

Arkansas Department of Education
Open-Enrollment Public Charter School
2017 Application

SCORING RUBRIC

PART A GENERAL INFORMATION

Name of Proposed Charter School: **Einstein Charter School at Little Rock**

Eligible Entity Status:

- Public institution of higher education
- Private nonsectarian institution of higher education governmental entity
- Nonsectarian organization exempt from taxes under Section 501(c)(3) of the

Internal Revenue Code

- Nonsectarian organization that has applied for exemption from taxes under Section 501(c)(3) of the Internal Revenue Code
- No evidence of eligibility

IF EVIDENCE OF ELIGIBILITY TO APPLY IS NOT INCLUDED, NO FURTHER REVIEW OF THE APPLICATION WILL OCCUR.

The general information section of the application provides the authorizer with summary information related to the applicant and the application submitted.

Evaluation Criteria:

- General information fields are completed, as applicable;
- The specific geographical area that would be served by the charter school; and

Information on the school districts likely to be affected by the charter school

Fully Responsive

Concerns and Additional Questions

- Acknowledge that Arkansas public schools are only funded from grades K-12 and that pre-kindergarten cannot be a part of the proposed charter school.

Applicant Response:

We acknowledge that Arkansas public schools are only funded from grades K-12 and that pre-kindergarten cannot be a part of the proposed charter school.

PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:

- A Letter of Intent filed with Arkansas Department of Education on time and including all the necessary information

Fully Responsive

PART B EXECUTIVE SUMMARY

The Arkansas Department of Education requires all applicants to include an executive summary.

Evaluation Criteria:

- A succinct mission statement that indicates what the school intends to do, for whom, and to what degree;
- An explanation of how the mission statement was developed;
- The key programmatic features of the proposed charter school;
- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter

Fully Responsive

PART C NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER

C1: PUBLIC HEARING RESULTS

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

- A thorough description of the results of the public hearing;
- Evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents of districts from which the proposed school is likely to draw students and to superintendents of districts that are contiguous to the district in which the charter school would be located

Fully Responsive

Concerns and Additional Questions

- Document the results of the public hearing.
- Indicate steps to be taken to gain public support.

Applicant Response:

The public hearing was held at the date, time, location listed in the application. It was also properly advertised in the newspaper in an appropriate section. Notice of it was also communicated to relevant superintendents via email and certified mail. There were no attendees at the meeting. In appendix C-1, we attached copies of the newspaper advertisements and proof of publication, along with copies of the notification documents sent to the superintendents.

Einstein believes it has garnered an appropriate amount of support for this stage of application. Einstein's proposed school has twice received positive coverage in the local newspaper *Democrat Gazette* dated March 9, 2017, and March 15, 2017. In the latter, about Shawn Toranto and Einstein Charter School, Pulitzer Prize winning Editorialist Paul Greenburg, complemented Einstein's track record of success in Louisiana and noted that the school's CEO: "does not seem the least bit afraid of competition, unlike the other stodgy forces of the status forever quo who are always making excuses instead of real progress." ("New schools, new hope" *Arkansas Democrat Gazette*, March 15, 2017).

Einstein senior leadership has made numerous trips to the Little Rock area to meet with stakeholder from government, not-for-profit, and business sectors.

If awarded, Einstein will develop and executive a community engagement plan targeting prospective students and families in Little Rock. The plan will include community meetings, a social media campaign, development of a website, an advertising for enrollment campaign, advertising for teachers, involve communities of faith, other stakeholders and,

most importantly, perspective parents. We are fully confident that the school will open on time with community support. This effort will be overseen the by Einstein's Communications Manager and will include input from a local public relations firm. This is the successful model we have utilized in the past.

C2: GOVERNING STRUCTURE

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and the relationships among the groups.

Evaluation Criteria:

- Documentation of proper legal structure of the governing board and sponsoring entity;
- A comprehensive description of the planned relationship between the governing board of the school and governing board of the sponsoring entity;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition, member term length, member selection, and plan for continuous professional development;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school

Fully Responsive

Concerns and Additional Questions

- Explain the reasoning behind having the business manager reporting to the CFO of the CMO and not the local head of school and/or the local board.
- Explain the relationship between the CEO and the governing board in final decision making of school finance.
- Clarify the organizational flow as it applies to the multiple entities, specifying leadership roles.
- Clarify how due process operates regarding problem resolution.
- Explain if and how the professional development plan extends beyond the stated source.

Applicant Response:

The business manager reports directly to the CFO at Einstein Group, Inc. because the CFO has expertise to evaluate this position and understand often-complex accounting systems despite our best efforts at simplification. This role is also better placed to review all financial transactions of a public school than board members during a regular board meeting to ensure all processes are conducted to standard and to provide external control measure to ensure all transactions are compliant. The CFO reports to the CEO and the Board. Of course, nothing will be withheld from the local school leader or the local board.

In short, this role will follow the directions of the local school leaders in terms of identifying items for purchase. It will also report to the local board on a regular basis. In this way, this role is overseen by three different parties for increased transparency but is directly accountable to a knowledgeable expert for evaluation in addition to our outside CPA on a monthly basis.

The governing board's role is to pass the budget and to pass budget adjustments if the budget change exceeds a 5% margin. The CEO's role is to operate within the budget and this role has the authority to conduct all transactions within accordance to Einstein's bylaws and, more specifically, within the normal course of business. This is a delegated authority from Einstein's board. If a transaction is beyond the normal course of business, then the board must complete it. If the board does not approve of the CEO's financial decisions the board can rescind this delegated authority so long as such an action is within the power of the law.

In addition, the board sets salary scale for teachers and paraprofessionals, and individual salaries directly for the Chief Executive Officer, Chief Financial Officer, Deputy Chief Executive Officer, Chief Strategy Officer and Chief Academic Officer. Other roles are negotiated at-arms-length by the Chief Executive Officer.

For Einstein Charter School at Little Rock, Einstein Group, Inc. will serve as a sole member of the future not-for-profit organization holding ECS@LR's charter. Board member of Einstein Group, Inc. members will appoint the member of ECS@LR. The CEO of Einstein Group, Inc. will hire and terminate the Head of School for ECS@LR. In the initial phase of the school, CEO of Einstein will attend in person or via video conferencing at ECS@LR Board meetings. After a period of time, the Head of School for ECS@LR will attend the board meetings.

