



DIVISION OF ELEMENTARY & SECONDARY EDUCATION

Johnny Key
Secretary of Education

In accordance with Executive Orders 20-06 and 20-48 issued by Governor Asa Hutchinson on March 17, 2020, and October 13, 2020, respectively, the following statutes and rules are hereby suspended for the duration of the emergency.

****Updated October 27, 2020****

Code Section Suspended		Effect of Suspending Provision	Related Standard for Accreditation and Rule Suspended	Notes
6-10-126(b)(1) Delay or early release of school	(b) (1) For no more than five (5) school days total per year, a superintendent may, due to emergency circumstances under subsection (a) of this section, either:	Allows districts to have more than 5 school days with an early release or delayed start. These days count as a credited school day.	N/A	
6-13-619(a)(1)(A) and (c)(1)(A) School board meetings	(a) (1) The board of directors of a public school district shall meet: (A) Monthly during the school term; (c) (1)	Allows the Board to have flexibility to meet less often than monthly as needed. Allows virtual participation in the meeting.	N/A	

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	(A) Except as provided under subsection (d) of this section, a board member shall be physically present at a meeting to be counted for purposes of a quorum or to vote.			
6-16-102(a)-(a)(5)(E)(i)(b)(i) and (c) School day	<p>(a)</p> <p>(1) As used in this section, “school day” shall mean a day in which classes are in session and students receive at least six (6) hours of instructional time.</p> <p>(2) Any day in which less than six (6) hours of instructional time are provided to students shall be counted as one-half (½) of a school day if at least three (3) hours of instructional time are provided to students.</p> <p>(3) Any day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day.</p> <p>(4) A school district may include as part of the school day the</p>	<p>Allows districts flexibility to have school days that have less than 6 hours of instructional time. Allows flexibility for districts in providing recess for students in virtual settings.</p> <p>The recess waivers apply only on days, or portions of days, when technology-based approaches are the primary instructional delivery, for specific groups of students that are receiving their instruction primarily through technology-based approaches, or for staff providing instruction</p>	Standard for Accreditation 1-A.4.2	<p>Except where otherwise allowed by law, each public school shall provide a planned instructional day that averages no less than six (6) hours per day or thirty (30) hours per week. Any day in which fewer than six (6) hours of instructional time is provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time is provided to students. Any day in which fewer than three (3) hours of instructional time is provided to students shall not be counted as part of a school day.</p>

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	<p>travel time between public schools or other educational programs of those students attending classes or programs authorized by law.</p> <p>(5)</p> <p>(A) At least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.</p> <p>(B) Recess shall:</p> <p>(i) Consist of supervised, unstructured social time during which public school students may communicate with each other;</p> <p>(ii) Occur outdoors when weather and other relevant conditions permit; and</p> <p>(iii) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs indoors or outdoors.</p>	<p>primarily through technology-based approaches, or if necessary to implement ADH requirements or guidelines.</p>	<p>Standard 1-A.4.3</p> <p>Section 7.11 of DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols for Arkansas Public Schools</p>	<p>At least forty (40) minutes of instructional time per school day shall be used for recess for students attending public elementary schools, in accordance with the Division's nutrition and physical activity standards.</p> <p>At least forty (40) minutes of instructional time per school day shall be used for recess for students attending public elementary schools:</p> <p>7.11.1 For purposes of Section 7.11, "elementary school" means the educational model consistent with instructional grouping and scheduling used in Grades Kindergarten</p>

