

BRINKLEY SCHOOL DISTRICT

PAVING THE WAY FOR EVERY CHILD'S SUCCESS

2021-2022

STUDENT POLICIES

4.1-RESIDENCE REQUIREMENTS

Definitions

"In loco parentis" means relating to the responsibility to undertake the care and control of another person in the absence of:

1. Supervision by the person's parent or legal guardian: and
2. Formal legal approval.

"Reside" means to be physically present and to maintain a permanent place of abode for an average of no fewer than four (4) calendar days and nights per week for a primary purpose other than school attendance.

"Resident" means a student whose parents, legal guardians, persons having ~~legal~~, lawful control of the student ~~under order of court~~, or persons standing in loco parentis reside in the school district.

"Residential address" means the physical location where the student's parents, legal guardians, persons having ~~legal~~, lawful control of the student ~~under order of a court~~, or persons standing in loco parentis reside. A student may use the residential address of a parent, legal guardian, person having ~~legal~~; lawful control of the student ~~under order of a court~~, or person standing in loco parentis only if the student resides at the same residential address and if the guardianship or other legal authority is not granted solely for educational needs or school attendance purposes.

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty-one (21) years whose parents, legal guardians, or other persons having lawful control of the ~~person under an order of a court~~ student, or person standing in loco parentis reside within the District¹ and to all persons between those ages who have been legally transferred to the District for educational purposes.

Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parents or guardians ~~parent~~ legal guardian, person having lawful control of the student or a person standing in loco parentis for school attendance purposes.

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District's schools separate and apart from his or her ~~parents, guardians, or other persons having lawful control of him or her under an order of a court~~, the person must actually parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis. the student is required to reside in the District for a primary purpose other than that of school attendance. However, a student previously enrolled in the district who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools.² A foster child who was previously enrolled in a District school and who has had a change in placement to a residence outside the District, may continue to remain enrolled in his/her current school unless the presiding court rules otherwise.³

Under instances prescribed in A.C.A. § 6-18-203, a child or ward of an employee of the district or of the education coop to which the district belongs may enroll in the district even though the employee and his/her child or ward reside outside the district.⁴

Children whose parent or legal guardian relocates within the state due to a mobilization, deployment, or available military housing while on active duty in or serving in the reserve component of a branch of the United States Armed Forces or National Guard may continue attending school in the school district the children were attending prior to the relocation or attend school in the school district where the children have relocated. A child may complete all remaining school years at the enrolled school district regardless of mobilization, deployment, or military status of the parent or guardian.

Notes: ¹ Residency requirements of homeless students is governed by policy 4.40---HOMELESS STUDENTS. Residency requirements governing foster children are governed by policy 4.52--STUDENTS WHO ARE FOSTER CHILDREN

² The Interstate Compact on Educational Opportunity for Military Children is the source for this sentence. It is codified at A.C.A § 6-4-302 and 6-18-107.

³ This is a provision of A.C.A § 9-28-113(a) and (b).

⁴ Rather than duplicate the law on the attendance of children of employees who reside outside of the district into the policy which would make for a long policy affecting a relatively small number of students, we suggest you consult A.C.A § 6-18-203 and have a copy handy for affected employees or potential employees.

Cross References: Policy 4.40---HOMELESS STUDENTS
 Policy 4.52--STUDENTS WHO ARE FOSTER CHILDREN

Legal References: A.C.A § 6-4-302
 A.C.A § 6-18-107
 A.C.A § 6-18-202
 A.C.A § 6-18-203
 A.C.A § 9-28-113

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Last Revised: May 2017

4.2-ENTRANCE REQUIREMENTS

To enroll in a school in the District, the child must be a resident of the District as defined in District policy (4.1- RESIDENCE REQUIREMENTS), meet the criteria outlined in policy 4.40-HOMELESS STUDENTS or in policy 4.52-STUDENTS WHO ARE FOSTER CHILDREN, be accepted as a transfer student under the provisions of policy 4.4, or participate under a school choice option and submit the required paperwork as required by the choice option under Policy 4.5.

Students may enter kindergarten if they will attain the age of five (5) on or before August 1 of the year in which they are seeking initial enrollment. Any student who has been enrolled in a state-accredited or state-approved kindergarten program in another state for at least sixty (60) days, will become five (5) years old during the year in which he/she is enrolled in kindergarten, and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon written request to the District. Any student who was enrolled in a state-accredited or state-approved kindergarten program in another state or in a kindergarten program equivalent in another country, becomes a resident of this state as a direct result of active military orders or a court-ordered change of custody, will become five (5) years of age during the year in which he or she is enrolled in kindergarten, and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon a written request to the District.

Any child who will be six (6) years of age on or before October 1 of the school year of enrollment and who has not completed a state-accredited kindergarten program shall be evaluated by the district and may be placed in the first grade if the results of the evaluation justify placement in the first grade and the child's parent or legal guardian agrees with placement in the first grade; otherwise the child shall be placed in kindergarten.

Any child may enter first grade in a District school if the child will attain the age of six (6) years during the school year in which the child is seeking enrollment and the child has successfully completed a kindergarten program in a public school in Arkansas.

Any child who has been enrolled in the first grade in a state-accredited or state-approved elementary school in another state for a period of at least sixty (60) days, who will become age six (6) years during the school year in which he/she is enrolled in grade one (1), and who meets the basic residency requirements for school attendance may be enrolled in the first grade.

Students who move into the District from an accredited school shall be assigned to the same grade as they were attending in their previous school (mid-year transfers) or as they would have been assigned in their previous school. Private school students shall be evaluated by the District to determine their appropriate grade placement. Home school students enrolling or re-enrolling as a public school student shall be placed in accordance with policy 4.6---HOME SCHOOLING.

The district shall make no attempt to ascertain the immigration status, legal or illegal, of any student or his/her parent or legal guardian presenting for enrollment.¹

Prior to the child's admission to a District school²:

1. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall furnish the child's social security number, or if they request, the district will assign the child a nine (9) digit number designated by the Division of Elementary and Secondary education.
2. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis - shall provide the district with one (1) of the following documents indicating the child's age:
 - a. A birth certificate;
 - b. A statement by the local registrar or a county recorder certifying the child's date of birth;
 - c. An attested baptismal certificate;
 - d. A passport;
 - e. An affidavit of the date and place of birth by the child's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis;
 - f. United States military identification; or
 - g. Previous school records.
3. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.³
4. In accordance with Policy 4.57-IMMUNIZATIONS, the child shall be age appropriately immunized or have an exemption issued by the Arkansas Department of Health.

Uniformed Services Member's Children

For the purposes of this policy:

"Activated reserve components" means members of the reserve component of the uniformed services who have received a notice of intent to deploy or mobilize under Title 10 of the United States Code, Title 32 of the United States Code, or state mobilization to active duty.

"Active duty"⁴ means full-time duty status in the active, uniformed services of the United States, including without limitation members of The National Guard and Reserve on active duty orders under 10 U.S.C. §§ 1209, 1210, and 1211.

"Deployment" means a period of time extending from six (6) months before a member of the uniformed services' departure from their home station on military orders through six (6) months after return to his or her home station.

"Eligible child" means the children of:

- Active duty members of the uniformed services;
- Members of the active and activated reserve components of the uniformed services;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

"Uniformed services"⁴ means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies.

"Veteran" means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

The superintendent shall designate an individual as the District's military education coordinator, who shall serve as the primary point of contact for an eligible child and for the eligible child's parent, legal guardian, person having lawful control of the eligible child, or person standing in loco parentis. The individual the superintendent designates as the District's military education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.⁵

An eligible child as defined in this policy shall:

1. Be allowed to continue his/her enrollment at the grade level commensurate with his/her grade level he/she was in at the time of transition from his/her previous school, regardless of age;
2. Be eligible for enrollment in the next highest grade level, regardless of age if the student has satisfactorily completed the prerequisite grade level in his/her previous school;
3. Enter the District's school on the validated level from his/her previous accredited school when transferring into the District after the start of the school year;
4. Be enrolled in courses and programs the same as or similar to the ones the student was enrolled in his/her previous school to the extent that space is available. This does not prohibit the District

from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses/and/or programs;

5. Be provided services comparable to those the student with disabilities received in his/her previous school based on his/her previous Individualized Education Program (IEP). This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
6. Make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, necessary to provide the student with equal access to education. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
7. Be enrolled by an individual who has been given the special power of attorney for the student's guardianship. The individual shall have the power to take all other actions requiring parental participation and/or consent;
8. Be eligible to continue attending District schools if he/she has been placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty.

In the event that official copies of an eligible child's education records are not available at the time the eligible child is transferring, then the District shall:

- o Pre-register and place an eligible child based on the eligible child's unofficial education records pending receipt of the eligible child's official records; and
- o Request the eligible child's official education records from the sending district.

Notes: ¹ The US Supreme Court has held that public schools may not use immigration status as a criterion for admitting and educating students.

² A.C.A § 9-28-113 requires schools to "immediately" enroll foster children whether or not they produce "required clothing or required records" noted in #2. and #4. ASBA does not believe this means schools are required to admit students currently under expulsion from their previous school. See policies 4.4 and 4.5.

³ A.C.A § 6-18-510 requires that districts adopt this policy language, or similar, AND provide a hearing before the board for the student seeking to enroll in the district while currently serving an expulsion from another district in order for the district to exclude the student until the expiration of the student's expulsion. Districts who do not include this policy language, or similar, AND provide the hearing before the board may NOT prohibit the enrollment of a student who is currently serving an expulsion from another district.

⁴ A.C.A§ 6-4-302 and 6-18-107 define both "unifomed services" and "active duty." Consult the statutes to determine if the student wishing to enroll in your district qualifies under the definitions.

⁵ While A.C.A 6-4-309 only makes this a requirement for districts with at least twenty (20) children of military families enrolled or an average daily membership of three thousand (3,000) students, the language is recommended for all districts.

Cross References: 4.1-RESIDENCE REQUIREMENTS
4.4--STUDENT TRANSFERS
4.5-SCHOOL CHOICE
4.6-HOME SCHOOLING

4.34--COMMUNICABLE DISEASES AND PARASITES
4.40-HOMELESS STUDENTS
4.52-STUDENTS WHO ARE FOSTER CHILDREN
4.57-IMMUNIZATIONS

Legal References: A.C.A § 6-4-302
A.C.A§ 6-4-309
A.C.A§ 6-15-504
A.C.A § 6-18-107
A.C.A § 6-18-201 (c)
A.C.A § 6-18-207
A.C.A § 6-18-208
A.C.A § 6-18-510
A.C.A.§ 6-18-702
A.C.A § 9-28-113

DESE Rules Governing Student Discipline and School Safety
Plyler v Doe 457 US 202,221 (1982)

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Last Revised: May 15, 2017; July 22, 2019

4.3---COMPULSORY ATTENDANCE REQUIREMENTS

Every parent, guardian, or other person having custody or charge of any child age five (5) through seventeen (17) years on or before August 1 of that year who resides, as defined by policy (4.1-RESIDENCE REQUIREMENTS), within the District shall enroll and send the child to a District school with the following exceptions.

1. The child is enrolled in private or parochial school.
2. The child is being home-schooled and the conditions of policy (4.6--HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 1 of that particular school year and the parent, guardian, or other person having custody or charge of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Department of Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A § 6-18-201 (b).

Legal Reference: AC.A.§ 6-18-201
 AC.A § 6-18-207

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4.4-STUDENT TRANSFERS

The Brinkley District shall review and accept or reject requests for transfers, both into and out of the district, on a case by case basis at the July and December regularly scheduled board meetings.¹

The District may reject a nonresident's application for admission if its acceptance would necessitate the addition of staff or classrooms, exceed the capacity of a program, class, grade level, or school building, or cause the District to provide educational services not currently provided in the affected school.² The District shall reject applications that would cause it to be out of compliance with applicable laws and regulations regarding desegregation.

Any student transferring from a school accredited by the ~~Department of~~ Division of Elementary and Secondary Education (DESE) to a school in this district shall be placed into the same grade the student would have been in had the student remained at the former school. Any grades, course credits, and/or promotions received by a student while enrolled in the Division of Youth Services system of education shall be considered transferable in the same manner as those grades, course credits, and promotions from other accredited Arkansas public educational entities.

Any student transferring from a school that is not accredited by the ~~Department of Education~~ DESE to a District school shall be evaluated by District staff to determine the student's appropriate grade placement. A student transferring from home school will be placed in accordance with Policy 4.6-HOME SCHOOLING.

~~The Board of Education reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another district to enroll as a student until the time of the person's expulsion has expired.~~

Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.³

Except as otherwise required or permitted by law²⁴ the responsibility for transportation of any nonresident student admitted to a school in this District shall be borne by the student or the student's parents. The District and the resident district may enter into a written agreement with the student or student's parents to provide transportation to or from the District, or both.

Notes: ¹ You may choose not to adopt this additional language and accept transfers on a continuing basis. Consult AC.A. § 6-18-317 for restrictions on transfers where either the resident or the receiving district is under a desegregation related court order.

² Your application of "capacity" should be consistent in order to avoid potential exposure to liability for unlawful discrimination against ~~disabled person's~~ individuals with disabilities. For example, you should not choose to accept a student who requires no special services, but would require you to add an additional elementary teacher, but refuse to accept a ~~handicapped~~ student with a disability because it would require you to add an additional special education teacher. You may refuse to accept the transfer of a ~~handicapped~~ student with a disability whose acceptance would necessitate the hiring of an aide, interpreter, or other additional staff member.

³ A.C.A § 6-18-51.0 requires that districts adopt this policy language or similar **AND** provide a hearing before the board for the student seeking to enroll in the district while currently serving an expulsion from another district in order for the district to exclude the student until the expiration of the student's expulsion Districts who do not include this policy language. or similar, **AND** provide the hearing before the board may **NOT** prohibit the enrollment of a student who is currently serving an expulsion from another district.

³⁴ A.C.A § 9-28-113(b)(4) encourages districts to arrange for transportation for foster children who have had a change in placement to a new school, but have been kept in their previous school by a DHS or court ruling. The statute's language would permit the change in placement to be in a different district and the policy language would allow the district to arrange for the transportation at district expense.

Cross Reference: 4.6-HOME SCHOOLING

Legal References: A.C.A § 6-15-504
A.C.A § 6-18-316
A.C.A § 6-18-317
A.C.A § 6-18-510
A.C.A § 9-28-113(b)(4)
A.C.A § 9-28-205

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4.5--SCHOOL CHOICE

Standard School Choice Exemption

Exemption

The District is under an enforceable desegregation court order/court-approved desegregation plan¹ that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the Division of Elementary and Secondary Education (DESE).² As a result of the desegregation order/desegregation plan¹, the District is exempt from the provisions of the Public School Choice Act of 2015 (Standard School Choice) and the Arkansas Opportunity Public School Choice Act (Opportunity School Choice). The District shall notify the superintendents of each of its geographically contiguous school districts of its exemption.³ The exemption prohibits the District from accepting any school choice applications from students wishing to transfer into or out of the District through standard School Choice or Opportunity School Choice.⁴

Definition

"Sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

Transfers into the District

Capacity Determination and Public Pronouncement

The Board of Directors will adopt a resolution containing the capacity standards for the District. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The school is not obligated to add any teachers, other staff, or classrooms to accommodate choice applications. The District may only deny a Standard School Choice application if the District has a lack of capacity by the District having reached ninety percent (90%) of the maximum student population in a program, class, grade level, or school building authorized by the Standards or other State/Federal law.⁵

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline; the requirements and procedures for participation in the program; and include contact information for the primary point of contact at the District for school choice questions. Such pronouncements shall be made in the spring, but in no case later than March 1.⁶

Application Process

The student's parent shall submit a school choice application on a form approved by DESE to this District along with a copy to the student's resident district. Except for students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, the transfer application must be postmarked or hand delivered on or before May 1 of the year preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications the District receives as both the resident and nonresident district as they are received in the District's central office. Except for applications from students who have a parent or guardian who is an active-duty member of the military and who

has been transferred to and resides on a military base, applications postmarked or hand delivered on or after May 2 will not be accepted. Statutorily, preference is required to be given to siblings of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

Students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base may submit an application and transfer at any time if the student's application:

1. Is filed with the nonresident school district within fifteen (15) days of the parent's or guardian's arrival on the military base;
2. Includes the parent's or guardian's military transfer orders; and
3. Includes the parent's or guardian's proof of residency on the military base.

The approval of any application for a choice transfer into the District is potentially limited by the applicant's resident district's statutory limitation of losing no more than three percent (3%) of its past year's student enrollment due to Standard School Choice. As such, any District approval of a choice application prior to July 1 is provisional pending a determination that the resident district's three percent (3%) cap has not been reached. The superintendent shall contact a student's resident district to determine if the resident district's three percent (3%) cap has been met.

The Superintendent will consider all properly submitted applications for School Choice. By July 1, the Superintendent shall notify the parent and the student's resident district, in writing, of the decision to accept or reject the application.

Accepted Applications

Applications which fit within the District's stated capacity standards shall be provisionally accepted, in writing, with the notification letter stating a reasonable timeline by which the student shall enroll in the District by taking the steps detailed in the letter, including submission of all required documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the District's stated capacity standards, the acceptance shall be null and void.⁷

A student, whose application has been accepted and who has enrolled in the District, is eligible to continue enrollment until completing his/her secondary education. Continued enrollment is conditioned upon the student meeting applicable statutory and District policy requirements. Any student who has

been accepted under choice and who fails to initially enroll under the timelines and provisions provided in this policy; chooses to return to his/her resident district; or enrolls in a home school or private school voids the transfer and must reapply if, in the future, the student seeks another school choice transfer. A subsequent transfer application will be subject to the capacity standards applicable to the year in which the application is considered by the District.

A present or future sibling of a student who continues enrollment in this District may enroll in the District by submitting a Standard School Choice application. Applications of siblings of presently enrolled choice students are subject to the provisions of this policy including the capacity standards applicable to the year in which the

sibling's application is considered by the District. A sibling who enrolls in the District through Standard School Choice is eligible to remain in the District until completing his/her secondary education.

Students whose applications have been accepted and who have enrolled in the district shall not be discriminated against on the basis of gender, national origin, race, ethnicity, religion, or disability.

Rejected Applications

The District may reject an application for a transfer into the District under Standard School Choice due to a lack of capacity. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion⁸.

An application may be provisionally rejected if it is for an opening that was included in the District's capacity resolution, but was provisionally filled by an earlier applicant. If the provisionally approved applicant subsequently does not enroll in the District, the provisionally rejected applicant could be provisionally approved and would have to meet the acceptance requirements to be eligible to enroll in the District.

An application may be provisionally rejected if the student's application was beyond the student's resident district's three percent (3%) cap. The student's resident district is responsible for notifying this District that it is no longer at its three percent (3%) cap. If a student's application was provisionally rejected due to the student's resident district having reached its three percent (3%) cap and the student's resident district notifies this District that it has dropped below its three percent (3%) cap prior to July 1, then the provisional rejection may be changed to a provisional acceptance and the student would have to meet the acceptance requirements to be eligible to enroll in the District.

Rejection of applications shall be in writing and shall state the reason(s) for the rejection. A student whose application was rejected may request a hearing before the State Board of Education to reconsider the application ~~which must be done~~, **the request for a hearing must be submitted** in writing to the State Board within ten (10) days of receiving the rejection letter from the District.

Any applications that are denied due to the student's resident district reaching the three percent (3%) limitation cap shall be given priority for a choice transfer the following year in the order that the District received the original applications.

Transfers Out of the District

All Standard School Choice applications shall be granted unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than three percent (3%) of the average daily membership on October 1 of the immediately preceding year. By December 15 of each year, DESE shall determine and notify the District of the net number of allowable choice transfers. Students are not counted for the purpose of determining the three percent (3%) cap if the student transfers:

- Through Opportunity School Choice due to the school receiving a rating of "F" or a district classified as in need of Level 5 Intensive Support under AC.A. § 6-18-227;
- Due to the district's identification of Facilities Distress under AC.A. § 6-21-812; or
- Through the Foster Child School Choice under AC.A. § 6-18-233.

If, prior to July 1, the District receives sufficient copies of requests from other districts for its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each district the District received Standard School Choice applications from that it has tentatively reached the limitation cap. The District will use confirmations of approved choice applications from receiving districts to make a final determination of which applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect.⁹ The District shall immediately notify all receiving districts if it should drop back below its three percent (3%) cap prior to July 1.

When the last successful application requesting to transfer out of the District before the District's three percent (3%) cap was triggered belonged to an individual who was a member of a group of siblings who applied to transfer out of the District, the District shall allow all members of the individual's sibling group to transfer out of the District even though these applications are beyond the District's transfer cap.

Facilities Distress School Choice Applications

There are a few exceptions from the provisions of the rest of this policy that govern choice transfers triggered by facilities distress. Any student attending a school district that has been identified as being in facilities distress may transfer under the provisions of this policy, but with the following four (4) differences:

- The receiving district cannot be in facilities distress;
- The transfer is only available for the duration of the time the student's resident district remains in facilities distress;
- The student is not required to meet the May 1 application deadline; and
- The student's resident district is responsible for the cost of transporting the student to this District's school.

Opportunity School Choice

Transfers Into or Within the District¹⁰

For the purposes of this section of the policy, a "lack of capacity"¹¹ is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the DESE Rules for the Standards for Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity¹¹ at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student may transfer from the student's assigned school to another school in the District¹⁰ or from the student's resident district into the District if:

- Either:
 - o The student's resident district has been classified by the state board as in need of Level 5 -intensive support; or
 - o The student's assigned school has a rating of "F"; and
- By May 1 of the year before the student intends to transfer, the student's parent, guardian, or the student if the student is over eighteen (18) years of age has submitted an application of the student's request to transfer to the:
 - o DESE;
 - o Sending school district; and
 - o Receiving school district.

A student is not required to meet the May 1 application deadline if the student has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base. The student may transfer at any time if the student's application:

- a. Is filed with the nonresident school district within fifteen (15) days of the parent's or guardian's arrival on the military base;
- b. Includes the parent's or guardian's military transfer orders; and
- c. Includes the parent's or guardian's proof of residency on the military base.

Within thirty (30) days from receipt of an application from a student seeking admission under this section of the policy, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity School Choice application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

If the application is accepted, the notification letter shall state the deadline by which the student must enroll in the receiving school or the transfer will be null and void.

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.¹² A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal the District's decision to deny the application to the State Board of Education. The appeal must be in writing to the State Board of Education via certified mail, return receipt requested, no later

than ten (10) calendar days, excluding weekends and legal holidays, after the notice of rejection was received from the District.

A student's transfer under Opportunity School choice is effective at the beginning of the next school year and the student's enrollment is irrevocable for the duration of the school year and is renewable until the student completes high school or is beyond the legal age of enrollment. This provision for continuing eligibility under Opportunity School Choice does not negate the student's right to apply for transfer to a district other than the student's assigned school or resident district under the Standard School Choice provisions of this policy.

The District may, but is not obligated to provide transportation to and from the transferring district.¹³

Transfers out of, or within, the District¹⁰

If a District school receives a rating of "F" or the District has been classified by the State Board as in need of Level 5 Intensive Support, the District shall timely notify parents, guardians, or students, if over eighteen (18) years of age, as soon as practicable after the school or district designation is made of all options available under Opportunity School Choice. The District shall offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to submit an application to enroll the student in a school district that has not been classified by the State Board as in need of Level 5 Intensive Support or in a public school that does not have a rating of "F".

Additionally, the District shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for non-resident students to participate in the program.¹⁴

Unsafe School Choice Program

Any student that becomes the victim of a violent criminal offense while in or on the grounds of a District school or who is attending a school classified by DESE as a persistently dangerous public school shall be allowed to attend a safe public school within the District.

Notes: ¹ Select the version of the desegregation order that applies to your district.

² A.C.A § 6-13-113 requires a district under a desegregation court order or court-approved desegregation plan to submit to DESE by January 1, 2016:

- A copy of the desegregation order or desegregation-related order;
- The case heading and case number of each court case in which the order was entered;
- The name and location of each court that maintains jurisdiction over the order; and
- A description of the school choice student transfers desegregation obligations, if any, that the school district is subject to, related to the order.

Should the district be released by the court, the district is responsible to promptly notify DESE. DESE will post all districts who have submitted the proper paperwork on its website.

In addition, A.C.A § 6-18-1906 requires districts claiming an exemption based on a desegregation order/desegregation plan to submit documentation by January 1 of each year that contains the following:

- Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and
- Documentation showing the specific language the school district believes limits its participation in Standard School Choice.

DESE will notify the district within thirty (30) calendar days of receipt of the submitted documentation whether or not it is required to participate in standard school choice. If DESE does not provide a written exemption to the district, then the district is required to participate in Standard School Choice. The district may submit a written petition to the State Board to review DESE's decision.

³ If your district doesn't meet the provisions of this paragraph, delete it and, for your master copy of the policy, renumber the remaining footnotes accordingly.

While the policy language requiring the district to notify its contiguous districts that it is exempt from the school choice provisions is not statutorily required, it is advocated by Commissioner's Memo Com-13-061 and we believe it is necessary if potential receiving districts are going to be able to intelligently inform parents who have applied to their school.

⁴ If the desegregation court order/court-approved desegregation plan your district is under would prohibit standard school choice but would not prohibit Opportunity School Choice, remove the references to Opportunity Choice in this paragraph and add the following sentence: *While the District's desegregation court order/court-approved-desegregation-plan exempts the District from the provisions of Standard School Choice, the District's desegregation court order/court-approved-desegregation-plan does not exempt it from the transfer provisions of the Arkansas Opportunity Public School Choice Act (Opportunity School Choice).*

We advise districts to consult with their attorney about the district's desegregation court order/court-approved-desegregation-plan applicability to the exemption provisions in A.C.A. § 6-18-1906 and A.C.A § 6-18-227 and whether you will need to include both, either, or neither policy provisions on standard School Choice or Opportunity School Choice in your final version of this policy.

⁵ For the Resolution, see Form 4.5F. There is no real flexibility in setting capacity as you can no longer take growth into account when setting slots for Standard School Choice. Districts may only deny a transfer if the transfer would place the district above the ninety percent (90%) maximum under law or the student's resident district has reached its three percent (3%) cap. Your application of a lack of capacity must be consistent; you can't choose to add a teacher due to accepting a student, but refuse to add a staff member because the applicant requires special education.

Once the resolution has been made, the Board's role in determining acceptance is finished and no further board action is required to accept school choice students.