For Due Process Resolution, stakeholders, e.g. parents, students or employees, who disagree with a decision made by the principal of ECS@LR have a right of appeal to the Head of School for Arkansas, a second right of appeal to the CEO of Einstein Group, Inc., and a third right of appeal to the Board of Members of Einstein Charter School at Little Rock.

For board development, Einstein Charter School at Little Rock will work with all relevant stakeholders to locate and provide ADE qualified professional development to members of the board at ECS@LR to satisfy all requirements of Arkansas law and policy.

Below is a bulleted list of financial decisions to be made at each level of the organization:

List of financial decision making authority by Local, Foundation, Charter Management Organization and Board of Trustees.

Local Level Financial Decisions

- Management of student activities funds
- Receipt and delivery of orders
- Purchasing under \$2,000
- Journal entries of all financial activities
- Month reporting to the Chief Financial Officer on all activities on the business office of Einstein Charter School at Little Rock
- Petty Cash handling and reception

- Deposits
- Payments made exclusively through checks, purchase order or on one school credit card
- Accounts receivable and payable management
- Collaboration with Chief Financial Officer or designee on budgeting
- Reporting and detection of fraud, abuse, waste and conflicts of interest
- Processing payment requiring two signatures of the Business Manager and the Head of School – Arkansas
- Payroll for Einstein Charter School in Arkansas
- Use of Arkansas financial system

Foundation Board Level

- Hearing of the budget for Einstein Charter School at Little Rock
- Recommendation for action made to the Board of Trustees of the Einstein Group, Inc., for any other the responsibilities of the Board of Trustees as related to Einstein Charter School at Little Rock

Charter Management Organization Level

- Reporting and detection of fraud, abuse, waste and conflicts of interest
- Annual budget construction
- Salary determinations according to Board approved salary schedule
- Benefits administration
- Oversight of all activities of the finance office of Einstein Charter School at Little Rock
- Supervision of the Business Manager at Einstein Charter School at Little Rock.

Board of Trustees

- Budget adoption for the entire Einstein Group, Inc., including Einstein Charter School at Little Rock
- Conduction of public hearing of the budget
- Adoption of budget amendments
- Adoption of salary schedules for employees
- Adoption of salaries for C-level positions (CEO, CFO, D-CEO, CS & CAO) and Head of School – Arkansas
- Retention of independent auditors
- Reception and review of the audit
- Adoption of Board Approved Internal Controls
- Finance reports at all board meetings
- Investigations of conflict of interest or waste, fraud and abuse
- Delegation of authority to execute contracts for ordinary course of business
- Execution of contracts beyond the ordinary course of business
- Authorization of Chief Executive Officer to execute contracts beyond the ordinary course of business
- Authorization of Chief Executive Officer to incur debt for Louisiana only or to seek permission from the Commissioner of the Arkansas Department of Education to incur debt
- Authorization of use of the line of credit
- Ability to act or decline to act upon recommendations for the Foundation Board for Einstein Charter School at Little Rock

C3: EDUCATIONAL NEED

The Educational Need section should explain the need for a charter school in the proposed location and the innovative educational option offered by the charter school in the geographical area to be served.

Evaluation Criteria:

- Valid, reliable, and verifiable quantitative data substantiate an educational need for the charter; and
- Innovations that would distinguish the charter from other schools in the geographical area to be served by the charter

Fully Responsive

C4: ACADEMIC ACHIEVEMENT GOALS

The Academic Achievement Goals section should define the performance expectations for students and the school as a whole and support the charter’s mission.

Evaluation Criteria:

- Specific goals in reading, English, writing, mathematics, and science that are clear, measurable, and attainable;
- Valid and reliable assessment tools to be used to measure the goals; and
- Attainment of the goals demonstrate that the charter is meeting the identified educational need for the school and fulfilling its mission

Fully Responsive

Concerns and Additional Questions

- Explain the reasoning for establishing “50% of grade levels” as a threshold of achievement on the goals related reading and mathematics.
- Provide a quantitative threshold of achievement for the goals related to the following areas:
 - English
 - Writing
 - Science
- Explain why proficiency is not addressed/included in the academic achievement goals.
- Explain how “Little Rock schools with similar demographics” will be determined.
- Explain the reasoning behind designating the assessment instrument for measuring performance as NWEA/MAP OR ACT Aspire on several of the goals.

Applicant Response:

- Explain the reasoning for establishing “50% of grade levels” as a threshold of achievement on the goals related reading and mathematics.

In light of the review, we seek to modify this goal to read 100% of grade levels.

- Provide a quantitative threshold of achievement for the goals related to the following areas:
 - English
 - Writing
 - Science

The current assessment threshold of achievement for all of the Einstein goals related to English, Writing and Science are based on current achievement rates of the Little Rock School District and the Arkansas state average. Since Einstein does not have a student body demographic profile based on the fact we are not yet operational, we utilized the achievement rates of the Little Rock School District.

Einstein will meet or exceed the average of the Little Rock schools with similar demographics which varies from grade level to grade level and across subject assessed.

We will also meet or exceed the state average for students who are enrolled for two or more years in our program.

These two indicators used together and matched to NWEA student growth data will be used to provide a comprehensive evaluation of Einstein’s progress.

- Explain why proficiency is not addressed/included in the academic achievement goals.

Einstein’s goal is to track individual student performance and utilizing our standard that 80% of students will meet or exceed their individual growth goals has historically been one of our internal proficiency indicators. We also will track on state assessments the performance of each grade level in all areas of assessment which provides an average growth rate to meet our standard that it would exceed the state average and show a positive growth trajectory. We felt we were holding ourselves more accountable utilizing multiple measures on the assessments we utilize. Our commitment is to examine individual student data compared to the state assessment in each academic area and at an aggregate level (grade level) in each assessment area.

- Explain how “Little Rock schools with similar demographics” will be determined.

Once Einstein has generated its demographic profile, it will seek assistance by psychometricians to identify Little Rock schools serving the same grade levels and who have comparative demographics of poverty, race, and gender and use that set of assessment scores as a comparison point.

- Explain the reasoning behind designating the assessment instrument for measuring performance as NWEA/MAP OR ACT Aspire on several of the goals.

