. Many other waivers that schools operate under currently provide exemptions from adhering to the state’s Standards of Accreditation, which existed prior to the Lake View case but were identified in the Lake View ruling as one of the underpinning systems required for the education system to meet constitutional standards.

What’s more, the General Assembly updates the funding matrix, which is used to determine the amount of money necessary to provide a constitutionally adequate education system, every two years. As illustrated by the chart below, a number of matrix items (highlighted in yellow) cover expenses mandated in law or rule that are areas for which school have been granted waivers. This does not include waivers for curriculum offerings, length of school year and seat time requirements (which the General Assembly repealed for 9th – 12th graders during the 2017 session) that theoretically could affect operational and instructional materials expenditures at the least.

Matrix Calculations	
School Size	500
K = 8% of students	40
Grades 1-2 = 23% of students	115
Grades 4-12 = 69% of students	345
Staffing Ratios	
K P:T ratio = 20:1	2.0
Grades 1-3 P:T ratio = 23:1	5.0
Grades 4-12 P:T ratio = 25:1	13.8
PAM = 20% of classroom teachers	4.12
Total Classroom Teachers	24.94

Special Ed Teachers	2.9
Instructional Facilitators	2.5
Librarian/Media Specialist	.85
Guidance Counselor and Nurse	2.5
Total Pupil Support Personnel	8.75
SUBTOTAL	33.69
Principal	1.0
Secretary	1.0

School-Level Salaries	
Teacher Salary + Benefit	64,196
Per Student Matrix Expenditure	4,325.6
Principal Salary + Benefits	99,012
Per Student matrix Expenditure	198.1
School-level Secretary	40,031
Per Student Matrix Expenditure	80.1
School-level Salaries Per Student	4,603.8
School-Level Resources	
School-Level Resources Per Student	617.0
Carry-Forward	
Operations & Maintenance	664.9
Central Office	438.8
Transportation	321.2
Carry Forward Per Student	1,424.9
Foundation Per Pupil Expenditure	6,646
Technology	250.0
Instructional Materials	183.1
Extra Duty Funds	64.9
Supervisory Aides	50
Substitutes	69.0
Enhanced funding Per Student	0.0
Categorical Program Funding	
ELL	331
ALE	4,560
NSLA	525/ 1,051/ 1,576
PD	32.4

Therefore, it is worth looking at the waivers from these laws and rules that have been granted in the last decade and, where possible, the impact these waivers are having on spending patterns and student performance.

MEANS TO OBTAINING WAIVERS

Current law provides several means for school districts and schools to obtain waivers from Arkansas statute or rule: as an open-enrollment or conversion charter school, as a school of innovation and under Act 1240 of 2015. In addition, legislation passed in 2015 allowed waivers from district reorganization for school districts that fall below the 350-enrollment threshold that has been in place since Lake View.

OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS

Open-enrollment charter operators run schools that are not associated with one of Arkansas's traditional school districts. Instead, they are usually operated by nonprofit, nonsectarian organizations, but universities and other eligible entities may apply for an open-enrollment charter as well. They are able to enroll students from across district or county boundaries, yet they have no tax base of their own. Open-enrollment charter schools receive similar per-student state foundation and categorical funding as do traditional public school districts.

LEGISLATIVE HISTORY

Charters were first envisioned in Arkansas law with Act 1126 of 1995, which was “to establish a procedure whereby local schools may be permitted to become charter schools and to operate under the charter provisions rather than under state and local rules, regulations, policies, and procedures... .”

By 1999, no public schools had made the transformation to be a charter,¹ so the General Assembly enacted Act 890 to authorize both the creation of open-enrollment charter schools and the conversion of public schools to charter schools. The goal stated in the law included increasing learning opportunities for all students, encouraging innovative teaching methods and providing parents and students with expanded choice. Charters, which were to be performance-based contracts, were to be approved by the State Board of Education and could be issued for up to three years. Charters could be granted for a maximum of 12 open-enrollment charter schools in the state, with no more than three to be located in a single congressional district.

As far as waivers, eligible entities (higher education institutions, non-sectarian nonprofits) were to include in their applications the specific education laws found in Title VI of the Arkansas Code and state and local rules from which they were requesting exemptions. The law specified several things for which waivers would not be granted:

- Monitoring for compliance with the charter school law
- Criminal background checks for employees
- High school graduation requirements as established by the State Board
- Special education programs
- Public school accountability under the charter school law
- Health and safety codes as established by the State Board of Education and local governments

Federal law prohibits waivers from civil and disability rights laws, and the Arkansas Department of Education also notes that waivers from open records and meetings laws, criminal background checks from volunteers and purchasing limits and requirements are prohibited “by practice.”² According to ADE, these have never been granted by the State Board of Education or the charter authorizing panel.³

Other requirements of open-enrollment charter schools under Act 890 of 1999 included:

- Enrollment was not to exceed the maximum set in the charter
- Records of attendance must be kept and submitted to the Arkansas Department of Education (ADE) according to state law
- Annual certified audits were to be prepared by June 30 of each year
- State moneys received by the charters were not to be used for any sectarian use or as collateral for debt
- All net assets of the charter school would be deemed property of the State in case of the school’s closure

Legislation regarding open-enrollment charter schools in subsequent years (see Appendix A for a summary of laws pertaining to open-enrollment charter schools through 2017) dealt mainly

¹ “Senators draft bill to help development of charter schools,” Arkansas Democrat-Gazette, Feb. 15, 1999, extracted via Lexis-Nexis.

² Prohibited Waivers spreadsheet dated Dec. 27, 2016, retrieved at

http://www.arkansased.gov/public/userfiles/Learning_Services/District_Waiver_Requests/Prohibited_Waivers_12_30_16.pdf

³ Email from Alexandra Boyd with the Arkansas Department of Education Charter Office dated Dec. 9, 2017.

with expanding the number of charter schools allowed in the state, changing reporting requirements and creating funding sources for facilities as open-enrollment charter schools have no designated tax base. Currently, a rolling cap is applied to open-enrollment charter school applications, which now can be approved without regard to the congressional district in which they are located. Any time the number of approved schools reaches within two of the current cap, another five slots are added to create a new maximum.

In addition, legislation passed in 2005 and 2007 allowed eligible open-enrollment charter schools to apply for licenses to open additional schools under their existing charters, a condition which means several current charters are systems with individual campuses. Since 2005, initial charters could be approved for up to five years before facing renewal for up to another five years. In 2011, the renewal period for charters was expanded to up to 20 years.

Another significant change is that applications now are first submitted to the Charter Authorizing Panel as opposed to the State Board of Education. When the Charter Authorizing Panel was first created by Act 509 of 2013, the Commissioner of Education appointed ADE staff to serve on it. Act 462 of 2017 changed the makeup of the panel to allow individuals from outside ADE, at the will of the Commissioner, to serve on the panel as well as ADE employees. The State Board can choose to review the panel's decisions regarding charter school applications and renewals.

APPLICATION PROCESS

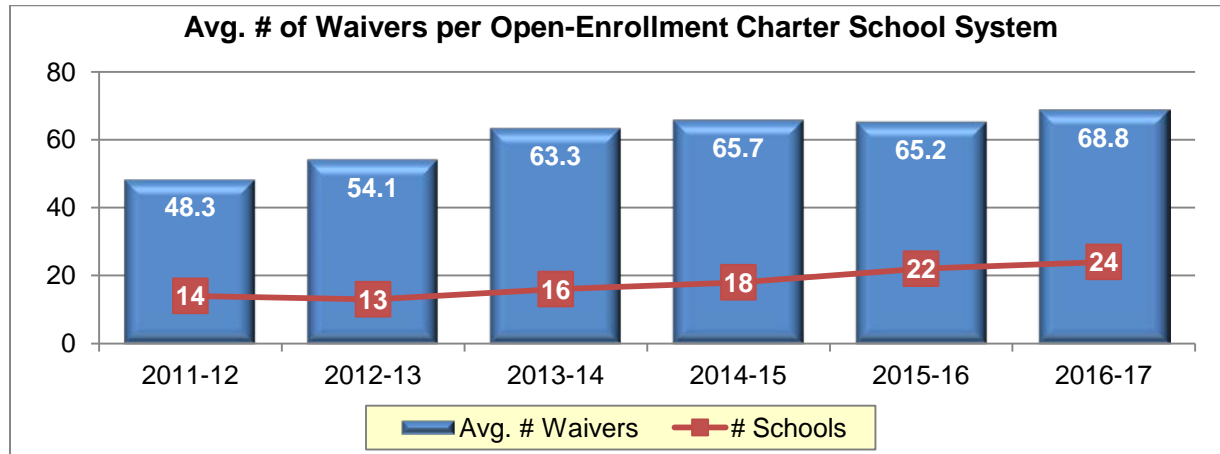
According to ADE materials that are provided to assist eligible entities through the application process,⁴ entities wanting to establish an open-enrollment school in Arkansas should plan on a 17-month process to prepare, submit and gain approval for an application. The process begins with the submission of a letter of intent and involves a planning period with mandatory workshops and meetings with the public to ascertain interest. It also includes a presentation to the Charter Authorizing Panel during a public hearing and possibly one to the State Board of Education as well.

Open-enrollment charter schools must include in their applications 18 specific components, including a mission statement and key programmatic features, a governance structure for the school and the educational need for the school. (See Appendix B for the full list of application requirements with comparisons among school types.)

⁴ Waiver Distinctions Path spreadsheet dated Jan. 10, 2017, retrieved at http://www.arkansased.gov/public/userfiles/Learning_Services/Charter_Schools/Waiver_Path_Distinctions_1_30_17.pdf

WAIVERS

Open-enrollment charter school organizations operate under more waivers per charter than do any other type of school or school district allowed to obtain waivers. In 2016-17, the average number of waivers per open-enrollment charter school organization was 68.8. (In 2016-17, 24 charter systems operated 40 separate schools.) The chart below shows that the number of waivers per open-enrollment charter has increased over the years, as has the number of charter systems.



CONVERSION CHARTER SCHOOLS

Conversion charter schools are traditional public schools that have applied to operate under a charter, usually with waivers from laws and rules governing Arkansas's education system. They enroll students from within the district in which they are located and are funded by the same tax base as other schools in their school district.

LEGISLATIVE HISTORY

As stated earlier, conversion charter schools were the first charter schools envisioned in Arkansas law. Act 1126 of 1995 sought "to establish a procedure whereby local schools may be permitted to become charter schools and to operate under the charter provisions rather than under state and local rules, regulations, policies, and procedures... ."

When no public school had picked up the baton handed to them by the General Assembly four years earlier, new legislation – Act 890 in 1999 – reset the race by authorizing the creation of open-enrollment charter schools while still allowing public schools to convert to charter schools. The intent was to allow public schools to shed some of the state's education mandates in order to more nimbly implement innovative and alternative methods of learning and instruction. Charters could be issued for up to three years.