⁶ The statute does not stipulate a date and you can choose your own, but it should give parents a reasonable opportunity to submit their application. While the statute gives districts a choice between

advertising in print or on the Internet, it also doesn't prohibit advertising in both. To help inform parents before they try to apply so they will know in advance if it's actually a possibility that their child could be accepted, we suggest either including your capacity resolution in the public announcements or state where the resolution can be picked up.

⁷ Consider the following about the timing of your acceptance of an application and why it's important to provisionally accept each application until the notification letter is returned to you: The later you accept an application, the more confident you can be about accepting or denying based on capacity. (For example, have as many students as usual moved into your district and were they in the expected grade level patterns?) However, an earlier, **provisional**, acceptance, such as June 1, gives you more time to determine through the use of your acceptance notification letter whether the student's reality matches the information supplied on the application. For example, would the applicant have been held back in 3rd grade in the resident school and the parent is trying to keep that from happening by transferring. While you may have an opening in 4th grade (the grade the parent would have applied for), you may not have an opening in 3rd grade and so would need to deny the application once the paperwork was submitted.

Another example would be an application for a kindergarten choice transfer. When reviewing the completed paperwork, you discover the child is medically fragile and will require additional staff to meet the student's needs. Provisional acceptance gives you the time and opportunity to reconsider your acceptance and still meet the July 1 deadline.

⁸ You are required to hold a hearing before the board of directors about the student's expulsion. (See A.C.A § 6-18-510.) It is possible that the expulsion was for a disciplinary infraction that does not result in expulsion in your district. If this is the case, you have the choice of whether or not to admit the student under school choice due to the resident district's expulsion of the student, but you may **NOT** deny a student unless- you hold a hearing.

⁹ The "shalls" used in this paragraph are not statutorily required (The Public School Choice Act of 2015 simply doesn't address the issue), but without notification to the non-resident district, there is no way for the non-resident district to know when the cap has been reached.

¹⁰ Only include "or within" if your district has more than one school with the same grade(s).

¹¹ The capacity standards under "Opportunity Choice" are slightly more strict than under "Standard Choice" standards and are limited to what is stated in the policy. Additionally, by Rule, you are required to base your decision on ninety-five (95%) of capacity at the time of the application with no provision for consideration of your district's normal growth. Just as with Standard School Choice, your application of a lack of capacity must be consistent; you can't choose to add a teacher due to accepting a student, but refuse to add a staff member because the applicant requires special education.

¹² The student or his/her parents may appeal to the State Board a decision to deny admission.

¹³ Sending districts are required to spend up to four hundred dollars (\$400) per year to transport the student. The statute and the Rules are unclear. They both state that receiving districts may transport opportunity choice students, but sending districts **shall** pay up to four hundred dollars (\$400) per year to

transport the student. The policy's language makes no attempt to settle the discrepancy. The financial responsibility of the transferring district goes away when the school no longer has a rating of "F" or the student's resident district is no longer classified by the state board as in need of Level 5 -intensive support. At that time the statute states that the receiving district may choose to pay for the transportation.

¹⁴ Opportunity Choice does not give you the option contained in Standard Choice of advertising on the Internet in place of print media.

Legal References: A.C.A § 6-1-106
 A.C.A § 6-13-113
 A.C.A § 6-15-2915
 A.C.A § 6-18-227
 A.C.A § 6-18-233
 A.C.A § 6-18-510
 A.C.A § 6-18-1901 et seq.
 A.C.A § 6-21-812

~~DESE Rules Governing the Guidelines Procedures and Enforcement of the
Arkansas Opportunity Public School Choice Act~~
DESE Rules Governing The Public School Choice Act of 2015

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.5F-SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

- The Board of Directors of the Brinkley School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the 20-21 school-year under the provisions of policy 4.5-SCHOOL CHOICE and applicable Arkansas law.
- Applicants, whose applications meet the provisions of policy 4.5-SCHOOL CHOICE, will be sent a provisional acceptance notification letter which will give instructions on the necessary steps and timelines to enroll in the District. Provisional acceptance shall be determined prior to July 1 with a final decision to be made by July 1 based on the district's available capacity for each academic program, class, grade level, and individual school.
- Applications will not be accepted if the applications: ~~that are not received on or before May 1, are to a student's resident district that has declared itself exempt due to an existing desegregation order, or, the acceptance of which the would exceed the applicant's resident district's statutory limitation on student transfers out of its district will not be accepted.~~
 - Are not received or postmarked on or before May 1, unless the application is from a student who has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base and the application is received within the fifteen (15) day period and accompanied by relevant documentation;
 - Are to a student's resident district that has declared itself exempt due to an existing desegregation order; or
 - Would exceed the applicant's resident district's statutory limitation on student transfers out of its district, unless the application is part of a sibling pair and the other sibling's application was the application that reached the district's statutory limit.
- The district reserves to itself the ability to determine, based on an examination of student records obtained from the prior district, and other information, whether any student would require a different class, course or courses, program of instruction, or special services than originally applied for. If such an examination determines that capacity has been reached in the appropriate class, course or program of instruction, or that additional staff would have to be hired for the applicant, the District shall rescind the original provisional acceptance letter and deny the Choice transfer for that student.
- The district reserves to itself the ability to decline to accept under school choice any student whose acceptance would require the district to add additional staff, for any reason.

THEREFORE, let it be resolved that these shall constitute the School Choice openings at the beginning of the School Choice enrollment period for the school-year

Board President

Board Secretary

Date

Date

4.5F2--SCHOOL CHOICE PROVISIONAL ACCEPTANCE LETTER

Dear Parent's name,

The application you submitted for _____ has been provisionally accepted. While the Brinkley Schools looks forward to welcoming _____ as a student, to further the application process and to better assist the district in determining the proper placement of _____, please submit the information listed below to the superintendent's office by _____. Failure to submit the information requested by the date specified shall void and nullify this letter's provisional acceptance. In addition to the information you submit, records may be requested from the student's current district/school, and final acceptance may depend on the content of those records as to appropriate grade placement, program placement or services required. A student who has not previously attended an Arkansas public school or did not attend an Arkansas public school in the previous academic year may be evaluated by the district prior to final acceptance, and the results of that evaluation could impact final acceptance.

1. For students applying to enroll in first grade or higher: a copy of the student's transcript from the school where the student is currently enrolled. The student's permanent record, including the original transcript, will be requested from the school immediately following the student's actual enrollment in our district.
2. Proof of the student's age; This can be a 1) birth certificate; 2) A statement by the local registrar or a county recorder certifying the child's date of birth; 3) An attested baptismal certificate; 4) A passport; 5) An affidavit of the date and place of birth by the child's parent or guardian; 6) United States military identification; or 7) Previous school records.
3. The student's health care needs at school.
4. _____ age appropriate immunization record or an exemption granted for the previous school-year and a statement of whether or not the parent is intending to continue the exemption for the upcoming school year.

After reviewing the submitted documentation, the District will determine if the applicant meets the District's capacity standards and notify you of its decision by _____. Please note that the acceptance of an application can be reversed if it is determined that the application is in violation of _____ resident district's limitation cap for available school choice transfers or if the resident district has reached its statutory cap for transfers out of its district.

Respectfully,

4.5F3-SCHOOLCHOICE ACCEPTANCE LETTER

Dear _____,

I am pleased to inform you that the application you submitted for _____ has been accepted pending enrollment of _____ by _____, however, failure to enroll _____ by this date will render this offer of acceptance null and void.

I look forward to welcoming _____ as part of the Brinkley School District.

Once your child has enrolled in school with us this coming school-year, _____ will be eligible to continue enrollment in the district until completing high school or is beyond the legal age of enrollment provided the student meets the applicable statutory and District policy requirements all other District students must meet (with the exception of residency in the District) to continue District enrollment. This information is contained in the student handbook.

Respectfully,

4.5F4-SCHOOL CHOICE REJECTION LETTER

Dear _____

I am sorry, but the application you submitted for _____ has been rejected for the following reason(s.)

_____ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

_____ Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on insert date.

The specific reason for rejection is that acceptance would cause the district to have to add: Staff

__ Teachers

__ classroom(s)

__ the __ capacity

As noted in your original application, you have ten (10) days from receipt of this notice in which to submit a written appeal of this decision to the State Board of Education.

Respectfully,

4.6---HOME SCHOOLING

Enrollment in Home School

Parents or legal guardians desiring to provide a home school for their children shall give written notice to the Superintendent of their intent to home school. The notice shall be given:

1. At the beginning of each school year, but no later than August 15;
2. Fourteen (14) calendar days prior to withdrawing the child (provided the student is not currently under disciplinary action for violation of any written school policy, including, but not limited to, excessive absences) and at the beginning of each school year thereafter; or
3. Within thirty (30) calendar days of the parent or legal guardian establishing residency within the district during the school year.

Written notice of the parent or legal guardian's intent to home school shall be delivered to the Superintendent through any of the following methods:

- Electronically, including without limitation by email;
 - Use of the Division of Elementary and Secondary Education's (DESE) online system;
 - Email; or
 - Facsimile;
- By mail; or
- In person.

The notice shall include:

- a The name, sex, date of birth, grade level, and the name and address of the school last attended, if any;
- b. The mailing address and telephone number of the home school;
- c. The name of the parent or legal guardian providing the home school;
- d. Indicate if the home-schooled student intends to participate in extracurricular activities during the school year;
- e. A statement of whether the home-schooled student plans to seek a high school equivalency diploma during the current school year;
- ~~f. A statement if the home school student plans to seek a driver's license during the Current school year;~~
- f A statement that the parent or legal guardian agrees that the parent or legal guardian is responsible for the education of their children during the time the parents or legal guardians choose to home school; and

- g. A signature of the parent or legal guardian, ~~which must be notarized if the home-schooled student plans to seek a driver's license during the school year.~~

To aid the District in providing a free and appropriate public education to students in need of special education services, the parents or legal guardians home-schooling their children shall provide information that might indicate the need for special education services.

Enrollment or Re-Enrollment in Public School

A home-schooled student who wishes to enroll or re-enroll in a District school shall submit:

- A transcript listing all courses taken and semester grades from the home school;
- Score of at least the thirtieth percentile on a nationally recognized norm-referenced assessment taken in the past year; and
- A portfolio of indicators of the home-schooled student's academic progress, including without limitation:
 - Curricula used in the home school;
 - Tests taken and lessons completed by the home-schooled student; and
 - Other indicators of the home-schooled student's academic progress.

If a home-schooled student is unable to provide a nationally recognized norm-referenced score, the District may either assess the student using a nationally recognized norm-referenced assessment or waive the requirement for a nationally recognized norm-referenced assessment score.

A home-schooled student who enrolls or re-enrolls in the District will be placed at a grade level and academic course level equivalent to or higher than the home-schooled student's grade level and academic course level in the home school:

1. As indicated by the documentation submitted by the home-schooled student;
2. By mutual agreement between the public school and the home-schooled student's parent or legal guardian; or
3. If the home-schooled student fails to provide the documentation required by this policy, with the exception of the nationally recognized norm-referenced assessment score, the District may have sole authority to determine the home-schooled student's grade placement and course credits. The District will determine the home-schooled student's grade placement and course credits in the same manner the District uses when determining grade placement and course credits for students enrolling or re-enrolling in the District who attended another public or private school.

The District shall afford a home-schooled student who enrolls or re-enrolls in a public school the same rights and privileges enjoyed by the District's other students. The District shall not deny a home-schooled student who enrolls or re-enrolls in the District any of the following on the basis of the student having attended a home school:

- a. Award of course credits earned in the home school;
- b. Placement in the proper grade level and promotion to the next grade level;
- c. Participation in any academic or extracurricular activity;
- d. Membership in school-sponsored clubs, associations, or organizations;
- e. A diploma or graduation, so long as the student has enrolled or re-enrolled in the District to attend classes for at least the nine (9) months immediately prior to graduation; or
- f. Scholarships.

Legal References: AC.A.§ 6-15-503
AC.A.§ 6-15-504
AC.A.§ 6-41-103
[DESE Rules Governing Home Schools](#)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.7-ABSENCES

If any student's Individual Education Program (IEP) or 504 Plan conflicts with this policy, the requirements of the student's IEP or 504 Plan take precedence.

Education is more than the grades students receive in their courses. Important as that is, students' regular attendance at school is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as an adult. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement.

Absences for students enrolled in digital courses shall be determined by the online attendance and time the student is working on the course rather than the student's physical presence at school. Students who are scheduled to have a dedicated period for a digital class shall not be considered absent if the student logs the correct amount of time and completes any required assignments; however, a student who fails to be physically present for an assigned period may be disciplined in accordance with the District's truancy policy.

Excused Absences

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons and the student brings a written statement to the principal or designee upon his/her return to school from the parent or legal guardian stating such reason. A written statement presented for an absence having occurred more than five (5) school days prior to its presentation will not be accepted:

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal.¹
2. Death or serious illness in their immediate family;²
3. Observance of recognized holidays observed by the student's faith;
4. Attendance at an appointment with a government agency;
5. Attendance at a medical appointment;
6. Exceptional circumstances with prior approval of the principal;
7. Participation in an FFA, FHA, or 4-H sanctioned activity;
8. Participation in the election poll workers program for high school students.

9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the superintendent or designee.
10. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).
11. Absences for students excluded from school by the Arkansas Department of Health during a disease outbreak because the student has an immunization waiver or whose immunizations are not up to date.³

Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page⁴.

Unexcused Absences

Absences not defined above or not having an accompanying note from the parent; or legal guardian; person having lawful control of the student or person standing in loco parentis, presented in the timeline required by this policy, shall be considered as unexcused absences. Students with (insert number)⁵ unexcused absences in a course in a semester may not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has (insert number equal to 1/2 above number⁵) unexcused absences, his/her parents, legal guardians, persons with lawful control of the student or persons standing in loco parentis shall be notified⁶. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds (same number as in the first paragraph of this section⁵) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or persons standing in loco parentis shall be subject to a civil penalty as prescribed by law.

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Therefore, at any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, legal guardian, person with lawful control of the student, or person standing in loco parentis may petition the school or district's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent; legal guardian; person having lawful control of the student; or person standing in loco parentis, and the school or district administrator or designee.⁷

Students who attend in-school suspension shall not be counted absent for those days.⁸

Days missed due to out-of-school suspension or expulsion shall be unexcused absences.⁸

The District shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school. The Department of Finance and Administration is required to suspend the former student's operator's license unless he/she meets certain requirements specified in the statute.

~~Applicants for an instruction permit or for a driver's License by persons less than eighteen (18) years old on October 1 of any year are required to provide proof of a high school diploma or enrollment and regular attendance in an adult education program or a public, private, or parochial school prior to receiving an instruction permit. To be issued a driver's license, a student enrolled in school shall present proof of a "C" average for the previous semester or similar equivalent grading period for which grades are reported as part of the student's permanent record~~

Notes: If your district's penalties for absences include an impact on the student's grades, it is important to note that AC.A. § 9-28-113(f) prohibits the lowering of grades of foster children for absences due to 1) a change in the student's school enrollment; 2) the student's attendance at a court ordered dependency- neglect court proceeding; or 3) the student's attendance at a court-ordered counseling or treatment.

¹ Limiting the number of excused absences for illness is an option which you can choose to include or not include. The number of absences can be changed as you feel appropriate.

² Your board may want to define the meaning of "immediate family." One source for a definition is AC.A. § 6-17-1202.

³ The law is silent on how to treat absences for students excluded from school in this manner. While you may elect to have such absences treated as unexcused absences, we do not recommend doing so due to the truancy requirements and the potential for a student to not be able to make up homework based on the language in Policy 4.8-MAKE-UP WORK.

⁴ Statutorily, the day the student serves as a page cannot be counted as an absence, but the school may grant additional days (such as for travel time) in conjunction with the day as a page that would also not be counted as absences. The choice is up to the district.

⁵ AC.A. § 6-18-222(a)(1)(A)(i) requires school boards to adopt an attendance policy that includes a "certain number" of excessive unexcused absences. The code leaves the specific number up to the individual board's discretion. The number your board chooses determines the number of absences that triggers the notices being sent to the student's parents.

⁶ If your district has a Community Truancy Board as defined in AC.A. § 6-18-225 & 226, notification will also need to be sent to the chairman of the truancy board. The truancy board will then need to proceed as defined by A C.A. § 6-18-222(a)(4)(A).

⁷ Students are specifically permitted to initiate the agreement on their own; their parents may be unavailable or unwilling to meet with the administration.

⁸ The statutes are silent on whether in-school-suspensions shall count as absences. You can choose to amend this sentence and make either or both forms of suspension count as unexcused absences. In

making your decision, we suggest you consider the number of days of allowable unexcused absences you have chosen for this policy, the lower the number, the greater the consequences for including an in-school-suspension as an unexcused absence. AC.A. § 6-18-507(g) requires districts to note on each student's attendance record if the student's absence was due to an out-of-school suspension.

Cross References: 4.8-MAKE-UP WORK
 4.57-IMMUNIZATIONS
 5.11-DIGITAL LEARNING COURSES

Legal References: AC.A. § 6-4-302
 AC.A. § 6-18-107
 A.C.A. § 6-18-209
 A.C.A. § 6-18-220
 A.C.A. § 6-18-222
 AC.A. § 6-18-229
 A.C.A. § 6-18-231
 A.C.A. § 6-18-507(g)
 A.C.A. § 7-4-116
 A.C.A. § 9-28-1 B(f)
 A.C.A. § 27-16-701
 ~~Arkansas Department of~~ Division of Elementary and Secondary Education Rules
 Governing Distance and Digital Learning

Date Adopted: May 15, 2017; July 22, 2019
Last Revised: May 2017

4.8-MAKE-UPWORK

Students who miss school due to an excused absence shall be allowed to make up the work they missed during their absence under the following rules:¹

1. Students are responsible for asking the teachers of the classes they missed what assignments they need to make up.²
2. Teachers are responsible for providing the missed assignments when asked by a returning student.²
3. Students are required to ask for their assignments on their first day back at school or their first class day after their return.²
4. Make-up tests are to be rescheduled at the discretion of the teacher, but must be aligned with the schedule of the missed work to be made up.
5. Students shall have one class day to make up their work for each class day they are absent.³
6. Make-up work which is not turned in within the make-up schedule for that assignment shall receive a zero.⁴
7. Students are responsible for turning in their make-up work without the teacher having to ask for it.²
8. Students who are absent on the day their make-up work is due must turn in their work the day they return to school whether or not the class for which the work is due meets the day of their return.
9. As required/permitted by the student's Individual Education Program or 504 Plan.

Work may not be made up for credit for unexcused absences **unless** the unexcused absences are part of a signed agreement as permitted by policy 4.7- ABSENCES.⁵

Work for students serving an out-of-school suspension or expulsion shall be in accordance with the District's programs, measures, or alternative means and methods to continue student engagement and access to education during the student's period of suspension or expulsion, including offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the District if the student had not been expelled.⁶

In lieu of the timeline above, assignments for students who are excluded from school by the Arkansas Department of Health during a disease outbreak are to be made up as set forth in Policy 4.57- IMMUNIZATIONS.

Notes: ¹ Your district has the right to require students to make up work for both excused and unexcused absences; requiring work to be made up for all absences could serve as a deterrent for unexcused absences.

² This sentence should be modified for elementary school classes.

³ Select the number of days your district deems reasonable and feasible.

⁴ Your district may choose to adopt a different schedule such as docking the work a certain percentage for each day it is late.

⁵ The contents of this paragraph are optional and can be adjusted to the extent it remains aligned with your personalization of policy 4.7.

⁶ The program and method(s) you provide for students to maintain their educational opportunity should be in accordance with the requirements from Policy 4.30 and Policy 4.31.

Cross References: 4.7-ABSENCES
 4.30---SUSPENSION FROM SCHOOL
 4.31-EXPULSION
 4.57-IMMUNIZATIONS

Legal References: A.C.A§ 6-1 § -1406
 A.C.A § 6-18-502
 DESE Rules Governing Student Discipline and School Safety

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.9-TARDIES

Promptness is an important character trait that District staff are encouraged to model and help develop in our schools' students. At the same time, promptness is the responsibility of each student. Students who are late to class show a disregard for both the teacher and their classmates which compromises potential student achievement.

Date Adopted: May 15,2017

Last Revised: May 2017

4.10---CLOSED CAMPUS

All schools in the District shall operate closed campuses. Students are required to stay on campus from their arrival until dismissal at the end of the regular school day unless given permission to leave the campus by a school official. Students must sign out in the office upon their departure.

Date Adopted: May 15, 2017

Last Revised: May 2017

4.11—EQUAL EDUCATIONAL OPPORTUNITY

No student in the _____ School District shall, on the grounds of race, color, religion, national origin, sex, sexual orientation, gender identity, age, or disability be excluded from participation in, or denied the benefits of, or subjected to discrimination under any educational program or activity sponsored by the District. The District has a limited open forum granting equal access to the Boy Scouts of America and other youth groups.¹

Inquiries on non-discrimination may be directed to _____², who may be reached at _____³.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided above. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

For further information on notice of non-discrimination or to file a complaint, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

Notes: A copy of this non-discrimination notification should be included in all district publications to students and parents.

¹ A.C.A. § 6-10-132 requires that youth patriotic societies, such as the Boy Scouts of America, be provided access to students during the school day; as a result, all districts now have a limited open forum and are required to provide the same access to groups who follow the procedure set forth in the statute to request access to students regardless of the groups viewpoint.

² Insert the position(s) designated to be contacted on discrimination inquiries. If you have different positions designated to answer questions on disability discrimination (504 coordinator) and sex discrimination (Title IX coordinator), then you will need to include the position responsible for each area. Do not include the name(s) of the person(s) to be contacted in the policy; changing the name of the person (due to a staffing change) would necessitate amending the policy, which would require it to go through the entire adoption process.

³ Insert the office address, phone number, and email address to be used to contact the designated position. If you have more than one position designated as set forth in footnote 32, you will need to include a contact number, email address, and office address for each position. The contact number and office address may be the school/district address and phone number. We recommend making the email address specific to the position, such as titleix@districtdomain.org, and having the emails sent to the coordinator's inbox to prevent having to amend the policy due to staff changes.

While 34 C.F.R. § 106.8 requires that an individual be able to submit a report, including by telephone, both inside and outside of business hours, we do not believe that this requires that the Title IX Coordinator must be on-call to receive phone calls at any time; instead, the number provided for individuals to use must allow individuals wanting to report sexual discrimination or sexual harassment to the Title IX Coordinator to be able to leave a voice message for the Title IX Coordinator.

Legal References: A.C.A. § 6-10-132
 A.C.A. § 6-18-514
 28 C.F.R. § 35.106
 34 C.F.R. § 100.6
 34 C.F.R. § 104.8
 34 C.F.R. § 106.8
 34 C.F.R. § 106.9
 34 C.F.R. § 108.9
 34 C.F.R. § 110.25

Date Adopted: May 15, 2017; July 20, 2020; June 21, 2021

Last Revised: July 20, 2020

4.12-STUDENT ORGANIZATIONS/EQUALACCESS

Non-curriculum-related secondary school student organizations wishing to conduct meetings on school premises during noninstructional time shall not be denied equal access on the basis of the religious, political, philosophical, or other content of the speech at such meetings. Such meetings must meet the following criteria.

1. The meeting is to be voluntary and student initiated;
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees;
3. The meeting must occur during noninstructional time;
4. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
6. Non-school persons may not direct, conduct, control, or regularly attend activities of student groups.

All meetings held on school premises must be scheduled and approved by the principal. The school, its agents, and employees retain the authority to maintain order and discipline, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

Fraternities, sororities, and secret societies are forbidden in the District's schools. Membership to student organizations shall not be by a vote of the organization's members, nor be restricted by the student's race, religion, sex, national origin, or other arbitrary criteria. Hazing, as defined by law, is forbidden in connection with initiation into, or affiliation with, any student organization, extracurricular activity or sport program.

Students who are convicted of participation in hazing or the failure to report hazing shall be expelled.

Note: AC.A. § 6-5-202 requires the automatic expulsion of a student who is convicted of hazing.

Legal References: AC.A. § 6-5-201 et seq.
AC.A. § 6-21-201 et seq.
20 U.S.C. 4071 Equal Access Act
Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
AC.A. § 6-18-601 et seq.

Date Adopted: May 15, 2017

Last Revised: May 2017

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION

Except when a court order regarding a student has been presented to the district to the contrary, all students' education records are available for inspection and copying by the parent of his/her student who is under the age of eighteen (18). At the age of eighteen (18), the right to inspect and copy a student's records transfers to the student. A student's parent or the student, if over the age of 18, requesting to review the student's education records will be allowed to do so within no more than forty five (45) days¹ of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

The district shall receive written permission before releasing education records to any agency or individual not authorized by law to receive and/or view the education records without prior parental permission. The District shall maintain a record of requests by such agencies or individuals for access to, and each disclosure of, personally identifiable information (PII) from the education records of each student. Disclosure of education records is authorized by law to school officials with legitimate educational interests. A personal record kept by a school staff member is **not** considered an education record if it meets the following tests:

- it is in the sole possession of the individual who made it;
- it is used only as a personal memory aid; and
- information contained in it has never been revealed or made available to any other person, except the maker's temporary substitute.

For the purposes of this policy a school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

For the purposes of this policy a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility, contracted duty, or duty of elected office.

In addition to releasing PII to school officials without permission, the District may disclose PII from the education records of students in foster care placement to the student's caseworker or to the caseworker's representative without getting prior consent of the parent (or the student if the student is over eighteen (18)). For the District to release the student's PII without getting permission:

- The student must be in foster care;
- The individual to whom the PII will be released must have legal access to the student's case plan; and
- The Arkansas Department of Human Services, or a sub-agency of the Department, must be legally responsible for the care and protection of the student.

The District discloses PII from an education record to appropriate parties, including parents, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The superintendent or designee shall determine who will have access to and the responsibility for disclosing information in emergency situations.

When deciding whether to release PII in a health or safety emergency, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.²

For purposes of this policy, the _____ School District does not distinguish between a custodial and noncustodial parent, or a non-parent such as a person acting in loco parentis or a foster parent with respect to gaining access to a student's records. Unless a court order restricting such access has been presented to the district to the contrary, the fact of a person's status as parent or guardian, alone, enables that parent or guardian to review and copy his child's records.

If there exists a court order which directs that a parent not have access to a student or his/her records, the parent, guardian, person acting in loco parentis, or an agent of the Department of Human Services must present a file-marked copy of such order to the building principal and the superintendent. The school will make good-faith efforts to act in accordance with such court order, but the failure to do so does not impose legal liability upon the school. The actual responsibility for enforcement of such court orders rests with the parents or guardians, their attorneys and the court which issued the order.