Einstein uses multiple national assessments and this was an attempt to take into account the individual student performance that NWEA offers which is missing with ACT Aspire assessment. We believe that

both of these data sets are significant indicators of student growth and we will utilize both. All of the Einstein schools use NWEA and we need to continue that practice to allow for comparisons of the schools in Little Rock and its growth to others in our network. We utilize NWEA beginning at K through all grade levels and for research and internal systems analysis it is critical that Einstein generates this data. We would like the flexibility to utilize data either and both of the data sets to examine our performance.

For an illustration, see charts in Appendix C-4.

C5: SCHEDULE OF COURSES OFFERED

The Schedule of Courses Offered section should describe the schedules for a week at the elementary level and courses offered at each grade at the secondary level.

Evaluation Criteria:

- Evidence that the charter school meets minimum state requirements of courses offered at appropriate grade levels

Fully Responsive

Concerns and Additional Questions

- Confirm that all students will be enrolled in art, music, and PE.
- Confirm that Arkansas History, Health, and Physical Activity will be provided in grades K-5.
- Confirm that Arkansas History and Health will be taught in grades 6-8, with health being taught every year.
- Confirm that the charter, if approved, will work with the ADE to receive course approval for giving high school credit in the 8th grade for Algebra I, English I, and Oral Communications, or otherwise provide an appropriate revision.
- Confirm that the charter, if approved, will work with Arkansas Career Education to receive approval for teaching keyboarding prior to 7th grade. If the approval is not received, keyboarding will need to be offered in 7th and/or 8th grade.

Applicant Response:

All students will be enrolled in art, music and PE.

Arkansas History, Health and Physical Activity will be provided in grades K-5.

Arkansas History and Health will be taught in grades 6-8, with health being taught every year.

If approved, Einstein Charter School at Little Rock will work with the ADE to receive course approval for giving high school credit in the 8th grade for Algebra I, English I, and Oral Communications, or otherwise provide an appropriate revision.

If approved, Einstein Charter School at Little Rock will work with Arkansas Career Education

to receive approval for teaching keyboarding prior to 7th grade. If the approval is not received, keyboarding will be offered in 7th and/or 8th grade.

C6: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed;
- An educational program with ample resources to ensure that students achieve academic goals and excel;
- Revenue to pay for all curriculum expenses as outlined in the budget; and
- A description of the grade levels and maximum enrollment, by year, if the charter plans to grow over time

Fully Responsive

C7: CURRICULUM ALIGNMENT

The Curriculum Alignment section should define the process by which the charter will ensure that the curriculum aligns with Arkansas Curriculum Frameworks and state standards.

Evaluation Criteria:

- Evidence that the applicant has a process to ensure all curriculum materials, used in the educational program, align with the Arkansas Department of Education's curriculum frameworks and the state standards

Fully Responsive

Concerns and Additional Questions

- Confirm that alignment will be to the Arkansas Curriculum Frameworks, as other parts of the application mentions Common Core and not the Arkansas Curriculum Frameworks, specifically.

Applicant Response:

At Einstein Charter School at Little Rock, all curricular, program alignment and professional development will be aligned to the Arkansas Curriculum Frameworks.

C8: STUDENT SERVICES

The Student Services section should describe how the school will address specific services for its student body.

Evaluation Criteria:

A description of the ways in which the following services will be provided to students **even in each area for which a waiver is requested:**

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- Sound plans for educating students with disabilities that reflect the full range of programs and services required to provide such students with a high quality education;
- A transportation plan that will serve all **eligible** students;
- An alternative education plan for eligible students, including those determined to be at-risk and to offer access to one or more approved Alternative Learning Environments;
- A plan to serve students who are English language learners; and
- Plans for a gifted and talented program for eligible students

Fully Responsive

Concerns and Additional Questions

- Confirm that the charter, if approved, will comply with all state and federal special education provisions.
- Confirm that a licensed special education teacher will oversee the individualized education plan (IEP) process and provide instruction to students with IEP's.
- Explain who will provide guidance and support to the special education teacher on required documentation and implementation of student IEP's.
- Describe the mechanism for ensuring the SPED teacher will receive PD.
- Confirm that special education students will be provided with all allowable accommodations on state assessments.
- Describe how students with dyslexia will be accommodated and explain who will oversee those accommodations.
- Explain how students with alternative learning needs and other challenges will be accommodated in the absence of an ALE program.

Applicant Response:

Einstein Charter School at Little Rock will comply with all state and federal special education provisions.

Einstein Charter School at Little Rock will employ at least one licensed special education teacher to oversee the individualized education plan (IEP) process and provide instruction to students with IEP's.

The Head of School for Arkansas and the CMO’s Director of Special Education and Related Services will provide guidance and support to the special education teacher on required documentation and implementation of student IEPs.

The SPED teacher will receive professional development from our Director of Special Education and Related Services. In addition the teacher will attend local, relevant professional development from the Arkansas Department of Education and other reliable sources.

Einstein Charter School at Little Rock confirms that special education students will be provided with all allowable accommodations on state assessments.

Einstein Charter School at Little Rock will include a 504 Coordinator who will be responsible for ensuring all students receive appropriate services including students with dyslexia. Services will be provided by a qualified interventionist. This role and the service provider will be overseen by the CMO’s Director of Multi-Tiered Student Supports to ensure that interventions are delivered with fidelity and produce results, the Response to Intervention (“RTI”) process is timely followed, and that interventions are state-of-the-art.

The core of Einstein Charter School’s mission is to provide differentiated, data-driven instruction on an individual. All our schools follow a robust RTI process for every student, including students with high needs. It is a non-negotiable of our model that all student needs, be they academic or otherwise, are met and that any challenges to learning are overcome. Students with these needs will be addressed by our 504 coordinator who will ensure that we are following the RTI process. Services will be provided a qualified interventionist.

C9: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed, and reported.

Evaluation Criteria:

- A timeline for data compilation and completion of an annual report to parents, the community and the authorizer that outlines the school’s progress; and
- A plan for dissemination of the annual report to appropriate stakeholders

Fully Responsive

C10: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also describe the random, anonymous lottery selection process.

Evaluation Criteria:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair, and in accordance with applicable law;
- A clear and transparent to the public process for, and a guarantee of, an annual random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter;
- The method by which parents will be notified of each child's selection for the school or placement on the waiting list; and
- The effect students leaving the charter throughout the school year will have on the students on the waiting list

Fully Responsive

C11: PRIOR CHARTER INVOLVEMENT

The Prior Charter Involvement section should identify all prior charter involvement, if any, for each individual connected with the proposed charter.

