

Summary of Process for LEAs to request waivers necessary to implement the Arkansas Ready for Learning Model

To continue the flexibility LEAs need in order to respond to the COVID-19 emergency, to plan for re-entry to onsite instruction, and to have flexibility to implement blended learning systems, the DESE proposes the following:

- I. An expedited and streamlined Act 1240 waiver process for LEAs that choose to implement the Arkansas Ready for Learning Model for school year 2020-2021:
 - LEAs must submit a signed Assurance and Application, no later than June 26, 2020, requesting the waivers described below and agreeing to all requirements listed in the Assurance, including submission of its District Support Plan no later than September 1, 2020.
 - All Assurances and Applications will be presented to the State Board at a special meeting on June 29, 2020, for approval of the waivers requested.
 - All waivers granted are subject to review, modification, and revocation, by the State Board.

- II. The following waivers will be requested by each applicant through submission of the Assurance and Application:
 - Ark. Code Ann. 6-17-117 (*Noninstructional duties - only for the purpose of implementing ADH requirements and guidelines regarding health and safety*)
 - Ark. Code Ann. 6-17-204(b) (*Teacher contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model*)
 - Ark. Code Ann. 6-17-205(b)(2) (*Teacher contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model*)
 - Ark. Code Ann. 6-17-2304(b) (*Classified employee policies – only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model*)
 - Ark. Code Ann. 6-17-2305(c)(2) (*Classified employee policies – only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model*)

The following 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 primarily through technology-based approaches, or if necessary to implement ADH requirements or guidelines:

- Ark. Code Ann. 6-16-102(a)(1) through (a)(5)(E)(i)(b), and (c) (*School Day*)

- Standard for Accreditation 1-A.4.2 and 1-A.4.3 (*School Day*)
 - Ark. Code Ann. 6-17-111(a) (*Duty-free lunch*)
 - Ark. Code Ann. 6-17-114 (*Planning time*)
 - Ark. Code Ann. 6-17-211 (*Employee leave*)
 - Ark. Code Ann. 6-17-812(a)(2) (*Class size*)
 - DESE Rules Governing Class Size and Teaching Load, Sec. 3.00 and 4.01 through 4.03
 - DESE Rules Governing Student Special Needs Funding, Sec. 4.03.2 through 4.03.2.2.1
 - DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, Sec. 7.10.1 and 7.10.2
 - Standard for Accreditation 1-A.5
 - See **Table 1** below for explanation of waivers with text of statutes, rules, and standards for accreditation.
- III. On or before September 1, 2020, the LEA must post its District Support Plan including all required information on the district website and email the URL to DESE. The DESE team will review each participating LEA’s District Support Plan for implementation of the Arkansas Ready for Learning Model including components set forth in the Assurance and Application. Any LEA found not to be adhering to all assurances and requirements may be referred to the State Board for review, and possible modification or revocation of waivers.

Table 1

Statute/Rules/Standard		Effect of Waiver
<p>Ark. Code Ann. 6-17-117 (<i>Noninstructional duties - only for the purpose of implementing ADH requirements or guidelines regarding health and safety</i>)</p>	<p>(a)(1) The purpose of this section is to provide additional time for instructional purposes and to reduce the amount of time for noninstructional duties. (2) Any teacher assigned more than sixty (60) minutes of noninstructional duties per week shall be contracted in accordance with § 6-17-807(g). (b) As used in this section: (1) “Noninstructional duties” means the supervision of students before or after the instructional day begins or ends for students or for the supervision of students during breakfasts, lunches, or scheduled breaks; and (2) “Instructional purposes” means activities initiated by the teacher related to teaching duties, including without limitation contacting parents, assessing student performance, documenting student performance, organizing the classroom, preparing instructional materials, supervising students during recess, and other teaching responsibilities related to instructional planning and the direct instruction of students.</p>	<p>Teachers may be assigned noninstructional duties during the school day for more than sixty (60) minutes per week, without additional compensation, if necessary to implement ADH requirements or guidelines.</p>
<p>Ark. Code Ann. 6-17-204 (b) (<i>Teacher contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model</i>)</p>	<p>(b)(1) Any changes or additions to the personnel policies shall not be considered a part of licensed personnel contracts until the next fiscal year. (2)(A) Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of the licensed personnel employed by the school district voting by secret ballot. (B) The voting and counting shall be conducted by the personnel policy committee. (3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.</p>	<p>Changes to policies adopted on or after July 1, 2020, for the purpose of implementing the Arkansas Ready for Learning Model shall take effect for the 2020-2021 school year, and are not required to be approved by a majority of licensed personnel.</p>
<p>Ark. Code Ann. 6-17-205 (b)(2) (<i>Teacher contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model</i>)</p>	<p>(b)(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.</p>	<p>Changes to policies adopted on or after July 1, 2020, for the purpose of implementing the Arkansas Ready for Learning Model shall take effect for the 2020-2021 school year, and are not required to be submitted to the personnel policy committee before the board votes.</p>