A parent or guardian does not have the right to remove any material from a student's records, but such parent or guardian may challenge the accuracy of a record. The right to challenge the accuracy of a record does not include the right to dispute a grade, disciplinary rulings, disability placements, or other such determinations, which must be done only through the appropriate teacher and/or administrator, the decision of whom is final. A challenge to the accuracy of material contained in a student's file must be initiated with the building principal, with an appeal available to the Superintendent or his/her designee. The challenge shall clearly identify the part of the student's record the parent wants changed and specify why he/she believes it is inaccurate or misleading. If the school determines not to amend the record as requested, the school will notify the requesting parent or student of the decision and inform them of their right to a hearing regarding the request for amending the record. The parent or eligible student will be provided information regarding the hearing procedure when notified of the right to a hearing.³

Unless the parent or guardian of a student (or student, if above the age of eighteen (18)) objects, "directory information" about a student may be made available to the public, military recruiters, post-secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements.⁴ "Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance,⁵ his/her placement on the honor roll (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be

beyond the control of the District. "Directory information" also includes a student identification (ID) number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems and a student ID number or other unique personal identifier that is displayed on a student's ID badge, provided the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

A student's name and photograph will only be displayed on the district or school's web page(s) after receiving the written permission from the student's parent or student if over the age of 18.

The form for objecting to making directory information available is located in the back of the student handbook and must be completed and signed by the parent or age-eligible student and filed with the building principal's office no later than ten (10) school days after the beginning of each school year or the date the student is enrolled for school. Failure to file an objection by that time is considered a specific grant of permission. The district is required to continue to honor any signed-opt out form for any student no longer in attendance at the district.

The right to opt out of the disclosure of directory information under Family Educational Rights and Privacy Act (FERPA) does not prevent the District from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled.⁶

Parents and students over the age of 18 who believe the district has failed to comply with the requirements for the lawful release of student records may file a complaint with the U.S. Department of Education (DOE) at

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Notes: With very few exceptions, Health Insurance Portability and Accountability Act (HIPAA) privacy requirements don't apply to public K-12 schools and, for that reason, ASBA has no model policy addressing HIPAA. An excellent explanation of the relation between FERPA and HIPAA is available at <http://arsba.org/policy-resources> <https://arsba.org/policy-resources>.

Districts must annually notify parents or students if over the age of 18 of the provisions of this policy and "...shall effectively notify parents who have a primary or home language other than English." (34 CFR 99.7(b)(2))

Districts may release directory information (DI) (as presently defined by the district) of former students to the extent there is not a signed prohibition against such release. As the definition of DI changes over time (for example, the addition of email addresses to the definition of DI), districts may release DI according to the current definition. It also applies to the release of information that is now defined as DI for students who left the district prior to 1974, when there was no such thing as DI.

As stated in this policy, once a student turns 18, the rights to his/her educational records transfers to the student. The release of educational records to a parent becomes permissive and not a right. At that

point, the school gets to decide if it wants to release educational records to parents. The student, however, doesn't have the right to object one way or the other. If the parents don't establish dependency, once the student turns 18, the parents don't have an absolute **right** to see their student's educational records. "Dependency" in this regard is defined according to the IRS; if the student is claimed by either of their parents (regardless of custody issues, or filing jointly or separately) as a dependent, then the rights of the parent once the student turns 18 is as described. Without dependency, the parents have no right to see their student's educational records once the student turns 18.

There are several areas of permissible release of students' PII that are not mentioned in this policy (it's not required and would make the policy very long), but that are listed in 34 CFR 99.31. One of the areas that has been greatly elaborated on in the DOE Rules, released 12/2/11, relates to the district's release of PII to an "authorized representative" for the purpose conducting an audit or evaluation of federal or state education programs. This new area is covered in 34 CFR 99.35. Both documents are available by calling the ASBA office and requesting a copy. They could come in handy when answering parents' questions regarding the release of PII.

The Arkansas Supreme Court, Division of Elementary and Secondary Education, and ASBA collaborated in the creation of a form in an effort to aid juvenile intake and probation officers in acquiring necessary information for the officer to make more knowledgeable decisions/recommendations on a course of action for each juvenile's case. The Form allows for parents to authorize the officer to access certain portions of the student's education records and the parent's ESchool PLUS Home Access Center. The form, when completed by the parent and probation officer, will be sent to the district by the officer. A copy of the form, along with a background letter, may be found at <http://arsba.org/policy-resources> ~~http://arsba.org/policy-resources~~ <https://arsba.org/policy-resources>.

¹ You may choose a lesser number of days, but you may not exceed 45 days.

² This paragraph along with the preceding paragraph are added (and permitted) due to the amendments in the Code of Federal Regulations resulting from the Virginia Tech shootings in 2007. The paragraph can also apply to the release of PII to state health officials during outbreaks of communicable diseases. This would apply, for example, to immunization records to determine which students need to be removed from the school. (See Policy 4.34).

³ The requirements for conducting a hearing are addressed in 34 CFR 99.22. The district's obligations regarding the results of the hearing are covered in 34 CFR 99.21. Both are available by calling the ASBA office and requesting a copy.

⁴ The 12/2/11 DOE Rules now provide districts with the option of greater specificity in choosing to whom it will release DI. ASBA has not amended the model policy to include this expanded option because we feel it can result in unintentional restrictions for desired release of DI. The following is the language from 34 CFR 99.37 governing this option:

In its public notice to parents and eligible students in attendance, ... an educational agency or institution may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. When an educational agency or institution specifies that disclosure of directory

information will be limited to specific parties, for specific purposes, or both, the educational agency or institution must limit its directory information disclosures to those specified in its public notice.

⁵ Dates of attendance means the period of time during which a student attends or attended your district, e.g. an academic year or semester. It does not mean specific daily records of attendance.

⁶ This paragraph is language from the amended 34 CFR 99.37 and is included to help eliminate the potential problem of a student (who is in a class where the student really doesn't want to be - for example JAG), who has opted out of release of DI, refusing to give the information necessary for the class.

Cross References: Policy 4.34—Communicable Diseases and Parasites
 Policy 5.20—District Web Site
 Policy 5.20.1—Web Site Privacy Policy
 Policy 5.20F1—Permission to Display Photo of Student on Web Site

Legal References: A.C.A. § 9-28-113(b)(6)
 20 U.S.C. § 1232g
 20 U.S.C. § 7908
 34 CFR 99.3, 99.7, 99.21, 99.22, 99.30, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36,
 99.37, 99.63, 99.64

Date Adopted: May 15, 2017; July 20, 2020; June 21, 2021

Last Revised: May 2017; July 2020

4.13F -OBJECTION TO PUBLICATION OF DIRECTORY INFORMATION

(Not to be filed if the parent/student has no objection)

I, the undersigned, being a parent of a student, or a student eighteen (18) years of age or older, hereby note my objection to the disclosure or publication by the Brinkley School District of directory information, as defined in Policy No. 4.13 (Privacy of Students' Records), concerning the student named below. The district is required to continue to honor any signed opt-out form for any student no longer in attendance at the district.

I understand that the participation by the below-named student in any interscholastic activity, including athletics and school clubs, may make the publication of some directory information unavoidable, and the publication of such information in other forms, such as telephone directories, church directories, etc., is not within the control of the District.

I understand that this form must be filed with the office of the appropriate building principal within ten (10) school days from the beginning of the current school year or the date the student is enrolled for school in order for the District to be bound by this objection. Failure to file this form within that time is a specific grant of permission to publish such information.

I object and wish to deny the disclosure or publication of directory information as follows: Deny disclosure to military recruiters

Deny disclosure to Institutions of postsecondary education

Deny disclosure to Potential employers

Deny disclosure to all public and school sources

Selecting this option will prohibit the release of directory information to the three categories listed above along with all other public sources (such as newspapers), **AND** result in the student's directory information not being included in the school's yearbook and other school publications.

Deny disclosure to all public sources

Selecting this option will prohibit the release of directory information to the first three categories listed above along with all other public sources (such as newspapers), but permit the student's directory information **to be included** in the school's yearbook and other school publications.

Name of student (Printed)

Signature of parent (or student, if 18 or older)

Date form was filed (To be filled in by office personnel)

4.14--STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE

The Superintendent and the student media advisors(s)¹ shall jointly develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and the time(s), place(s), and manner(s) of the dissemination of student media which shall include timelines for the review of materials.

Definitions

"School -sponsored media" means all student media that are:

- Supported financially by the school;
- Supported by the use of school facilities; or
- Produced in conjunction with a class.

"Student journalist" means a student who gathers, writes, edits, photographs, records, video tapes, or prepares information for dissemination in student media

"Student media" means any means of communication that are:²

- o Prepared, substantially written, published, or broadcasted by a student;
- o Distributed or generally made available, either free of charge or for a fee, to members of the student body; and
- o Prepared under the direction of a student media advisor.

"Student media" does not include media that is intended for distribution or transmission solely in the classroom in which it is produced.

"Student media advisor" means an individual who is employed, appointed, or designated by the District to supervise or provide instruction with respect to student media.

Student Media

All student media that are supported financially by the school or by use of school facilities, or are produced in conjunction with a class shall be considered school-sponsored media. While the District recognizes a student's right of expression under the First Amendment of the Constitution of the United States, School-sponsored media does not provide a an open public forum for public expression. Student media, as well as the content of student expression in school-sponsored activities, shall be subject to the editorial review of the District's administration, whose actions shall be reasonably related to legitimate pedagogical concerns and adhere to the following limitations:

1. Advertising may be accepted for media that does not condone or promote products that are inappropriate for the age and maturity of the audience or that endorses such things as tobacco, alcohol, or drugs.
2. Media may be regulated to prohibit communications determined by the appropriate teacher, student media advisor, and/or administrator to be ungrammatical; poorly written; inadequately researched; biased or prejudiced; vulgar or profane; or unsuitable for immature audiences.
3. Media may be regulated to prohibit the dissemination of material that may reasonably be perceived to advocate drug or alcohol use; irresponsible sex; conduct that is otherwise inconsistent with the shared values of a civilized social order; or to associate the school with any position other than neutrality on matters of political controversy.

4. Prohibited media includes those that:
 - a. Are obscene as to minors;
 - b. Are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, and made with knowledge of their falsity or a reckless disregard of the truth;
 - c. Constitute an unwarranted invasion of privacy as defined by state law;
 - d. Suggest or urge the commission of unlawful acts on the school premises;
 - e. Suggest or urge the violation of lawful school regulations;
 - f. Scurrilously attacks ethnic, religious, or racial groups; or
 - g. Harass, threaten, or intimidate a student.

Student Media on School Web Pages

Student media displayed on school web pages shall follow the same guidelines as listed above and shall also:

1. Not contain any non-educational advertisements;
2. Adhere to the restrictions regarding use of Directory Information as prescribed in Policy 4.13 including not using a student's photograph when associated with the student's name unless written permission has been received from the student's parent or student if over the age of eighteen (18);
3. State that the views expressed are not necessarily those of the School Board or the employees of the district.

Student Distribution of Non-school Literature, Publications, and Materials

A student or group of students who distribute ten (10) or fewer copies of the same non-school sponsored literature, publications, or materials (hereinafter "~~non-school materials~~"), shall do so in a time, place, and manner that does not cause a substantial disruption of the orderly education environment. A student or group of students wishing to distribute more than ten (10) copies of non-school sponsored material⁴³ shall have school authorities²⁴ review their non-school-sponsored materials at least three (3) school days³⁴ in advance of their desired time of dissemination. School authorities shall review the non-school sponsored materials, prior to their distribution and will bar from distribution those non-school sponsored materials that are obscene, libelous, pervasively indecent, or advertise unlawful products or services. Material may also be barred from distribution if there is evidence that reasonably supports a forecast that a substantial disruption of the orderly operation of the school or educational environment will likely result from the distribution⁴⁶. Concerns related to any denial of distribution by the principal shall be heard by the superintendent, whose decision shall be final.

The school principal or designee shall establish reasonable regulations governing the time, place, and manner of student distribution of non-school sponsored materials. The regulations shall:

1. Be narrowly drawn to promote orderly administration of school activities by preventing disruption and may not be designed to stifle expression
2. Be uniformly applied to all forms of non-school sponsored materials;
3. Allow no interference with classes or school activities;

4. Specify times, places, and manner where distribution may and may not occur⁵²; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.

Students shall be responsible for the removal of excess literature that is left at the distribution point for more than days⁷⁹

Notes: The goal of the footnotes are to assist principals in the implementation and enforcement of the policy by trying to improve the identification of the parameters of the policy. While the footnotes are not intended to be included in the distributed version of the policy, they should be helpful in adapting the policy for inclusion in the student handbook.

In accordance with A.C.A § 6-18-1203, expression made by a student journalist in student media is not the expression of a school district's policy and school district officials and members of the school district board of directors are not to be held responsible in any civil or criminal action for any expression made or published by a student journalist in student media unless the individual interfered with, altered, or made substantial decisions with respect to the content of the student expression.

¹ In addition to being included in reviewing any amendments to the regulations resulting from this policy, A.C.A § 6-18-1202 and Policy 1.9 require that the student media advisors are included when reviewing any proposed updates to this policy.

² When developing your regulations, be sure to include provisions for all of the different school-sponsored dissemination methods your district makes available to your student journalists. The procedures should be sure to align with the timelines and methods from the course(s) relevant to the dissemination method (print publication, posted to district site, covered in district television broadcast, etc.)

⁴³ You may change this number, but the inclusion of a number below which prior inspection is not required permits the exchange of such items as personal notes between students, CDs, party invitations, or birthday cards. The review requirement also applies to materials distributed at extracurricular events that are not intended primarily for adults.

²⁴ Consider naming the specific school authority (i.e. Superintendent, assistant superintendent, etc.) responsible for the review.

³⁵ You may change this length of time to suit your district, but it may not exceed three Q} days without putting the district at risk of facing a legal challenge that you are inhibiting free speech.

⁴⁶ While you can prohibit material for the stated reasons, you may not do so merely because it contains a controversial message or content the district disagrees with.

⁵² The time, place, and manner of distribution may vary by the age of the students attending the school. For example, elementary schools may wish to have more narrowly tailored times and places for the distribution and restrict how the materials are made available. It is more difficult for elementary students to tell the difference between school-sponsored and non-school-sponsored materials, which could affect who would be appropriate distributors of the materials. Schools also have the option of putting up a notice at the distribution site such as a designated table in a foyer or hallway that the materials do not represent the viewpoint of the school. You might also choose to add a qualifier

permitting the principal to impose additional requirements when deemed appropriate to avoid disruption, congestion, or other problems that could be associated with the distribution.

⁶⁸Students are not to be coerced into taking non-school sponsored materials.

⁷⁹ If you choose to include this optional sentence, select a reasonable amount of time for any specific item to be available at one stretch. Some materials could conceivably be appropriately left for distribution for significantly longer periods of time than other materials. You may also choose to add an additional sentence requiring the student(s) who distribute the materials to be responsible for picking up any materials thrown on school grounds.

~~⁸In addition to being included in reviewing any amendments to the regulations resulting from this policy, the student media sponsors are required to be included when reviewing any proposed updates to this policy.~~

Cross References: 1.9-POLICY Formulation
 4.13-PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION
 4.43-BULLYING

Legal References: A C.A § 6-18-514

 A.C.A § 6-18-1201 et seq. 1'102, 1203, & 1204
 Tinker v. Des Moines !SD, 393 U.S. 503 (1969)
 Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)
 Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

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Last Revised: May 2017

4.15--CONTACT WITH STUDENTS WHILE AT SCHOOL

CONTACT BY PARENTS

Parents wishing to speak to their children during the school day shall register first with the office.

CONTACT BY NON-CUSTODIAL PARENTS

If there is any question concerning the legal custody of the student, the custodial parent shall present documentation to the principal or the principal's designee establishing the parent's custody of the student. It shall be the responsibility of the custodial parent to make any court ordered "no contact" or other restrictions regarding the non-custodial parent known to the principal by presenting a copy of a file-marked court order. Without such a court order on file, the school will release the child to either of his/her parents. Non-custodial parents who file with the principal a date-stamped copy of current court orders granting unsupervised visitation may eat lunch, volunteer in their child's classroom, or otherwise have contact with their child during school hours and the prior approval of the school's principal. Such contact is subject to the limitations outlined in Policy 4.16, Policy 6.5, and any other policies that may apply.

Arkansas law provides that, in order to avoid continuing child custody controversies from involving school personnel and to avoid disruptions to the educational atmosphere in the District's schools, the transfer of a child between his/her custodial parent and non-custodial parent, when both parents are present, shall not take place on the school's property on normal school days during normal hours of school operation. The custodial or non-custodial parent may send to/drop off the student at school to be sent to/picked up by the other parent on predetermined days in accordance with any court order provided by the custodial parent or by a signed agreement between both the custodial and non-custodial parents that was witnessed by the student's building principal.¹ Unless a valid no-contact order has been filed with the student's principal or the principal's designee, district employees shall not become involved in disputes concerning whether or not that parent was supposed to pick up the student on any given day.

CONTACT BY LAW ENFORCEMENT, SOCIAL SERVICES, OR BY COURT ORDER

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Division of Arkansas State Police may interview students without a court order for the purpose of investigating suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-hour hold" without first obtaining a court order. Except as provided below, other questioning of students by non-school personnel shall be granted only with a court order directing such questioning, with permission of the parents of a student (or the student if above eighteen (18) years of age), or in response to a subpoena or arrest warrant.

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, or other person having lawful control by court order **of the student**, or person acting **standing** in loco parentis identified on student enrollment forms. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Division of Arkansas State Police, or an investigator or employee of the Department of Human Services. In instances other than those related to cases of suspected child abuse, principals must release a student to either a, police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis notice that the student has been taken into custody by law enforcement personnel or a state's social services agency. If the principal or designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call the principal or designee, and leave both a day and an after-hours telephone number.

CONTACT BY PROFESSIONAL LICENSURE STANDARDS BOARD INVESTIGATORS

Investigators for the Professional Licensure Standards Board may meet with students during the school day to carry out the investigation of an ethics complaint.

Note:¹ This sentence is based on language in A.C.A § 9-13-104 (b) and is NOT required. School administration should ALWAYS decline any involvement in the fight between parents over whose day it is to pick up the student. The school's interest is that AP AARENT or an individual authorized by a PARENT checks the child out or picks the child up, not that the "right" parent checks the child out on the "right" day.

Legal References: A.C.A.§ 6-18-513
 A.C.A § 9-13-104
 A.C.A.§ 12-18-609, 610,613
 A.C.A.§ 12-18-1001, 1005

Date Adopted: May 15, 2017; July 20, 2020
Last Revised: May 2017

4.16---STUDENT VISITORS

The board strongly believes that the purpose of school is for learning. Social visitors, generally, disrupt the classroom and interfere with learning that should be taking place. Therefore, visiting with students at school is strongly discouraged, unless approved by the principal and scheduled in advance. This includes visits made by former students, friends, and/or relatives of teachers or students. Any visitation to the classroom shall be allowed only with the permission of the school principal and all visitors must first register at the office.

Cross References: For adult visits see Policy 4.15--CONTACT WITH STUDENTS WHILE AT SCHOOL and Policy 6.5-VISITORS TO THE SCHOOLS

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Last Revised: May 2017

4.17-STUDENT DISCIPLINE

The Brinkley Board of Education has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

- At any time on the school grounds;
- Off school grounds at a school sponsored function, activity, or event; and
- Going to and from school or a school activity.

The District's administrators may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to: a felony or an act that would be considered a felony if committed by an adult; an assault or battery; drug law violations; or sexual misconduct of a serious nature. Any disciplinary action pursued by the District shall be in accordance with the student's appropriate due process rights.¹

The District's personnel policy committees shall annually review the District's student discipline policies, including State and District student discipline data, and may recommend changes in the policies to the Brinkley School Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The District's student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgement form documenting that they have received the policies.

The District shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.

The superintendent is authorized to modify the penalties set forth in the District's student discipline policies on a case-by-case basis.

It is required by law that the principal or the person in charge report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the

Superintendent, that person shall also inform the Superintendent of the incident. Additionally, the principal shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Superintendent or designee shall inform the Board of Directors of any such report made to law enforcement.

The superintendent shall make a report annually to the Board of Directors on student discipline data, which shall include; without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Note:¹ To satisfy a student's due process rights, for events both on and off campus, make sure that all special education requirements are met when those requirements apply.

Legal References: ~~A.C.A. § 6-18-502~~
 A.C.A. § 6-17-113
 A.C.A. § 6-18-502
 A.C. A. § 6-18-514
 DESE Rules Governing Student Discipline and School Safety

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.18---PROHIBITED CONDUCT

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board.

Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;

16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, sexual orientation, gender identity, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, "throwing signs" or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device; and
24. Theft of another individual's personal property.

The Board directs each school in the District to develop implementation regulations for prohibited student conduct consistent with applicable Board policy, State and Federal laws, and judicial decisions.

Cross References: Prohibited Conduct #2-Policy # 4.20
 Prohibited Conduct #3-Policy # 4.21, 4.26
 Prohibited Conduct #4--- Policy# 4.22
 Prohibited Conduct #5-Policy # 4.23
 Prohibited Conduct #7-Policy 4.47
 Prohibited Conduct #8- Policy# 4.24
 Prohibited Conduct # 13-Policy # 4.25
 Prohibited Conduct# 14--Policy# 4.21
 Prohibited Conduct # 15-Policy # 4.7
 Prohibited Conduct# 16-Policy #4.9
 Prohibited Conduct # 17-Policy # 4.43
 Prohibited Conduct# 20- Policy# 4.26
 Prohibited Conduct# 21-Policy # 4.27
 Prohibited Conduct # 22-Policy # 4.43
 Prohibited Conduct# 23- Policy # 4.47

Legal References: A.C.A § 6-5-201
 A.C.A § 6-15-1005
 A.C.A § 6-18-222
 A.C.A § 6-5-201

A.C.A § 6-15-1005

A.C.A § 6-18-222

A.C.A § 6-18-502

A.C.A § 6-18-514

A.C.A § 6-18-707

A.C.A § 6-21-609

A.C.A § 27-51-1602

A.C.A § 27-51-1603

A.C.A § 27-51-1609

[DESE Rules Governing Student Discipline and School Safety](#)

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4.19-CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY

~~Students are subject to the same rules of conduct~~ The District's Student Code of conduct applies to students while traveling to and from school or to and from a school activity as they are while to the same extent as if the students were on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate the District's Student Code of Conduct rules.

The preceding paragraph also applies to student conduct while on school buses. Students shall be instructed in safe riding practices.¹ The driver of a school bus shall not operate the school bus until every passenger is seated. In addition to other disciplinary ~~Disciplinary~~ measures provided for violations of the District's Student Code of Conduct, ~~for problems related to bus behavior shall include suspension or expulsion from school, or suspending or terminating the student's bus transportation privileges~~ may be suspended or terminated for violations of the Student Code of Conduct related to bus behavior. ~~Transporting students to and from school who have lost their bus transportation privileges shall become the responsibility of the student's parent or legal guardian.~~

Students are eligible to receive district bus transportation if they meet the following requirements.² The transportation to and from school of students who have lost their bus transportation privileges is the responsibility of the student's parent or guardian.

Notes: 1 The Rules don't specify who is responsible for instructing the students in safe riding practices.

² Insert your district's policy for student bus eligibility here. In Arkansas, there is no requirement that the district provide bus transportation for any of its students, but whatever criteria you establish have to be rational and consistently applied throughout the district. It can be as simple as stating that every student is eligible to ride the bus, or you can establish parameters such as a minimum distance from school. You can have different criteria for transporting elementary students to their school than you have for high school students to their school. Both general eligibility rules as well as possible disciplinary measures must take into account the district's responsibility to meet federal requirements for students with disabilities. If you choose to mention bus route configurations, don't list them in the policy. Instead, state that the superintendent, or his/her designee(s), shall annually establish the routes and may modify them as needed. You may choose to stipulate criteria, such as length of the routes, or snow routes that the superintendent shall use in establishing the routes.

Legal References: A.C.A § 5-60-122
 A.C.A § 6-19-119 (b)

Ark. Division of Academic Facilities and Transportation Rules Governing
Maintenance and Operations of Ark. Public School Buses and Physical
Examinations of School Bus Drivers4.0

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.20-DISRUPTION OF SCHOOL

No student shall by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing disruption or obstruction of any lawful mission, process, or function. Nor shall any student encourage any other student to engage in such activities.

Disorderly activities by any student or group of students that adversely affect the school's orderly educational environment shall not be tolerated at any time on school grounds. Teachers may remove from class and send to the principal or principal's designee office a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students, the class, or with the ability of the student's classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the school administration.

Legal Reference: AC.A. § 6-18-511

Date Adopted: May 15, 2017

Last Revised: May 2017

4.21-STUDENT ASSAULT OR BATTERY

A student shall not threaten, physically abuse, attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures; vulgar, abusive, or insulting language; taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common acceptance, is calculated to:

- a. Cause a breach of the peace;
- b. Materially and substantially interfere with the operation of the school; or
- c. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

Students guilty of such an offense may be subject to legal proceedings in addition to any student disciplinary measures.

Legal Reference: AC.A. § 6-17-106 (a)
[DESE Rules Governing Student Discipline and School Safety](#)

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Last Revised: May 2017

4.22-WEAPONS AND DANGEROUS INSTRUMENTS

Definitions

"Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

"Possession" means having a weapon on the student's body or in an area under the student's control.

"Weapon" means any:

- Firearm;
- Knife;
- Razor;
- Ice pick;
- Dirk;
- Box cutter;
- Nun chucks;
- Pepper spray, mace, or other noxious spray;
- Explosive;
- Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or
- Any other instrument or substance capable of causing bodily harm.

No student, except for Military personnel (such as ROTC cadets) acting in the course of their official duties or as otherwise expressly permitted by this policy, shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon before or after school while:

- o in a school building;
- o On or about school property;
- o at any school sponsored activity or event;
- o On route to or from school or any school sponsored activity; or
- o Off the school grounds at any school bus stop.

If a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a book bag/purse, or in his/her vehicle on school grounds, and the student informs the principal or a staff person immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student's parent/legal guardian shall pick up the weapon from the school's office.

Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of one (1) year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.¹

Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property.² Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the district that include the use of firearms. Such activities may include ROTC programs; hunting safety or military education; or before or after- school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the school employee designated to receive such firearms. The designated employee shall store the firearms in a secure location until they are removed for use in the approved activity.

The district shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

Notes: ¹The exemption is for IDEA purposes where the possession can reasonably be associated with the student's disability. To be eligible for ESEA funds, the federal Department of Education requires an assurance that the district:

- 1) is in compliance with the State law requiring the one-year expulsion; and
- 2) a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:
 - A. The name of the school concerned;
 - B. The number of students expelled from the school; and
 - C. The type of firearms concerned.