Evaluation Criteria:

- A complete Prior Charter Involvement Template for each individual connected with the proposed charter; and
- Accurate data in each Prior Charter Involvement Template, including active links to assessment data

Fully Responsive

C12: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional qualifications which will be required of employees.

Evaluation Criteria:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc.;
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions; and
- The staffing plan presented in this section matches the staff members noted in the budget

Fully Responsive

Concerns and Additional Questions

- Explain the lack of fund allocation in the budget for food service staff and transportation staff.
- Provide a description for the role of the parent liaison mentioned in the budget template.
- Explain the discrepancy between the description for Gifted and Talented services provided (1.5 FTE's) and the salary schedule (2.5 FTE's).

Applicant Response:

Einstein Charter School at Little Rock will be contracting with an approved vendor to provide food service and transportation service. All staffing will be provided by future vendors.

Embedded below is the job description for the Parent Liaison Position:

Parent Liaison

Reports to the Principal and/or designee

Position Overview

The Parent Liaison establishes effective communication between home and school and improve community outreach and training opportunities for parents and families of students.

Key Responsibilities

Essential duties include the following. To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. Other minor duties may be assigned.

- Contact parents and families through phone calls and meetings at school in order to encourage participation in school and events.
- Provide information to parents concerning school policy and procedures such as registration, PTO, curriculum, assessment, uniform, discipline etc. as stipulated in our Parent/Student Handbook.
- Contact outside community agencies for the purpose of seeking resources and activities that will increase the participation of families in school and parent training opportunities.

- Establish a training program such as a Parent Café or Parent University to bring topics related to family and school.
- Take initiative in coordinating and organizing activities and events
- Maintain accurate records of all activities for the purpose of state auditors and program grants.
- Acts as liaison between the school and families and/or other community services;
- Promotes respect for diversity in the school and community environment;
- Adheres to procedures that align with federal, state, and local policy to ensure integrity of confidential student and/or school records.
- Assists with fostering a clean, safe, respectful, welcoming and vibrant school climate where students want to come to school;
- Assists with building relationships with all stakeholders including students, staff, faculty, parents, funders, school district and the community;
- Implements the Einstein Way and embraces its focus on student-adult relationships, mentorship and heart.
- Other duties as appropriate and related to the function;

Skills/Qualifications:

- Passion for serving diverse student populations;
- Commitment to Einstein Charter Schools’ mission, vision and growth;
- Excellent communication and presentation skills;
- Takes initiative on a daily basis;
- Must possess the ability to establish and maintain effective working relationships with students, parents, teachers, administrators and business/industry leaders;
- Strong organization skills and attention to detail;
- A results-oriented, goal-driven approach to work;
- Ability to connect with students and adults across difference and interact with others with grace, competence, and warmth.
- Minimum of Bachelor’s Degree preferred.

Work Environment

Listed below are key points regarding environmental demands and the work environment of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of the job.

- Required to use motor coordination with finger dexterity (such as keyboarding, machine operation, etc.) as part of the work day;
- Required to exert physical effort in handling objects less than 30 pounds rarely;
- Required to be exposed to physical environment which involves dirt, odors, noise, weather extremes or similar elements rarely;
- Normal setting for this job is an office/school setting.

Evaluation

- Annual review, including analysis of parent surveys
- Evaluated by the principal and/or designee.

Compensation is commensurate with experience.

Einstein Charter Schools welcomes all applicants and does not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, military status, or any other protected grounds in any of its activities or operations, including hiring.

The discrepancy arose from on-going budget revisions. We fully intend to provide a gifted

teacher (1 FTE) and teachers certified in talented in the theater, music and art, respectively. These roles are listed as part time. In the past we have found it is more financially efficient to have these roles serve as part gifted and part non-gifted teacher, e.g. an art teacher who teaches certain sections for whole classes and other sections for students with receiving talented in the arts instruction.

C13: BUSINESS AND BUDGETING PLAN

The Business and Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

Evaluation Criteria:

- An appropriate plan for managing procurement activities;
- A description of the personnel who will perform business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget;
- A balanced two-year budget estimate that accurately reflects the revenue currently available to the school and expenditures for program implementation and does not rely on one-time grants or other funds that are not presently guaranteed;
- A budget that includes costs for all personnel, programs, and expenses described in other sections of the application;
- An understanding of the minimum number of students required for financial viability and a contingency plan to provide the education program outlined in the program if fewer students than necessary for viability enroll and/or attend;
- Plans to pay for unexpected but necessary expenses; and
- An explanation of the calculations used to project the amounts of federal funding included in the budget

Fully Responsive

Concerns and Additional Questions

- Confirm that it is the intention of the applicant to use APSCN as the primary level of data entry and reporting for finances.
- Explain the source of revenue listed in line 4, described as “Facilities”.
- Provide documentation of the committed funding for the revenue listed on line 21.
- Define MFP listed on line 128 of the budget.
- Provide an itemized list of services that are to be provided by the CMO.
- Confirm the understanding that there is no funding of preschool through state foundation funding; it is a separate program in Arkansas.

Applicant Response:

- **Einstein Charter School at Little Rock confirms that it is our intention to use APSCN as the primary level of data entry and reporting for finances.**

- We understand that we should be receiving Charter Facilities Funding Aid monies from the ADE, and included a projected figure in our source of revenue. We understand that the final amount will be calculated by the ADE, and we will reconcile our amount listed when that calculation is made available to us.
- This estimate amount is based on 2016-2017 funding amounts per student.
- Minimum Foundation Program means revenue received per pupil funding from state sources.
- CMO Services:
 - Professional Development
 - Board Management
 - Public Relations
 - Partnerships
 - Long term planning
 - Business Plan
 - Strategic Priorities
 - Licensing
 - Oversight and continuous improvement
 - Leadership development
 - Principal selection
 - Human Resources
 - Data Services
 - Financial Services
 - Fundraising Services
 - Goal setting
 - Legal Services
 - Curriculum services
 - Purchasing
 - Curriculum Development
 - Extra-curricular programming
 - PBIS
 - Start Up Funding
 - Employee Appreciation
 - Marketing
 - Risk Management
 - Facilities
 - Major Infractions/Expulsions
 - Student Handbook
 - Testing
 - State and Federal Compliance
 - Recruitment and retention of teachers
 - RTI oversight and development
 - SPED oversight and development
 - Technology services
 - Emergency and Crisis planning and response
 - Insurance
 - School Food Service
 - Transportation
 - Sustainability (financial)
 - Budgeting

- Accounts receivable and payment
- Branding
- Federal Grant Evaluation Services
- System Development and Improvement
- Foundation Development
- Advocacy
- Einstein Charter School at Little Rock confirms our understanding there is no funding of preschool through state foundation funding; it is a separate program in Arkansas.
- In Appendix C-13, please find funding letters from APRSCR and the Walton Foundation listing financial contributions to the school.