<p>Ark. Code Ann. 6-17-2304 (b) <i>(Classified employee contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model)</i></p>	<p>(b)(1) Any change or addition to the classified personnel policies shall not be considered a part of classified employee contracts until the next fiscal year. (2)(A) Any change or addition to the classified personnel policies may take effect before the next fiscal year only if the change or addition is approved by a majority of the classified employees employed by the school district voting by secret ballot. (B) The voting and counting of ballots shall be conducted by the classified personnel policy committee. (3) Any change or addition to the classified personnel policies or new personnel policies shall be made in accordance with this subchapter.</p>	<p>Changes to policies adopted on or after July 1, 2020, for the purpose of implementing the Arkansas Ready for Learning Model shall take effect for the 2020-2021 school year, and are not required to be approved by a majority of classified employees.</p>
<p>Ark. Code Ann. 6-17-2305 (c)(2) <i>(Classified employee contracts - only for the purpose of adopting model policies necessary to implement the Arkansas Ready for Learning Model)</i></p>	<p>(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.</p>	<p>Changes to policies adopted on or after July 1, 2020, for the purpose of implementing the Arkansas Ready for Learning Model shall take effect for the 2020-2021 school year, and are not required to be submitted to the personnel policy committee before the board votes.</p>
<p>The following 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 primarily through technology-based approaches, or if necessary to implement ADH requirements or guidelines:</p>		
<p>Ark. Code Ann. 6-16-102 (a)(1) through (a)(5)(E)(i)(b), and (c) <i>(School Day)</i></p>	<p>(a)(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. (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. (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. (4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law. (5)(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. (B) Recess shall:</p>	<p>Districts are not required to provide a school day that averages six (6) hours per day or thirty (30) hours per week on days, or portions of days, when technology-based approaches are the primary instructional delivery or for specific groups of students that are receiving their instruction primarily through technology-based approaches.</p> <p>Districts are not required to provide forty (40) minutes of recess on days, or portions of days, when technology-based approaches are the primary instructional delivery or for specific groups of students that</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>(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)(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>(1) Exceeds the required minimum amount of minutes combined for physical activity under § 6-16-132 and recess under this section; and</p> <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>are receiving their instruction primarily through technology-based approaches.</p>
<p>Standard for Accreditation 1-A.4.2 and 1-A.4.3 (<i>School Day</i>)</p>	<p>1-A.4.2 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> <p>1-A.4.3 At least forty (40) minutes of instructional time per school day shall be used for recess for students attending public elementary schools, in accordance</p>	<p>Districts are not required to provide a school day that averages six (6) hours per day or thirty (30) hours per week on days, or portions of days, when technology-based approaches are the primary instructional delivery or for specific groups of students that are receiving their instruction primarily through technology-based approaches.</p> <p>Districts are not required to provide forty (40) minutes of recess on days, or portions of</p>

	with the Division's nutrition and physical activity standards.	days, when technology-based approaches are the primary instructional delivery or for specific groups of students that are receiving their instruction primarily through technology-based approaches.
Ark. Code Ann. 6-17-111 (a) <i>(Duty-free lunch)</i>	(a)(1) Each school district in this state shall provide at least a thirty-minute uninterrupted duty-free lunch period during each student instructional day for each licensed school employee in its employment. (2) Any teacher not receiving a duty-free lunch period during each student instructional day as provided in subdivision (a)(1) of this section shall be compensated at his or her hourly rate of pay for each missed lunch period. (3) [Repealed.]	Districts are not required to provide a 30-minute duty-free lunch to licensed employees providing instruction virtually from an offsite location, or performing other duties as directed away from school premises, or when necessary to implement ADH requirements or guidelines, nor to compensate those employees for not receiving a duty-free lunch.
Ark. Code Ann. 6-17-114 <i>(Planning time)</i>	(a)(1) Effective beginning the 2003-2004 school year, each school district in this state shall provide a minimum of two hundred (200) minutes each week for each teacher to schedule time for conferences, instructional planning, and preparation for all classroom teachers employed by the school district. (2)(A) The planning time shall be in increments of no less than forty (40) minutes during the student instructional day unless a teacher submits a written request to be allowed to have his or her planning time scheduled at some time other than during the student instructional day. (B) A teacher who does not receive the planning time required under subdivision (a)(2)(A) of this section during the student instructional day shall be compensated at his or her hourly rate of pay for each missed planning period except for planning periods missed because of occasional, not-regularly-scheduled field trips, fire drills, or bomb scares. (C) [Repealed.] (b)(1) No school district shall provide planning time as required by this section by lengthening the school day unless the school district compensates teachers for the additional time at an hourly per diem rate. (2) Any teacher not receiving individual planning time as provided for in this section shall be compensated for the planning time lost at his or her hourly rate of pay.	Districts are not required to provide 200 minutes of planning time weekly to teachers providing instruction virtually from an offsite location, or performing other duties as directed away from school premises, or when necessary to implement ADH requirements or guidelines, nor to compensate teachers for not receiving planning time.