As it did for open-enrollment charter schools, the law specified the following items for which waivers would not be granted:

- Monitoring for compliance with the charter school law
- Criminal background checks for employees
- High school graduation requirements as established by the State Board
- Special education programs
- Public school accountability under the charter school law
- Health and safety codes as established by the State Board of Education and local governments

A public school had to first have its application approved by the local school board, which would then forward the application to the State Board of Education. The law also considered certified teachers at the public school who might not wish to teach in a charter school environment. Certified teachers could not be transferred to or employed by the charter school if they objected but instead should be employed in a traditional school in the district. If there were no schools at the same level for a teacher to be transferred, then a vote by all certified teachers in the school would be called, with a majority of the certified teachers having to vote for implementation of the charter school for the application to proceed.

The next session, the General Assembly passed Act 1311 of 2001 creating limited charter schools for the purpose of “instituting alternative staffing practices in accordance with a schedule approved by the State Board of Education.” Therefore, the only provisions for which a limited charter school could be exempt dealt with duty-free lunch period requirements, daily planning period requirements and the committee of personnel policies requirements. These charters, too, were to be issued for up to three years. According to ADE, no limited charters were ever granted⁵ and in 2015, ACA §6-23-601, where the law was codified, was repealed.

Act 2005 of 2005 increased the time for which a conversion charter could be approved from up to three years to up to five. It also delineated three purposes for becoming a conversion charter school that conversion charters “may include” in their application, though they would not be limited to them:

- Adopting research-based school or instructional designs to improve student and school performance
- Addressing school improvement status/sanctions
- Partnering with other districts or schools to address students’ needs in a geographical location or multiple locations.

Conversion charter schools, as with open enrollment charters, now submit applications to the Charter Authorizing Panel rather than the State Board and can have charters renewed for up to 20 years. No limit to the number of conversion charter schools that may exist in the state has been legislated. According to ADE, only one conversion charter application was submitted and approved in the last application cycle compared to an average of five completed and approved in prior application cycles.⁶

APPLICATION PROCESS

The requirements included in the application process and 17-month estimated timeframe for completing them are similar to those of open-enrollment charter schools, according to ADE.⁷ The process begins with the submission of a letter of intent and involves a planning period with mandatory workshops and meetings with the public to ascertain interest. It also included a presentation to the Charter Authorizing Panel during a public hearing and possibly one to the State Board of Education as well.

Conversion charter schools must include 17 components with their applications, including mission statement and key programmatic features, autonomy of the charter and expense with funding methods. (See Appendix B for the full comparative list of application requirements.)

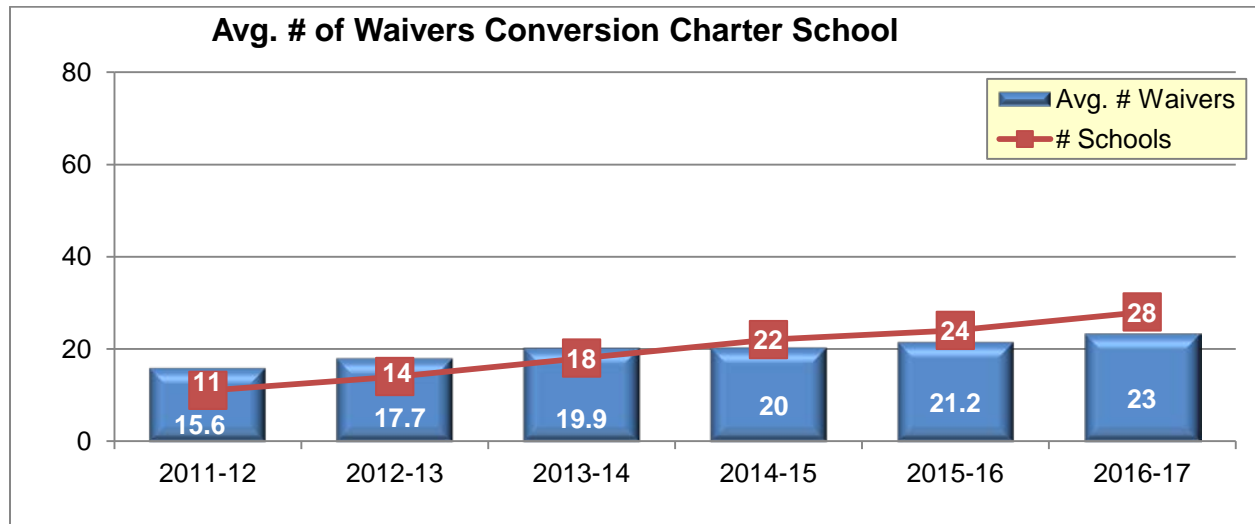
⁵ Email from Alexandra Boyd with the Arkansas Department of Education’s Charter Office dated Dec. 11, 2017.

⁶ Boyd email, Dec. 9, 2017.

⁷ Waiver Path Distinctions.

WAIVERS

Conversion charter schools operate under fewer waivers, on average, than do open enrollment public schools. Unlike waivers granted to open-enrollment charter systems, which apply to all schools in the system, waivers granted to conversion charter schools apply to that school only. During the 2016-17 school year, in fact, conversion charter schools averaged 23 waivers per school.



SCHOOLS OF INNOVATION

Schools of innovation are public schools that are to implement innovative techniques to improve school and student performance. They, like both types of charters, may apply for waivers from a number of local and state rules and state laws to do so. Previously, federal law (Section 9101 of Public Law 107-110, Elementary and Secondary Education Act) allowed only charter schools to employ non-certified teachers in core subjects. That federal requirement disappeared with the passage of the federal Every Student Succeeds Act.

LEGISLATIVE HISTORY

In 2013, Act 601 created districts and schools of innovation, which allowed these public educational entities to apply for and operate under waivers from many Arkansas laws and rules similarly to their charter counterparts. (Though the law allows the creation of districts, the applications approved so far are for schools of innovation only.)

Before the passage of the Every Student Succeeds Act, federal law (Section 9101 of Public Law 107-110, Elementary and Secondary Education Act) allowed only charter schools to employ non-certified (but still highly qualified) teachers in core subjects, while schools of innovation had to continue to employ licensed teachers in those areas. Under the new law, schools of innovation are no longer restricted from asking for the waiver, beginning with this school year.

The law stipulated that 60% of a school's eligible employees must be supportive of the innovation designation before the school district could submit a plan for that school. While charter school applications are submitted to the charter authorizing panel, school of innovation plans are submitted to and must be approved by the Commissioner of Education alone. Initial approval is for four years, and four-year renewals are available after that.

Act 601 does not place a cap on the number of allowed schools of innovation. The law does state that schools of innovation are to specify goals and performance targets for the school, which may include:

- Reducing the achievement gap
- Increasing student participation in curriculum options
- Exploring new ways to expand students' college and career readiness.
- Motivating students through innovative teaching and learning choices
- Transforming the school's culture and climate to lead to "transformative teaching and learning"

ADE's rules supporting Act 601 allow schools of innovation to request exemptions from "local policies and specific laws and rules ... to include any provision of law or rule governing public school districts which is *required* to implement or to support the school of innovation plan." (Italics found in the rule).⁸

Act 601 specifies that schools of innovation continue:

- Ensuring the same health, safety, civil rights and disability rights requirements are in place that apply to all other public schools
- Adhering to financial audit procedures required of all school districts
- Requiring criminal background checks for school employees and volunteers as is done in all public school districts
- Complying with open meetings and open records requirements
- Complying with purchasing limitations and requirements
- Providing instructional time that meets or exceeds the instructional time required by the State Board unless granted an exception by the Commissioner, and instructional time may include onsite, distance or virtual, and work-based learning on nontraditional school days or hours
- Provide data requested by ADE for generating reports
- Adhering to the Teacher Fair Dismissal Act

In 2017, the General Assembly passed Act 871, which further stipulated that schools of innovation are to understand and implement research-based practices of professional learning communities throughout the school.

Eighteen new schools of innovation have been designated for the 2017-18 school year, and, according to ADE, the number of applications for schools of innovation are increasing.⁹

APPLICATION PROCESS

According to ADE, the application process to become a district/school of innovation takes 12-18 months, so close to the same amount of time that it takes to get through the process for potential open-enrollment or conversion charter schools. Between the initial submission of the letter of intent and final approval decision by the Commissioner, applicants may attend a session at the Innovation Summit, attend a technical assistance meeting, establish school-level councils of innovation to develop the schools' innovation plans, and successfully garner the support of at least 60% of eligible employees in a vote.

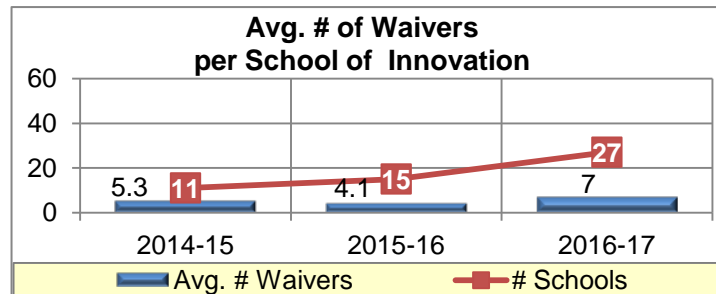
Schools of innovation must include nine specific components in their applications, including vision and mission statements, school election results and documentation of shared leadership. (See Appendix B for the full comparative list of application requirements.)

⁸ Arkansas Department of Education Rules Governing Schools of Innovation, February 2016.

⁹ Email from Cindy Hogue with the Arkansas Department of Education's Office of Educational Options, Dec. 15, 2017.

WAIVERS

In 2016-17, schools of innovation were operating under the lowest average number of waivers – seven -- from Arkansas laws and rules of all other types of schools that receive waivers. The numbers of both waivers and schools have increased since Act 601 was implemented, as the chart shows.



ACT 1240 DISTRICTS

While any school may develop a plan and ask for any eligible waiver to become a school of innovation, Act 1240 districts (the law does not apply to schools) may request only the same waivers held by any open-enrollment charter that enrolls a student from the school district. As with schools of innovation, federal law (Section 9101 of Public Law 107-110, Elementary and Secondary Education Act) previously allowed only charter schools to employ non-certified teachers in core subjects, but that restriction no longer exists since passage of the Every Student Succeeds Act.

Though Act 1240 districts are the newest type of educational jurisdiction to be able to seek a large number of waivers, they have quickly outpaced the number of open-enrollment charter schools, conversion charter schools or schools of innovation. ADE notes that as of October 2017, 98 of the state's 235 districts (nearly 42%) were operating under Act 1240 waivers.

LEGISLATIVE HISTORY

The General Assembly passed Act 1240 in 2015. The law allows the State Board of Education to grant some or all of school districts' requests for waivers that mirror the waivers from laws and rules granted to open-enrollment charter schools that draw students from the school district.