Remaining Concern: It remains unclear whether Minimum Foundation Program means revenue received from all foundation funding or just per pupil funding.

C14: FINANCIAL AND PROGRAMMATIC AUDIT PLAN

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit will be conducted. This section should also include an outline for the information that will need to be reported to Arkansas Department of Education and the community.

Evaluation Criteria:

- A sound plan for annually auditing school's financial and programmatic operations;
- If the application names an accountant other than the Division of Legislative Audit to perform the first-year audit, the named accountant meets the requirements of Arkansas Department of Education Rules Governing Publicly Funded Educational Institution Audit Requirements and is not listed on any ineligibility list maintained by Arkansas Department of Education or the Division of Legislative Audit.

Fully Responsive

Concerns and Additional Questions

- Confirm that all CPA's that work on the audit will be in good standing with the Division of Legislative Audit and the Arkansas Department of Education.

Applicant Response:

All CPAs that work on the audit will be in good standing with the Division of Legislative Audit and the Arkansas Department of Education.

C15: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state finance and educational data reporting system.

Evaluation Criteria:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN finance and educational data reporting system

Fully Responsive

C16: FACILITIES

The Facilities section should identify and describe the facilities to be used by the school, any changes to be made to the facilities, and the owners of the facilities.

Evaluation Criteria:

- An identified facility appropriate to meet the needs of the school over the term of its charter;
- A realistic plan for remodeling or adapting a facility, if necessary, to ensure that it is appropriate and adequate for the school's program, the school's targeted population, and the public;
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan; and
- A sound plan for continued operation, maintenance, and repair of the facility

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and charter school officials are in agreement over the use of the facility and its equipment

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:
 - Members of the local board of the public school district where the charter school will be located;
 - The employees of the public school district where the charter school will be located;
 - The sponsor of the charter school; and
 - Employees, directors and/or administrators of the charter school

Fully Responsive

Concerns and Additional Questions

- Provide a Facilities Utilization Agreement.

Applicant Response:

We are in the process of reviewing and securing appropriate facilities which will be located within the Little Rock School District. We will submit a Facilities Utilization Agreement to the ADE by the time of the Charter Application Panel's hearing on this application in August.

C17: FOOD SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

- A food service plan that will serve all eligible students; and
- A management plan that reflects a clear understanding of federal law and requirements if the charter school plans to participate in the National School Lunch program

Fully Responsive

C18: CONFLICTS OF INTEREST

The Conflicts of Interest section should identify any potential conflicts of interest among the individuals involved with the proposed charter school and explain how conflicts will be addressed.

Evaluation Criteria:

- Full disclosure of any potential conflicts of interest and an explanation of the ways in which conflicts, if any, will be addressed

Fully Responsive

C19: SUSTAINABILITY OF THE PROGRAM

The Sustainability section should describe the applicant's plan to ensure continued success of the charter school over time.

Evaluation Criteria:

- The plan to ensure the sustainability of the charter in the future

Fully Responsive

C20: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts

See legal comments.

C21: WAIVERS

The Waivers section should discuss all waivers requested from local or state law.

Evaluation Criteria:

- Each law, rule, and standard by title, number, and description for which a waiver is requested;
- A rationale for each waiver requested; and
- An explanation of the way that each waiver would assist in implementing the educational program of the charter and/or fulfilling the charter's mission

See legal comments.

Einstein Charter School

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**Einstein Charter School
2017 Open Enrollment Amendment**

1. School Boards

**Ark. Code Ann. § 6-13-601 et seq. (with the exception of §6-13-612;613;622,and 629)
Ark. Code Ann. § 6-14-101 et seq. District Board of Directors
Ark. Code Ann. § 6-13-619 School Board Elections**

Einstein seeks exemption from these portions of the Education Code in order to govern the Einstein board as planned in this charter. Einstein believes these sections are only to school districts and seeks to ensure no confusion regarding the governance structure and bylaws of the Einstein board. Further Einstein seeks exemption from monthly meeting requirements .The Einstein Board will meet on a regular basis, but wishes to retain the flexibility to meet less often than monthly if necessary. We do not seek waiver for board training requirements. These functions will be exercised by the Board of Trustees of the Einstein Group, Inc. and the Einstein’s Foundation Board in Arkansas. The latter will also provide direct oversight of activities in Arkansas and provide a forum for student discipline appeals.

Legal Comments: Only a wavier of § 6-13-619(a)(1)(A) is necessary to waive the monthly meeting requirement.

Applicant Response: Einstein Charter School at Little Rock seeks to rescind our previous request and seeks only a waiver of§ 6-13-619(a)(1)(A).

Remaining Legal Issues: Based on Applicant’s rationale, Applicant still need the waivers from Ark. Code Ann. § 6-13-601 et seq. (with the exception of §§ 6-13-612, 6-13-613, 6-13-622, and 6-13-629; and with the limitation to § 6-13-619(a)(1)(A)) and § 6-14-101 et seq.

2. Grading Scale

**Ark. Code Ann. §6-15-902(a) Grading Scale
ADE Rules Governing Uniform Grading Scales**

Einstein seeks exemption from this portion of the Education Code to allow for a more holistic grading system which includes state mandated assessments and enable SUMMIT programming in middle grades which operates on a standards based grading system and competency based progression. The grading scale used by Einstein will be more rigorous than the one contained in the statute. Academic progress is further assessed once a year through ACT ASPIRE assessments or subsequent state mandated assessments.