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	<p>(C) The remaining instructional hours required under this section shall be distributed across academic content areas as determined by a public school district's board of directors.</p> <p>(D) A public school principal may use discretion to adjust recess time required under this section due to special circumstances or programs that interrupt a regular school day.</p> <p>(E)</p> <p>(i) A public elementary school may seek a waiver from the requirements under this subdivision (a)(5) if the public elementary school:</p> <p>(a) Submits to the Division of Elementary and Secondary Education for approval an alternative plan for recess that:</p> <p>(I) Exceeds the required minimum amount of minutes combined for physical activity under § 6-16-132 and recess under this section; and</p>			<p>through Four (K-4), but may include Grades Five through Six (5-6).</p> <p>7.11.2 Minutes provided under Section 7.11 may count towards the minimum number of minutes required for physical activity by Ark. Code Ann. § 6- 16-132 and Section 7.01.1.2 of these Rules.</p> <p>7.11.3 Minutes provided under Section 7.11 shall not count towards the minimum physical education requirements under Section 7.01.1.1.</p> <p>7.11.2 A public elementary school may seek a waiver from the requirements of Section 7.11 only if the school:</p> <p>7.11.2.1 Submits to the Division for approval of an</p>

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	<p>(2) Provides for both structured and unstructured social time; or</p> <p>(b) Is approved by the division to operate as a virtual school.</p> <p>(c) A school district is deemed to have fulfilled the requirements of subsection (a) of this section if the planned instructional time in each school day does not average less than six (6) hours each day or thirty (30) hours each week.</p>			<p>alternative plan for recess that meeting the following criteria:</p> <p>7.11.2.1.1</p> <p>7.11.2.1.2</p> <p>Exceeds the required minimum amount of minutes combined for physical activity under Ark. Code Ann. § 6-16-132, and Section 7.00 of these Rules, and recess under Ark. Code Ann. § 6-16-102(a)(5), and Section 7.11 of these Rules; and</p> <p>Provides for both structured and unstructured social time; or</p> <p>7.11.2.2 Is approved by the Division to operate as a virtual school.</p>

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6-16-143	(a) Beginning with the 2014-2015 school year, a public school student in grades nine through twelve (9-12) shall be trained in quality psychomotor skill bases in cardiopulmonary resuscitation before the student graduates from high school.		N/A	
6-17-211 Personal leave	(a) As used in this section: (1) "Personal leave" means absence for illness, annual leave, or other personal leave as defined by the personnel policies of a school district or an education service cooperative; and (2) "School functions" means: (A) Athletic or academic events related to a public school district; and (B) Meetings and conferences related to education.	Exempts districts from requiring employees to use personal leave or leave without pay when they must work from home.	N/A	

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	<p>(b) Each school district and education service cooperative shall establish in its personnel policies guidelines requiring an administrator or an employee of a public school district to use personal leave or leave without pay when away from the school premises for reasons other than attendance at school functions that occur away from the school premises.</p>			
<p>6-17-2805 Summative evaluations</p>	<p>(a) At least one (1) time every four (4) school years, a public school shall conduct a summative evaluation for each teacher who is not a novice teacher.</p> <p>(b) The evaluation framework for a summative evaluation for a classroom teacher shall include without limitation:</p> <p>(1) The following teacher evaluation domains:</p> <p>(A) Planning and preparation;</p> <p>(B) Classroom environment;</p>	<p>Professional Growth plans and informal observations for teacher support and development are still required.</p> <p>Districts may still complete summative evaluations.</p> <p>Districts should still complete summative evaluations for the following purposes:</p>	<p>ADE Rules Governing Educator Support and Development, Sections 6.01 through 6.05.1, and 7.01 through 7.03</p>	<p>See Rule</p>

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	<p>(C) Instruction; and (D) Professional responsibilities; and (2) An evaluation rubric using nationally accepted components that consists of at least four (4) performance ratings. (c) A summative evaluation shall: (1) Result in a written evaluation determination for the teacher's performance on all evaluation domains as a whole; (2) Use the evaluation framework and evaluation rubric appropriate to the teacher's role; (3) (A) Use multiple sources of evidence of the teacher's professional practice including direct observation, indirect observation, artifacts, and data. (B) Subdivision (c)(3)(A) of this section does not require that every component of the domains be evidenced by artifacts when observation or data is used.</p>	<p>-Teachers seeking a Master or Lead teacher designation -If necessary for entry into an education preparation program or teaching pathway -Admission into an Ed Leadership Program (there are new entry requirements) -If needed for employment decisions, particularly for teachers who have been in an intensive support status</p>		