This requirement applies even in the instances where the district exercised its option to modify the expulsion requirement on a case-by-case basis. The DOE Guidance on the Gun Free Schools Act prohibits the use of the case-by-case option to avoid "over-all compliance with the one-year expulsion requirement. In order to modify the expulsion recommendation, the superintendent must provide a written explanation behind the modification under the Federal law.

² The statute that specifies the parents' penalties is AC.A. § 5-27-210, but it is also helpful to have AC.A. § 5-4-201 and AC.A. § 5-4-401 available which spell out the fines and possible imprisonment for a class B misdemeanor offense.

Cross Reference: Policy 4.31-EXPULSION

Legal References: A.C.A. § 5-4-201 AC.A. § 5-4-401
A.C.A. § 5-27-210
A.C.A. § 5-73-I 19(b) (e)(8), (9), (10)
A.C.A. § 5-73-133

A.C.A § 6-18-502

A.C.A § 6-18-507 A.C.A § 6-21-608

[DESE Rules Governing Student Discipline and School Safety 20USC § 7961](#)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.23-- **TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND TOBACCO RELATED PRODUCTS**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by a District school, including school buses owned or leased by the District, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

With the exception of recognized tobacco cessation products, this policy's prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

Note: The statute requires the statute's posting "... in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport students"

Legal Reference: AC.A.§ 6-21-609

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Last Revised: May 2017

4.24-DRUGS AND ALCOHOL

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the deleterious effects of alcohol and drugs. Their use is illegal, disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in the Brinkley School District shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who: is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; or is on route to or from school or any school sponsored activity.

Prohibited substances shall include, but are not limited to: alcohol, or any alcoholic beverage; inhalants or any ingestible matter that alter a student's ability to act, think, or respond; LSD, or any other hallucinogen; marijuana; cocaine, heroin, or any other narcotic drug; PCP; amphetamines; steroids; "designer drugs"; look-alike drugs; or any controlled substance.

The sale, distribution, or attempted sale or distribution of over-the-counter (OTC) medications, dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited. The possession or use of OTC medications, dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited except as permitted under Policy 4.35-STUDENT MEDICATIONS.

Cross Reference: 4.35-STUDENT MEDICATIONS

Legal Reference: A.C.A. § 6-18-502

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Last Revised: May 2017

4.25--STUDENT- DRESSAND GROOMING

The Brinkley Board of Education recognizes that dress can be a matter of personal taste and preference. At the same time, the District has a responsibility to promote an environment conducive to student learning. This requires limitations to student dress and grooming that could be disruptive to the educational process because they are immodest, disruptive, unsanitary, unsafe, could cause property damage, or are offensive to common standards of decency.

Students are prohibited from wearing, while on the school grounds during the school day and at school-sponsored events, clothing that exposes underwear, buttocks, or the breast of a female. This prohibition does not apply, however to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

The Superintendent shall establish student dress codes for the District's schools, to be included in the student handbook, and are consistent with the above criteria.

Legal References: AC.A.§ 6-18-502(c)(l)

AC.A.§ 6-18-503(c)

Date Adopted: May 15, 2017

Last Revised: May 2017

4.26-GANGS AND GANG ACTIVITY

The Board is committed to ensuring a safe school environment conducive to promoting a learning environment where students and staff can excel. An orderly environment cannot exist where unlawful acts occur causing fear, intimidation, or physical harm to students or school staff. Gangs and their activities create such an atmosphere and shall not be allowed on school grounds or at school functions.

The following actions are prohibited by students on school property or at school functions:

1. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
2. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
3. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
4. Extorting payment from any individual in return for protection from harm from any gang.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion.

Students arrested for gang related activities occurring off school grounds shall be subject to the same disciplinary actions as if they had occurred on school grounds.

Legal References: AC.A§ 5-74-201 et seq.
 AC. A§ 6-15-1005(b)(2)
 A.C.A. & 5 74 201

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.27-STUDENT SEXUAL HARASSMENT

The Brinkley School District is committed to providing an academic environment that treats all students with respect and dignity. Student achievement is best attained in an atmosphere of equal educational opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

The District believes the best policy to create an educational environment free from sexual harassment is prevention: therefore, the District shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- 0 the nature of sexual harassment;
- 0 The District's written procedures governing the formal complaint grievance process;¹
- 0 The process for submitting a formal complaint of sexual harassment;
- 0 That the district does not tolerate sexual harassment;
- 0 That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- 0 The supports that are available to individuals suffering sexual harassment; and
- 0 The potential discipline for perpetrating sexual harassment.

Definitions

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Education program or activity" includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- I. A District employee:
 - a. Conditions the provision of an aid, benefit, or service of the District on an individual's participation in sexual conduct²; or
 - b. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;²

2. The conduct is:
 - a. Unwelcome; and
 - b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. Constitutes:
 - d. Sexual assault:
 - e. Dating violence
 - f. Domestic violence: or
 - g. Stalking.

"Supportive measures" means individualized services that are offered to the complainant or the respondent designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature: offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available. and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment sexual harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(is) of the individuals involved. Depending upon such circumstances. examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person's alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students as to sexual activity or performance;

- Circulating or showing e-mails or Web sites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the student self-identifies as homosexual or transgender.

Students who believe they have been subjected to sexual harassment or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to any District staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

Supportive Measures

The District shall offer supportive measures to both the complainant and respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

Formal Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- o Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- o Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - o The identities of the parties involved in the incident, if known;
 - o The conduct allegedly constituting sexual harassment; and
 - o The date and location of the alleged incident, if known;

- o A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- o That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- o That the parties may inspect and review evidence relevant to the complaint of sexual harassment and
- o That the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent: or by more than one complainant against one or more respondents: or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular " party", "complainant", or respondent" include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access. Consider disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other exculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;

- Provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate:
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; this includes evidence:
 - Whether obtained from a party or other source,
 - The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - That is either Exculpatory or exculpatory; and
 - Create an investigative report that fairly summarizes relevant evidence.

At least ten (10)³ days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)³ days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

- o Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- o Provide each party with the answers;
- o Allow for additional, limited follow-up questions from each party; and
- o Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, or shall issue a written determination regarding responsibility. The written determination shall include--

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. site visits;

- d. Methods used to gather other evidence: and
- e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of (and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved: did not occur in the District's education program or activity: or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct.

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- o The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- o The respondent is no longer enrolled at the District; or
- o Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination- maker when necessary.

Appeals

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein. on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter: or
- d. An appeal of the disciplinary sanctions from the initial determination.⁴

For all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the District's procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker⁵ for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support Of or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Confidentiality

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.⁵

Except as listed above, the District shall keep confidential the identity of:

- Any individual who has made a report or complaint of sex discrimination;
- Any individual who has made a report or filed a formal complaint of sexual harassment; Any complainant;
- Any individual who has been reported to be the perpetrator of sex discrimination; Any respondent; and
- Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

Emergency removal⁶

The District may remove a respondent from the District's education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

Retaliation Prohibited

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment: testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

Disciplinary Sanctions

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not⁷ have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

Records

The District shall maintain the following records for a minimum of seven (7) years:

- Each sexual harassment investigation including:
- Any determination regarding responsibility:
- any disciplinary sanctions imposed on the respondent

- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment which must include:
 - The basis for the District's conclusion that its response was not deliberately indifferent; and
 - Document:
- If supportive measures were provided to the complainant the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
- If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Notes: 1 34 C.F.R. § 106.44 requires that a district have procedures governing the grievance process and the appeals process to accompany this policy. The procedures are required to cover all of the following:

- Direct that complainants and respondents shall be treated equitably by:
 - Offering supportive measures to the complainant;
 - Completing the District's grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
 - Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent that are designed to restore or preserve equal access to the District's education program or activity, which may include the same individualized supportive measures:
 - Require an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence;
 - Provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
 - Require that any individual designated by the District as a Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- Indicate that individuals selected by the District as Title IX Coordinators, investigators, and decision-makers have received training on:
 - The definition of sexual harassment;
 - The scope of the District's education program or activity;
 - How to conduct an investigation and the grievance process, including appeals;
 - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
 - Issues of relevance to create an investigative report that fairly summarizes relevant evidence;
- Provide the District webpage where the materials used to train the District's Title IX Coordinators, investigators, and decision-makers is located;

- Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals:³
- A process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action, which may include:
 - The absence of a party, a party's advisor, or a witness;
 - Concurrent law enforcement activity; or
 - The need for language assistance or accommodation of disabilities;
- Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility;
- State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard:⁷
- Include the procedures and permissible bases for the complainant and respondent to appeal;
- Describe the range of supportive measures available to complainants and respondents; and
- Indicate that the District shall not require, allow; rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process.

² While the definition for sexual harassment from 34 C.F.R. § 106.30 includes that the sexual conduct with an employee must be "unwelcome", we have removed the word "unwelcome" from the student policy as A.C.A. § 12-18-103 prohibits sexual conduct between district employees and students regardless of whether the student considers the sexual conduct to be welcome or unwelcome.

³ The minimum number of days you are required to provide for the parties to review the evidence is ten (10) days. Make sure that the number of days you include here matches with the time frame included in your procedures governing the grievance process.

⁴ A.C.A. § 6-18-502(c)(1)(B) provides that the superintendent has the authority to "modify the prescribed penalties for a student on a case-by-case basis". 34 C.F.R. § 106.45 requires that either party must have an equal opportunity to appeal for the stated reasons; therefore, both the complainant and respondent have the right to appeal the initial determination-maker's disciplinary sanctions.

⁵ While the Family Educational Rights and Privacy Act (FERPA) ordinarily requires that documents containing information about more than one student be redacted so that a student may only view the

portion of the educational record that is relevant to that particular student, 34 C.F.R. § 106.6 provides that FERPA does not apply to the extent necessary to provide due process to both parties involved in the grievance process; this includes allowing either party to review the names of the other party as well as any witnesses who have provided evidence relevant to the investigation.

⁶ The language here does not change an individual's rights under the IDEA Section 504, or the ADA.

⁷ We have opted to use the preponderance of the evidence standard for determination of responsibility. If you choose to use the clear and convincing evidentiary standard instead, change the language here to indicate so and make sure that your procedures indicate so as well. 34 C.F.R. § 106.45 requires that you use the same evidentiary standard for both students and employees

Cross References:

3.26-LICENSED PERSONNEL SEXUAL HARASSMENT 4.11-EQUAL
EDUCATIONAL OPPORTUNITY
5.20 DISTRICT WEBSITE
7.15-RECORD RETENTION AND DESTRUCTION
8.20 CLASSIFIED PERSONNEL SEXUAL HARASSMENT

Legal References:

20 USC 1681 et seq.
34 C.F.R. Part 106
A.C. A § 6-15-1005
A.C.A § 6 -18-502
A.C.A§ 12-18-102

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.28-LASER POINTERS

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; on route to or from school or any school- sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event.

School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the District.

Legal References: A.C.A § 6-18-512
 DESE Rules Governing Student Discipline and School Safety

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.29-INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY

Definition

For the purposes of this policy, "electronic device" means anything that can be used to transmit or capture images, sound, or data.

The District makes electronic device(s) and/or electronic device Internet access available to students, to permit students to perform research and to allow students to learn how to use electronic device technology. Use of district electronic devices is for educational and/or instructional purposes only. Student use of electronic device(s) shall only be as directed or assigned by staff or teachers; students are advised that they enjoy no expectation of privacy in any aspect of their electronic device use, including email, and that monitoring of student electronic device use is continuous.

No student will be granted Internet access until and unless an Internet and electronic device -use agreement, signed by both the student and the parent or legal guardian (if the student is under the age of eighteen [18]) is on file. The current version of the Internet and Electronic Device use agreement is incorporated by reference into board policy and is considered part of the student handbook.

Technology Protection Measures

The District is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors; therefore, it is the policy of the District to protect each electronic device with Internet filtering software that is designed to prevent students from accessing such materials. For purposes of this policy, "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

- (A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Internet Use and Safety

The District is dedicated to ensuring that students are capable of using the Internet in a safe and responsible manner. The District uses technology protection measures to aid in student safety and shall also educate students on appropriate online behavior and Internet use including, but not limited to:

- interacting with other individuals on social networking websites and in chat rooms;
- Cyberbullying awareness; and
- Cyberbullying response.

Misuse of Internet

The opportunity to use the District's technology to access the Internet is a privilege and not a right. Students who misuse electronic devices or Internet access in any way will face disciplinary action, as specified in the student handbook and/or Internet safety and electronic device use agreement. Misuse of the Internet includes:

- The disabling or bypassing of security procedures, compromising, attempting to compromise, or defeating the district's technology network security or Internet filtering software;
- The altering of data without authorization;
- Disclosing, using, or disseminating passwords, whether the passwords are the student's own or those of another student/faculty/community member, to other students;
- Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, addresses, and phone numbers.
- Using electronic devices for any illegal activity, including electronic device hacking and copyright or intellectual property law violations;
- Using electronic devices to access or create sexually explicit or pornographic text or graphics;
- Using electronic devices to violate any other policy or is contrary to the Internet safety and electronic device use agreement.

Legal References: Children's Internet Protection Act; PL 106-554
FCC Final Rules 11-125 August 11,2011
20USC 6777
47 USC 254(h)(I)
47 CFR 54.520
47 CFR 520(c)(4)
A.C.A. § 6-21-107
A.C.A. § 6-21-111

Date Adopted: May 15, 2017

Last Revised: May 2017

4.29 F-STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT

Student's Name (Please Print) _____ Grade Level _____

School _____ Date _____

The Brinkley School District agrees to allow the student identified above ("Student") to use the district's technology to access the Internet under the following terms and conditions which apply whether the access is through a District or student owned electronic device (as used in this Agreement, "electronic device" means anything that can be used to transmit or capture images, sound, or data):

1. Conditional Privilege: The Student's use of the district's access to the Internet is a privilege conditioned on the Student's abiding to this agreement. No student may use the district's access to the Internet whether through a District or student owned electronic device unless the Student and his/her parent or guardian have read and signed this agreement.
2. Acceptable Use: The Student agrees that he/she will use the District's Internet access for educational purposes only. In using the Internet, the Student agrees to obey all federal and state laws and regulations and any State laws and rules. The Student also agrees to abide by any Internet use rules instituted at the Student's school or class, whether those rules are written or oral.
3. Penalties for Improper Use: If the Student violates this agreement and misuses the Internet, the Student shall be subject to disciplinary action. [**Note: A.C.A. § 6-21-107 requires the district to have " ... provisions for administration of punishment of students for violations of the policy with stiffer penalties for repeat offenders, and the same shall be incorporated into the district's written student discipline policy." You may choose to tailor your punishments to be appropriate to the school's grade levels.**]
4. "Misuse of the District's access to the Internet" includes, but is not limited to, the following:
 - a. Using the Internet for other than educational purposes;
 - b. Gaining intentional access or maintaining access to materials which are "harmful to minors" as defined by Arkansas law;
 - c. Using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
 - d. Making unauthorized copies of computer software;
 - e. Accessing "chat lines" unless authorized by the instructor for a class activity directly supervised by a staff member;

- f. Using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
 - g. Posting anonymous messages on the system;
 - h. Using encryption software;
 - i. Wasteful use of limited resources provided by the school including paper;
 - j. Causing congestion of the network through lengthy downloads of files;
 - k. Vandalizing data of another user;
 - l. Obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
 - m. Gaining or attempting to gain unauthorized access to resources or files;
 - n. Identifying oneself with another person's name or password or using an account or password of another user without proper authorization;
 - o. Invading the privacy of individuals;
 - p. Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, address, and phone number.
 - q. Using the network for financial or commercial gain without district permission;
 - r. Theft or vandalism of data, equipment, or intellectual property;
 - s. Attempting to gain access or gaining access to student records, grades, or files;
 - t. Introducing a virus to, or otherwise improperly tampering with the system;
 - u. Degrading or disrupting equipment or system performance;
 - v. Creating a web page or associating a web page with the school or school district without proper authorization;
 - w. Providing access to the District's Internet Access to unauthorized individuals;
 - x. Failing to obey school or classroom Internet use rules; or
 - y. Taking part in any activity related to Internet use which creates a clear and present danger of the substantial disruption of the orderly operation of the district or any of its school; or
 - z. Installing or downloading software on district computers without prior approval of the technology director or his/her designee.
5. Liability for debts: Students and their cosigners shall be liable for any and all costs (debts) incurred through the student's use of the computers or access to the Internet including penalties for copyright violations.
6. No Expectation of Privacy: The Student and parent/guardian signing below agree that if the Student uses the Internet through the District's access, that the Student waives any right to privacy the Student may have for such use. The Student and the parent/guardian agree that the district may monitor the Student's use of the District's Internet Access and may also examine all system activities the Student participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system. The District may share such transmissions with the Student's parents/guardians.
7. No Guarantees: The District will make good faith efforts to protect children from improper or harmful matter which may be on the Internet. At the same time, in signing this agreement, the parent and Student recognize that the District makes no guarantees about preventing improper access to such materials on the part of the Student.

8. Signatures: We, the persons who have signed below, have read this agreement and agree to be bound by the terms and conditions of this agreement.

Student's Signature: _____ :Date_____

Parent/Legal Guardian Signature: _____ Date _____

4.30-SUSPENSION FROM SCHOOL

Students who are not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes school principals or their designees to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days,¹ including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

- At any time on the school grounds;
- Off school grounds at a school-sponsored function, activity, or event; and
- Going to and from school or a school activity.

A student may be suspended for behavior including, but not limited to, that:

1. Is in violation of school policies, rules, or regulations;
2. Substantially interferes with the safe and orderly educational environment;
3. School administrators believe will result in the substantial interference with the safe and orderly educational environment; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The school principal or designee shall proceed as follows in deciding whether or not to suspend a student:

1. The student shall be given written notice or advised orally of the charges against him/her;
2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts; and
3. If the principal finds the student guilty of the misconduct, he/she may be suspended.

When possible, notice of the suspension, its duration, and any stipulations for the student's re-admittance to class will be given to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) having lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older or mailed to the last address reflected in the records of the school district.

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

It is the responsibility of a student's parents, legal guardians, person having lawful control of the student, or person standing in loco parentis to provide current contact information to the district, which the school shall use to immediately notify the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:²

- A primary call number;
 - The contact may be by voice, voice mail, or text message.
- An email address;
- A regular first class letter to the last known mailing address.

The district shall keep a log of contacts attempted and made to the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of OSS.

During the period of their suspension, students serving OSS are not permitted on campus except to attend a student/parent/administrator conference or when necessary as part of the District's engagement or access to education program.³

During the period of their suspension, students serving in-school suspension shall not attend or participate in any school-sponsored activities during the imposed suspension.³

Suspensions initiated by the principal or his/her designee may be appealed to the Superintendent, but not to the Board.

Suspensions initiated by the Superintendent may be appealed to the Board.

Notes: To satisfy a student's due process rights, make sure that all the IDEA requirements are met for students receiving special education services.

¹ The ten (10) school days are on a traditional school calendar. If your district uses a 4x4 block schedule, the number of days of suspension will need to be modified accordingly.

² A.C.A § 6-18-507(£)(3) requires attempts at contacting parents be made first by phone. If such contact fails, then contact may be by email, and if that is unsuccessful, contact may be by regular first class mail.

³ Your final language needs to match the language you have chosen for suspensions in policy 4.7.

Cross Reference: 4.7-ABSENCES

Legal References: A.C.A § 6-18-507
[DESE Rules Governing Student Discipline and School Safety](#)
Goss v Lopez, 419 U.S. 565 (1975)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.31-EXPULSION

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the District's written discipline policies. The Superintendent may make a recommendation of expulsion to the Board of Education for student conduct:

- Deemed to be of such gravity that suspension would be inappropriate;
- Where the student's continued attendance at school would disrupt the orderly learning environment; or
- Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

The Superintendent or his/her designee shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the District's records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

The hearing shall be conducted not later than ten (10) school days following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

The President of the Board, Board attorney, or other designated Board member shall preside at the hearing. The student may choose to be represented by legal counsel. Both the district administration and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Superintendent, or designee, or representative will present evidence, including the calling of witnesses, who gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted; however, any member of the Board, the Superintendent, or designee, the student, or his/her representative may question anyone making a statement and/or the student. The

presiding officer shall decide questions concerning the appropriateness or relevance of any questions asked during the hearing.

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis.

Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.² The parents, legal guardians, persons having lawful control of the student,

or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Superintendent and the Board of Education shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of expulsion. The District's program shall include offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the District if the student had not been expelled.

Notes: To satisfy a student's due process rights, make sure that all the IDEA requirements are met for students receiving special education services.

¹The ten (10) school days are on a traditional school calendar. If your district uses a 4x4 block schedule, the number of days of suspension will need to be modified accordingly.

² The current law governing parental responsibility is A.C.A § 5-27-210

Cross Reference: Policy 4.22-WEAPONS AND DANGEROUS INSTRUMENTS

Legal References: A.C.A § 6-15-1406
A.C.A § 6-18-502
A.C.A. § 6-18-507
DESE Rules Governing Student Discipline and School Safety

Date Adopted: May 15, 2017; July 20, 2020

4.32-SEARCH, SEIZURE, AND INTERROGATIONS

The District respects the rights of its students against arbitrary intrusion of their person and property. At the same time, it is the responsibility of school officials to protect the health, safety, and welfare of all students enrolled in the District in order to promote an environment conducive to student learning. The Superintendent, principals, and their designees have the right to inspect and search school property and equipment. They may also search students and their personal property in which the student has a reasonable expectation of privacy, when there is reasonable and individualized suspicion to believe such student or property contains illegal items or other items in violation of Board policy or dangerous to the school community.¹ School authorities may seize evidence found in the search and disciplinary action may be taken. Evidence found which appears to be in violation of the law shall be reported to the appropriate authority.

School property shall include, but not be limited to, lockers, desks, and parking lots, as well as personal effects left there by students. When possible, prior notice will be given and the student will be allowed to be present along with an adult witness; however, searches may be done at any time with or without notice or the student's consent. A personal search must not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

The Superintendent, principals, and their designees may request the assistance of law enforcement officials to help conduct searches. Such searches may include the use of specially trained dogs.

A school official of the same sex shall conduct personal searches with an adult witness of the same sex present.

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Department Division of Arkansas State Police, may interview students without a court order for the purpose of investigating suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-hourhold" without first obtaining a court order. Other questioning of students by non-school personnel shall be granted only with a court order directing such questioning, with permission of the parents of a student (or the student if above eighteen [18] years of age), or in response to a subpoena or arrest warrant.

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, ~~or other person~~ having lawful control of the student or person standing in loco parentis ~~by court order, or person acting in loco parentis on student enrollment forms~~. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, ~~custodian~~ person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception

applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the ~~Department~~ Division of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, ~~or other person having lawful control by court order~~ of the student, or person acting standing in loco parentis notice that the student has been taken into custody by law enforcement personnel or a state's social services agency. If the principal or designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call the principal or designee, and leave both a day and an after-hours telephone number.

Note:¹ Staff are strongly cautioned and advised that to search a student requires individualized suspicion, which requires the staff member(s) involved to have:

1. A good reason to believe that a specific student likely possesses an illegal or forbidden item in violation of Board policy; and
2. The belief that the student possesses the item exists both prior to and at the time of the search. Searches lacking such good faith belief about a particular student are not permitted; this includes routine suspicion less personal searches of all students and random suspicion less personal searches of students or groups of students. (This is distinct and different from random, suspicion less drug testing of students who participate in extracurricular or athletic events, which the United States Supreme Court permits.) Using a metal detector or "wandering" a student constitutes a search. Extraordinary circumstances must exist for a large group of students to be justifiably subjected to a personal or electronic search, such as a credible belief that any one of a number of students might possess something very dangerous (e.g. a gun or a knife). Searching all students to ensure that non-lethal contraband, such as an electronic device, is not possessed would certainly not pass legal muster; this is true regardless of whether or not testing is occurring. Failure to meet these constitutional requirements could lead to serious legal liability on the part of the district

Legal References: A.C. A § 6-18-513
 A.C.A § 9-13-104
 A.C.A § 12-18-609, 610,613
 A.C.A § 12-18-1001, 1005

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.33---STUDENTS' VEHICLES

A student who has presented a valid driver's license and proof of insurance to the appropriate office personnel, may drive his/her vehicle to school. Vehicles driven to school shall be parked in the area designated for student parking. Parking on school property is a privilege which may be denied to a student for any disciplinary violation, at the discretion of the student's building principal.

Students are not permitted to loiter in parking areas and are not to return to their vehicles during the school day for any reason unless given permission to do so by school personnel.

It is understood that there is no expectation of privacy in vehicles in parking areas. Drivers of vehicles parked on a school campus will be held accountable for illegal substances or any other item prohibited by District policy found in their vehicle. The act of a student parking a vehicle on campus is a grant of permission for school or law enforcement authorities to search that vehicle.

Date Adopted: May 15, 2017

Last Revised: May 2017

4.34-COMMUNICABLE DISEASES AND PARASITES

Students with communicable diseases or with human host parasites that are transmittable in a school environment shall demonstrate respect for other students by not attending school while they are capable of transmitting their condition to others. Students whom the school nurse determines are unwell or unfit for school attendance or who are believed to have a communicable disease or condition will be required to be picked up by their parent or guardian. Specific examples include, but are not limited to: Varicella (chickenpox), measles, scabies, conjunctivitis (Pink Eye), impetigo/MRS A (Methicillin-resistant Staphylococcus aureus), streptococcal and staphylococcal infections, ringworm, mononucleosis, Hepatitis A, B, or C, mumps, vomiting, diarrhea, and fever (100.4 F when taken orally).¹ A student who has been sent home by the school nurse will be subsequently readmitted, at the discretion of the school nurse, when the student is no longer a transmission risk. In some instances, a letter from a health care provider may be required prior to the student being readmitted to the school.

To help control the possible spread of communicable diseases, school personnel shall follow the District's exposure control plan when dealing with any blood borne, blood borne, and airborne pathogens exposures. Standard precautions shall be followed relating to the handling, disposal, and cleanup of blood and other potentially infectious materials such as all body fluids, secretions and excretions (except sweat).

In accordance with 4.57-IMMUNIZATIONS, the District shall maintain a copy of each student's immunization record and a list of individuals with exemptions from immunization which shall be education records as defined in policy 4.13. That policy provides that an education record may be disclosed to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

A student enrolled in the District who has an immunization exemption may be removed from school at the discretion of the Arkansas Department of Health during an outbreak of the disease for which the student is not vaccinated. The student may not return to school until the outbreak has been resolved and the student's return to school is approved by the Arkansas Department of Health.