Legal Comments: None

3. Teacher and Administrator Licensure

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Ark. Code Ann. §6-15-1004 Qualified Teacher in Every Classroom

Ark. Code Ann. §6-17-301 Employment of Certified Personnel

Ark. Code Ann. §6-17-302 Principal's responsibilities

Ark. Code Ann. §6-17-309 Certification to Teach Particular Grade or Subject Matter

Ark. Code Ann. §6-17-401 Teacher Licensure Requirement

Ark. Code Ann. §6-17-902 Definition of Teacher

Ark. Code Ann. §6-17-919 Warrants Void without Valid Teaching License and Contract

Sections 15.02 and 15.03 the Standards for Accreditation

ADE Rules Governing Educator Licensure

Einstein seeks exemption from these portions of the Education Code. While Einstein will ensure that all teachers are Highly Arkansas Qualified Teachers and will seek to hire licensed teachers and administrators whenever possible, it is imperative for success that Einstein have flexibility to hire teachers and administrators who are most qualified and best positioned to implement Einstein's model with fidelity. Our aim is to provide students with a competitive education, enabling them for success in college and careers. Einstein will seek out and provide extensive training, support, and coaching for its teachers and administrators and comply with all state and federal law to ensure a safe campus and professional environment. Finally, Einstein will also seek to hire a diverse staff.

Legal Comments: A waiver of § 6-17-301 is not necessary to effectuate a waiver of teacher or administrator licensure.

Applicant Response: *We seek to rescind our request for a waiver of § 6-17-301.*

Remaining Legal Issues: None

4. Business Manager

Ark. Code Ann. §6-15-2302 General Business Manager

Einstein seeks exemption from this portion of the Education Code to the extent that it requires a general business manager for a public school district to meet the minimum qualifications established by rule of the Department of Education. Einstein will hire or contract with a qualified general business manager who is able to address the specific needs of the school, and who will receive the required training in Arkansas laws and procedures.

Legal Comments: In order to effectuate this waiver, a waiver of the ADE Rules Governing the Business Manager Qualifications is necessary.

Applicant Response: *We seek to obtain a waiver of the ADE Rules Governing the Business Manager Qualifications.*

Remaining Legal Issues: None

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5. Flag

Ark. Code Ann. §6-16-105 US Flag

Ark. Code Ann. §6-16-106 Arkansas Flag

Einstein seeks exemption from this portion of the Education Code to the extent that it requires the erection of a flagstaff on school grounds to display the U.S. and Arkansas flags on leased premises. Einstein will display the flags at least within the interior of the premises.

Legal Comments: None

6. Planning Period

Ark. Code Ann. §6-17-114 Daily Planning Period

Einstein seeks exemption from this portion of the Education Code because Einstein' unique schedule requires flexibility to service all students with budget means, to provide intervention services and to allow for teachers to have flexible scheduling to accommodate further education or other activities related to professional development. All teachers will have regular planning time on most days, but not necessarily every day.

Legal Comments: Applicant should provide additional information regarding the amount of planning time that teacher's will have during the week and how these waivers will help it to achieve its goals.

Applicant Response: *On average, teachers at Einstein Charter School will receive 240 minutes per week of planning time in increments of at least 40 minutes, which exceeds the state law requirements by 40 minutes per week. Normally, teachers have one hour of planning four days a week to use as they see fit to practice their profession. We seek to waive the daily portion of this requirement so that we can hold professional development sessions with teachers one day per week. In addition, on occasion, teachers are asked to attend brief meetings with the principal or instructional coach during a planning period.*

We see as this flexible structure as key to our instructional model because we embed professional development into our culture. First, we cannot expect our students to grow, if teachers do not model this behavior. Second, we cannot provide the support our teachers need to attain Einstein's high standards of professional practice if we do not provide them on-going development during the school day. Third, we have found that teachers greatly prefer having professional development embed during the school day instead of afterschool. If we cannot hold our professional development sessions, we are concerned we will not attain our goals because they are one of the key drivers of our success.

We also seek to waive the daily portion so that our principal and/or instructional coach can meet with the teacher during planning time. We use teacher planning periods for brief meetings so that students do not sacrifice instructional time. No wasted instructional time, expressed as one minute

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wasted is one we will never get back, is a key component of our model for how we close the achievement gap.

Remaining Legal Issues: None

7. Teacher Duty

Ark. Code Ann. §6-17-111 Duty Free Lunch

Ark. Code Ann. §6-17-117 Non-Instructional Duties

Einstein seeks exemption from these portions of the Education Code as, with a small staff, we may need to utilize our team during certain hours in order to cover all needed duties. Einstein offers of employment will be made while notifying potential hires of this exemption and potential expectations.

Legal Comments: Rationale should be provided to explain how these waivers will help the Applicant achieve its goals and how it will ensure its team has the necessary time to perform their regular duties.

Applicant Response: *Einstein provides a paid lunch break to all employees. We seek a waiver from the uninterrupted requirement because of our open door policy during which any parent can enter the building at any time and seek to meet with the teacher. Provided he or she is not actively teaching, we expect the teacher to meet with the parent. Sometimes this happens during lunch. This focus on parent engagement is a key driver in our success because we know that often parents have to take off from work to come to school and we want them to feel appreciated and to establish a working relationship with us. We want to avoid situations where a parent comes to school and is asked to return later. We find that this latter practice erodes trust in the school, which is vital for success in a high needs context where often parents do not trust public schools because of bad experiences they have had as schoolchildren.*

Similarly, we may need to have teachers on-duty during lunch during a crisis. While we seek to avoid this situation, we simply will not have the funds to compensate teachers for time lost. Budget efficiency to achieve financial sustainability is an important component of our model.

At Einstein, accomplishment of non-instructional duties, particularly related to supervision is our primary concern. All teachers are on-duty until all children have gone home or an administrator relieves them of the responsibility. This is critical for Einstein's school culture because it enables children to feel safe during dismissal with a regular supervisor, it also reinforces our parent communication and school community because teachers are able to speak to parents on a daily basis and to answer questions about home work.

Remaining Legal Issues: None

8. Personnel Policies

Ark. Code Ann. § 6-17-201 et. seq.

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Ark. Code Ann. § 6-17-203

Ark. Code Ann. § 6-17-2301 et. seq.

Einstein seeks exemption from these portions of the Education Code to allow it the flexibility to draft personnel policies which reflect Einstein’s practices and philosophy.