APPLICATION PROCESS

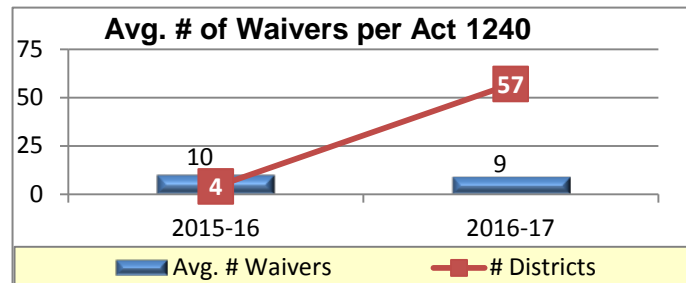
Act 1240 applications are currently the only waiver requests submitted directly to the State Board for approval. The application for Act 1240 waivers that school districts submit must contain three components, according to ADE guidance.:

- The name of the open-enrollment charter school that enrolls students from within the school district
- The list of the waivers granted to the named open-enrollment charter schools
- The requested waivers with rationale by the district for wanting them

Act 1240 allows the State Board 90 days to respond to a waiver petition, and ADE estimates the entire process to receive waivers under the act should take four to six weeks. Act 1240 waivers are valid as long as the same waivers are in existence for the open-enrollment charter school, and no renewal process is mandated. According to ADE, districts usually limit their own requests by asking for waivers to be enacted for five years.

WAIVERS

While Act 1240 schools generally operate with an average of 10 or few waivers, the number of districts applying for waivers under this law grew more than ten-fold from the first to the second year of the law's effect. According to ADE, that number nearly doubled to 98 by early the 2017-18 school year.



MINIMUM SCHOOL DISTRICT WAIVERS

One more type of school waiver worth mentioning is the minimum school district waiver made possible by Act 377 of 2015. As the name implies, this waiver is granted specifically to allow a school district to operate below the 350 average daily membership threshold set by Act 60 of the Second Extraordinary Session of 2003. It does not provide waivers from any other laws or regulations.

LEGISLATIVE HISTORY

The purpose of Act 60 was to “ensure the delivery of an equal opportunity for an adequate education to the people of Arkansas in an efficient and effective manner.” The law, which required consolidation of school districts that had fallen below an enrollment of 350 for two consecutive years, was passed as part of the total education reform effort by the General Assembly to address the issues cited in Lake View. In 2003, Arkansas had 311 school districts. After the first round of consolidations in spring 2004, that number dropped to 256 and reached a low of 234 for the 2015-16 school year. (Meanwhile, the number of open-enrollment charter school systems increased from seven in 2004-05 to 24 this year for a total 258 districts and charter systems in 2017-18.)

Act 377 of 2015 allows school districts that have fallen below the 350-threshold to petition the State Board of Education for an exemption from consolidation or annexation if it meets certain criteria.

APPLICATION PROCESS

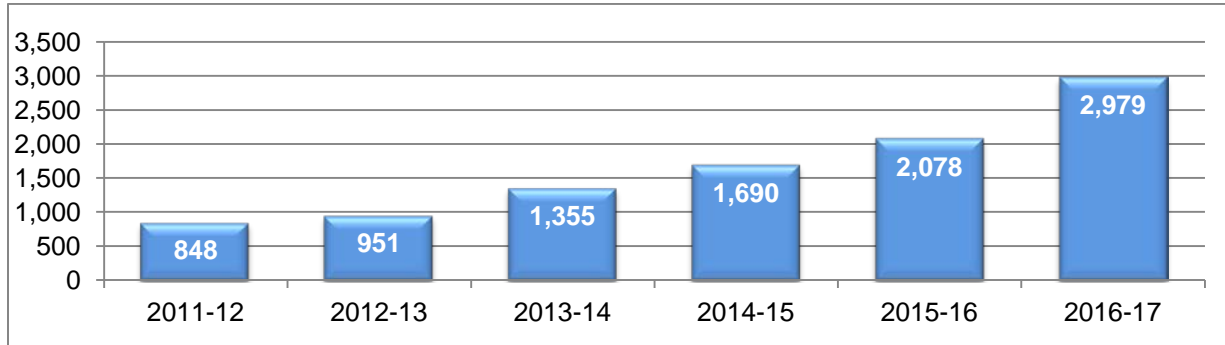
Act 377 mandates that school districts must petition the State Board of Education for an exemption from § 6-13-1602 (where part of Act 60 is codified) within 30 days of ADE's release of the list of school districts that have had enrollments below 350 for the two previous years. The State Board has 45 days to respond to the petition. To be eligible for the waiver, the district cannot be in violation of any of the Standards of Accreditation nor can it be classified in Level 5 – Intensive support or in fiscal or facilities distress and that its academic facilities are adequate as evidenced by the facilities master plan. The State Board must determine that closing the school district would mean too long of a bus ride for its students to attend school in another district. Petitions may be made annually as needed, and the State Board may revoke the waiver at any time.

WAIVERS

Currently, two school districts – Kirby and Strong-Huttig – are operating under the waiver.

CUMULATIVE PICTURE OF WAIVERS

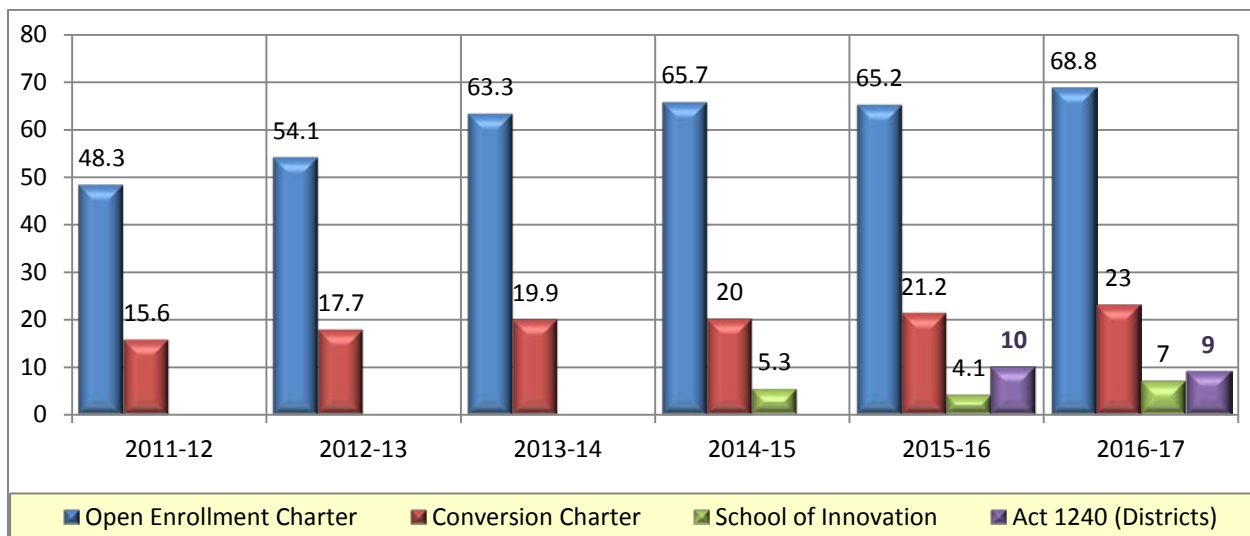
The number of waivers granted to public schools or public school districts – and the number of schools and students affected by them -- have grown over the years. The Bureau of Legislative Research obtained data going back to the 2011-12 school year for analysis. Over the course of the six school years (2011-12 through the first half of 2016-17) the number of waivers has more than tripled, as the following chart illustrates:



*This chart does not include the waivers for minimum school district size.

By the 2016-17 school year, 55 schools and 81 districts (including the 24 open-enrollment charter systems) were operating under waivers. (This does not include the two districts operating under minimum school district size waivers nor does it include public school districts employing teachers for whom waivers have been obtained.) Together, these 55 schools and 81 districts / charter systems were educating 166,000 Arkansas students, or nearly 35% of overall enrollment that year. Open-enrollment charter schools, on average, operate under the highest number of waivers; schools of innovation, the least.

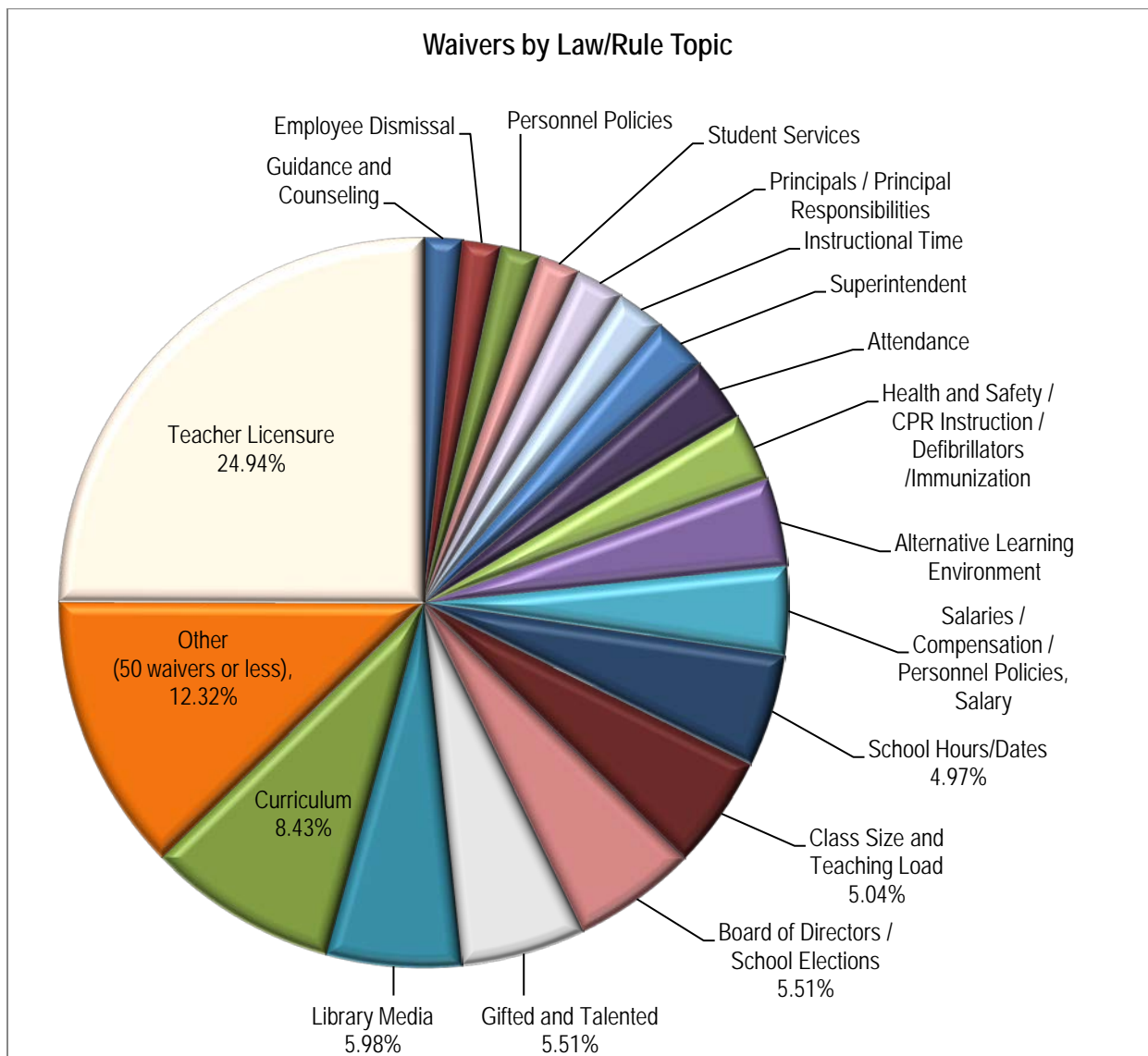
Average Number of Waivers by School Type



TYPES OF WAIVERS

When analyzed by waiver topic, waivers having to do with teacher licensure outnumber other areas of waivers in 2016-17, making up a quarter of all waivers schools, school districts and charter systems operated under that year. One reason is that several laws and rules regarding teacher licensure overlap, so several have to be waived to accomplish the singular goal of employing teachers who do not hold licenses for the classes they teach. These are not waivers for individual teachers, but rather apply to the schools' teaching staffs as a whole. It is also important to remember that in 2016-17, only charter schools were allowed to place non-licensed teachers in core subject classes. (Please see Appendix C for the list of individual waivers granted with descriptions provided by ADE.)