The parents or legal guardians of students found to have live human host parasites that are transmittable in a school environment will be asked to pick their child up at the end of the school day. The parents or legal guardians will be given information concerning the eradication and control of human host parasites. A student may be readmitted after the school nurse or designee has determined the student no longer has live human host parasites that are transmittable in a school environment.

Each school may conduct screenings of students for human host parasites that are transmittable in a school environment as needed. The screenings shall be conducted in a manner that respects the privacy and confidentiality of each student.

Note:¹ Consult your school nurse for input on potential modifications of this listing. Hepatitis A is more contagious by casual contact than B or C, but B and C have been left in the model policy to err on the side of caution.

Cross References: 4.2-ENTRANCE REQUIREMENTS
 4.7-ABSENCES
 4.1-3- PRIVACY OF STUDENTS' RECORDS/DIRECTORY INFORMATION
 4.57-IMMUNIZATIONS

Legal References: AC.A. § 6-18-702
 Arkansas State Board of Health Rules and Regulations Pertaining to
 Immunization Requirements
 Arkansas Department of Division of Elementary and Secondary Education Rules
 Governing Kindergarten Through 12th Grade Immunization Requirements

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.35--STUDENT MEDICATIONS

Prior to the administration of any medication, including any dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, to any student under the age of eighteen (18), written parental consent is required. The consent form shall include authorization to administer the medication and relieve the Board and its employees of civil liability for damages or injuries resulting from the administration of medication to students in accordance with this policy. All signed medication consent forms are to be maintained by the school nurse.

Unless authorized to self-administer **or otherwise authorized by this policy**, students are not allowed to carry any medications, including over-the-counter (OTC) medications or any dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration while at school. The parent or legal guardian shall bring the student's medication to the school nurse. The student may bring the medication if accompanied by a written authorization from the parent or legal guardian. When medications are brought to the school nurse, the nurse shall document, in the presence of the parent, the quantity of the medication(s). If the medications are brought by a student, the school nurse shall ask another school employee to verify, in the presence of the student, the quantity of the medication(s). Each person present shall sign a form verifying the quantity of the medication(s).

Medications, including those for self-administration, must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings. Schedule II medications that are permitted by this policy to be brought to school shall be stored in a double locked cabinet.

Students with an individualized health plan (IHP) may be given OTC medications to the extent giving such medications are included in the student's IHP.

The district's supervising registered nurse is responsible for creating procedures for the administration of medications on and off campus.

The school shall not keep outdated medications or any medications past the end of the school year. Parents shall be notified ten (10) days in advance of the school's intention to dispose of any medication. Medications not picked up by the parents or legal guardians within the ten (10) day period shall be disposed of by the school nurse in accordance with current law and rules.¹

Schedule II Medications²

Option 1: The only Schedule II medications that shall be allowed to be brought to the school are methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse).³

For the student's safety, no student will be allowed to attend school if the student is currently taking any other Schedule II medication than permitted by this policy) Students who are taking Schedule II medications which are not allowed to be brought to school shall be eligible for homebound instruction if provided for in their IEP or 504 plans.²⁴

~~Option Two~~

Option 2: Students taking Schedule II medications methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse)⁴ shall be allowed to attend school.

Students taking Schedule II medications not included in the previous sentence⁴³ shall be allowed to bring them to school under the provisions of this policy and shall be permitted to attend and participate in classes **only** to the extent the student's doctor has specifically authorized such attendance and participation. A doctor's prescription for a student's Schedule II medication is **not** an authorization. Attendance authorization shall specifically state the degree and potential danger of physical exertion the student is permitted to undertake in the student's classes and extracurricular activities. Without a doctor's written authorization, a student taking Schedule II medications, other than those specifically authorized in this policy, shall **not** be eligible to attend classes, but shall be eligible for homebound instruction if provided for in their IEP or 504 plans.³⁴

~~The district's supervising registered nurse shall be responsible for creating both on campus and off campus and off campus procedures for administering medications.~~

Self-Administration of Medication

Students who have written permission from their parent or guardian and a licensed health care practitioner on file with the District may:

- 1) Self-administer either a rescue inhaler or auto-injectable epinephrine;
- 2) Perform his/her own blood glucose checks;
- 3) Administer insulin through the insulin delivery system the student uses;
- 4) Treat the student's own hypoglycemia and hyperglycemia; or
- 5) Possess on his or her person:
 - a. A rescue inhaler or auto-injectable epinephrine; or
 - b. the necessary supplies and equipment to perform his/her own diabetes monitoring and treatment functions.

Students who have a current consent form on file shall be allowed to carry and self-administer such medication while:

- In school;
- At an on-site school sponsored activity;
- While traveling to or from school; or
- At an off-site school sponsored activity.

A student is prohibited from sharing, transferring, or in any way diverting his/her medications to any other person. The fact that a student with a completed consent form on file is allowed to carry a rescue inhaler, auto-injectable epinephrine, diabetes medication, or combination does not require him/her to have such on his/her person. The parent or guardian of a student who qualifies under this policy to self-carry a rescue inhaler, auto-injectable epinephrine, diabetes medication, or any combination on his/her person shall provide the school with the appropriate medication, which shall be immediately available to the student in an emergency.

Students may possess and use a topical sunscreen that is approved by the United States Food and Drug Administration for OTC use to avoid overexposure to the sun without written authorization from a parent, legal guardian, or healthcare professional while the student is on school property or at a school-related event or activity. The parent or guardian of a student may provide written documentation authorizing specifically named District employee(s), in addition to the school nurse, to assist a student in the application of sunscreen. The District employee(s) named in the parent or legal guardian's written authorization shall not be required to assist the student in the application of sunscreen.

Emergency Administration of Glucagon and Insulin

Students may be administered Glucagon, insulin, or both in emergency situations by the school nurse or, in the absence of the school nurse, a trained volunteer school employee designated as a care provider, provided the student has:

1. An IHP that provides for the administration of Glucagon, insulin, or both in emergency situations; and
2. A current, valid consent form on file from their parent or guardian.

When the nurse is unavailable, the trained volunteer school employee who is responsible for a student shall be released from other duties during:

- A. The time scheduled for a dose of insulin in the student's IHP; and
- B. Glucagon or non-scheduled insulin administration once other staff have relieved him/her from other duties until a parent, guardian, other responsible adult, or medical personnel has arrived.

A student shall have access to a private area to perform diabetes monitoring and treatment functions as outlined in the student's IHP.

Emergency Administration of Epinephrine

The school nurse or other school employees designated by the school nurse as a care provider who have been trained⁴⁶ and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP developed under Section 504 of the Rehabilitation Act of 1973 which that provides for the administration of an epinephrine auto-injector in emergency situations.

The parent of a student who has an authorizing IHP, or the student if over the age of eighteen (18), shall annually complete and sign a written consent form provided by the student's school nurse authorizing the nurse or other school employee(s) certified to administer auto-injector epinephrine to administer auto-injector epinephrine to the student when the employee believes the student is having a life-threatening anaphylactic reaction.

Students with an order from a licensed health care provider to self-administer auto-injectable epinephrine and who have written permission from their parent or guardian shall provide the school nurse an epinephrine auto-injector. This epinephrine will be used in the event the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes the student is having a life-threatening anaphylactic reaction and the student is either not self-carrying his/her /epinephrine auto-injector or the nurse is unable to locate it.

The school nurse for each District school shall keep epinephrine auto-injectors on hand that are suitable for the students the school serves. The school nurse or other school employee designated by the school nurse as a care provider who has been trained⁴⁶ and certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

Emergency Administration of Albuterol

The school nurse or other school employees designated by the school nurse as a care provider who have been trained⁶ and certified by a licensed physician, advanced practice registered nurse, or physician assistant may administer albuterol in emergency situations to students who have an IHP that provides for the administration of albuterol in emergency situations.

The parent of a student who has an authorizing IHP, or the student if over the age of eighteen (18), shall annually complete and sign a written consent form provided by the student's school nurse authorizing the nurse or other school employee(s) certified to administer albuterol to administer albuterol to the student when the employee believes the student is in perceived respiratory distress.

The school nurse for each District school shall keep albuterol on hand. The school nurse or other school employee designated by the school nurse as a care provider who has been trained⁶ and certified by a licensed physician, advanced practice registered nurse, or physician assistant may administer albuterol to those students who the school nurse, or other school employee certified to administer albuterol in good faith professionally believes is in perceived respiratory distress.

Emergency Administration of Anti-opioid

The school nurse for each District school shall keep anti-opioid injectors on hand. The school nurse, other school employee, volunteer, or student may administer anti-opioid in accordance with the

District's procedures to a student who the school nurse, or other observer, in good faith believes is having an opioid overdose.

~~The school shall not keep outdated medications or any medications past the end of the school year. Parents shall be notified ten (10) days in advance of the school's intention to dispose of any medication. Medications not picked up by the parents or legal guardians within the ten (10) day period shall be disposed of by the school nurse in accordance with current law and regulations.²~~

Notes: AC.A. § 17-87-103(11) provides for the administration of Glucagon, insulin, or both to students suffering from diabetes.

Districts are not under any obligation to "recruit" volunteers and 4.11 of the Rules explicitly states that no employee shall be pressured into volunteering.

~~¹Arkansas Children's Hospital, The University of Arkansas Medical System, the Department of Health, and ADE have developed a training that would meet the statute's and this policy's certification requirement.~~

²¹The time frame in this paragraph is not statutorily mandated and may be changed to better suit your district and the employment contract of the school nurse. Any changes you make, however, need to address the need for students to have their medications through the last day of school and the reality of parent's work schedules.

²This policy offers two different options regarding permissibility of students attending and participating in classes while taking Schedule II medications. Be sure only one option is included in the adopted policy and delete the heading "Option one" or "Option Two" language after your selection along with the language for the unchosen option in the final version. ~~The footnote numbers relate to the language contained within the specific option.~~ Be sure to consult with your school nurse when selecting an option.

Option One

⁴³Here is a helpful, but not all-inclusive, list of prohibited Schedule II medications: Opium, morphine, codeine, hydromorphone (Dilaudid), methadone, meperidine (Demerol), cocaine, oxycodone (Percodan), amobarbital, pentobarbital, sufentanil, atropine hydrochloride, phenylactone, dronabinol, secobarbital, and fentanyl.

²⁴If A a student who has surgery or is in an accident ~~resulting in the student needing to take~~ may be taking a Schedule II medication outside of those a student may take and be permitted to attend classes under Option 1 or may have been told by his/her doctor to not attend class during the time the student is taking the Schedule II medication. In such cases, a 504 plan can be developed to cover the duration of the student's recovery, ~~The plan~~ which could include homebound instruction.

Option Two

~~A partial, but not all inclusive listing of Schedule II medications not specifically permitted includes: Opium, morphine, codeine, hydromorphone (Dilaudid), methadone, meperidine (Demerol), cocaine, oxycodone (Percodan), amobarbital, pentobarbital, sufentanil, atropine hydrochloride, phenylactone, dronabinol, secobarbital, and fentanyl.~~

²⁵The specific authorization should be provided on the doctor's letterhead along with the completed Medication Administration Consent Form (4.35F).

~~³A student who had surgery or was in an accident and is taking a Schedule II medication may be told by his/her doctor to not attend class. In such a case, a 501 plan can be developed to cover the duration of the student's recovery. The plan could include homebound instruction.~~

⁶ The certification may be received through training that is provided by a nationally recognized organization experienced in training laypersons in emergency health treatment or other persons approved by the Department of Health. Examples of National programs are those provided by the American Heart Association and the American Red Cross.

Legal References: Ark. State Board of Nursing: School Nurse Roles and Responsibilities
Arkansas Department of Division of Elementary and Secondary Education and
Arkansas State Board of Nursing Rules Governing the Administration of Insulin
and Glucagon to Arkansas Public School Students with Diabetes
A.C.A. § 6-18-701 A.C.A. § 6-18-707.
A.C.A. § 6-18-711
A.C.A. § 6-18-714 A.C.A. § 6-18-1005(a)(6)
A.C.A. § 17-87-103 (11)
A.C.A. § 20-13-405

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.35F-MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

This form is good for school year _____. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

Medications, including those for self-administration, must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

I hereby authorize the school nurse, or designee, to administer the following medication to my student:

Name of medication _____

Name of physician or dentist (if applicable) _____

Dosage _____

Instructions for administering the medication _____

Other instructions _____

I hereby authorize _____ to administer the above medication to my student in the unavailability of the school nurse at school in accordance with the above medication administration instructions.

I authorize the school nurse to take a photograph of my student to be used to verify my student's identification before the school nurse or an authorized individual administers medications to my student.¹

I acknowledge that the District, its Board of Directors, and its employees shall be immune from civil liability for damages resulting from the administration of medications in accordance with this consent form.

Parent or legal guardian signature _____ Date _____

Note: ¹While this language is optional, we recommend retaining the language unless your supervising school nurse determines it to be unnecessary.

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.35F2-MEDICATION SELF-ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

This form is good for school year _____ This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

The following must be provided for the student to be eligible to self-administer rescue inhalers and/or auto-injectable epinephrine. Eligibility is **only** valid for this school for the current academic year.

- a written statement from a licensed health-care provider who has prescriptive privileges that he//she has prescribed the rescue inhaler and/or auto-injectable epinephrine for the student and that the student needs to carry the medication on his/her person due to a medical condition;
- the specific medications prescribed for the student;
- an individualized health care plan developed by the prescribing health-care provider containing the treatment plan for managing asthma and/or anaphylaxis episodes of the student and for medication use by the student during school hours; and
- a statement from the prescribing health-care provider that the student possesses the skill and responsibility necessary to use and administer the asthma inhaler and/or auto-injectable epinephrine.

If the school nurse is available, the student shall demonstrate his/her skill level in using the rescue inhalers and/or auto-injectable epinephrine to the nurse.

Rescue inhalers and/or auto-injectable epinephrine for a student's self-administration shall be supplied by the student's parent or guardian and be in the original container properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

Students who self-carry a rescue inhaler or an epinephrine auto-injector shall also provide the school nurse with a rescue inhaler or an epinephrine auto-injector to be used in emergency situations.

I understand this form authorizes my student to possess and use the medication(s) included on this form while on school grounds and at school sponsored events but that distribution of the medication(s) included on this form to other students may lead to disciplinary action against my student.

My signature below is an acknowledgment that I understand that the District, its Board of Directors, and its employees shall be immune from civil liability for injury resulting from the self-administration of medications by the student named above.

Parent or legal guardian signature _____ Date _____

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.35F3-GLUCAGON AND/OR INSULIN ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

This form is good for school year _____. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

The school has developed an individual health plan (IHP) acknowledging that my child has been diagnosed as suffering from diabetes. The IHP authorizes the school nurse to administer Glucagon or insulin to my child in an emergency situation.

In the absence of the nurse, trained volunteer district personnel may administer to my child in an emergency situation:

Glucagon _____

Insulin _____

I hereby authorize the school nurse to administer Glucagon and insulin to my child, or, in the absence of the nurse, trained volunteer district personnel designated as care providers, to administer the medication(s) I selected above to my child in an emergency situation. I will supply the medication(s) I selected above to the school nurse in the original container properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

I acknowledge that the District, its Board of Directors, its employees, or an agent of the District, including a healthcare professional who trained volunteer school personnel designated as care providers shall not be liable for any damages resulting from his/her actions or inactions in the administration of Glucagon or insulin in accordance with this consent form and the IHP.

Parent or legal guardian signature _____

Date _____

Date Adopted: May 15, 2017

Last Revised: May 2017

4.35F4---EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print)_____

This form is good for school year_____. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

My child has an IHP ~~developed under Section 504 of the Rehabilitation Act of 1973 which~~ that provides for the administration of epinephrine in emergency situations. I hereby authorize the school nurse or other school employee certified to administer auto-injectable epinephrine to administer auto-injectable epinephrine in emergency situations when he/she believes my child is having a life-threatening anaphylactic reaction.

The medication must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

Date of physician's order _____

Circumstances under which Epinephrine may be administered_____

Other instructions_____

I acknowledge that the District, its Board of Directors, and its employees shall be immune from civil liability for damages resulting from the administration of auto-injector epinephrine in accordance with this consent form, District policy, and Arkansas law.

Parent or legal guardian signature_____ Date_____

Date Adopted: July 22, 2019

Last Revised:

4.35F 5- ALBUTEROL EMERGENCY ADMINISTRATION CONSENTFORM

Student's Name (Please Print) _____

This form is good for school year _____ . This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

My child has an IHP that provides for the administration of albuterol in emergency situations. I hereby authorize the school nurse or other school employee certified to administer albuterol to administer albuterol in emergency situations when he/she believes my child is in perceived respiratory distress.

The medication must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

Date of Physician's order _____

Circumstances under which albuterol may be administered _____

Other instructions _____

I acknowledge that the District, its Board of Directors, and its employees shall be immune from civil liability for damages resulting from the administration of albuterol in accordance with this consent form, District policy, and Arkansas law.

Parent or legal guardian signature _____

Date _____

Date Adopted: July 22, 2019

Last Revised:

4.36-STUDENT ILLNESS/ACCIDENT.

If a student becomes too ill to remain in class and/or could be contagious to other students, the principal or designee will attempt to notify the student's parent or legal guardian. The student will remain in the school's health room or a place where he/she can be supervised until the end of the school day or until the parent/legal guardian can check the student out of school.

If a student becomes seriously ill or is injured while at school and the parent/legal guardian cannot be contacted, the failure to make such contact shall not unreasonably delay the school's expeditious transport of the student to an appropriate medical care facility. The school assumes no responsibility for treatment of the student. When available, current, and applicable, the student's emergency contact numbers and medical information will be utilized. Parents are strongly encouraged to keep this information up to date.

Date Adopted: May 15, 2017

Last Revised: May 2017

4.37-EMERGENCY DRILLS

All schools in the District shall conduct fire drills at least monthly. Tornado drills shall also be conducted no fewer than three (3) times per year with at least one each in the months of September, January, and February. Students who ride school buses,¹ shall also participate in emergency evacuation drills at least twice each school year.

The District shall annually conduct an active shooter drill and school safety assessment for all District schools in collaboration with local law enforcement and emergency management personnel. The training will include a lockdown exercise with panic button alert system training.^{2,3} Students will be included in the drills to the extent that is developmentally appropriate for the age of both the students and grade configuration of the school.⁴

Drills may be conducted during the instructional day or during non-instructional time periods.

Other types of emergency drills may also be conducted to test the implementation of the District's emergency plans in the event of violence, terrorist attack, natural disaster, other emergency, or the District's Panic Button Alert System². Students shall be included in the drills to the extent practicable⁴.

Notes: ¹Students who only ride buses occasionally, such as to go to and/or from a field trip will also have to participate in the evacuation drills.

² Due to the State opting to not appropriate funding for a panic button alert system, districts are no longer required to have a panic button alert system but may continue to do so if they choose. If you choose not to continue to provide a panic button alert system, remove references to it from this policy. If you choose to continue to provide a panic button alert system, A.C.A § 6-15-1302 requires that the district's Panic Button Alert System meet the following requirements:

- a) Connect the caller with 911 while simultaneously notifying designated on-site personnel;
- b) Directly integrate into the existing statewide Smart911 system.
- c) Be available for use as a smartphone application and have a mechanism for panic notifications to be triggered by non-smartphone wireless callers and landline callers; and
- d) Be limited to users designated, approved, and confirmed by school administrators.

Smart911 is required to provide a way for schools to geo-fence the school campus and provide and manage floor plans and other documents to assist emergency responders when they automatically display during a 911 call. Districts are responsible for keeping the floor plans and pertinent emergency contact information for the statewide Smart911 system up to date.

³ The purpose of the training is to allow participants to:

- Discuss simulated emergency situations in a low-stress environment;
- Clarify the roles and responsibilities of individuals and the logistics of handling an emergency on the school campus; and

- Identify areas in which the school safety plan should be modified.

⁴ Student involvement will need to be worked out school by school and determined relative to grade and age considerations in conjunction with the actual content of the drill. There may be drills conducted that do not include any students due to the explicit nature of the drill and the age of the students while a drill in another school would include students. There are so many facets of responding to a school intruder/shooting incident that it's difficult to know when your planning has dealt with all the contingencies. A good resource on active shooter drills is the "I Love You Guys" Foundation, which was created by the parents of the victim of the school shooting at Platte Canyon High School in Colorado to develop a protocol to advance school safety. The Foundation has free materials for districts that can be a big help when developing protocols and training for both personnel and students. A description of the Foundation's recommended protocol and the materials can be found at <http://iloveguys.org/srp.html>. An additional resource is the Federal government's "Federal School Safety Clearinghouse", which is located at schoolsafety.gov. Some of this site's these sites' information could also be applied to the emergency plans required by statute and this policy.

Legal References: A.C.A § 12-13-109
 A.C.A § 6-10-110
 A.C.A § 6-10-121
 A.C.A § 6-15-1302
 A.C.A § 6-15-1303
 [A.C.A 6-15-1304](#)

Ark. Division of Academic Facilities and Transportation Rules Governing
Maintenance and Operations of Ark. Public School Buses and Physical
Examinations of School Bus Drivers 4.03.1

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.38-PERMANENT RECORDS

Permanent school records, as required by the Arkansas Department of Education (ADE), shall be maintained for each student enrolled in the District until the student receives a high school diploma or its equivalent or is beyond the age of compulsory school attendance. A copy of the student's permanent record shall be provided to the receiving school district within ten (10) school days after the date a request from the receiving school district is received².

Legal References: A.C.A. § 6-18-901
 ADE Rule *Student Permanent Records*

Date Adopted: May 15, 2017

Last Revised: May 2017

4.39-CORPORAL PUNISHMENT

Option 1

The Brinkley School Board authorizes the use of corporal punishment to be administered in accordance with this policy by the Superintendent or the superintendent's designated staff members who are required to have a state- issued license as a condition of their employment.¹

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and be given an opportunity to refute the charges.

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another school administrator or designee who shall be a licensed staff member employed by the District.

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non- ambulatory, non-verbal, or autistic².

Option2

The Brinkley School Board prohibits the use of corporal punishment by any employee of the District against any student.

Notes: ¹ If you have individuals employed under a waiver from licensure, add "or who are an administrator or teacher employed under a waiver from licensure".

²The immunity from civil liability that exists for performing corporal punishment does not apply if the student who receives corporal punishment is intellectually disabled, non-ambulatory, non-verbal, or autistic.

Legal Reference : AC.A.§ 6-18-503(b)

[DESE Rules Governing Student Discipline and School Safety](#)
[DESE Rules Governing Special Education and Related Services Section 11.00 - Discipline](#)

Date Adopted: May 15, 2017; July 20, 2020

4.40-HOMELESS STUDENTS

The Brinkley School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational agency (LEA) liaison for homeless children and youth whose responsibilities shall include, but are not limited to:

- Receive appropriate time and training in order to carry out the duties required by law and this policy;
- Coordinate and collaborate with the State Coordinator, community, and school personnel responsible for education and related services to homeless children and youths;
- Ensure that school personnel receive Professional development and other support regarding their duties and responsibilities for homeless youths;
- Ensure that unaccompanied homeless youths:
 - Are enrolled in school;
 - Have opportunities to meet the same challenging State academic standards as other children and youths; and
 - Are informed of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid;
- Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.

To the extent possible, the LEA liaison and the building principal shall work together to ensure no homeless child or youth is harmed due to conflicts with District policies solely because of the homeless child or youth's living situation; this is especially true for District policies governing fees, fines, and absences.

Notwithstanding Policy 4.1, homeless students living in the district are entitled to enroll in the district's school that non-homeless students who live in the same attendance area are eligible to attend. If there is a question concerning the enrollment of a homeless child due to a conflict with Policy 4.1 or 4.2, the child shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute, including all appeals. It is the responsibility of the District's LEA liaison for homeless children and youth to carry out the dispute resolution process.

For the purposes of this policy "school of origin" means:

- The school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool; and

- The designated receiving school at the next grade level for all feeder schools when the child completes the final grade provided by the school of origin.

The District shall do one of the following according to what is in the best interests of a homeless child:

1. Continue the child's or youth's education in the school of origin for the duration of homelessness:
 - In any case in which a family becomes homeless between academic years or during an academic year; and
 - For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
2. Enroll the child or youth in any public school that non homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

In determining the best interest of the child or youth, the District shall:

- Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- Consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

If the District determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the District shall provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal. For an unaccompanied youth, the District shall ensure that the LEA liaison assists in placement or enrollment decisions, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

The homeless child or youth must be immediately enrolled in the selected school regardless of whether application or enrollment deadlines were missed during the period of homelessness.

The District shall be responsible for providing transportation for a homeless child, at the request of the parent or guardian (or in the case of an unaccompanied youth, the LEA liaison), to and from the child's school of origin.

For the purposes of this policy, students shall be considered homeless if they lack a fixed, regular, and adequate nighttime residence and:

- A. Are:
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - Living in emergency or transitional shelters;
 - Abandoned in hospitals; or
 - Awaiting foster care placement;
- B. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- D. Are migratory children who are living in circumstances described in clauses (a) through (c).

In accordance with Federal law, information on a homeless child or youth's living situation is part of the student's education record and shall not be considered, or added, to the list of directory information in Policy 4.13.

Legal References: 42 U.S.C. § 11431 et seq.
 42 U.S.C. § 11431 (2)
 42 U.S.C. § 11432(g)(1)(H)(I)
 42 U.S.C. § 11432 (g)(1)(J)(i), (ii), (iii), (iii)(I), (iii)(II)
 42 U.S.C. § 11432 (g)(3)(A), (A)(i), (A)(i)(I), (A)(i)(II), (A)(ii)
 42 U.S.C. § 11432 (g)(3)(B)(i), (ii), (iii)
 42 U.S.C. § 11432 (g)(3)(C)(i), (ii), (iii)
 42 U.S.C. § 11432 (g)(3)(E)(i), (ii), (iii)
 42 U.S.C. § 11432 (g)(3)(G)
 42 U.S.C. § 11432 (g)(4) (A), (B), (C), (D), (E)
 42 U.S.C. § 11434a

Date Adopted: May 15, 2017

Last Revised: May 2017

4.41-PHYSICAL EXAMINATIONS OR SCREENINGS

The district conducts routine health screenings such as hearing, vision, and scoliosis due to the importance these health factors play in the ability of a student to succeed in school. The intent of the exams or screenings is to detect defects in hearing, vision, or other elements of health that would adversely affect the student's ability to achieve to his/her full potential.

The rights provided to parents under this policy transfer to the student when he/she turns eighteen (18) years old.