Einstein seeks exemption from this portion of the Education Code. Einstein will develop human resources policies and procedures that are best suited to serve our students, but not limited to the following: terms and conditions of employment: salary schedule, fringe benefits, and other compensation issues; annual school calendar, including work days and holidays; evaluation procedures; leave; grievance procedures; termination or suspension; reduction in force; and assignments.

Legal Comments: A separate waiver of § 6-17-203 is not necessary as it included in the request for § 6-17-201 et seq. Rationale should be provided to explain how these waivers will help the Applicant achieve its goals.

Applicant Response: *Einstein completes all personnel requirements by enclosing them in our lengthy employee handbook. It governs the relationship between Einstein and all employees. Einstein Charter School at Little Rock's employee handbook will be drafted by an attorney well-steeped in employment law in Arkansas and it will cover all the grounds listed in the sections we seek to waive.*

We seek waiver because a large portion of our model relies upon attracting the brightest and most accomplished teachers in the profession. This may mean deviating from our salary schedule to induce candidates to accept an offer of employment. This is rare; however, we do not seek to publish this fact when we are hiring as our fiduciary duties to the school require us to try and keep costs as low possible.

Cost reduction for financial sustainability is a key component of our model.

Remaining Legal Issues: None

9. Teacher Fair Dismissal / Public Employees Fair Dismissal

Ark. Code Ann. §6-17-1501 et. seq.

Ark. Code Ann. §6-17-1701 et. seq.

Einstein seeks exemption from this portion of the Education Code because the Einstein programmatic model requires the flexibility to recruit, hire, and retain the most qualified and effective teachers available. Einstein teachers and administrators are expected to be highly flexible and responsive to the needs of students, families, and other stakeholders. Einstein offers of employment will be made while notifying potential hires of this exemption.

Legal Comments: None

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10. Guidance Counseling

**Ark. Code Ann. §6-18-1001 et seq.
Section 16.01 of the ADE Standards for Accreditation
ADE Rules Governing Public School Student Services**

Einstein seeks exemption from this portion of the Education Code. The school social worker and principal will provide services traditionally provided by a guidance counselor. In addition, since we are operating a K-8 school, we anticipate that, notwithstanding the college and career plan for 8th grade students, the need for this will be executed with fidelity by our principal and social work.

Legal Comments: Only a waiver of Section 3.01.1 of the ADE Rules Governing Public School Student Services is necessary for Applicant to achieve its goals.

Applicant Response: *We revise our request for a waiver of the entire ADE Rules Governing Public School Student Services to only Section 3.01.1 of the Rules.*

Remaining Legal Issues: None

11. School Nurses

**Ark. Code Ann. §6-18-706
Ark. Code Ann. §6-18-1001 et seq.
Section 16.03 of the ADE Standards for Accreditation
ADE Rules Governing Public School Services**

Einstein seeks exemption from these portions of the Education Code and the ADE Rules. At Einstein, we will have a nurse who is a registered nurse. We seek a waiver for flexibility in hiring.

Legal Comments: Only a waiver of Section 3.01.6 of the ADE Rules Governing Public School Student Services is necessary for Applicant to achieve its goals. Additionally, Applicant states it will have a nurse, so additional rationale is necessary to explain why a waiver is necessary for Applicant to achieve its goals.

Applicant Response: *Einstein Charter School at Little Rock would like to revise its request to only request Section 3.01.6 of the ADE Rules Governing Public School Student Services. Einstein fully intends to hire a nurse. We are uncertain we will be able to fill one full time from day one. Similarly, our nurse's hours may vary from the school day. This is necessary for financial sustainability of the school.*

Remaining Legal Issues: None

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12. Superintendent

Ark. Code Ann. §6-17-302

Ark. Code Ann. §6-13-109

Ark. Code Ann. §6-17-427

Ark. Code Ann. §6-5-405(b)(1)

Sections 15.01 and 15.03 ADE Standards Rules

ADE Rules Governing Superintendent Mentoring Program

Einstein seeks exemption from these portions of the Education Code and the ADE Rules. Einstein plans to employ a Head of School - Arkansas who will serve as the Superintendent and a principal, with an initial student population of 300. Either one of these individuals, or a third party, might also fulfill the superintendent role in addition to their campus leadership position. This would allow Einstein to use its human resources best to enact the programmatic model.

Legal Comments: Applicant has already requested a waiver of the requirements for principals (§ 6-17-302) and for teacher licensure (Section 15.03). Additionally, § 6-5-405 was repealed in 2013, so no waiver is necessary.

***Applicant Response:** We amend our waiver request to remove the unnecessary sections as stated in the ADE's comments.*

Remaining Legal Issues: None

13. Transportation

Ark. Code Ann. §6-19-101 et seq. Transportation

Einstein seeks exemption from this portion of the Education Code. Any transportation services provided to students at Einstein will be independently contracted, and we will rely upon the contractor to meet these requirements.

Legal Comments: Applicant should provide additional information why this waiver is necessary if transportation will be provided that meets these requirements. Additionally, a waiver is not necessary if the Applicant will not be providing a transportation program.

***Applicant Response:** In light of the language contained in Section 8.E of our Application and the commitments previously provided for this waiver, we will withdraw this waiver request.*

Remaining Legal Issues: None

14. Facilities

§6-21-117 Leased Academic Facilities

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Einstein seeks exemption from this portion of the Education Code. Given the limited initial enrollment and lack of operational history, it will not be possible to comply with all rules and regulations within the first year of operation. Einstein will ensure that any and all facilities it leases for academic purposes shall meet the requirements of all state and local health and safety codes, the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

Legal Comments: None

15. Salary Schedules

**Ark. Code Ann. § 6-17-201(c)(2) concerning Classified Employee Compensation
Ark. Code Ann. § 6-17-2203 Classified Employees Minimum Salary Act
Ark. Code Ann. § 6-17-2403 Teacher Compensation Program of 2003
Sections 5, 6, 7, and 8 of the ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites**

Einstein seeks exemption from these sections of the Education Code and the ADE Rules. Einstein will develop competitive but flexible compensation schedules for its employees. Einstein will comply with the website posting requirements contained in the cited ADE Rules, just not in the form required by statute.