Other common waiver areas are curriculum, library media, gifted and talented, board of directors and school elections, and class size and teaching load.



*This counts individual waivers granted as grouped into topic area, though waivers from laws and rules may overlap and produce a singular effect.

In 2016-17, the six most frequently exempted items in the Teacher Licensure topic included:

- ACA § 6-17-309 (78 waivers): This statute requires an appropriately licensed teacher in every class, excluding non-degreed vocational-technical teachers, certain distance-learning teachers and special education teachers in certain situations. (The law allows for any school district to apply for a waiver from this law if it imposes an undue hardship on the district.)
- ACA § 6-17-902 (77 waivers): This statute says the definition of teacher includes licensure of the individual.
- Standards of Accreditation 15.03.1 (76 waivers): This is the section of standards saying that all Arkansas teachers must hold a “current, valid Arkansas license as required by law.”
- ACA § 6-15-1004 (75 waivers): This statute calls for qualified teachers in every classroom and says that teachers will demonstrate competency as “identified [by] assessments appropriate to their teaching area in order to be granted a license to teach” and will obtain the required professional development in order to keep their licenses renewed. It also says a teacher will not be appointed teaching position for which he/she is not licensed unless he/she is teaching at a district of innovation, charter school or Act 1240 school with the applicable waivers.
- ACA § 6-17-919 (71 waivers): This statute says “warrants issued in payment of teachers’ salaries are void unless” the teacher is licensed and has a legal contract to teach.
- ACA § 6-17-401 (70 waivers): This statute says that a teacher will not be allowed to teach or be eligible for pay if not licensed unless they are covered by § 6-17-309 (see above), or § 6-17-2601 et seq. (lifetime teachers’ license).

Curriculum is the next most common category of waivers, accounting for 8.4% of the waivers held by schools and school districts in 2016-17. The most frequent waivers in this area are for requirements to teach oral communication (19 waivers), fine arts in grades 5-8 (15 waivers) and career and technical education in grades 5-8 (15 waivers).

After teacher licensure and curriculum, library media (6%) accounts for the most waivers, with the most frequent waivers (38) exempting schools from the accreditation standard calling for media services with a part-time or full-time media specialist (depending on enrollment) and sufficient print, nonprint and technology resources to serve the school.

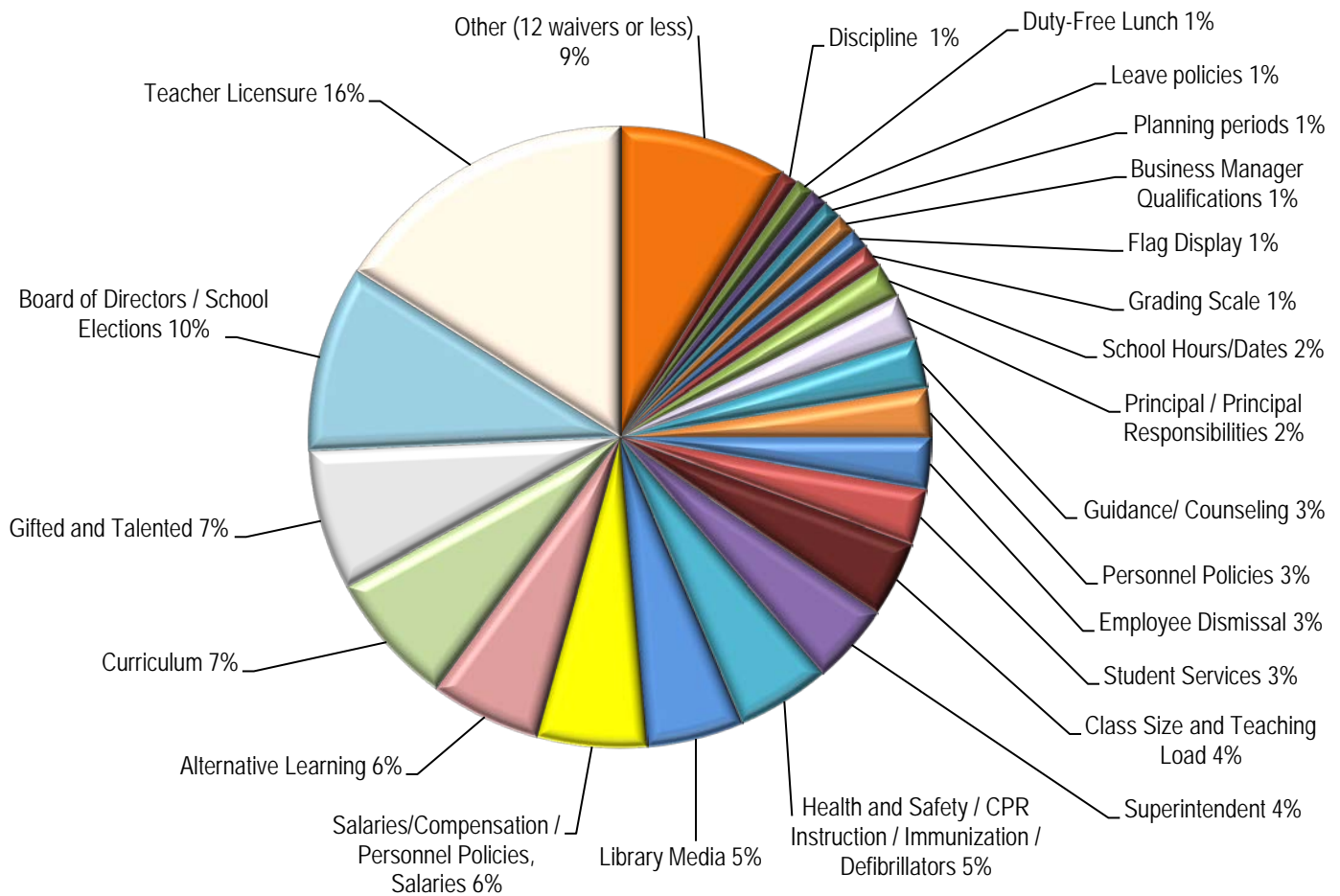
Waivers dealing with gifted and talented programs account for 5.5% of the waivers that schools and districts operated under in 2016-17. Thirty-one of these exempt schools or districts from the accreditation standard that requires providing educational opportunities for students identified as gifted and talented, while another 28 waivers exempt the requirement found in the accreditation standards to develop procedures to identify gifted and talented students.

Another 5.5% of the operable waivers in 2016-17 dealt with school elections and boards of directors, with 18 waivers providing exemptions from general election laws and 11 providing exemptions from the board of directors statutes generally (which were repealed in 2013) and another 11 providing exemptions from the statute detailing the length of directors’ terms.

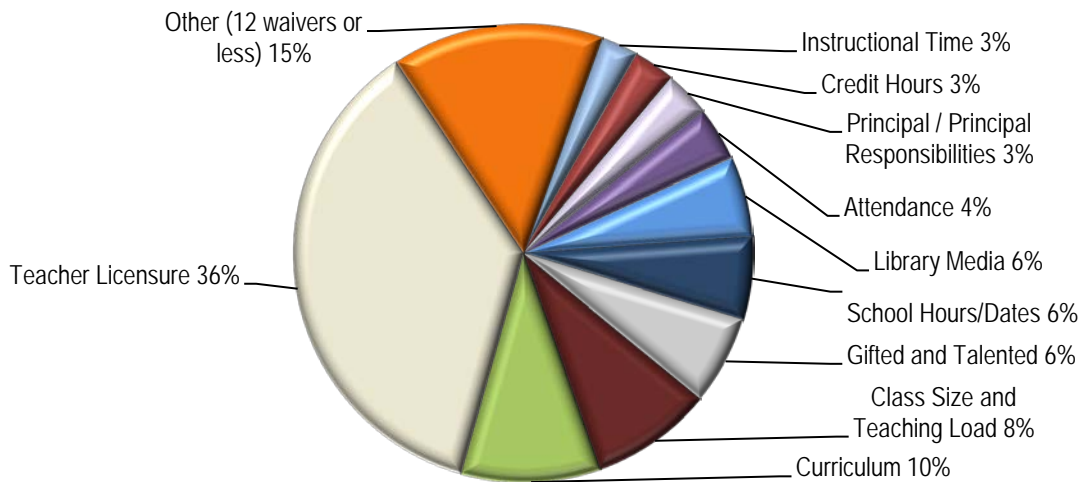
And 5% of the waivers are for items relating to class size and teaching load, with 40 of them exempting schools from the accreditation standard requiring that teachers in grades 7-12 be assigned no more than 150 students and that classes do not exceed 30 students, with the exception of classes that lend themselves to large-group instruction or exceptional circumstances. More than 25 waivers were given for each of these accreditation requirements: maximum student/teacher ratio in grades 4-6 and maximum class size for kindergarten.

When the types of waivers granted are disaggregated by school type, some differences appear among the concentrations of waivers, as shown in the pie charts below. It is important to note that these pie charts are based on waivers granted, so the percentage reflects the way different school types are focused on the overall use waivers. For instance, open-enrollment charter schools have sought waivers from many types of laws and rules, so, while they actually operated under slightly more teacher licensure waivers per school (11) in 2016-17 than did conversion charters (8.4), a greater proportion of conversion charter school waivers related to teacher licensure laws and rules than waivers for open-enrollment charters did.