Except in instances where a student is suspected of having a contagious or infectious disease, parents shall have the right to opt their student out of the exams or screenings by using form 4.41F or by providing certification from a physician that he/she has recently examined the student.

Note: This policy is not intended to and does not cover invasive physical examinations. "Invasive Physical Examinations" is defined in federal law as any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body. It is our understanding that most students who would receive an invasive physical examination would do so as part of the student's individual health plan (IHP) or while at a school based health clinic; neither situation is intended to be covered by this policy.

In the event a student did not fall under one of the above situations, districts should be aware that an invasive physical examination requires that the student's parent/legal guardian be "directly" notified of the specific or approximate dates (to the extent known) during the school year when the invasive physical examination is scheduled within a reasonable period of time that would provide the parent and opportunity to object. Parents of a student whose IBP covers an invasive physical examination have granted permission for that specific type of exam as part of the establishment of the IHP.

"Directly notified" means by mail or email; inclusion in the student handbook does not meet the law's requirements.

Districts with students who participate as athletes in the Arkansas Special Olympics programs should be aware that the student's physical examination for participation in the program must be signed by either an advanced practice nurse or a licensed physician. Many of the participating students often have multiple health challenges, which can sometimes be deadly in the right circumstances (These are often referred to as "co-morbidities".) As a result, it is important that the Special Olympics athlete medical form be completed by the parent and the qualified health care provider. A copy of the medical form can be found on the Policy Resources Page at <http://arsba.org/policy-resources>. <https://arsba.org/policy-resources>.

Legal References: AC.A. § 6-18-701 (b), (c), (e)

Date Adopted: May 15, 2017; July 22, 2019; June 21,2021

Last Revised: May 2017; July 22,2019

4.41F--OBJECTION TO PHYSICAL EXAMINATIONS OR SCREENINGS

I, the undersigned, being a parent or guardian of a student, or a student eighteen (18) years of age or older, hereby note my objection to the physical examination or screenings of the student named below.

Physical examination or screenings being objected to:

____ Vision test

____ Hearing test

____ Scoliosis test

____ Other, please specify _____

Comments:

Name of student (Printed)

Signature of parent (or student, if 18 or older)

Date form was filed (To be filled in by office personnel)

4.42-STUDENT HANDBOOK

It shall be the policy of the Brinkley school district that the most recently adopted version of the Student Handbook be incorporated by reference into the policies of this district. In the event that there is a conflict between the student handbook and a general board policy or policies, the more recently adopted language will be considered binding and controlling on the matter provided the parent(s) of the student, or the student if 18 years of age or older have acknowledged receipt of the controlling language.

Principals shall review all changes to student policies and ensure that such changes are provided to students and parents, either in the Handbook or, if changes are made after the handbook is printed, as an addendum to the handbook.

Principals and counselors shall also review Policies 4.45-SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS and the current ADE Standards for Accreditation Rules to ensure that there is no conflict. If a conflict exists, the Principal and/or Counselor shall notify the Superintendent and Curriculum Coordinator immediately, so that corrections may be made and notice of the requirements given to students and parents.

Date Adopted: May 15, 2017

Last Revised: May 2017

4.43-BULLYING

Definitions

"Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

"Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

- Physical harm to a public school employee or student or damage to the public school employee's or student's property;
- Substantial interference with a student's education or with a public school employee's role in education;
- A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
- Substantial disruption of the orderly operation of the school or educational environment; Examples of "Bullying" include, but are not limited to, a pattern of behavior involving one or more of the following:
 1. Cyberbullying;
 2. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
 3. Pointed questions intended to embarrass or humiliate,
 4. Mocking, taunting or belittling,
 5. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person,
 6. Demeaning humor relating to a student's actual or perceived attributes,
 7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
 8. Blocking access to school property or facilities,
 9. Deliberate physical contact or injury to person or property,
 10. Stealing or hiding books or belongings,
 11. Threats of harm to student(s), possessions, or others,
 12. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
 13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: "Slut", "You are so gay.", "Fag", "Queer").

"Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

- Harass, intimidate, humiliate, ridicule, defame, or threaten a student, school employee, or person with whom the other student or school employee is associated; or
- Incite violence towards a student, school employee, or person with whom the other student or school employee is associated.

Cyberbullying of School Employees includes, but is not limited to:

- a. Building a fake profile or website of the employee;
- b. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
- c. Posting an original or edited image of the school employee on the Internet;
- d. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
- e. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
- f. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
- g. Signing up a school employee for a pornographic Internet site; or
- h. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

"Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

"Substantial disruption" means without limitation that any one or more of the following occur as a result of the bullying:

- Necessary cessation of instruction or educational activities;
- Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

- Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
- Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs a person of his/her dignity, detracts from the safe environment necessary to promote student learning, and will not be tolerated by the Board of Directors. Students who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off school property at a school sponsored or approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops.

Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the building principal. The report may be made anonymously. Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the building principal, or designee, as soon as possible. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the building principal, or designee.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

A building principal, or designee, who receives a credible report or complaint of bullying shall:

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
 - a. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
 - b. Prepare a written report of the alleged incident of bullying;
2. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
3. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the alleged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
4. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person acting in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
 - a. That a credible report or complaint of bullying against their student exists;
 - b. Whether the investigation found the credible report or complaint of bullying to be true;
 - c. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and

- d. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
5. Make a written record of the investigation, which shall include:
 - a. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
 - b. Any action taken as a result of the investigation; and
6. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred.¹ In addition to any disciplinary actions, the District shall take appropriate steps to remedy the effects resulting from bullying.

Notice of what constitutes bullying, the District's prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus.² Parents, legal guardians, person having lawful control of a student, persons standing in loco parentis, students, school volunteers, and employees shall be given copies of the notice annually.³

The superintendent shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation, the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Copies of this policy shall be available upon request.⁴

Notes: Different consequences are permitted depending on the age or grade of the bullying student.

¹ Example: a student might be disciplined both for bullying and sexual harassment, in an appropriate situation, or bullying and assault.

² Suggestion for the posted notice: Create a circle with a line through it over the word Bullying (similar to a non-smoking logo). Beside the logo write: Mean talk or hurting other people is called bullying. Bullying is against the rules and can get you in trouble, suspended, or expelled. If someone bullies you, or you see someone being bullied, get help by telling an adult.

³ Copies of the notices are required to be published in any district Publication that sets forth the comprehensive rules, procedures, and standards of conduct for the schools within the district as well as the student handbook.

⁴ There should be a statement in the Student Handbook to this effect.

Legal References: A.C.A § 5-71-217

A.C.A § 6-18-514

[DESE Rules Governing Student Discipline and School Safety](#)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.44--ATTENDANCE REQUIREMENTS FOR STUDENTS IN GRADES 9- 12.

Students in grades nine through twelve (9-12) are required to schedule and attend at least 350 minutes of regularly scheduled class time daily. Part of this requirement may be met by students taking post-secondary courses. Eligible students' enrollment and attendance at a post-secondary institution shall count toward the required weekly time of school attendance. Each credit hour shall count as three (3) hours of attendance time. This means a three (3) hour course shall count as nine (9) hours of the weekly required time of attendance.

This requirement may be waived by the superintendent in accordance with the Arkansas Board of Education's Waiver granted to the school on March 9, 2017 for a 5- year period.

Study Halls

Students may be assigned to no more than one (1) class period each day for a study hall that the student shall be required to attend and participate in for the full period. Such study halls are to be used for the purposes of self- study or for organized tutoring which is to take place in the school building.

Extracurricular Classes

Students may be assigned to no more than one (1) class period each day for organized and scheduled student extracurricular classes that the student shall be required to attend and participate in for the full class period. Extracurricular classes related to a seasonal activity shall meet for an entire semester whether or not the season ends prior to the end of the semester. Students must attend and participate in the class for the entire semester in order to receive credit for the course. For the purpose of this policy, "extracurricular classes" is defined as school sponsored activities which are not an Arkansas Department of Education approved course counting toward graduation requirements or classes that have not been approved by the Arkansas Department of Education for academic credit. Such classes may include special interest, fine arts, technical, scholastic, intramural, and interscholastic opportunities.

Course Enrollment Outside of District

Enrollment and attendance in vocational-educational training courses, college courses, school work programs, and other department-sanctioned educational programs may be used to satisfy the student attendance requirement even if the programs are not located at the public schools. Attendance in such alternative programs must be pre-approved by the school's administration. The district shall strive to assign students who have been dropped from a course of study or removed from a school work program job during the semester into another placement or course of study. In the instances where a subsequent placement is unable to be made, the district may grant a waiver for the student for the duration of the semester in which the placement is unable to be made.

In rare instances, students may be granted waivers from the mandatory attendance requirement if they would experience a proven financial hardship if required to attend a full day of school. For the purpose of this policy, "proven financial hardship" is defined as harm or suffering caused by a student's inability to obtain or provide basic life necessities of food, clothing, and shelter for the student or the student's family. The superintendent shall have the authority to grant such a waiver, on a case-by-case basis, only when convinced the student meets the definition of proven financial hardship.

In any instance where a provision of a student's Individual Education Plan (IEP) conflicts with a portion(s) of this policy, the IEP shall prevail.

Legal References: A.C.A § 6-18-210, 211
Arkansas Department of Education Rules Governing the Mandatory Attendance
Requirements for Students in Grades Nine through Twelve

Date Adopted: May 15, 2017

Last Revised: May 2017

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2022, 2023, 2024, AND 2025

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are eighteen (18) years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, a *Smart Core Information Sheet and a Smart Core Waiver Form*¹ will be sent home with students prior to their enrolling in seventh (7th) grade, or when a seventh (7th) through twelfth (12th) grade student enrolls in the district for the first time and there is not a signed waiver form in the student's permanent record. This policy is to be included in student handbooks for grades six (6) through twelve (12) and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the Alternate Pathway to Graduation when required by their IEP to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the deadline for them to sign and return the waiver form.

While there are similarities between the two curriculums, following the Core curriculum may not qualify students for some scholarships and admission to certain colleges could be jeopardized. Students initially choosing the Core curriculum may subsequently change to the Smart Core curriculum **providing** they would be able to complete the required course of study by the end of their senior year.² Students wishing to change their choice of curriculums must consult with their counselor to determine the feasibility of changing paths.

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process³ to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

Sufficient information relating to Smart Core and the district's graduation requirements shall be communicated to parents and students to ensure their informed understanding of each. This may be accomplished through any or all of the following means:⁴

- Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
- Discussion of the Smart Core curriculum and graduation requirements at the school's annual public meeting, PTA meetings, or a meeting held specifically for the purpose of informing the public on this matter;
- Discussions held by the school's counselors with students and their parents; and/or
- Distribution of a newsletter(s) to parents or guardians of the district's students.

Administrators, or their designees, shall train newly hired employees, required to be licensed as a condition of their employment, regarding this policy. The district's annual professional development shall include the training required by this paragraph⁵

To the best of its ability, the District shall follow the requirements covering the transfer of course credit and graduation set forth in the Interstate Compact on Educational Opportunity for Military Children and the Arkansas Military Child School Transitions Act of 2021 for all students who meet the definition of “eligible child” in Policy 4.2—ENTRANCE REQUIREMENTS including the waiving of specific courses that are required for graduation if similar coursework has been satisfactorily completed.

GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of twenty-two (22) units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the twenty-two (22) units required for graduation by the Division of Elementary and Secondary Education (DESE), the district requires an additional \rightarrow __ units to graduate for a total of __ units. The additional required units may be taken from any electives offered by the district.⁶ There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

All students must receive a passing score on the Arkansas Civics Exam in order to graduate.

Students shall be trained in quality psychomotor skill bases in cardiopulmonary resuscitation and the use of automated external defibrillators in order to graduate.

Digital Learning Courses

The District shall offer one or more digital learning course(s) through one or more District approved provider(s) as either a primary or supplementary method of instruction. The courses may be in a blended learning, online-based, or other technology-based format.⁷ In addition to the other graduation requirements contained in this policy, students are required to take at least one (1) digital learning course for credit while in high school.

Personal and Family Finance

All students shall receive credit in a course covering the Personal and Family Finance Standards in order to graduate.

SMART CORE: Sixteen (16) units

English: four (4) units – 9th, 10th, 11th, and 12th

Oral Communications: one-half ($\frac{1}{2}$) unit

Mathematics: four (4) units (all students under Smart Core must take a mathematics course in grade 11 or 12 and complete Algebra II.)

- 1) Algebra I or Algebra A & B* which may be taken in grades 7-8 or 8-9;
- 2) Geometry or Geometry A & B* which may be taken in grades 8-9 or 9-10;

* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four-unit requirement for the purpose of meeting the **graduation** requirement, but only serve as one unit each toward fulfilling the **Smart Core** requirement.

- 3) Algebra II; and
- 4) The fourth unit may be either:
 - A math unit approved by DESE beyond Algebra II; or
 - A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: three (3) units

- a. DESE approved biology – 1 credit;
- b. DESE approved physical science – 1 credit; and
- c. A third unit that is either:
 - An additional science credit approved by DESE; or
 - A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

- Civics - one-half ($\frac{1}{2}$) unit
- World History - one unit
- American History - one unit
- Other social studies – one-half ($\frac{1}{2}$) Unit

Physical Education: one-half ($\frac{1}{2}$) unit

Note: While one-half ($\frac{1}{2}$) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half ($\frac{1}{2}$) unit

Economics – one half ($\frac{1}{2}$) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.⁸

Fine Arts: one-half ($\frac{1}{2}$) unit

CAREER FOCUS: - Six (6) units

All career focus unit requirements shall be established through guidance and counseling based on the student's contemplated work aspirations. Career focus courses shall conform to the curriculum policy of the district and reflect state curriculum frameworks through course sequencing and career course concentrations where appropriate.

A student who enlists in a branch of the United States Armed Forces or the National Guard through the military delayed entry program, the National Guard Split Training Option, or other similar early entry program and completes basic training before graduating from high school shall receive two (2) units of the Career Focus graduation requirements.

A student who completes at least seventy-five (75) clock hours of documented community service in grades nine (9) through twelve (12) at any certified service agency or a part of a service-learning school program shall receive one (1) Career Focus credit.⁹

CORE: Sixteen (16) units

English: four (4) units – 9th, 10th, 11th, and 12th

Oral Communications: one-half ($\frac{1}{2}$) unit

Mathematics: four (4) units

- Algebra or its equivalent* - 1 unit
- Geometry or its equivalent* - 1 unit
- All math units must build on the base of algebra and geometry knowledge and skills.
- (Comparable concurrent credit college courses may be substituted where applicable)
- A computer science flex credit may be taken in the place of a math credit beyond Algebra I and Geometry

* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four (4) unit requirement.

Science: three (3) units

- a. DESE approved biology – 1 credit;
- b. DESE approved physical science – 1 credit; and
- c. A third unit that is either:
 - o An additional science credit approved by DESE; or
 - o A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

- Civics one-half ($\frac{1}{2}$) unit
- World history, one (1) unit
- American History, one (1) unit
- Other social studies – one-half ($\frac{1}{2}$) unit

Physical Education: one-half ($\frac{1}{2}$) unit

Note: While one-half ($\frac{1}{2}$) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half ($\frac{1}{2}$) unit

Economics – one half ($\frac{1}{2}$) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.⁸

Fine Arts: one-half ($\frac{1}{2}$) unit

CAREER FOCUS: - Six (6) units

All career focus unit requirements shall be established through guidance and counseling based on the student's contemplated work aspirations. Career focus courses shall conform to the curriculum policy of the district and reflect state curriculum frameworks through course sequencing and career course concentrations where appropriate.

A student who enlists in a branch of the United States Armed Forces or the National Guard through the military delayed entry program, the National Guard Split Training Option, or other similar early entry program and completes basic training before graduating from high school shall receive two (2) units of the Career Focus graduation requirements.

a student who completes at least seventy-five (75) clock hours of documented community service in grades nine (9) through twelve (12) at any certified service agency or a part of a service-learning school program shall receive one (1) Career Focus credit.⁹

Notes:¹ The Smart Core Information Sheet and the Smart Core Waiver Form are available on the ADE website at <http://dese.ade.arkansas.gov/divisions/learning-services/curriculum-support/arkansas-graduation-requirements> <https://dese.ade.arkansas.gov/Offices/learning-services/curriculum-support/arkansas-graduation-requirements> under the "Related Links" heading.

² The DESE's Guidelines stipulate completion by the end of the senior year. We believe this is not in agreement with A.C.A. § 6-18-202(b)(1), which requires public schools to be open through the completion of the secondary program to students between the ages of five (5) and twenty-one (21). Therefore, we suggest that students be allowed to switch from Core to Smart Core if they could successfully complete its requirements by the time they attained their twenty first (21st) birthday. Acceptance of a diploma negates a student's right to switch programs.

³ We recommend including the review of this policy in the school district support plan process so that the resources intended to be provided from the district level are in alignment with your graduation requirements (including any changes to the state level graduation requirements).

⁴ Schools are required to retain documentation procedures and methods used.

⁵ The Guidelines require the policy to include the training "procedure." If you prefer a different procedure than inclusion in your district's annual professional development process, change this sentence accordingly.

⁶ This sentence is necessary if your district requires more than twenty-two (22) units to graduate; without the sentence and you substitute a number greater than twenty-two (22), it appears that the DESE requires more than twenty-two (22) units to graduate. If you have specific requirements for the additional units, change the sentence's wording to reflect those requirements.

⁷ For a detailed explanation/discussion of district options for digital learning courses see policy 5.11—DIGITAL LEARNING COURSES.

⁸ The Rules specify the option is dependent upon the licensure of the teacher. Specifically, if the course is taught by a licensed social studies teacher, both options exist. If the course is taught by a licensed business education teacher, the credit must be applied toward the career focus requirement.

⁹ In order for students to receive the community service learning (CLS) credit, the district must have completed and submitted a CLS plan to DESE. In addition, a partner site application must be approved by both the district's board of directors and by the State Board if an organization the District has partnered with, rather than a District employee, is responsible for certifying a student's hours of service. Districts who do not intend to submit a CLS plan should not include this language.

Cross References: 4.55—STUDENT PROMOTION AND RETENTION
 5.2—PLANNING FOR EDUCATIONAL IMPROVEMENT
 5.11—DIGITAL LEARNING COURSES
 5.12—COMPUTER SCIENCE INTERNSHIPS AND INDEPENDENT STUDIES
 5.16—COMPUTER SCIENCE COURSE PREREQUISITES AND PROGRESSION

Legal References: Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3
 DESE Guidelines for the Development of Smart Core Curriculum Policy
 DESE Rules Governing Distance and Digital Learning
 Smart Core Information Sheet
 Smart Core Waiver Form
 Commissioner's Memo LS-18-082
 A.C.A. § 6-4-302
 A.C.A. § 6-16-122
 A.C.A. § 6-16-143
 A.C.A. § 6-16-149
 A.C.A. § 6-16-150
 A.C.A. § 6-16-1406
 A.C.A. § 6-18-107
 A.C.A. § 6-28-115

Date Adopted: May 15, 2017; July 20, 2020; June 21, 2021

Last Revised: May 2017, July 20, 2020

4.45.1-SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2021 AND THEREAFTER

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are eighteen (18) years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, a *Smart Core Information Sheet and a Smart Core Waiver Form*¹ will be sent home with students prior to their enrolling in seventh (7th) grade, or when a seventh (7th) through twelfth (12th) grade student enrolls in the district for the first time and there is not a signed waiver form in the student's permanent record. This policy is to be included in student handbooks for grades six (6) through twelve (12) and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the Alternate Pathway to Graduation when required by their IBP to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the deadline for them to sign and return the waiver form.

While there are similarities between the two curriculums, following the Core curriculum may not qualify students for some scholarships and admission to certain colleges could be jeopardized. Students initially choosing the Core curriculum may subsequently change to the Smart Core curriculum providing they would be able to complete the required course of study by the end of their senior year.² Students wishing to change their choice of curriculums must consult with their counselor to determine the feasibility of changing paths.

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process³ to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

Sufficient information relating to Smart Core and the district's graduation requirements shall be communicated to parents and students to ensure their informed understanding of each. This may be accomplished through any or all of the following means:⁴

- Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
- Discussion of the Smart Core curriculum and graduation requirements at the school's annual public meeting, PTA meetings, or a meeting held specifically for the purpose of informing the public on this matter;
- Discussions held by the school's counselors with students and their parents; and/or
- Distribution of a newsletter(s) to parents or guardians of the district's students.

Administrators, or their designees, shall train newly hired employees, required to be licensed as a condition of their employment, regarding this policy. The district's annual professional development shall include the training required by this paragraph.⁵

To the best of its ability, the District shall follow the requirements covering the transfer of course credit and graduation set forth in the Interstate Compact on Educational Opportunity for Military Children for all students who meet the definition of "eligible child" in Policy 4.2-EN1RANCE REQUIREMENTS including

the waiving of specific courses that are required for graduation if similar coursework has been satisfactorily completed.

GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of twenty-two (22) units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the twenty-two (22) units required for graduation by the Division of Elementary and Secondary Education (DESE), the district requires an additional_ units to graduate for a total of_ units. The additional required units may be taken from any electives offered by the district.⁶ There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

All students must receive a passing score on the Arkansas Civics Exam in order to graduate.

Students shall be trained in quality psychomotor skill bases in cardiopulmonary resuscitation and the use of automated external defibrillators in order to graduate.

Digital Learning Courses

The District shall offer one or more digital learning course(s) through one or more District approved provider(s) as either a primary or supplementary method of instruction. The courses may be in a blended learning, online- based, or other technology-based format.⁷ In addition to the other graduation requirements contained in this policy, students are required to take at least one (1) digital learning course for credit while in high school.

Personal and Family Finance

All students shall receive credit in a course covering the Personal and Family Finance Standards in order to graduate.

SMART CORE: Sixteen (16) units English: four (4) units - 9th, 10th, 11th, and 12th Oral Communications: one-half(½) unit

Mathematics: four (4) units (all students under Smart Core must take a mathematics course in grade 11 or 12 and complete Algebra II.)

- 1) Algebra I or Algebra A & B* which may be taken in grades 7-8 or 8-9;
- 2) Geometry or Geometry A & B* which may be taken in grades 8-9 or 9-10;

* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four- unit requirement for the purpose of meeting the graduation requirement, but only serve as one unit each toward fulfilling the Smart Core requirement.

- 3) Algebra II; and
- 4) The fourth unit may be either:
 - A math unit approved by DESE beyond Algebra II; or
 - A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: three (3) units

- a. DESE approved biology- 1 credit;
- b. DESE approved physical science - 1 credit; and
- c. A third unit that is either:
 - An additional science credit approved by DESE; or
 - A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

- Civics - one-half($\frac{1}{2}$) unit
- World History - one unit
- American History - one unit
- Other social studies - one-half($\frac{1}{2}$) Unit

Physical Education: one-half($\frac{1}{2}$) unit

Note: While one-half($\frac{1}{2}$) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half($\frac{1}{2}$) unit

Economics - one half($\frac{1}{2}$) unit - dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.⁸

Fine Arts: one-half($\frac{1}{2}$) unit

CAREER FOCUS: - Six (6) units

All career focus unit requirements shall be established through guidance and counseling based on the student's contemplated work aspirations. Career focus courses shall conform to the curriculum policy of the district and reflect state curriculum frameworks through course sequencing and career course concentrations where appropriate.

A student who enlists in a branch of the United States Armed Forces or the National Guard through the military delayed entry program, the National Guard Split Training Option, or other similar early entry program and completes basic training before graduating from high school shall receive two (2) units of the Career Focus graduation requirements.

a student who completes at least seventy-five (75) clock hours of documented community service in grades nine (9) through twelve (12) at any certified service agency or a part of a service-learning school program shall receive one (1) Career Focus credit.⁹

CORE: Sixteen (16) units

English: four (4) units - 9th 10th 11th and 12th

Oral Communications: one-half($\frac{1}{2}$) unit

Mathematics: four (4) units

- Algebra or its equivalent* - 1 unit
- Geometry or its equivalent* - 1 unit
- All math units must build on the base of algebra and geometry knowledge and skills.
- (Comparable concurrent credit college courses may be substituted where applicable)
- A computer science flex credit may be taken in the place of a math credit beyond Algebra I and Geometry

* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four (4) unit requirement.

Science: three (3) units

- a. DESE approved biology- 1 credit;
- b. DESE approved physical science - 1 credit; and
- c. A third unit that is either:
 - o An additional science credit approved by DESE; or
 - o A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

- Civics one-half($\frac{1}{2}$) unit
- World history, one (1) unit
- American History, one (1) unit
- Other social studies - one-half($\frac{1}{2}$) unit

Physical Education: one-half($\frac{1}{2}$) unit

Note: While one-half($\frac{1}{2}$) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half($\frac{1}{2}$) unit

Economics - one half($\frac{1}{2}$) unit - dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.⁸

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All career focus unit requirements shall be established through guidance and counseling based on the student's contemplated work aspirations. Career focus courses shall conform to the curriculum policy of the district and reflect state curriculum frameworks through course sequencing and career course concentrations where appropriate.

A student who enlists in a branch of the United States Armed Forces or the National Guard through the military delayed entry program, the National Guard Split Training Option, or other similar early entry program and completes basic training before graduating from high school shall receive two (2) units of the Career Focus graduation requirements.

a student who completes at least seventy-five (75) clock hours of documented community service in grades nine (9) through twelve (12) at any certified service agency or a part of a service-learning school program shall receive one (1) Career Focus credit.⁹

Notes: ¹ The Smart Core Information Sheet and the Smart Core Waiver Form are available on the ADE website at arkansased.gov/divisions/learning-services/crn/curriculum-support/arkansas-graduation-requirements under the "Related Links" heading.

² The DESE's Guidelines stipulate completion by the end of the senior year. We believe this is not in agreement with A.C.A § 6-18-202(b)(1), which requires public schools to be open through the completion of the secondary program to students between the ages of five (5) and twenty-one (21). Therefore, we suggest that students be allowed to switch from Core to Smart Core if they could successfully complete its requirements by the time they attained their twenty first (21st) birthday. Acceptance of a diploma negates a student's right to switch programs.

³ We recommend including the review of this policy in the school district support plan process so that the resources intended to be provided from the district level are in alignment with your graduation requirements (including any changes to the state level graduation requirements).

⁴ Schools are required to retain documentation procedures and methods used.

⁵ The Guidelines require the policy to include the training "procedure." If you prefer a different procedure than inclusion in your district's annual professional development process, change this sentence accordingly.

⁶ This sentence is necessary if your district requires more than twenty-two (22) units to graduate; without the sentence and you substitute a number greater than twenty-two (22), it appears that the DESE requires more than twenty-two (22) units to graduate. If you have specific requirements for the additional units, change the sentence's wording to reflect those requirements.