Legal Comments: None

16. Commodity Bidding

Ark. Code Ann. § 6-21-304 Manner of Making Purchases

Einstein seeks exemption from this portion of the Education Code. This section of code requires that each instance in which the estimated purchase price shall equal or exceed \$10,000.00. For all purchases between \$10,000.00 and \$50,000.00, Einstein will use either a state approved vendor or obtain a minimum of three quotes unless the item is from a sole source provider. Einstein will obtain bids in each instance in which the estimated purchase price meets or exceeds \$50,000.00 for construction contracts.

Legal Comments: Act 1124 of 2017 raised the limit to \$20,000.

***Applicant Response:** We seek to amend our application and this waiver request to raise the threshold to \$20,000 accordingly.*

Remaining Legal Issues: ADE Legal is uncertain whether Applicant is withdrawing this waiver in light of the limit being raised by Act 1124 of 2017, or if they still plan on requesting this waiver.

NOTE: THIS WAIVER HAS NEVER BEEN GRANTED!

17. Gifted and Talented / ALE

Ark. Code Ann. § 6-20-2208(c)(6)

Ark. Code Ann. § 6-42-101 et. seq.

Section 19.03 of the Standards for Accreditation

Sections 18.01-18.03 of the Rules Governing Gifted and Talented Program Alternative Learning Environment

Section 19.03 ADE Rules Governing Gifted and Talented Program Approval Standards;

Section 4.00 of ADE Rules Governing the Distribution of Students with Special Needs Funds

Einstein seeks exemption from these portions of the Education Code and the Department of Education Rules. In Einstein's programmatic model, the idea that certain students receive instruction in an Alternative Learning Environment (ALE) or based on classification as "gifted and talented" is at odds with our approach of engaging each student in a career preparatory internship of his or her choice. We believe that every child has a gift and should benefit from services of a gifted and talented instruction if the student is interested or administration believes it is that child's best interest.

Legal Comments: Only a waiver of § 6-42-109 is necessary and not the entire section. Also, only a waiver Section 18 of the Standards for Accreditation is necessary. There is no Section 19.03 of the ADE Rules Governing Gifted and Talented, but a waiver of the entire rules is necessary. Waivers of § 6-15-1005(b)(5), § 6-18-503(a)(1)(C)(i), and § 6-48-101 et seq. are necessary in order to effectuate a waiver of ALE. ADE Legal is unsure what the Applicant is requesting with Section 18.01-18.03 of the Rules Governing Gifted and Talented Program Alternative Learning Environment as that is not a rule. However, Section 19.03 of the Standards for Accreditation is necessary.

Applicant Response: *Einstein seeks to modify its request to seek a waiver of only § 6-42-109, § 6-15-1005(b)(5), § 6-18-503(a)(1)(C)(i), and § 6-48-101 et seq and Sections 18 and 19.03 of the ADE Standards for Accreditation Rules.*

Remaining Legal Issues: Applicant will also need a waiver of the entire set of rules ADE Rules Governing Gifted and Talented Program Approval Standards.

18. Library Media & Technology

Ark. Code Ann. §§6-25-103 and 104

Section 16.02.3 of the Standards for Accreditation

Einstein seeks exemption from this portion of the Education Code and ADE Rules. In this section of the code, the hiring of a licensed library media specialist is required. In Einstein, we will utilize online libraries, such as OverDrive or online check-out from local libraries to eReader programs on the student's classroom-ready device. Einstein will also partner with local public

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libraries for student internship opportunities and programmatic partnerships to serve our students and engage them in literacy. The library and media center at Einstein will be served by our technology instructors ensuring our students have online access high quality materials and through partnerships in the community where students use their local library as their school library.

Legal Comments: None

19. Class Size & Teaching Load

Ark. Code Ann. § 6-17-812

Section 10.02 of the Standards for Accreditation

Einstein seeks exemption from this portion of the Department of Education Rules. There are times, in the Einstein model where, larger class sizes are preferred for student learning. For example, students will take online language classes where they will work at differentiated levels on a device, or partner with other classes for PE in a large studio or gym space off-site. We will use such class size and teaching load waivers only on an as-needed basis, with class sizes not exceeding five (50 students above the Standards requirements and daily teaching load not to exceed twenty-five (25) additional students per day. We are also seeking a waiver of Ark. Code Ann. §6-17-812, as teachers will be compensated for any increase in the number of students taught as part of their base compensation.

Legal Comments: Applicant states class sizes will not increase by more than 5, but also lists 50 students above the requirements. Please clarify how many students will class size exceed.

Applicant Response: *General Education for core academic instruction will not increase by more than 5 of the minimum. We seek a waiver for PE courses to include up to 50 students to grade levels attend PE simultaneously for school culture building with a paraprofessional.*

Remaining Legal Issues: None

20. Curriculum

Section 9.03.2 of the Standards for Accreditation

Section 9.03.3 of the Standards for Accreditation

Einstein seeks for a waiver of that requirement in order that curriculum meeting the requirements of the ADE Standards Rules, Arkansas Frameworks and all applicable rubrics may be embedded within other courses to be provided by the charter school. The Applicant ensures that students will receive instruction concerning the required material in the Oral Communications class meeting or exceeding all state curriculum requirements through embedding curriculum within the students' required coursework.

Legal Comments: ADE Legal is unsure whether Applicant only wishes to embed oral

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communications or the entire set of curriculum for K-4 and 5-8 as requested by the section numbers. Applicant should provide clarification. Additionally, waivers are not necessary to embed courses. Applicant should seek course approval for its embedded course(s).

Applicant Response: *Einstein will offer Oral Communications as a separate, stand-alone course in grade 8.*

Remaining Legal Issues: No waiver is necessary as Section 9.03.3.12 of the Standards for Accreditation allows courses taught in grades 5-8 to be offered for high school graduation credit upon approval of the Department.

21. Discipline / Student Policies

Ark. Code Ann. § 6-18-501 et seq. concerning Student Discipline Policies ADE Guidelines for the Development, Review, and Revision of School District Discipline and School Safety Policies

Einstein School seeks exemption from these portions of the Education Code to allow the school the flexibility to adopt its own student discipline policies. All Einstein policies will comply with all state and federal laws and seek to best serve the community of the school, as well as provide due process for students including appeal rights to the Einstein Board when applicable. Einstein seeks to use the most progressive discipline management techniques such as restorative justice and student-body counsels and arbitrators whenever appropriate.

Legal Comments: None

Desegregation Analysis: Fully responsive