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	<p>(C) A school or school district may adopt policies to:</p> <ul style="list-style-type: none"> (i) Incorporate peer observations and student feedback that contribute to the summative rating; and (ii) Substitute for the whole or any part of the summative evaluation any part of a teacher's work completed for the certification or renewal of a certification from the National Board for Professional Teaching Standards; <p>(4) Include presentations of evidence chosen by the teacher, the evaluator, or both;</p> <p>(5) Provide an opportunity for the evaluator and teacher to discuss the review of evidence used in the evaluation; and</p> <p>(6) Provide feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning.</p>			

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	(d) At the conclusion of a summative evaluation, a public school shall assign the teacher being evaluated an overall performance rating.			
6-18-213(b) Attendance records	(b) (1) The official reporting period for attendance shall be quarterly with the actual number of days counted in each period to be no less than forty (40) nor more than fifty (50). (2) A waiver of this subsection may be granted by the division upon petition by a school district.	Allows districts flexibility in their school calendar.		
6-13-619(c)(3) and (d)(1), (3) and (4) School board meetings (physical presence provision only in (c)(3))	(c)(3) A quorum of the board of directors must be <u>physically</u> present for the board of directors to enter an executive session. (d)(1) The board of directors may adopt a policy permitting a member of the board of directors	Permits a quorum to be established through remote attendance. A quorum is still required.		

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	<p>who is unable to be physically present at a meeting to attend the meeting remotely.</p> <p>(d)(3) A member of the board of directors attending remotely shall not:</p> <p>(A) Attend an executive session or closed hearing remotely; or</p> <p>(B)</p> <p>(i) Vote on an issue that is the subject of an executive session or closed hearing.</p> <p>(ii) A board member's inability to vote on an item discussed in executive session shall be treated the same as if the board member had left the room under subdivision (c)(1)(E) of this section.</p> <p>(4)</p> <p>(A) Up to three (3) times per calendar year the board of directors may count a board member attending remotely for the purpose of establishing a quorum.</p>	<p>Permits members to attend an executive session remotely, and vote remotely.</p> <p>Board president must be able to verify identity of remote attendees. All members and public in attendance must be able to hear all members attending remotely, and public comment if allowed.</p> <p>Removes numerical limit on counting remote attendance to establish a quorum.</p>		

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	<p>(B) A board member attending remotely that is used to establish a quorum under subdivision (d)(4)(A) of this section shall not be counted to determine if the board may enter executive session under subdivision (c)(3) of this section.</p>			
		<p>Schools may use teachers proficient in ASL, but who are not licensed by the ADH, to communicate with parents/guardians and students when necessary.</p>	<p>Arkansas Standards for Educational Interpreters and Transliterators, Minimum Standards</p>	<p>(I) Must hold a valid interpreter’s license issued by the Arkansas Department of Health (ADH);</p> <p>(II) Must have a high school diploma or equivalent; and</p> <p>(III) (a.) 3.0 on the Educational Interpreter Performance Assessment (EIPA), or (b.) Quality Assurance Screening Test (QAST) 3/3 (transliterating /interpreting).</p>
<p>6-10-106 (c)(2) School year</p>	<p>(2) Provided, upon approval of the division, this date may be</p>	<p>Allows districts to use Memorial Day as a</p>		

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	used as a make-up day in any school district which has unavoidably lost more than five (5) scheduled days of student attendance during the course of the school year due to contagious disease outbreaks, inclement weather, or other acts of God.	make-up day in order to meet the 178-day requirement, without obtaining DESE approval.		
		Allows a district the discretion to count new professional development, beginning May 1, 2020, for the 20-21 school year PD requirements while still operating under the current school year (2019-2020) contract days.	ADE Rules Governing Professional Development , Sec. 4.02	4.02 The annual professional development requirement must be fulfilled between July 1 and June 30 unless the employing school district approves and documents the professional development year as between June 1 and May 31.