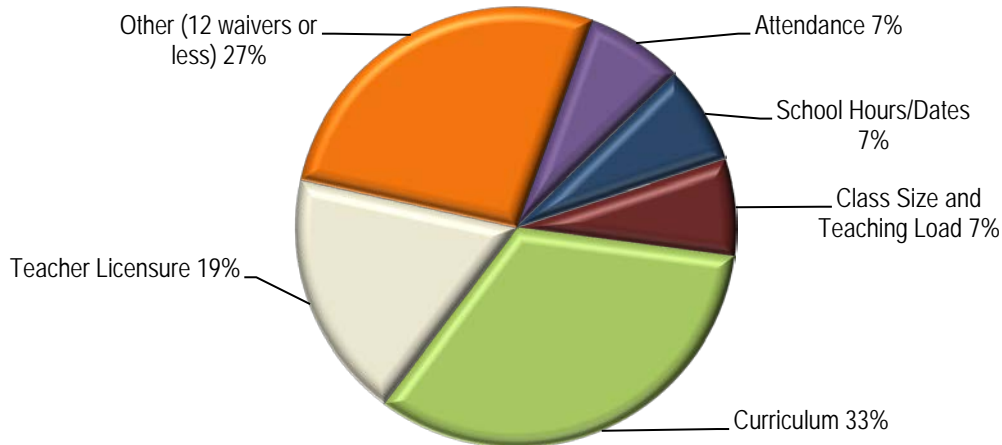
Open-Enrollment Charter Schools



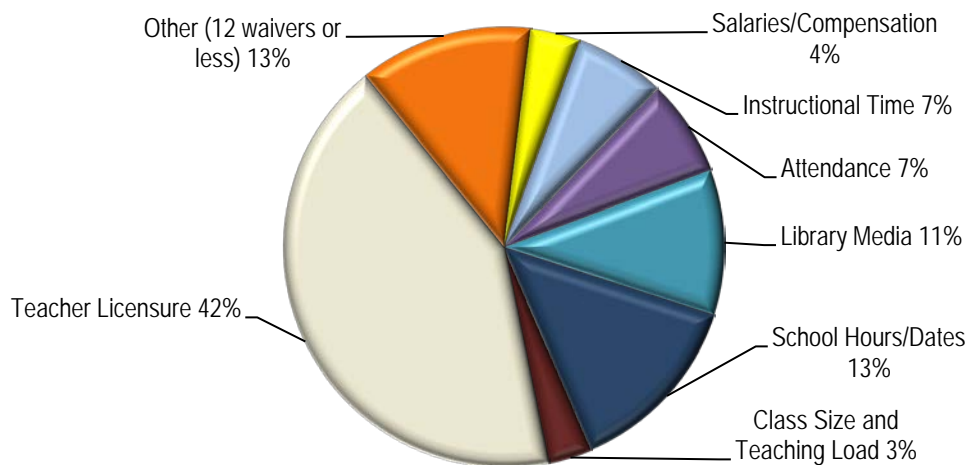
Conversion Charter Schools



School of Innovation



Act 1240



IMPACTS OF WAIVERS

It will be important to look at the impact of waivers, both on spending patterns for funding purposes and on student performance as the purpose stated in legislation for most waivers (with the exclusion of Act 1240 districts) is to improve student performance.

The Bureau of Legislative Research analyzed 2016-17 school year spending patterns by looking at 65¹⁰ schools and charter organizations that had been operating under waivers for at least three years.¹¹ This length of time ensured that schools or school districts had adjusted to spending patterns while operating under the waivers. No Act 1240 districts were included, however, as none had been in operating under the waivers for three years.

In the analysis, a couple of differences were found between the set of schools with waivers and the set of those without:

- Schools with waivers were more likely to spend less per pupil than the average per-pupil expenditure for library/media specialist staff personnel than were schools without waivers, with 53.3% of schools without waivers spending below the per pupil average and 87.7% of schools with waivers spending below the per pupil average.¹²
- A similar analysis looking at the percentage of total of a school's expenditures dedicated to library/media specialists produced the nearly the same results. Schools with waivers were less likely to spend the average proportion of educational spending on library/media specialist personnel than were schools without waivers, with 50.1% of schools without waivers spending less than the average proportion of expenditures while 82.3% of schools with waivers did.¹³

The Bureau also analyzed expenditures for classroom teachers, technology and instructional materials (both on per pupil spending and percent of total expenditures bases) but no meaningful patterns between schools operating with waivers and those without emerged. One reason that may be true regarding spending on classroom teachers is that school districts that do not have schools that fit into one of the categories focused on in this report may request waivers for certified teachers and replace them with teachers on "additional licensure plans" (ALPs) and "long-term substitutes." In 2016-17, 1,430 teaching positions were filled with teachers on ALPs and 661 long-term substitutes.¹⁴

To compare performance of schools, BLR would like to compare the three-year growth scores that will be released this year for the schools years leading up to 2016-17. This will show if any meaningful relationships emerge regarding the academic growth of students between schools operating under waivers and those not. That data, however, was not released in time for completion of this report.

Furthermore, because future analyses will be able to include Act 1240 districts, additional schools of innovation and open-enrollment and conversion charter schools as well as student performance data, those future efforts should produce a clearer picture of the overall impact of waivers on educational expenditures and academic improvement.

¹⁰ The 65 included open-enrollment charter schools, conversion charter schools and schools of innovation that were open by 2014-15 and remained open through 2016-17. No Act 1240 districts were in operation by 2014-15.

¹¹ BLR looked primarily at school level data as there are no identified districts of innovation per se and Act 1240 districts had not been in existence for three consecutive years by 2016-17. Therefore, charter school data was analyzed at the school level as well. Data for Lincoln High and Cross County conversion charters schools and for the Deer-Mt. Judea School District schools were not included as their data were not available at the school level according to their LEA in APSCN.

¹² For this analysis, the average per pupil expenditure was derived for elementary, middle and high schools separately and school spending was compared with the average for each group of schools.

¹³ As above, the average proportion of library/media specialist expenditure was calculated separately for elementary, middle and high schools so that school expenditures were compared with like schools. Please note that districts do not seem to be consistent in some categories of expenditures in what is reported as being a school- versus a district-level expenditure. While personnel expenditures are almost uniformly coded to the school level, what is included in overall expenditures (utilities, for instance) vary among schools because of this difference. Large, one-time expenditures can also skew the resulting overall expenditure. Even so, the overall result of this analyses closely mirrors the per pupil results regarding library/media specialists.

¹⁴ "Summary of Waivers" presentation by ADE to the Arkansas State Board of Education, July 13, 2017.

APPENDIX A - OPEN-ENROLLMENT CHARTER SCHOOLS LAWS

Act 1254 of 1999 appropriated \$2.5 million to ADE for open-enrollment charter schools, a portion of which was to be used to evaluate charter schools.

Act 2005 of 2005 extended the three-year approval and renewal periods to five years for charters; raised the cap on the number of charter schools to 24 (six per Congressional district) by end of 07-08 school year; allowed KIPP to have additional schools under its charter (licenses) and stated that the intent for open-enrollment charters was to offer alternative methods of delivery, not to replicate existing effective programs.

Act 736 of 2007 amended the charter law. Mostly clean-up of language the law allowed licenses for any approved charter that has demonstrated success (not just KIPP) and gives open-enrollment charter schools the right of first refusal of unused school buildings.

Act 987 of 2011 allows a total 24 charters (regardless of Congressional district) and creates a rolling cap by saying "If the cap on the number of charters available for an open-enrollment public charter school is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters."

Act 993 of 2011 requires public charter schools to report to ADE information regarding its number of applicants and its resulting enrollment, accompanied by reasons for denials to students not admitted. Another report is to include the number of dropouts with their reasons for dropping out, the number of students expelled and the number of students who left the public charter school for another reason. Charter renewal periods were expanded from up to five to up to 20 years.

Act 1064 of 2013 established an Open-Enrollment Public Charter School Capital Grant Program. School could apply for grants for maintenance, repair, renovation and construction projects if they had been in existence for five or more years before applying, though this limitation only existed for the 2013-14 school year.

Act 509 of 2013 established ADE as the primary charter school authorizer (instead of the State Board of Education). The Commissioner of Education was to appoint a public charter authorizing panel composed of ADE staff. The State Board had the authority to review any decisions submitted to them by ADE.

Acts 1246 and 1255 of 2013 created the Open-Enrollment Public Charter School Facilities Loan Program with a \$25 million appropriation.

Act 739 of 2015 establishes the Open-Enrollment Public Charter School Facilities Funding Aid Program with money to be distributed on a pro-rata basis to eligible open-enrollment charter schools. (\$15 million)

Act 1200 of 2015 established adult education charter schools.

Act 542 of 2017 granted public charter schools a right of access to unused or underutilized public school facilities.

Act 742 of 2017 established that a charter could be a School for Agricultural Studies

APPENDIX B - WAIVER PATH DISTINCTIONS

	Open-Enrollment Charter	Conversion Charter	School of Innovation	Act 1240
Authority	ACA §6-23-3-1 et seq.	ACA §6-23-201 et seq.	ACA §6-15-2801 et seq.	ACA §6-15-103
	ADE Rules Governing Public Charter Schools	ADE Rules Governing Public Charter Schools	ADE Rules Governing Schools of Innovation	
Approver	Charter Authorizing Panel/State Board of Education	Charter Authorizing Panel/State Board of Education	Commissioner of Education	State Board of Education
Applicability	All schools under the charter	Conversion charter only	School of innovation only	All schools in district
Initial Time Limit	5 years	5 years	4 years	Statute states approved as long as the open-enrollment charter is operating; practice has been for districts to limit the requests, often to 5 years
Process Length	17 months	17 months	12-18 months	4 to 6 weeks
Innovation Statute	Innovative teaching methods (ACA § 6-23-102(3))	Innovative teaching methods (ACA § 6-23-102(3))	Innovation definition ACA §6-15-2801 et seq.	
Approval Process	Potential applicant submits letter of intent	Potential applicant submits letter of intent	Potential applicant submits letter of intent	
	Meeting via call or web for Charter Unit staff to consult individually with potential charter staff	Meeting via call or web for Charter Unit staff to consult individually with potential charter staff	Potential applicant attends session at Innovation Summit	
	Potential applicant attends mandatory workshop	Potential applicant attends mandatory workshop	Potential applicant must attend one regional technical assistance meeting	
	Applicant holds public hearing	Applicant holds public hearing	School establishes Council of Innovation to develop the plan and at least 60% of eligible employees vote for application	
	Applicant submits application	Applicant submits application	Applicant submits application	District submits petition for State Board of Education consideration
	ADE internal group reviews application	ADE internal group reviews application	ADE staff and others review application received by initial deadline	ADE charter and legal staff review
	Meeting, via call or web, for Charter Unit staff to consult individually w/applicant about remaining issues	Meeting, via call or web, for Charter Unit staff to consult individually w/applicant about remaining issues	The review committee provides the applicant feedback via the web	ADE contacts district if clarification I needed
	Applicant responds to ADE comments	Applicant responds to ADE comments	Applicant revises based on review	District may revise
	ADE internal group reviews revisions and notes remaining issues	ADE internal group reviews revisions and notes remaining issues	ADE staff and others review final applications and note remaining issues	
	Public hearing and vote conducted by Charter Authorizing Panel	Public hearing and vote conducted by Charter Authorizing Panel		
	State Board of Education considers the Panel's decision	State Board of Education considers the Panel's decision	Commissioner of Education makes final decision	State Board considers petition and makes final determination
	State Board may conduct a second public hearing	State Board may conduct a second public hearing		