⁷ For a detailed explanation/discussion of district options for digital learning courses see policy 5.11-DIGITAL LEARNING COURSES.

⁸ The Rules specify the option is dependent upon the licensure of the teacher. Specifically, if the course is taught by a licensed social studies teacher, both options exist. If the course is taught by a licensed business education teacher, the credit must be applied toward the career focus requirement.

⁹ In order for students to receive the community service learning (CLS) credit, the district must have completed and submitted a CLS plan to DESE. In addition, a partner site application must be approved by both the district's board of directors and by the State Board if an organization the District has partnered with, rather than a District employee, is responsible for certifying a student's hours of service. Districts who do not intend to submit a CLS plan should not include this language.

Cross References: 4.55-STUDENT PROMOTION AND RETENTION
5.2-PLANNING FOR EDUCATIONAL IMPROVEMENT
5.11-DIGITAL LEARNING COURSES
5.12-C COMPUTER SCIENCE INTERNSHIPS AND INDEPENDENT STUDIES
5.16-COMPUTER SCIENCE COURSE PREREQUISITES AND PROGRESSION

Legal References: Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3
DESE Guidelines for the Development of Smart Core Curriculum Policy DESE
Rules Governing Distance and Digital Learning
Smart Core Information Sheet Smart Core Waiver Form Commissioner's Memo
LS-18-082 A.C.A § 6-4-302
A.C.A § 6-16-122
A. C.A § 6-16-143
A.C.A § 6-16-149
A.C.A § 6-16-150
A.C.A § 6-16-1406
A.C.A § 6-18-107

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.46-PLEDGE OF ALLEGIANCE

The Pledge of Allegiance shall be recited during the first class period of each school day. Those students choosing to participate shall do so by facing the flag with their right hands over their hearts, or in an appropriate salute if in uniform, while reciting the Pledge. Students choosing not to participate shall be quiet while either standing or sitting at their desks.

Students shall not be compelled to recite the Pledge, but students who choose not to recite the Pledge shall not disrupt those students choosing to recite the Pledge.

Students choosing not to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

Legal Reference: AC.A.§ 6-16-108

Date Adopted: May 15, 2017

Last Revised: May 2017

4.47- POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES

Students are responsible for conducting themselves in a manner that respects the rights of others. Possession and use of any electronic device, whether district or student owned, that interferes with a positive, orderly classroom environment does not respect the rights of others and is expressly forbidden.

To protect the security of statewide assessments, no electronic device, as defined in this policy, shall be accessible by a student at any time during assessment administration unless specifically permitted by a student's individualized education program (IBP) or individual health plan;¹ this means that when a student is taking an AESAA assessment, the student shall not have his/her electronic device in his/her possession. Any student violating this provision shall be subject to this policy's disciplinary provisions. The prohibition in this policy does not extend to the electronic device the District provides the student for the student's use during assessment administration to the extent the student is using the District provided device to complete the assessment.

As used in this policy, "electronic devices" means anything that can be used to transmit or capture images, sound, or data.

Misuse of electronic devices includes, but is not limited to:

1. Using electronic devices during class time in any manner other than specifically permitted by the classroom instructor;
2. Permitting any audible sound to come from the device when not being used for reason #1 above;
3. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
4. Using the device to record audio or video or to take photographs in areas where a general expectation of personal privacy exists, including but not limited to locker rooms and bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.

Use of an electronic device is permitted to the extent it is approved in a student's IBP or it is needed in an emergency that threatens the safety of students, staff, or other individuals.

Before and after normal school hours, possession of electronic devices is permitted on the school campus. The use of such devices at school sponsored functions outside the regular school day is permitted to the extent and within the limitations allowed by the event or activity the student is attending.

A parent shall obtain approval from the student's building principal before operating a student-tracking safety device at school or at a school-sponsored event if the device has recording or listen-in capability. The District requires the device's recording and listen-in technology to be disabled while the device is on the campus or at the school-sponsored event because of student privacy concerns. The District prohibits unauthorized audio or visual recordings or transmission of audio or images of other students. The student's parent shall agree in writing to the requirement for the device's recording and listening-in technology to be disabled and that the District may prohibit future use of the device on campus or at a school-sponsored activity if it is determined that the device's recording or listening-in capabilities were

used in violation of this policy before the student safety tracking device may be on campus or at a school-sponsored event. The student and/or the student's parents or guardians expressly assume any risk associated with students owning or possessing electronic devices. Students misusing electronic devices shall have them confiscated. Confiscated devices may be picked up at the school's administration office by the student's parents or guardians.² Students have no right of privacy as to the content contained on any electronic devices that have been confiscated.³ A search of a confiscated device shall meet the reasonable individualized suspicion requirements of Policy 4.32- SEARCH, SEIZURE, AND INTERROGATIONS.

Students who use school issued cell phones and/or computers for non-school purposes, except as permitted by the district's Internet/computer use policy, shall be subject to discipline, up to and including suspension or expulsion. Students are forbidden from using school issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including expulsion⁴.

No student shall use any wireless communication device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle that is in motion and on school property. Violation may result in disciplinary action up to and including suspension.⁵

Notes: As districts move toward one-to-one computing and other options for integrating technology into classroom instruction and student learning, ASBA advises that in changing this policy (or any other locally generated policy), districts be mindful of the potential concerns relating to equitable access to the technology. When classroom instruction involves technology devices, it is important to make sure all students have reasonably the same access and are not hampered by their socio-economic status.

Permitting or requiring students who own laptops, iPads or any other such device to use them as part of the instructional/learning environment without providing similar devices to those who don't own or have access to such devices is unfair to those students.

¹The DESE Testing Administration Manual requires this language. Our interpretation is that on testing days students will not be allowed to have their cell phones in their possession during any test they take.

²ASBA suggests adding another sentence that specifies the increasing severity of the penalty for repeat offenders. Given the severity of a breach of assessment security, you might consider separate penalties for such action. If you choose to do so, don't forget to amend the last sentence of the second paragraph.

³To perform a search of an electronic device, an administrator would have to possess individualized suspicion that an examination of the device would reveal evidence of student misconduct, and the search itself would have to be tailored to the suspicion. For instance, if there were an allegation that harassing text messages had been sent from Student A to Student B during lunch, individualized suspicion would exist as to the text message history contained on Student A's phone; however, viewing pictures or files unrelated to the suspected misconduct would be inappropriate and a violation of the student's rights under the 4th Amendment of the US Constitution. Merely confiscating a cell phone because the student received a call on it, does not give individualized suspicion to justify a search.

⁴ This sentence is included because insurance companies have ruled that injuries occurring while driving and talking on school issued cell phones are subject to workers comp awards.

⁵ AC.A. § 27-51-1603 makes it illegal for anyone under the age of eighteen (18) to use a wireless communication device for a '1y purpose while operating a motor vehicle. Additionally, A.C.A. § 27-51-1609 prohibits the use of a "wireless handheld telephone" while in a school zone for any purpose when that use is not hands free. While the policy language exceeds the statutory prohibitions, we believe the language is important for the protection of students, employees, and the public.

Legal References: AC.A. § 6-15-2907
 AC.A. § 6-18-515 A C.A. § 27-51-1602
 AC.A. § 27-51-1603
 AC.A. § 27-51-1609
 DESE Test Administration Manual
 [DESE Rules Governing Student Discipline and School Safety](#)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.48---VIDEO SURVEILLANCE AND OTHER STUDENT MONITORING

The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding district facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification technology, data compilation devices, and technology capable of tracking the physical location of district equipment, students, and/or personnel.

The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

Signs shall be posted on campus buildings and in district vehicles to notify students, staff, and visitors that video cameras may be in use. Parents and students shall also be notified through the student handbook that cameras may be in use in school buildings, on school grounds and in school vehicles. Students will be held responsible for any violations of school discipline rules caught by the cameras and other technologies authorized in this policy.

The district shall retain copies of video recordings until they are erased¹ which may be accomplished by either deletion or copying over with a new recording. Other than video recordings being retained under the provisions of this policy's following paragraph, the district's video recordings may be erased any time greater than_ after they were created.

Videos, automatic identification, or data compilations containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or student handbook;² any release or viewing of such records shall be in accordance with current law.

Students who vandalize, damage, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Notes: This policy is similar to policies 3.41 and 8.29. If you change this policy, review 3.41 and 8.29 at the same time to ensure applicable consistency between the policies.

While 34 CFR 99.3 exempts records of law enforcement units (which for the purposes of this policy would include School Resource Officers (SROs), 34 CFR 99.8(b) effectively negates that exemption in relation to this policy with the following language:

(2) Records of a law enforcement unit does not mean--

- (i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or*
- (ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution. The law goes on to say that education records retain their status as such even when in the possession of a law enforcement unit and thus remain subject to the*

restrictions on the release of education records contained in the Family Educational Rights and Privacy Act (FERPA). In short, you cannot deny access to the video recordings that may be used for student or staff disciplinary purposes by "hiding" them in your school's law enforcement unit.

¹ You may recycle your videos on whatever schedule works for your district (insert the length of time you choose to retain the videos in the paragraph's following sentence), but you may not destroy any recordings as long as there is an outstanding request to inspect and review them (34 CFR 99.10). The right to inspect is triggered only for those parents whose students are the cause for the retention of the video recordings. Parents of students "inadvertently" caught in the video do not have the right to inspect them. **Please note, however**, that if a student was not "involved" in the altercation prompting the disciplinary action, but happened to get pushed by one of the students in the fight, the pushed student's parents have the right to review the video. You must permit viewing of education records within a "reasonable" period of time, but in no case may it be longer than 45 days. (34 CFR 99.10)

²The issues involved in parental rights to viewing videos are complicated, but the Family Student Privacy Policy Compliance Office (FPCO) of FERPA, has recently simplified the matter. A video of, for example, a fight between two (or even several) students in which other students happen to have been incidentally included in the background of the video generates the following viewing conditions:

- a. Either or both of the students' parents may view the video without first having to receive permission from the other student's parent(s). None of the parents of the "incidental" students have to give their permission for the viewing of the video by the "involved" students' parents.
- b. If a student's parent lives beyond a reasonable distance to physically come to view the video, your district may mail the video to a "receiving" school near to the parent, where the parent may view the video and then the receiving school will mail the video back to your district. The personnel at the receiving school should not view the video, but merely arrange for the parent to view it by himself/herself
- c. The district is not obligated to give a copy of the video to the parent or their lawyer. If, however, you choose to give the parent a video, you are obligated to go through all of the hoops that used to be the case for simply viewing the video. Specifically, faces of the "involved" students other than that of the parent's student must be redacted or else you will have to receive written permission from the parents of the other involved students.
- d. Remember that the rights of the parents transfer to the students once the student turns 18.
- e. Once the video has been viewed by the parties requesting to view it, the law does not require you to keep the video. Common sense would suggest, however, retaining the video at least until the disciplinary process is completed.

Legal References: 20USC 1232g
 20 U.S.C. 7115
 34 CFR 99.3, 4, 5, 7, 8, 10, 12, 31

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.49-SPECIAL EDUCATION

In accordance with the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act and Arkansas Statutes, The district shall provide a free appropriate public education and necessary related services to all children with disabilities who reside: ~~residing within the district, as required under the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and Arkansas Statutes.~~

- Within the district boundaries; or
- Outside of the District boundaries but are enrolled in the District.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the state and federal statutes governing special education. Implementation of an Individualized Education Program (IEP) in accordance with the IDEA satisfies the district's obligation to provide a free and appropriate education under Section 504.

The Board directs the superintendent to ensure procedures are in place for the implementation of special education services and that programs are developed to conform to the requirements of state and federal legislation. The superintendent is responsible for appointing a district coordinator for overseeing district fulfillment of its responsibilities regarding students with disabilities.¹ Among the coordinator's responsibilities shall be ensuring district enforcement of the due process rights of students with disabilities and their parents.

Note: ¹ The Office of Civil Rights prefers that the name of the coordinator, or at least a contact person or phone number to call to get the name of the coordinator, is made readily available to the public. 34CFR104.32 stipulates that as part of "child find" responsibilities, districts take appropriate steps to notify individuals with disabilities and their parents or guardians of the district's child find duty.

Cross Reference: 6.7--C COMPLAINTS

Legal References: 34 C.F.R. part 300 et seq.
 42 U.S.C. §12101 et seq. Americans with Disabilities Act
 29 U.S.C. § 794 Rehabilitation Act of 1973, Section 504,
 20 U.S.C. §1400 et seq. Individuals with Disabilities Education Act,
 P.L. 108-1146 The 2004 Reauthorization of the Individuals with Disabilities Act
 29 U.S.C. § 794
 42 U.S.C. § 12101 et seq.
 AC.A. § 6-41-102

AC.A. § 6-41-103
AC.A. § 6-41-201 et seq.

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.50-SCHOOL LUNCH SUBSTITUTIONS

The district only provides substitute meal components on menus to accommodate students with handicapping conditions meeting the definition of a disability as defined in USDA regulations. A parent/guardian wishing to request such dietary accommodation must submit to the district's Director of Child Nutrition a Certification of Disability for Special Dietary Needs Form completed by a:

- Physicians, including those licensed by:
 - The Arkansas State Medical Board;
 - The Arkansas State Board of Chiropractic Examiners (Chiropractors);
 - The Arkansas Board of Podiatric Medicine (Podiatrists);
- Nurse Practitioners (APRNs in family or pediatric practice with prescriptive authority);
- Physician Assistants (PAs who work in collaborative practice with a physician); and
- Dentists.

The district will not prepare meals outside the normal menu to accommodate a family's religious or personal health beliefs.

Legal References: Commissioner's Memo FIN-09-044
 Commissioner's Memo FIN-15-122
 7CFR 210.10(g)

Date Adopted: May 15, 2017

Last Revised: May 2017

4.51—FOOD SERVICE PREPAYMENT

Meal Charges¹

Option 1: The district does not provide credit for students to charge for meals, a la carte, or other food and beverage items available for purchase in the school food service areas. Meals, a la carte, or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Parents, or students choosing to do so, may pay in advance for meals, a la carte, or other food and beverage items through any of the following methods:²

- Submitting cash or check payment at _____³;
- Depositing funds through the District's online service;

A student's parents will be contacted by authorized District personnel regarding a student's prepaid account balance at the following times :⁴

Option 2: The District participates in _____⁵ and provides meals to all students at no charge. The District does not provide credit for students to charge for a la carte or other food and beverage items available for purchase in the school food service areas. A la carte or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Parents, or students choosing to do so, may pay in advance for a la carte or other food and beverage items through any of the following methods:²

- Submitting cash or check payment to _____³;
- Depositing funds through the District's online service;

Unpaid Meal Access Alternative Meals⁶

~~Option A: The District does not provide alternative meals for students.~~

~~Option B: The In accordance with Arkansas law, the District provides alternative meals at no cost to allows students whose accounts do not have enough funds to purchase a meal to receive an unpaid reimbursable meal at no charge. ~~Alternative meals are available during _____⁷. A student may select an alternative meal up to _____⁸ times in a school year. The District will notify a student's parents when the student has:⁷~~~~

- ~~o _____⁹ alternative meal options remaining in the school year~~ When the student's prepaid account balance has dropped to the point that the student will begin receiving unpaid meals;
and
- ~~o~~ Each time the student receives the first unpaid meal after money has been deposited into the student's prepaid account; and
- ~~o No more alternative meals available for the school year~~ After the student has received five (5) unpaid meals.

~~The alternative meals provided to students are available as _____¹⁰. Students who have submitted proper documentation to receive a meal modification in accordance with Policy 4.50—SCHOOL MEAL MODIFICATIONS shall receive the same type of modification for an alternative unpaid meal.~~

Notes: This policy is similar to policy 7.17. If you change this policy, please review 7.17 at the same time to ensure applicable consistency between the two.

While districts have the option to allow students to charge for meals, and a la carte items, ~~and alternative meals~~, we have not provided any options that would allow students to do so because Chapter 3 of the federal Fair and Accurate Credit Transaction Act of 2007 (15 U.S.C. § 1681 et seq.), along with its accompanying regulations (16 C.F.R. part 681), requires “creditors” to implement an Identity Theft Protection Program. We see the establishment and maintenance of an identity theft protection program to be a financial and potentially time-consuming burden. Districts can avoid this burden by not having practices deemed to make them “creditors”, such as through the language in this policy.

A copy of this policy must be communicated in writing at least once to all households at the start of each school year and to households of students who transfer to the school during the school year. Some suggestions on communication methods are to include a copy of the policy in:

- Student enrollment materials;
- Print versions of student handbooks; or
- Notification methods on applying for free or reduced price meals.

The United States Department of Agriculture (USDA) does not consider providing a copy of this policy only in electronic format to satisfy the communication requirement.

A written copy of this policy must be provided to all staff responsible for policy enforcement. This includes:

- A. School food service professionals;
- B. Staff involved in notifying families of low prepaid account balances;
- C. School social workers;
- D. School nurses; and
- E. The LEA homeless student liaison.

¹ While the options provided in this section are written as though they will apply to the district as a whole and that you will only need to select one option, the circumstances at your district may require you to select an option at the individual school level. As an example: if your elementary and middle school both participate in the USDA’s Community Eligibility Provision (CEP) while the high school is a traditional school, then you would need to adopt Option 2 for both the elementary and middle school and Option 1 for the high school.

² Insert the methods here that parents and students may use to put money into the student’s account. If you do not have an online method for parents to place money in a student’s account, then remove it from this list. If you have an online prepayment system, the USDA requires that an option for the parent or student to provide funds through a cash or check system continue to be provided as not all families may have easy access to the internet. In addition, if there are any fees associated with your online prepayment system, or any other prepayment system, which are not covered by the district, you are required to inform district parents of the fees.

³ Insert the place where parents and students may go to submit money for the student's account. Examples include, but are not limited to: the district's central office, the school's central office, or the food service office.

⁴ Insert the times and method an authorized person will attempt to contact a student's parents to inform them the student's account is low. As an example, you may choose to have the parents be contacted by phone when the student's account has five dollars (\$5) left and to send a letter along with a copy of the policy if the student's account becomes empty. The goal is to try and prevent a student from showing up with too few funds to purchase a meal.

⁵ Insert the applicable USDA Special Assistance Provision. Examples include, but are not limited to, the USDA's CEP or Provision 2.

⁶ While the options language provided in this section are is written as though they will apply it applies to the district as a whole and that you will only need to select one option, the circumstances at your district may require you to select an option include or not include the language at the individual school level. As an example: if your elementary and middle school both participate in USDA's CEP while the high school is a traditional school, then you should adopt Option A for both the elementary and middle school would not need the language to be included in the handbooks for the elementary and middle schools and could select either Option but would need to include the language for the high school. You are not required to offer alternative meals to students but need to indicate in this policy whether or not you will. We included the option for alternative meals to provide a method to attempt to prevent a student from going hungry due to lack of funds because we did not include a method for students to charge for meals. The Hunger-Free Students Bill of Rights (A.C.A. § 6-18-715) requires that a student be allowed to receive the same reimbursable meal as other students even if the student has no funds in the student's prepaid account or is unable to pay at the time of service.

⁷ Insert the meal(s) where alternative meals will be provided.

⁸ Insert the number of times a student may receive an alternative meal in a school year due to the student not having payment in hand or enough funds in the prepaid account to purchase a reimbursable meal.

⁹² Insert a number of alternative unpaid meals remaining when a student may receive before you will contact a student's parents to inform them of the number of alternative meals the student is still eligible to receive during the school year. We recommend informing Law requires that you inform the parents when that the student has received unpaid meals half of the total number of alternative meals the student is eligible to receive during the school year no later than when the student has received the fifth(5th) unpaid meal. While the only times we have only included in the policy one time for a student's parents will to be notified as to how many alternative meals their student may receive before the student has used all of the student's alternative meals that their student has received an unpaid meal to each time the student's prepaid account is low enough that a student ends up receiving an unpaid meal and after a student receives five (5) unpaid meals, you may add additional times the student's parents will be notified.

⁴⁰ ~~Insert the type of alternative meal(s) that will be available to students. While the traditional alternative meal is a sack lunch, our understanding is that districts may provide a traditional or low cost reimbursable meal at no cost to the student instead; providing the reimbursable meal a limited number of times per year to students who are otherwise unable to pay has the benefits of ensuring the student receives a healthy meal while removing any possible stigma from not being able to pay and receiving a noticeable sack lunch. For districts who provide the alternative meal as a sack lunch at no charge, the alternative meal provided is not required to meet the Federal Smart Snacks requirements or the Arkansas Nutrition Standards.~~

Legal References: Commissioner's Memo CNU-17-003
 Commissioner's Memo CNU-17-024
 [A.C.A. § 6-18-715](#)

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.52—STUDENTS WHO ARE FOSTER CHILDREN

The District will afford the same services and educational opportunities to foster children that are afforded other children and youth. The District shall work with the Department of Human Services (DHS), the Division of Elementary and Secondary Education (DESE), and individuals involved with each foster child to ensure that the foster child is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for foster children and youth whose responsibilities shall include ensuring the timely school enrollment of each foster child and assisting foster children who transfer between schools by expediting the transfer of relevant educational records.¹

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise or DHS grants a request to transfer under Foster Child School Choice, ensure that the foster child remains in his/her school of origin, even if a change in the foster child's placement results in a residency that is outside the district. In such a situation, the District will work with DHS to arrange for transportation to and from school for the foster child to the extent it is reasonable and practical.²

Upon notification to the District's foster care liaison by a foster child's caseworker that a foster child's school enrollment is being changed to one of the District's schools, the school receiving the child must immediately enroll him/her. Immediate enrollment is required even if a child lacks the required clothing, academic or medical records, or proof of residency.³

A foster child's grades shall not be lowered due to absence from school that is caused by a change in the child's school enrollment, the child's attendance at dependency-neglect court proceedings, or other court-ordered counseling or treatment.

Any course work completed by the foster child prior to a school enrollment change shall be accepted as academic credit so long as the child has satisfactorily completed the appropriate academic placement assessment.⁴

If a foster child was enrolled in a District school immediately prior to completing his/her graduation requirements while detained in a juvenile detention facility or while committed to the Division of Youth Services of DHS, the District shall issue the child a diploma.

Foster Child School Choice

If DHS approves a request from a foster parent, or the foster child if the foster child is eighteen (18) years of age, to transfer to another school in the District or into the district as being in the best interest of the foster child, the District shall allow the foster child to transfer to another school in the District or into the District if the foster parent, or the foster child if the foster child is eighteen (18) years of age, submits a request to transfer on a form approved by DESE that is postmarked by no later than May 1 of the year the student seeks to begin the fall semester at another school in the District or in the District.

By July 1 of the school year in which the student seeks to transfer under this section, the superintendent shall notify the foster parent, or the foster child if the foster child is eighteen (18) years of age, in writing whether the application has been accepted or rejected. If the application is accepted, the superintendent shall state in the notification letter a reasonable deadline for the foster child to enroll in

the new school or the District and that failure to enroll by the date shall void the school choice acceptance. If the application is rejected, the superintendent shall state in the notification letter the reason for the rejection and that the foster parent, or the foster child if the foster child is eighteen (18) years of age, may submit a written appeal of the rejection to the State board within ten (10) days of receiving the notification letter.

The District shall only reject a Foster Child School Choice application if:⁵

1. The public school or District has reached the maximum student-to-teacher ratio allowed under federal law; state law; the standards for accreditation; or other applicable State rule or Federal regulation; or
2. Approving the transfer would conflict with a provision of an enforceable desegregation court order or a public school district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment.

A foster child whose application is rejected by the District may submit a written request within ten (10) days following the receipt of the rejection letter from the superintendent to the State Board of Education for the State Board to reconsider the transfer.

A Foster Child School Choice transfer shall remain in effect until the foster child:

- Graduates from high school; or
- Transfers to another school or school district under:
 - The Foster Child School Choice Act;
 - Opportunity Public School Choice Act;
 - The Public School Choice Act of 2015; or
 - Any other law that allows a transfer.

The District shall accept credits toward graduation that were awarded by another public school district.

When a foster child transfers from the foster child's school of origin to another school in the District or into the District, the foster child or the foster parent is responsible for the foster child's transportation to and from the school the foster child transferred to. The District and the foster parent, or the foster child if the foster child is eighteen (18) years of age, may enter into a written agreement for the District to provide the transportation to and from the school the foster child transferred to.

Notes: [Additional guidance documents and training materials on students in foster care may be found on the DESE website at:](http://dese.ade.arkansas.gov/divisions/public-school-accountability/federal-programs/foster-care-liaison) <http://dese.ade.arkansas.gov/divisions/public-school-accountability/federal-programs/foster-care-liaison> <https://dese.ade.arkansas.gov/Offices/public-school-accountability/federal-programs/Foster%20Care%20Liaison>.

¹ The name and contact information of the liaison must be sent to the Special Education Section of DESE at the beginning of each school year. A.C.A. § 9-28-113 contains additional requirements/duties of the liaison.

² While A.C.A. § 9-28-113(b)(4) encourages districts to "arrange for transportation," there is no explanation of costs or methods.

³ A.C.A. § 9-28-113 does not address a district's right to refuse enrollment following a hearing before the board for a student that has been expelled from another school, but we believe that right is retained even in this circumstance.

⁴ This language is from A.C.A. § 9-28-113(g). You may add a sentence defining how you interpret its meaning or you may make it a procedural issue which would leave you more latitude for case-by-case implementation.

⁵ If the district is not under an enforceable desegregation court order or a court-approved desegregation plan, remove it as an option for denial of a Foster Child School Choice application.

If a foster child application is denied due to the district's enforceable desegregation court order or court-approved desegregation plan, the law requires that the district immediately submit proof from a federal court to DESE that the public school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan with the provisions of A.C.A. § 6-18-233.

Cross References: 4.1—RESIDENCE REQUIREMENTS
 4.2—ENTRANCE REQUIREMENTS
 4.5—SCHOOL CHOICE
 4.7—ABSENCES

Legal References: A.C.A. § 6-18-233
 A.C.A. § 9-28-113

Date Adopted: May 15, 2017; July 22, 2019; July 20, 2020; June 21, 2021

Last Revised: May 2017, July 2019; July 2020

4.53-PLACEMENT OF MULTIPLE BIRTH SIBLINGS

The parent, guardian or other person having charge or custody of multiple birth siblings in grades pre-K through 6th grade may request that the multiple birth siblings are placed in either the same or separate classrooms. The request shall be in writing not later than the 14th calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one parent of multiple birth siblings requests a placement that differs from that of the other parent of the same multiple birth siblings, the school shall determine the appropriate placement of the siblings.