	<p>(c) Each school district shall implement the requirements of this section in accordance with § 6-17-201 et seq.</p> <p>(d) As used in this section, “student instructional day” means the time that students are required to be present at school.</p>	
<p>Ark. Code Ann. 6-17-211 <i>(Employee leave)</i></p>	<p>(a) As used in this section:</p> <p>(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</p> <p>(2) “School functions” means:</p> <p>(A) Athletic or academic events related to a public school district; and</p> <p>(B) Meetings and conferences related to education.</p> <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>Employees providing instruction virtually from an offsite location, or performing other duties as directed away from school premises, should not be required to use leave.</p>
<p>Ark. Code Ann. 6-17-812 <i>(a)(2) (Class size)</i></p>	<p>(a)(2) However, a teacher shall not exceed the maximum class size permitted under the Standards for Accreditation of Arkansas Public Schools and School Districts.</p>	<p>If a teacher in grades five through twelve (5-12) agrees to teach more than the maximum teaching load set forth in the Standards for Accreditation and rules, the maximum class size may be exceeded.</p>
<p>DESE Rules Governing Class Size and Teaching Load, Sec. 3.00</p>	<p>3.01 Subject to any exceptions in Section 3.02, each school district and open-enrollment charter school shall comply with the following class sizes:</p> <p>3.01.1 For Kindergarten (K), there shall be no more than twenty (20) students per teacher in any classroom. However, the kindergarten class maximum may be no more than twenty-two (22) with a one half-time instructional aide being employed for those classes.</p> <p>3.01.2 For Grades One through Three (1-3), the average student/teacher ratio in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.</p> <p>3.01.3 Grade Four (4), the average student/teacher ratio in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There</p>	<p>Districts may exceed class size maximums 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 primarily through technology-based approaches.</p> <p>K – 20:1; 22 with ½-time aide</p> <p>1-3 – 25:1</p> <p>4 – 28:1</p>

	<p>shall be no more than twenty-eight (28) students per teacher in any classroom.</p> <p>3.01.4 For Grades Five through Six (5-6), except for those courses that lend themselves to large group instruction, the average student/teacher ratio in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.</p> <p>3.01.5 For Grades Seven through Twelve (7-12), except for those courses that lend themselves to large group instruction, individual classes shall not exceed thirty (30) students.</p> <p>3.02 Exceptions</p> <p>3.02.1 Physical Education Instruction in Grades Kindergarten Through Six (K-6): Physical education classes will have a maximum student to adult ratio of thirty to one (30:1). Non-licensed personnel may assist in filling the thirty to one (30:1) student to adult ratio requirement if they are trained and assigned to assist licensed personnel in supervising physical education classes.</p>	<p>5-6 – 28:1</p> <p>7-12 – 30:1</p> <p>K-6 PE – 30:1</p>
<p>DESE Rules Governing Student Special Needs Funding, Sec. 4.03.2 through 4.03.2.2.1</p>	<p>4.03.2 Every classroom in an ALE program shall maintain student/teacher ratios as follows:</p> <p>4.03.2.1 For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1).</p> <p>4.03.2.2 For grades seven through twelve (7-12), no more than fifteen (15) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) to one (1).</p> <p>4.03.2.2.1 For physical education courses that lend themselves to large group instruction, this ratio may be increased up to thirty (30) students to one (1) teacher when a paraprofessional is employed in addition to a licensed teacher.</p>	<p>ALE:</p> <p>K-6 – 10:1; 12 with para</p> <p>7-12 – 15:1; 18 with para; 30 with para if PE</p>
<p>DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, Sec. 7.10.1 and 7.10.2</p>	<p>7.10.1 At least one of the adults directly supervising the physical education classes must be a licensed physical education teacher or, alternatively, a licensed elementary teacher. The licensed physical education teacher or licensed elementary teacher will be responsible for the delivery of physical education instruction. A licensed physical education teacher will be responsible for development of the physical education curriculum.</p> <p>7.10.2 Non-licensed personnel may assist in filling the thirty to one (30:1) student to</p>	<p>K-6 PE – 30:1</p>

	adult ratio requirement if they are trained and assigned to assist licensed personnel in supervising physical education classes.	
Standard for Accreditation 1-A.5	1-A.5 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Department regarding class size and teaching load.	Districts are not required to comply with the provisions of laws and rules regarding class size waived as specified above.