	Open-Enrollment Charter	Conversion Charter	School of Innovation	Act 1240
Application Components	Mission statement and key programmatic features	Mission statement and key programmatic features	Vision and mission	Name of open-enrollment charter that draws students
	Results of public hearing	Results of public hearing	School election results	List of waivers granted to open-enrollment charter
	Governing structure of the school	Autonomy of the charter	Documentation of Council of Innovation	
	Educational need for the school	Educational need for the school	Innovations with purposes	
	Innovative teaching methods	Innovative teaching methods	Innovation plan with actions and outcomes	
	Goals, assessment tools w/performance levels	Goals, assessment tools w/performance levels	Goals and performance targets	
	Daily schedule & secondary courses to be offered	Daily schedule & secondary courses to be offered		
	Description of curriculum, programs, methods	Description of curriculum, programs, methods		
	Provisions for specific student services	Provisions for specific student services		
	Plans to annually report to parents and public	Plans to annually report to parents and public		
	Enrollment criteria, recruitment and lottery processes	Enrollment criteria, recruitment and lottery processes		
	Personnel with qualifications and salaries	Personnel with qualifications and salaries	Professional development plan	
	Business office practices, budget, budget oversight	Expenses with funding methods		
	Description of facilities and renovations	Description of facilities and renovations		
	Methods for avoiding conflicts of interest			
	Involvement of parents & others	Involvement of parents & others	Documentation of shared leadership	
	Impact on districts (sic) desegregation efforts	Impact on districts (sic) desegregation efforts		
	Requested waivers w/rationales	Requested waivers w/rationales	Requested waivers with rationales	Requested waivers w/rationales
Monitoring	Waivers are reviewed in the charter renewal process	Waivers are reviewed in the charter renewal process	Waivers are reviewed in the school of innovation renewal process	
	Charters may be called before the authorizer for potential action at any time	Charters may be called before the authorizer for potential action at any time	The commissioner may revoke if a school fails to substantially fulfill the school's innovation plan, meet goals/performance targets, or comply with laws or rules	

APPENDIX C - GRANTED WAIVERS

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
1. Professional Development	Ark. Code Ann. § 6-5-405(b)(1)	Pertaining to the requirement for superintendents and assistant superintendents to have professional development on applying for state-supported student financial assistance for higher education
2. School Hours/Dates	Ark. Code Ann. § 6-10-106	School year dates
3. School Hours/Dates	Ark. Code Ann. § 6-10-106(a)	School year dates
4. School Hours/Dates	Ark. Code Ann. § 6-10-106(a)(1)(A)	School year dates
5. Health and Safety	Ark. Code Ann. § 6-10-110	School fire marshal program
6. Period of Silence	Ark. Code Ann. § 6-10-115	Period of silence
7. Defibrillators	Ark. Code Ann. § 6-10-122	Automated external defibrillators required
8. Web Data Requirements	Ark. Code Ann. § 6-11-129	Data to be accessible on website
9. School Lands	Ark. Code Ann. § 6-13-108	Sixteenth section school lands
10. Superintendent	Ark. Code Ann. § 6-13-109	School superintendent
11. Board of Directors	Ark. Code Ann. § 6-13-601 et seq.	District Boards of Directors Generally
12. Board of Directors	Ark. Code Ann. § 6-13-608	Length of directors' terms
13. Board of Directors	Ark. Code Ann. § 6-13-611	Vacancies generally
14. Board of Directors	Ark. Code Ann. § 6-13-611(b) and (c)	Vacancies generally
15. Board of Directors	Ark. Code Ann. § 6-13-612(c)	Vacancies generally
16. Board of Directors	Ark. Code Ann. § 6-13-613	Board of Directors
17. Board of Directors	Ark. Code Ann. § 6-13-615	Election—Single member zones
18. Board of Directors	Ark. Code Ann. § 6-13-616	Director eligibility
19. Board of Directors	Ark. Code Ann. § 6-13-618	Organization - Disbursing Officers
20. Board of Directors	Ark. Code Ann. § 6-13-619	Monthly meetings
21. Board of Directors	Ark. Code Ann. § 6-13-619(a)(1)	Monthly board meetings
22. Board of Directors	Ark. Code Ann. § 6-13-619(a)(1)(A)	Monthly board meetings
23. Board of Directors	Ark. Code Ann. § 6-13-619(c)	Monthly board meetings
24. Board of Directors	Ark. Code Ann. § 6-13-619(c)(1)(A)	Requiring a board member to be physically present at a meeting to be counted for purposes of a quorum or to vote
25. Board of Directors	Ark. Code Ann. § 6-13-619(d)	Requiring a board member to be physically present at a meeting to be counted for purposes of a quorum or to vote
26. Board of Directors	Ark. Code Ann. § 6-13-619(d)(2)	Requiring a board member to be physically present at a meeting to be counted for purposes of a quorum or to vote
27. Board of Directors	Ark. Code Ann. § 6-13-620	Powers and duties
28. Board of Directors	Ark. Code Ann. § 6-13-620(5)(A)	Powers and duties
29. Board of Directors	Ark. Code Ann. § 6-13-621	Authority to exchange for other land
30. Board of Directors	Ark. Code Ann. § 6-13-622	Budget publication
31. Board of Directors	Ark. Code Ann. § 6-13-628	Purchases in small communities without bids
32. Board of Directors	Ark. Code Ann. § 6-13-630 et seq.	Election by zone and at large
33. Board of Directors	Ark. Code Ann. § 6-13-630	Election by zone and at large
34. Board of Directors	Ark. Code Ann. § 6-13-631	Effect of minority population on election
35. Board of Directors	Ark. Code Ann. § 6-13-632	Meeting facilities
36. Board of Directors	Ark. Code Ann. § 6-13-633	Vacancy created by non-residency
37. Board of Directors	Ark. Code Ann. § 6-13-634	School district board of directors—Size
38. Board of Directors	Ark. Code Ann. § 6-13-635	School board review and approval of salary increases
39. Board of Directors	Ark. Code Ann. § 6-13-1301 et. seq.	Site-based decision making
40. Board of Directors	Ark. Code Ann. § 6-13-1303	Implementation policies
41. Definitions	Ark. Code Ann. § 6-13-1401 et seq.	District Formation, Consolidation, and Annexation
42. School Elections	Ark. Code Ann. § 6-14-101 et seq.	School Elections
43. School Elections	Ark. Code Ann. § 6-14-101	Applicability of general election laws
44. Curriculum	Ark. Code Ann. § 6-15-213	Course considered as taught under certain circumstances
45. Curriculum	Ark. Code Ann. § 6-15-214	Advanced placement course counted as core curriculum course taught

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
46. Grading Scale	Ark. Code Ann. § 6-15-902(a)	Grading scale—Exemptions—Special education (in grades 3-8, the uniform grading scale is waived only as to non-core courses)
47. Grading Scale	Ark. Code Ann. § 6-15-902(b)	Grading scale—Exemptions—Special education (in grades 3-8, the uniform grading scale is waived only as to non-core courses)
48. Advanced Placement	Ark. Code Ann. § 6-15-902(c)(2)	Requiring quality points for Advanced Placement courses be contingent upon teacher AP training documentation
49. Report Cards	Ark. Code Ann. § 6-15-903	Report cards
50. Report Cards	Ark. Code Ann. § 6-15-903(a)(2)	Requiring report cards to be mailed, given to a parent at a conference, or sent home with the student
51. Teacher Licensure	Ark. Code Ann. § 6-15-1004	Qualified teachers in every public school classroom
52. Alternative Learning Environment	Ark. Code Ann. § 6-15-1005(b)(5)	Pertaining to alternative learning environments
53. Alternative Learning Environment	Ark. Code Ann. § 6-15-1005(b)(5)(A)	Pertaining to alternative learning environments
54. Emergency Planning	Ark. Code Ann. § 6-15-1302	Emergency plan for war or terrorist attack
55. Achievement gap task force	Ark. Code Ann. § 6-15-1603	Establishment of local task forces on closing the achievement gap
56. Reporting Requirements	Ark. Code Ann. § 6-15-2006(b)	Annual progress report
57. Business Manager Qualifications	Ark. Code Ann. § 6-15-2302	General business manager—Responsibilities—Minimum qualifications
58. School Hours/Dates	Ark. Code Ann. § 6-16-102	School day hours
59. Basic Language of Instruction	Ark. Code Ann. § 6-16-104	Basic language of instruction
60. Flag Display	Ark. Code Ann. § 6-16-105	United States flag
61. Flag Display	Ark. Code Ann. § 6-16-106	Arkansas state flag
62. Flag Display	Ark. Code Ann. § 6-16-108	Daily recitation of the Pledge of Allegiance
63. Curriculum	Ark. Code Ann. § 6-16-124	Arkansas history (to be incorporated into other social studies curriculum)
64. Curriculum	Ark. Code Ann. § 6-16-130	Visual art or music
65. Curriculum	Ark. Code Ann. § 6-16-130(b)(1)	Visual art or music
66. Curriculum	Ark. Code Ann. § 6-16-130(b)(3)	Visual art or music
67. Curriculum	Ark. Code Ann. § 6-16-130(b)(4)(a)	Visual art or music
68. Curriculum	Ark. Code Ann. § 6-16-132	Physical education
69. Curriculum	Ark. Code Ann. § 6-16-132(b)(1)(a)	Physical education
70. CPR Instruction	Ark. Code Ann. § 6-16-143	CPR Instruction
71. Health and Safety	Ark. Code Ann. § 6-17-102	Emergency first aid personnel
72. Duty-Free Lunch	Ark. Code Ann. § 6-17-111	Duty-free lunch periods
73. Planning periods	Ark. Code Ann. § 6-17-114	Daily planning period
74. Non-instructional Duties	Ark. Code Ann. § 6-17-117	Non-instructional duties
75. Salaries/Compensation	Ark. Code Ann. § 6-17-119	Alternative pay programs
76. Teacher Licensure	Ark. Code Ann. § 6-17-201 et seq.	Requirements—Written personnel policies—Teacher salary schedule
77. Teacher Licensure	Ark. Code Ann. § 6-17-201	Employment of certified personnel
78. Salaries/Compensation	Ark. Code Ann. § 6-17-201(c)	Pertaining to teacher compensation
79. Salaries/Compensation	Ark. Code Ann. § 6-17-201(c)(2)	Pertaining to teacher compensation
80. Personnel Policies	Ark. Code Ann. § 6-17-203	Committees on personnel policies—Members
81. Personnel Policies	Ark. Code Ann. § 6-17-204	Incorporation into teachers' contracts
82. Personnel Policies	Ark. Code Ann. § 6-17-205	Organization and duties of committee
83. Personnel Policies	Ark. Code Ann. § 6-17-208	Written grievance procedure
84. Personnel Policies	Ark. Code Ann. § 6-17-209	Concerning certification to teach particular grade or subject matter
85. Leave policies	Ark. Code Ann. § 6-17-211	Use of personal leave when administrator or school employee is absent from campus
86. Teacher Licensure	Ark. Code Ann. § 6-17-301	Employment of certified personnel
87. Principal Responsibilities	Ark. Code Ann. § 6-17-302	Principals—Responsibilities
88. Teacher Licensure	Ark. Code Ann. § 6-17-309	Certification to teach grade or subject matter—Exceptions—Waivers
89. Teacher Licensure	Ark. Code Ann. § 6-17-401 et seq.	Certification Generally

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
90. Teacher Licensure	Ark. Code Ann. § 6-17-401	Teacher licensure requirement
91. Teacher Licensure	Ark. Code Ann. § 6-17-418	Teacher licensure—Arkansas history requirement
92. Superintendent	Ark. Code Ann. § 6-17-427	Superintendent license—Superintendent mentoring program required
93. Professional Development	Ark. Code Ann. § 6-17-702	Staff development sessions
94. Professional Development	Ark. Code Ann. § 6-17-704	School districts - Professional development plan
95. Professional Development	Ark. Code Ann. § 6-17-705	Professional development credit
96. Salaries/Compensation	Ark. Code Ann. § 6-17-802	Yearly contracts—Agriculture teacher
97. Salaries/Compensation	Ark. Code Ann. § 6-17-807	Additional days
98. Class Size and Teaching Load	Ark. Code Ann. § 6-17-812	Class Size and Teaching Load
99. Teacher Licensure	Ark. Code Ann. § 6-17-902	Definition (definition of a teacher as licensed)
100. Salaries/Compensation	Ark. Code Ann. § 6-17-908	Teachers' salary fund—Authorized disbursements
101. Salaries/Compensation	Ark. Code Ann. § 6-17-908(a)(4)(B)	Pertaining to insurance and fringe benefits for teachers
102. Audit	Ark. Code Ann. § 6-17-913	Audit of accounts
103. Teacher Licensure	Ark. Code Ann. § 6-17-919	Warrants void without valid certification and contract
104. Teacher Licensure	Ark. Code Ann. § 6-17-919(a)(1)	Warrants void without valid certification and contract
105. Salaries/Compensation	Ark. Code Ann. § 6-17-980	Teacher's salary fund
106. Salaries/Compensation	Ark. Code Ann. § 6-17-1001	Teacher Minimum Base Salary (repealed)
107. Insurance	Ark. Code Ann. § 6-17-1111	Life and disability insurance
108. Insurance	Ark. Code Ann. § 6-17-1117	Health insurance
109. Leave policies	Ark. Code Ann. § 6-17-1201 et seq.	Teachers' Minimum Sick Leave Law
110. Leave policies	Ark. Code Ann. § 6-17-1301 et seq.	School Employees' Minimum Sick Leave Law
111. Teacher Licensure	Ark. Code Ann. § 6-17-1302	Definitions (as teachers are excluded from the definition of school employee)
112. Leave policies	Ark. Code Ann. § 6-17-1304	Teachers' Minimum Sick Leave Law
113. Employee Dismissal	Ark. Code Ann. § 6-17-1501 et seq.	Teacher Fair Dismissal Act
114. Employee Dismissal	Ark. Code Ann. § 6-17-1701 et seq.	Public School Employee Fair Hearing Act
115. Salaries/Compensation	Ark. Code Ann. § 6-17-2201 et seq.	Classified School Employee Minimum Salary Act
116. Salaries/Compensation	Ark. Code Ann. § 6-17-2203	Minimum salary
117. Personnel Policies	Ark. Code Ann. § 6-17-2205	Paid breaks for certain classified employees
118. Personnel Policies	Ark. Code Ann. § 6-17-2301 et seq.	Classified School Employee Personnel Policy Law
119. Personnel Policies	Ark. Code Ann. § 6-17-2301	Classified School Employee Personnel Policy Law
120. Business Manager Qualifications	Ark. Code Ann. § 6-17-2302	Business managers
121. Personnel Policies	Ark. Code Ann. § 6-17-2303	Committee on personnel policies for each school district
122. Salaries/Compensation	Ark. Code Ann. § 6-17-2401 et seq.	Teacher Compensation Program of 2003
123. Salaries/Compensation	Ark. Code Ann. § 6-17-2403	Minimum teacher compensation schedule
124. Personnel Policies	Ark. Code Ann. § 6-17-2407	Reduction in force procedure—Written policy required
125. Attendance	Ark. Code Ann. § 6-18-209(b)	Adoption of student attendance policy—Effect of excessive absences
126. School Hours/Dates	Ark. Code Ann. § 6-18-210	Definition of planned instructional time
127. School Hours/Dates	Ark. Code Ann. § 6-18-210(2)	Definition of planned instructional time
128. Attendance	Ark. Code Ann. § 6-18-211	Students in grades nine through twelve—Mandatory Attendance
129. Attendance	Ark. Code Ann. § 6-18-211(a) through (b)(2)(A)(ii)(a)	Students in grades nine through twelve—Mandatory Attendance
130. Attendance	Ark. Code Ann. § 6-18-213	Attendance records and reports generally
131. Attendance	Ark. Code Ann. § 6-18-213(a)(2)	Attendance records and reports generally
132. Attendance	Ark. Code Ann. § 6-18-213(f)	Policy of dropping a student who is absent from daily attendance for more than 10 consecutive school days, except as allowed by rule, from attendance records of the school
133. College Credit	Ark. Code Ann. § 6-18-223	College credits (rules and regulations of any institution of higher education and/or the Arkansas Higher Education Coordinating Board are not waived)

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
134. College Credit	Ark. Code Ann. § 6-18-223(a)(1)	College credits (rules and regulations of any institution of higher education and/or the Arkansas Higher Education Coordinating Board are not waived)
135. Discipline	Ark. Code Ann. § 6-18-501 et seq.	Discipline
136. Discipline	Ark. Code Ann. § 6-18-502	Discipline policy guidelines
137. Discipline	Ark. Code Ann. § 6-18-503	Written student discipline policies required
138. Alternative Learning Environment	Ark. Code Ann. § 6-18-503(a)(1)(C)(i)	Pertaining to alternative learning environments
139. Discipline	Ark. Code Ann. § 6-18-505	School discipline act (corporal punishment)
140. Alternative Learning Environment	Ark. Code Ann. § 6-18-508	Alternative learning environments
141. Discipline	Ark. Code Ann. § 6-18-511	Removal of student from classroom by teacher
142. Immunization	Ark. Code Ann. § 6-18-702	Immunization requirements
143. School breakfast	Ark. Code Ann. § 6-18-705	School breakfast program
144. Health and Safety	Ark. Code Ann. § 6-18-706	School nurses—Nurse-to-student ratio
145. Student Services	Ark. Code Ann. § 6-18-1001 et seq.	Public School Student Services Act
146. Student Services	Ark. Code Ann. § 6-18-1004(a)(2)	Guidance Counseling Services (school district plan)
147. Health and Safety	Ark. Code Ann. § 6-18-1005(a)(6)	Health services (requiring individual health care plans for certain students and trained and licensed personnel to perform medical tasks at school)
148. Alternative Learning Environment	Ark. Code Ann. § 6-18-1005(b)(5)	Alternative learning environments
149. Health and Safety	Ark. Code Ann. § 6-18-1501 et. seq.	Mandated eye and vision screening
150. Transportation	Ark. Code Ann. § 6-19-101 et seq.	Transportation
151. School lunch	Ark. Code Ann. § 6-20-701 et. seq.	School lunch program
152. Construction Standards	Ark. Code Ann. § 6-20-1401	Pertaining to school construction standards (approved only as it relates to owned property versus leased property)
153. Construction Standards	Ark. Code Ann. § 6-20-1406	Pertaining to school construction standards (approved only as it relates to owned property versus leased property)
154. Construction Standards	Ark. Code Ann. § 6-20-1407	Pertaining to school construction standards (approved only as it relates to owned property versus leased property)
155. Gifted and Talented	Ark. Code Ann. § 6-20-2208(c)(1)	Monitoring of expenditures (gifted and talented)
156. Gifted and Talented	Ark. Code Ann. § 6-20-2208(c)(6)	Monitoring of expenditures (gifted and talented)
157. Health and Safety	Ark. Code Ann. § 6-21-106	Fire hazards inspection
158. Facilities	Ark. Code Ann. § 6-21-117	Leased academic facilities
159. Salaries/Compensation	Ark. Code Ann. § 6-21-303	Rules (the requirement to reimburse teachers for personal expenditures for classroom supplies)
160. Salaries/Compensation	Ark. Code Ann. § 6-21-303(b)(1)	Rules (the requirement to reimburse teachers for personal expenditures for classroom supplies)
161. Salaries/Compensation	Ark. Code Ann. § 6-21-303(b)(1)(A)	Rules (Acquisition of commodities generally)
162. Instructional Materials	Ark. Code Ann. § 6-21-406	Adoption, sale, or exchange of instructional materials
163. Instructional Materials	Ark. Code Ann. § 6-21-413	Textbook selection committee
164. Library Media	Ark. Code Ann. § 6-25-101 et seq.	Public School Library and Media Technology Act
165. Library Media	Ark. Code Ann. § 6-25-101	Legislative intent (pertaining to library media programs)
166. Library Media	Ark. Code Ann. § 6-25-103	Library media services program defined
167. Library Media	Ark. Code Ann. § 6-25-103(b)(1)	Requiring a minimum amount of time for the librarian to spend as an information specialist
168. Library Media	Ark. Code Ann. § 6-25-104	Library media specialist—Qualifications
169. Library Media	Ark. Code Ann. § 6-25-105	Establishment of guidelines for the selection, removal, and retention of materials (Library Media)
170. Library Media	Ark. Code Ann. § 6-25-106	Provision of resources (Library Media)
171. Gifted and Talented	Ark. Code Ann. § 6-42-101 et seq.	General Provisions (gifted and talented)
172. Gifted and Talented	Ark. Code Ann. § 6-42-102	Rules and regulations (gifted and talented)
173. Gifted and Talented	Ark. Code Ann. § 6-42-109	Gifted and Talented Education
174. Alternative Learning Environment	Ark. Code Ann. § 6-48-101 et seq.	Alternative Learning Environments
175. Alternative Learning Environment	Ark. Code Ann. § 6-48-101	Definitions (alternative learning environments)
176. Transcripts	Ark. Code Ann. § 6-80-107	Transcripts

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
177. Reporting Requirements	Standards for Accreditation 7.02.2	Publication of a report in a newspaper of general circulation in the district before November 15 a report detailing the progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies
178. Reporting Requirements	Standards for Accreditation 7.03	Annual Report to the Public (first year only)
179. Operating Policies and Procedures	Standards for Accreditation 7.03.1	Operating Policies and Procedures
180. School Improvement Plan	Standards for Accreditation 8.01	Each school district shall form a coalition of parents, and representatives of agencies and institutions, and of business and industry to develop and implement a comprehensive plan for effective and efficient community involvement in the delivery of comprehensive youth services and support
181. Curriculum	Standards for Accreditation 9.0	Curriculum (limited waiver)
182. Curriculum	Standards for Accreditation 9.01.2	Each accredited school shall use these curriculum frameworks to plan instruction
183. Curriculum	Standards for Accreditation 9.03	Grades 5-8
184. Curriculum	Standards for Accreditation 9.03.1	Smart Core and Core
185. Curriculum	Standards for Accreditation 9.03.1.2	The Smart Core curriculum contained within 38 units that must be taught each year
186. Curriculum	Standards for Accreditation 9.03.2	Time is scheduled for instruction in the core curriculum
187. Curriculum	Standards for Accreditation 9.03.2.6	Fine Arts (grades K-4)
188. Curriculum	Standards for Accreditation 9.03.2.7	Grades K-4 Practical Living Skills/Career Exploration
189. Curriculum	Standards for Accreditation 9.03.2.8	Health and Safety Education and Physical Education (grades K-4)
190. Curriculum	Standards for Accreditation 9.03.3	Grades 5-8 reading, writing, and math shall be incorporated into all curriculum areas
191. Curriculum	Standards for Accreditation 9.03.3.1	Language Arts
192. Curriculum	Standards for Accreditation 9.03.3.4	Grades 5-8 Social Studies
193. Curriculum	Standards for Accreditation 9.03.3.5	Grades 5-8 Physical Education (not approved to the extent that it affects accountability)
194. Curriculum	Standards for Accreditation 9.03.3.6	Grades 5-8 Fine Arts (to be integrated into the other curriculum)
195. Curriculum	Standards for Accreditation 9.03.3.7	Grades 5-8 Health and Safety (not approved to the extent that it affects accountability)
196. Curriculum	Standards for Accreditation 9.03.3.8	Grades 5-8 Tools for Learning (to be integrated into the other curriculum)
197. Curriculum	Standards for Accreditation 9.03.3.9	Grades 5-8 Career and Technical Education (not approved to the extent that it affects accountability)
198. Curriculum	Standards for Accreditation 9.03.3.11	5-8 Arkansas history (to be incorporated into other courses)
199. Curriculum	Standards for Accreditation 9.03.3.12	Pertaining to high school courses being taught in Grades 5-8 (waiver pertains to requirement of certified teachers)
200. Curriculum	Standards for Accreditation 9.03.4	Grades 9-12 (courses to be taught, requiring the 38 units of credit)
201. Curriculum	Standards for Accreditation 9.03.4.1	Requiring oral communication as part of the language arts curriculum
202. Curriculum	Standards for Accreditation 9.03.4.2	Science (to allow other courses to be granted science credits)
203. Curriculum	Standards for Accreditation 9.03.4.6	Fine Arts
204. Curriculum	Standards for Accreditation 9.03.4.7	High School Social Studies (Arkansas history to be incorporated into other social studies curriculum)
205. Curriculum	Standards for Accreditation 9.03.4.9	Health and Safety Education and Physical Education (to count 8 th grade physical education for high school credit with approval request made an approved by ADE as outlined in 9.03.3.12 of the Standards for Accreditation)
206. Curriculum	Standards for Accreditation 9.03.4.10	Career and Technical Ed
207. Advanced Placement	Standards for Accreditation 9.03.4.11	AP Courses

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
208. School Hours/Dates	Standards for Accreditation 10.01	Required Time for Instruction and School Calendar
209. School Hours/Dates	Standards for Accreditation 10.01.2	185-day teacher/administrator contracts
210. School Hours/Dates	Standards for Accreditation 10.01.3	At least 10 days or 60 hours shall be used for professional development and in-service training and at least two (2) days shall be used for parent/teacher conferences
211. Instructional Time	Standards for Accreditation 10.01.4	Planned instructional time
212. Class Size and Teaching Load	Standards for Accreditation 10.02	Class Size and Teaching Load
213. Class Size and Teaching Load	Standards for Accreditation 10.02.2	Requiring kindergarten classes have no more than 20 students for 1 teacher or 22 students with a half-time aide
214. Class Size and Teaching Load	Standards for Accreditation 10.02.3	Requiring an average student/teacher ratio for grades 1-3 of no more than 23 students per and no more than 25 students per teacher in any classroom
215. Class Size and Teaching Load	Standards for Accreditation 10.02.4	Requiring an average student/teacher ratio for grades 4-6 of no more than 25 students per and no more than 28 students per teacher in any classroom
216. Class Size and Teaching Load	Standards for Accreditation 10.02.5	Requiring that teachers in Grades 7-12 not be assigned more than 150 students and classes should not exceed 30 students except for exceptional cases or courses that lend themselves to large group instruction
217. Instructional Materials	Standards for Accreditation 10.03	Instructional Materials
218. Extracurricular Activities	Standards for Accreditation 10.05	Extracurricular Activities
219. Extracurricular Activities	Standards for Accreditation 10.06	Requirements for Participation in Extracurricular Activities
220. Homework	Standards for Accreditation 10.07	Homework and Independent Study Skills
221. Kindergarten	Standards for Accreditation 11.04	Kindergarten (to be able to evaluate any six-year-old who waived out of kindergarten and determine the appropriate learning level)
222. Grading Scale	Standards for Accreditation 12.02	Grading
223. Reporting Requirements	Standards for Accreditation 12.04	School Reporting of Students' Performance
224. Parent Teacher Conferences	Standards for Accreditation 12.04.2	Each school shall have no fewer than 2 parent-teacher conferences per school year
225. Transfers	Standards for Accreditation 12.05	Transfer Between Schools (requiring a student transferring from a school accredited by ADE to be placed in the same grade)
226. Credit Hours	Standards for Accreditation 14	Standard IX (requiring the 38 units of credit)
227. Credit Hours	Standards for Accreditation 14.01	Graduation Requirements
228. Credit Hours	Standards for Accreditation 14.02	Classes required for graduating class of 2013-2014 and thereafter (to allow for one credit of science elective for Earth & Space Science or Principles of Engineering once the applicant documents and demonstrates that the two proposed courses are equal or greater in rigor to the courses required by Standard 14.02 and are or will be approved through the ADE's course approval process)
229. Credit Hours	Standards for Accreditation 14.03	Unit of credit and clock hours for a unit of credit
230. Personnel	Standards for Accreditation 15	Personnel
231. Superintendent	Standards for Accreditation 15.01	School District Superintendent
232. Principal	Standards for Accreditation 15.02	Principals
233. Teacher Licensure	Standards for Accreditation 15.03	Licensure and Renewal
234. Teacher Licensure	Standards for Accreditation 15.03.1	Requiring all administrative, teaching, and other personnel shall hold a current, valid Arkansas license
235. Teacher Licensure	Standards for Accreditation 15.03.2	Requiring all administrative, teaching, and other personnel shall meet appropriate state licensure and renewal requirements for the position to which they are assigned
236. Teacher Licensure	Standards for Accreditation 15.03.3	Allowing a person not fully qualified for a position to be used in emergencies only
237. Professional Development	Standards for Accreditation 15.04	There is a written professional development policy consistent with the academic needs of students
238. Student Services	Standards for Accreditation 16	Support Services

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION
239. Guidance/ Counseling	Standards for Accreditation 16.01	Guidance and Counseling
240. Guidance/ Counseling	Standards for Accreditation 16.01.2	Guidance and Counseling (supportive personnel and appropriate facilities for counseling)
241. Guidance/ Counseling	Standards for Accreditation 16.01.3	Requiring a certified counselor at each school at a ratio of 1 to 450
242. Library Media	Standards for Accreditation 16.02	Media Services
243. Library Media	Standards for Accreditation 16.02.3	Requiring a licensed library media specialist
244. Library Media	Standards for Accreditation 16.02.4	Establishing minimum requirements for the school's media collection
245. Health and Safety	Standards for Accreditation 16.03	Health and Safety Services
246. Health and Safety	Standards for Accreditation 16.03.1	School nurse
247. Health and Safety	Standards for Accreditation 16.03.3	Student health records
248. Gifted and Talented	Standards for Accreditation 18	Gifted and Talented Education
249. Gifted and Talented	Standards for Accreditation 18.01	Requiring the development of procedures to identify gifted and talented students in accordance with guidelines established by the Department
250. Gifted and Talented	Standards for Accreditation 18.02	Requiring the school district to provide educational opportunities for students identified as gifted and talented appropriate to their ability
251. Supplementary Education	Standards for Accreditation 19	Supplementary Educational Opportunities
252. Alternative Learning Environment	Standards for Accreditation 19.03	Pertaining to alternative learning environments
253. Alternative Learning Environment	Standards for Accreditation 19.04	Requirement to provide summer school and adult education programs
254. Student Services	Standards for Accreditation 21	Auxiliary Services
255. School Hours/Dates	Standards for Accreditation 24.05	Requiring a school or district to be placed in probationary status for high school classes which meet less than 120 clock hours
256. School Hours/Dates	Standards for Accreditation 24.06	Requiring a school or district to be placed in probationary status for an instruction day that is less than six hours per day or 30 hours each week
257. Class Size and Teaching Load	Standards for Accreditation 24.15	A school will be placed in probationary status for improper ratios/class size
258. Curriculum	Standards for Accreditation 24.17	Requiring a school or district to be placed in probationary status for failing to teach required courses
259. Curriculum	Standards for Accreditation 24.18	A school will be placed in probationary status for violation of 6-16-130
260. Advanced Placement	ADE Rules for Advanced Placement and International Baccalaureate Diploma Incentive Program	
261. Alternative Learning Environment	4.03.2.2 of the ADE Rules Governing the Distribution of Student Special Needs Funding	
262. Alternative Learning Environment	Section 4 of the ADE Rules Governing the Distribution of Student Special Needs Funding	
263. Attendance	Section 3.04 of the ADE Rules Governing Mandatory Attendance	
264. Attendance	ADE Rules Governing Mandatory Attendance	
265. Board of Directors	ADE Rules Governing School Board Zones and Rezoning	
266. Business Manager Qualifications	ADE Rules Governing Minimum Qualifications for General Business Managers	
267. Concurrent Credit	ADE Rules Governing Concurrent College and High School Credit	
268. Curriculum	ADE Rules Governing African American History And Racial And Ethnic Awareness	
269. Curriculum	ADE Rules Governing Visual Art and Music Instruction	

TOPIC	CODE/STATUTE/RULE	ADDITIONAL INFORMATION	
270.	Distance Learning	ADE Rules Governing Distance learning	
271.	Evaluations	ADE Rules Governing Teacher Excellence and Support System	
272.	Expenditures	Expenditure requirements	
273.	Gifted and Talented	ADE Rules for Gifted and Talented Program Approval Standards	
274.	Grading Scale	ADE Rules Governing Uniform Grading Scales	
275.	Grading Scale	ADE Rules Governing Uniform Grading Scales (Section 4 Only)	
276.	Health and Safety	Section 7.01 ADE Rules Governing Nutrition and Physical Activity Standards	
277.	Health and Safety	ADE Rules Governing Nutrition and Physical Activity Standards	
278.	Discipline	ADE Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies	
279.	Health and Safety	ADE Rules Governing Automated External Defibrillator Devices and CPR	
280.	Health and Safety	ADE Rules Governing Eye and Vision Screening Report	
281.	Health and Safety	ACT 61 - Junior Fire Marshal Program	
282.	Instructional Materials	ADE Rules Governing Instructional Materials	
283.	Personnel Policies, Salaries	ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salary	Section 6
284.	Personnel Policies, Salaries	ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salary	
285.	Salaries/Compensation	ADE Rules Governing School Election Expense Reimbursement	
286.	School Hours/Dates	ADE Rules and Regulations Four-day School Weeks	
287.	Student Services	ADE Rules Governing Public School Student Services	
288.	Substitute Teachers	ADE Rules Governing Waivers for Substitute Teachers	
289.	Superintendent	ADE Rules Governing Superintendent Mentoring	
290.	Teacher Licensure	ADE Rules Governing Parental Notification of Non-Licensed Teacher	
291.	Teacher Licensure	ADE Rules Governing Educator Licensure	
292.	Technology Training Centers	ADE Rules Governing Technology Training Centers	
293.	Testing	ADE Rules Governing Public School Data in the Arkansas Public School Computer Network	
294.	Testing	Section 5 of ADE Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program	