The school may change the classroom placement of one or more of the multiple birth siblings if:

- There have been a minimum of 30 instructional days since the school year; and
 - After consulting with each classroom teacher in which siblings were placed, the school determines the parent's classroom placement request is:
 - Detrimental to the educational achievement of one or more of the siblings;
 - Disruptive to the siblings' assigned classroom learning environment; or
 - Disruptive to the school's educational or disciplinary environment.

If a parent believes the school has not followed the requirements of this policy, the parent may appeal the multiple birth siblings' classroom placement to the Superintendent. The Superintendent's decision regarding the appeal shall be final.

Legal Reference: A.C.A. § 6-18-106

Dated Adopted: May 15, 2017

Last Revised: May 2017

4.54 - STUDENT ACCELERATION

The Board believes that acceleration is an effective and research-based intervention for the academic growth of students who are ready for an advanced or faster-paced curriculum. ~~†~~Acceleration can allow a student to move through the traditional educational setting more rapidly, based on assessed readiness, capability, and motivation. At the same time, the Board understands that acceleration is not a replacement for gifted education services or programs.

Generally, acceleration can occur through one of two broad categories: content based and grade based. Grade based acceleration shortens the number of years a student would otherwise spend in K-12 education, while content based acceleration occurs within the normal K-12-time span. Either form of acceleration can be triggered by either a parent/guardian, student, or community member's request or by the referral of school personnel. In either case, the process of determining the appropriateness of the request shall be under the direction of the district/school¹ Gifted and Talented Program Coordinator. The district/school¹ Gifted and Talented Program Coordinator ~~who~~ shall convene the Acceleration Placement Committee² and communicate with the individuals necessary for the Acceleration Placement Committee to make an informed decision, which shall include the student's parents or guardians.³

While the needs of the student should dictate when acceleration decisions are considered, the Board believes the optimal time for referrals is in the spring, which gives adequate time for working through the determination process and for preparing those concerned for a smooth transition to the acceleration beginning in the following school-year.

The District's Gifted and Talented (GT) Program Coordinator¹ will create a written format to govern the referral and determination process, which shall be made available to any parent or staff member upon request.

The parents/guardians of any student whose request for acceleration has been denied may appeal the decision, in writing to the District's GT Coordinator¹. The District's GT Coordinator¹ and the Acceleration Placement Committee will again thoroughly review the case study that was completed on the student. Upon completion of the review, the Committee will either request additional new testing be conducted to help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

Notes: ¹ Choose the appropriate designation/option. In a large district with more than one GT Coordinator responsible for the determination process, insert "school." In districts with only one GT Coordinator insert "district." It is conceivable that in districts with more than one GT Coordinator, the choice of inserting district and school will not always be the same.

² The DESE Rules require that the acceleration placement committee be made up of at least five (5) professional educators (including administrators, teachers, and/or counselors) and chaired by a gifted education specialist. Suggestions for individuals to be included on the committee include, but are not limited to:

- Building Principal;
- Counselor;
- Teachers (This may include both the student's current teacher(s) as well as teacher(s) that the student would have if the acceleration is granted.)

³ The student's parent, legal guardian, person having lawful control, or person standing in loco parentis must be provided an opportunity to provide input into the possible acceleration of their student; however, the parent, legal guardian, person having lawful control, or person standing in loco parentis of the student does not have a vote in the determination on whether the acceleration request will be granted as only the acceleration placement committee may make that determination.

Legal Reference: DESE Gifted and Talented Rules

Date adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.55—STUDENT PROMOTION AND RETENTION

A disservice is done to students through social promotion and is prohibited by state law. The District shall, at a minimum, evaluate each student annually in an effort to help each student who is not performing at grade level. Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis shall be kept informed concerning the progress of their student(s). Notice of a student's possible retention or required retaking of a course shall be included with the student's grades sent home to each parent/guardian or the student if 18 or older. Parent-teacher conferences are encouraged and may be held as necessary in an effort to improve a student's academic success.

At least once each semester, the Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis, and teacher(s) of a student in kindergarten through eighth (8th) grade shall be notified in writing of the student's independent grade-level-equivalency in reading.

Any grades, course credits, and/or promotions received by a student while enrolled in the Division of Youth Services system of education shall be considered transferable in the same manner as those grades, course credits, and promotions from other accredited Arkansas public educational entities.

Promotion or retention of students, or their required retaking of a course shall be primarily based on the following criteria.¹ If there is doubt concerning the promotion or retention of a student or his/her required retaking of a course, a conference shall be held before a final decision is made that includes the following individuals:

- a. The building principal or designee;
- b. The student's teacher(s);
- c. School counselor;
- d. A 504/special education representative (if applicable); and
- e. The student's parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis.

The conference shall be held at a time and place that best accommodates those participating in the conference. The school shall document participation or non-participation in required conferences. If the conference attendees fail to agree concerning the student's placement or receipt of course credit, the final decision shall rest with the principal or the principal's designee.

Each student² shall have a student success plan (SSP) developed by school personnel in collaboration with the student's parents and the student that is reviewed and updated annually. A student's SSP shall use multiple academic measures to personalize learning in order for students to achieve their grade-level expectations and individual growth. The SSP will identify if the student is in need of additional support or acceleration. Academic measures to be used in creating and updating a student's SSP shall include, but are not limited to:

- Statewide student assessment results;
- Subject grades;
- Student work samples; and
- Local assessment scores.

By the end of grade eight (8), the student's SSP shall:

- Guide the student along pathways to graduation;
- Address accelerated learning opportunities;
- Address academic deficits and interventions; and
- Include college and career planning components.

Based on a student's score on the college and career assessment:

- The student's SSP will be updated in order to assist the student with college and career readiness skills, course selection in high school, and improved academic achievement; and
- Provide a basis for counseling concerning postsecondary preparatory programs.

An SSP shall be created:

1. By no later than the end of the school year for a student in grade eight (8) or below who enrolls in the District during the school year; or
2. As soon as reasonably possible for a student in grade nine (9) or above who enrolls in the District at the beginning or during the school year.

A student's individualized education program (IEP) may act in the place of the student's SSP if the IEP addresses academic deficits and interventions for the student's failure to meet standards-based academic goals at an expected rate or level and includes a transition plan that addresses college and career planning components. Promotion or retention of students with an IEP shall be based on their successful attainment of the goals set forth in their IEP.

Students who either refuse to sit for a Statewide assessment or attempt to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are originally administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity, including school dances, prom, homecoming, senior events, and may be prevented from walking or participating in graduation exercises. The student shall remain ineligible to participate until the student takes the same or a following Statewide assessment, as applicable. The Superintendent or designee may waive this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.⁴ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁵

Notes: ¹ Insert the criteria your district uses for promotion/retention.

²The Division of Elementary and Secondary Education (DESE) Rules Governing the Arkansas Educational Support and Accountability Act only requires that an SSP be created for students in eighth (8th) grade and beyond and DESE will only cite a district if a student does not have an SSP by the end of eighth (8th) grade and beyond. We have opted to have the default language in the policy be for an SSP to be created for every student, with additional information reviewed and added starting in eighth (8th) grade, for a couple of reasons:

First, we believe requiring an SSP for all grades allows for improved communication between parents, teachers, and students. The creation and existence of an SSP at all levels allows for the use of common terminology (such as a parent who has more than one student simultaneously enrolled at a district would not have to know to ask to review and discuss the SSP for the student in eighth (8th) grade or above and also have to know to ask for the Response to Intervention plan for the student who is below the eighth (8th) grade.) In addition, requiring teachers, parents, and the student (when appropriate) to meet to create an SSP at all grades will help to foster channels of communications between parents and teachers, increase parental engagement, and help prepare parents for the more formal planning process when the student is in eighth (8th) grade and beyond.

Second, the creation, evaluation, and updating of the SSP at the lower levels should help to establish a student focused learning system by helping to insure each student is receiving the educational support(s) necessary for his/her individual educational development, whether the supports are through a Response to Intervention system, the Gifted and Talented program, or anywhere in between.

³ Subsections 6.05.1 through 6.05.4 of the Arkansas Educational Support and Accountability Act rules include additional recommendations for consideration when creating and updating a student's SSP on each of the items in this list.

⁴ This paragraph is optional. The paragraph originated with the movement for students to opt out of state assessments. A.C.A. § 6-15-2907(e) requires all students participate in the statewide assessments and this paragraph is intended to add local incentive for students to participate. While the entire paragraph is optional, the last sentence is important as it would keep the policy from having "zero tolerance" (which we do not support) and give you latitude to accommodate instances beyond the student's control such as a car accident, serious illness, or other acts of God. If you choose to include the sentence, you may change "Superintendent" to "Principal" if that would work better for your district. Keep in mind that the decision on who is responsible for deciding whether or not to grant an exception for extraordinary circumstances is a different and separate issue than deciding whether or not to promote or retain a student, which is left in the hands of the school principal earlier in the policy. Be sure to align your decision for this footnote with the decision you made concerning footnote #5.

⁵ This paragraph is optional. Participation in graduation or extracurricular activities is not a right, and districts may legally place conditions on a public school student's eligibility for participation (such as testing compliance), but districts cannot deny a diploma to an otherwise qualified student or deny a student the ability to attend school. If you choose to include the paragraph, the third to the last sentence may be amended to apply to a timeline of your choice. Be sure to align the staff position responsible for deciding whether or not to grant an exception with the decision you made for footnote #4.

Cross References: 3.30—PARENT-TEACHER COMMUNICATION
 4.56—EXTRACURRICULAR ACTIVITIES - SECONDARY SCHOOLS
 4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

Legal References: A.C.A. § 6-15-2001
 A.C.A. § 6-15-2005

A.C.A. § 6-15-2006

A.C.A. § 6-15-2907

A.C.A. § 6-15-2911

A.C.A. § 9-28-205

DESE Rules Governing the Arkansas Educational Support and
Accountability Act

DESE Rules Governing Grading and Course Credit

Murphy v. State of Ark., 852 F.2d 1039 (8th Cir. 1988)

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS

Definitions:

“Academic Courses” are those courses for which class time is scheduled, which can be credited to meet the minimum requirements for graduation, which is taught by a teacher required to have State licensure in the course or is otherwise qualified under Arkansas statute, and has a course content guide which has been approved by the Arkansas Department of Division of Elementary and Secondary Education (ADESE). Any of the courses for which concurrent high school credit is earned may be from an institution of higher education recognized by ADESE. If a student passes an academic course offered on a block schedule, the course can be counted twice toward meeting the requirement for students to pass four (4) academic courses per semester as required by this policy.

“Extracurricular activities” are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/intrascholastic athletics, cheerleading, band, choral, math, or science competitions, field trips, and club activities.

“Field Trips” are when individual students or groups of students are invited to programs or events when there is no competition and the students are not interacting with each other for the purpose of planning, qualifying, or arranging for future programs or for the purpose of receiving recognition.

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete on a school vs. school basis.¹

“Intrascholastic Activities” means athletic or non-athletic/academic activities where students compete with students from within the same school.¹

“Supplemental Improvement Program (SIP)” is an additional instructional opportunity for identified students outside of their regular classroom and meets the criteria outlined in the current Arkansas Activities Association (AAA) Handbook.

Extracurricular Eligibility

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student’s educational experience. At the same time, the Board believes that a student’s participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity (tournaments excepted)². Additionally, a student’s participation in, and the District’s operation of, extracurricular activities shall be subject to the following policy. All students are eligible for extracurricular activities unless specifically denied eligibility on the basis of criteria outlined in this policy.

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to participate in

any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.³ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁴

A student who enrolls in the district and meets the definition of "eligible child" in Policy 4.2—ENTRANCE REQUIREMENTS shall be eligible to try out for an extracurricular activity regardless of the date the student enrolls in the District so long as the student meets all other eligibility requirements and the extracurricular activity is still ongoing.

A student and the parent or legal guardian of the student shall sign and return an acknowledgement of receipt and review of an information sheet regarding signs and symptoms of sudden cardiac arrest before the student may participate in an athletic activity and before each school year the student participates in an athletic activity.

No student shall be required to pay for individual or group instruction in order to participate in an extracurricular activity.

Interscholastic Activities

Each school in the District shall post on its website its schedule of interscholastic activities, including sign-up, tryout, and participation deadlines, at least one semester in advance of those activities. A hard copy of the schedule shall be available upon request.⁵

ACADEMIC REQUIREMENTS: Junior High

A student promoted from the sixth to the seventh grade automatically meets scholarship requirements. A student promoted from the seventh to the eighth grade automatically meets scholarship requirements for the first semester. The second semester eighth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester.

The first semester ninth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester.

The second semester ninth-grade student meets the scholarship requirements for junior high if he/she has successfully passed (4) academic courses the previous semester which count toward his/her high school graduation requirements.

Ninth-grade students must meet the requirements of the senior high scholarship rule by the end of the second semester in the ninth grade in order to be eligible to participate the fall semester of their tenth-grade year.

ACADEMIC REQUIREMENTS: Senior High

In order to remain eligible for competitive interscholastic activity, a student must have passed (4) academic courses the previous semester and either:

1. Have earned a minimum Grade Point Average (GPA) of 2.0 from all academic courses the previous semester; or
2. If the student has passed four (4) academic courses the previous semester but does not have a 2.0 GPA the student must be enrolled and successfully participating in an SIP to maintain their competitive interscholastic extracurricular eligibility.

STUDENTS WITH AN INDIVIDUAL EDUCATION PROGRAM

In order to be considered eligible to participate in competitive interscholastic activities, students with disabilities must pass at least four (4) courses per semester as required by their individual education program (IEP).

ARKANSAS ACTIVITIES ASSOCIATION

In addition to the foregoing rules, the district shall abide by the rules and regulations of AAA governing interscholastic activities. AAA provides catastrophic insurance coverage for students participating in AAA governed extracurricular activities who are enrolled in school. As a matter of District policy, no student may participate in a AAA governed extracurricular activity unless he or she is enrolled in a district school, to ensure all students are eligible for AAA catastrophic insurance.⁶

Intrascholastic Activities

AAA Governed Activities

Students participating in intrascholastic extracurricular activities that would be governed by AAA if they were to occur between students of different schools shall meet all interscholastic activity eligibility requirements to be eligible to participate in the comparable intrascholastic activity. The District will abide by the AAA Handbook for such activities to ensure District students are not disqualified from participating in interscholastic activities.⁷

Non-AAA Governed Activities

Unless made ineligible by District policies, all students shall be eligible to participate in non-AAA governed intrascholastic extracurricular activities. Intrascholastic activities designed for a particular grade(s) or course(s) shall require the student to be enrolled in the grade(s) or course(s).

NOTES: The standards as outlined above are minimum standards and can be raised locally if desired. If your district does not offer a SIP, delete the references to it in your policy.

AAA standards allow a student to participate in an SIP for a maximum of two consecutive semesters and require the student to improve his/her GPA by at least 10% by the end of the first semester to remain eligible for the second semester. By the end of the second semester, the student must have attained a

2.0 GPA to be eligible for competitive interscholastic activities. Following one or more semesters where the student has attained a 2.0 GPA, this cycle may be repeated.

¹ The definition for interscholastic activities is effectively taken from the AAA Handbook and is the origin for the extrapolated definition of intrascholastic activities. When it comes to implementing this policy, it may be important/helpful to keep in mind that the Handbook also points out the following:

Performance activities such as band, speech, drama, etc. may be viewed as competitive arenas both internally (ratings by individual schools) and externally (comparisons of individual or school ratings with a view toward determining an ultimate winner). Additionally, both inter and intra scholastic activities may be curricular if the activity is required as part of the course.

² While the Standards for Accreditation no longer expressly requires a policy that "shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities", we believe that restrictions on the interruption of instructional time to be a best practice. You could replace "one per week per extracurricular activity" with a specific number of days per semester that could also allow the student to "bank" or accumulate days in anticipation of a major event.

³ This sentence is optional but it would keep the policy from having "zero tolerance" (which we do not support) and give you latitude to accommodate instances beyond the student's control such as a car accident, serious illness, or other acts of God. If you choose to include the sentence, you may change "Superintendent" to "Principal" if that would work better in your district. Be sure to align your decision for this footnote with the decision you have made on the same issue that exists in policies 4.55 and 4.56.1.

⁴ This paragraph is entirely optional. Participation in extracurricular activities is not a right, and districts may legally place conditions on a public school student's eligibility for participation (such as testing compliance), but districts cannot deny a diploma to an otherwise qualified student or deny a student the ability to attend school. If you choose to include the paragraph, the third to the last sentence may be amended to apply to a timeline of your choice.

⁵ This paragraph is not statutorily required, but has been added to align with policy 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS with the belief that such information will benefit all students.

⁶ This also applies to home schooled students and is cleverly accommodated by an adjustment to APSCN reporting outlined in Commissioner's Memo FIN-14-11 or Commissioner's Memo COM-18-009 if the student is also taking courses in accordance with Policy 4.59.

⁷ Districts should be aware that the AAA handbook contains rules prohibiting students who participate on school sponsored teams of the various interscholastic activities from being permitted to participate in practices and competitions for the same sport during the same season of the interscholastic activity.

Cross References: 4.55—STUDENT PROMOTION AND RETENTION
 4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

Legal References: Arkansas Activities Association Handbook

A.C.A. § 6-4-302

A.C.A. § 6-15-2907

A.C.A. § 6-16-151

A.C.A. § 6-18-713

Commissioner's Memo COM-18-009

Commissioner's Memo LS-18-015

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4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

Definitions

“Extracurricular activities” are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/intrascholastic athletics, cheerleading, band, choral, math, or science competitions, field trips, and club activities.

“Field Trips” are when individual students or groups of students are invited to programs or events when there is no competition and the students are not interacting with each other for the purpose of planning, qualifying, or arranging for future programs or for the purpose of receiving recognition.

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete on a school vs. school basis.

“Intrascholastic Activities” means athletic or non-athletic/academic activities where students compete with students from within the same school.

Extracurricular Eligibility

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student’s educational experience. At the same time, the Board believes that a student’s participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity¹ (tournaments or other similar events excepted with approval of the _____).² All students are eligible for extracurricular activities unless specifically denied eligibility on the basis of criteria outlined in this policy.

A student may lose his/her eligibility to participate in extracurricular activities when, in the opinion of the school’s administration, the student’s participation in such an activity may adversely jeopardize his/her academic achievement. Students may also be denied permission to participate in extracurricular activities as a consequence of disciplinary action taken by the administration for inappropriate behavior.³

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph’s provisions when the student’s failure was due to exceptional or extraordinary circumstances.⁴ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁵

A student who enrolls in the district and meets the definition of “eligible child” in Policy 4.2—ENTRANCE REQUIREMENTS shall be eligible to try out for an extracurricular activity regardless of the date the

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS

Home-schooled student means a student legally enrolled in an Arkansas home school and who meets or has met the criteria for being a home-schooled student, as established by A.C.A. § 6-15-503.

Interscholastic activity means an activity between school's subject to ~~regulations~~ rules of the Arkansas Activities Association that is outside the regular curriculum of the school district, such as an athletic activity, fine arts program, or a special interest group or club.

Each school in the District shall post on its website its schedule of interscholastic activities, including sign-up, tryout, and participation deadlines, at least one semester in advance of those activities. A hard copy of the schedule shall be available upon request.¹

Home-schooled students whose parents or guardians are legal residents of the school district will be permitted to pursue participation in an interscholastic activity in the student's resident school zone² as permitted by this policy.

Home-schooled students whose parent or legal guardian are not residents of the school district will be permitted to pursue participation in an interscholastic activity in the District if the superintendent of the student's resident district and the superintendent of the District both agree in writing to allow the student to participate in interscholastic activities at the District.

Although not guaranteed participation in an interscholastic activity, home-school students who meet the provisions of this policy, AAA Rules, and applicable Arkansas statutes shall have an equal opportunity to try out and participate in an interscholastic activities without discrimination. The District shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

No student shall be required to pay for individual or group instruction in order to participate in an interscholastic activity.

To be eligible to try out and participate in interscholastic activities, the student or the parent of a student shall mail or hand deliver the student's request to participate to the student's school's principal before the signup, tryout or participation deadline established for traditional students. Additionally, the student shall demonstrate academic eligibility by obtaining a minimum test score of the 30th percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition; another nationally recognized norm-referenced test; or a minimum score on a test approved by the State Board of Education.

A student who meets the requirements for eligibility to participate in an interscholastic activity is required to register for no more than one course³ in the District's school where the student is intending to participate in an interscholastic activity.

The student shall regularly attend the class in which the student is registered beginning no later than the eleventh (11th) day of the semester in which the student's interscholastic activity participation is desired. The student must attend the practices for the interscholastic activity to the same extent as is required of traditional students.

A student and the parent or legal guardian of the student shall sign and return an acknowledgement of receipt and review of an information sheet regarding signs and symptoms of sudden cardiac arrest before the student may participate in an athletic activity and before each school year the student participates in an athletic activity.

A home-schooled student who has met the try out criteria; and who has been selected to participate in the interscholastic activity shall meet the following criteria that also apply to traditional students enrolled in the school:

- standards of behavior and codes of conduct;
- attend the practices for the interscholastic activity to the same extent as is required of traditional students;
- required drug testing;⁴
- permission slips, waivers, physical exams; and
- participation or activity fees.

A home-schooled student who is not a resident of the District may begin participating in interscholastic activities:

- a. Immediately upon being approved for participation for all interscholastic activities other than athletic activities; and
- b. One (1) calendar year after being approved to participate in interscholastic activities that are athletic activities unless the approval is prior to July 1 of the school year the student would have been enrolled in seventh (7th) grade if the student were enrolled in public school.

A home-schooled student who is not a resident of the District and is prohibited under this policy from participating in an interscholastic activity that is an athletic activity for one (1) calendar year may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity.

Students who participate in extracurricular or athletic activities under this policy will be transported to and from the interscholastic activities on the same basis as other students are transported.

A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five days after the student withdraws from the member school.

Notes: ¹ This paragraph is not statutorily required, but without advance determination of the timelines, there will be no way for a parent to know when, or even for what semester, they will have to make their application to the district. Such information will benefit all students.

² Only include "or their applicable attendance zone's school" if your district has more than one school per grade configuration.

³ You can only **require** one course, but a district may permit a student to register for more than one course.

⁴ Include "drug testing" only if your district conducts such tests.

Cross Reference: 4.59—ACCADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOL STUDENTS

Legal References: A.C.A. § 6-15-509
 A.C.A. § 6-16-151
 A.C.A. § 6-18-232
 A.C.A. § 6-18-713
 Arkansas Activities Association Handbook
 Commissioner's Memo COM-18-009
 Commissioner's Memo LS-18-015
 ~~Arkansas Department of~~ Division of Elementary and Secondary
 Education Rules Governing Home Schools

Date Adopted: May 15, 2017; July 22, 2019

Last Revised: May 2017

4.56.2F-HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY

Student's Name (Please Print) _____

Parent or Guardian's Resident Address

Street _____ Apartment _____

City _____ State _____ Zip Code _____

Student's date of birth __/__/__ Last grade level the student completed _____

Student has demonstrated academic eligibility by obtaining a verifiable minimum test score of the 30th percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized non-referenced test approved by the State Board of Educational. _____

Name of test, Date taken, and score achieved _____

Extracurricular activity(ies) the student requests to participate in

Course(s) the student requests to take at the school _____

Proof of identity _____

Date Submitted __/__/__

Parent's Signature _____

Date Adopted: May 15, 2017

Last Revised: May 2017

4.57—IMMUNIZATIONS

Definitions

“In process” means the student has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional dose(s).

“Serologic testing” refers to a medical procedure used to determine an individual’s immunity to Hepatitis B, Measles, Mumps, Rubella and Varicella.

General Requirements

Unless otherwise provided by law or this policy, no student shall be admitted to attend classes in the District who has not been age appropriately immunized against¹:

- Poliomyelitis;
- Diphtheria;
- Tetanus;
- Pertussis;
- Red (rubella) measles;
- Rubella;
- Mumps;
- Hepatitis A;
- Hepatitis B;
- Meningococcal disease;
- Varicella (chickenpox); and
- Any other immunization required by the Arkansas Department of Health (ADH).

The District administration has the responsibility to evaluate the immunization status of District students. The District shall maintain a list of all students who are not fully age appropriately immunized or who have an exemption provided by ADH to the immunization requirements based on medical, religious, or philosophical grounds. Students who are not fully age appropriately immunized when seeking admittance shall be referred to a medical authority for consultation.

The only types of proof of immunization the District will accept are immunization records provided by a:

- A. Licensed physician;
- B. Health department;
- C. Military service; or
- D. Official record from another educational institution in Arkansas.; or
- E. An immunization record printed off of the statewide immunization registry with the Official Seal of the State of

Arkansas.

The proof of immunization must include the vaccine type and dates of vaccine administration. Documents stating “up-to-date”, “complete”, “adequate”, and the like will not be accepted as proof of immunization. No self or parental history of varicella disease will be accepted as a history of varicella disease must be documented by a licensed physician, advanced practice

nurse, doctor of osteopathy, or physician assistant. Valid proof of immunization and of immunity based on serological testing shall be entered into the student's record.

In order to continue attending classes in the District, the student must have submitted:

- 1) Proof of immunization showing the student to be fully age appropriately vaccinated;
- 2) Written documentation by a public health nurse or private physician of proof the student is in process of being age appropriately immunized, which includes a schedule of the student's next immunization;
- 3) A copy of a letter from ADH indicating immunity based on serologic testing; and/or
- 4) A copy of the letter from ADH exempting the student from the immunization requirements for the current school year, or a copy of the application for an exemption for the current school year if the exemption letter has not yet arrived.

Students whose immunization records or serology results are lost or unavailable are required to receive all age appropriate vaccinations or submit number 4 above.

Temporary Admittance

While students who are not fully age appropriately immunized or have not yet submitted an immunization waiver may be enrolled to attend school, such students shall be allowed to attend school on a temporary basis only. Students admitted on a temporary basis may be admitted for a maximum of thirty (30) days (or until October 1st of the current school year for the tetanus, diphtheria, pertussis, and meningococcal vaccinations required at ages eleven (11) and sixteen (16) respectively if October 1st is later in the current school year than the thirty (30) days following the student's admittance). No student shall be withdrawn and readmitted in order to extend the thirty (30) day period. Students may be allowed to continue attending beyond the thirty (30) day period if the student submits a copy of either number 2 or number 4 above.

Students who are in process shall be required to adhere to the submitted schedule. Failure of the student to submit written documentation from a public health nurse or private physician demonstrating the student received the vaccinations set forth in the schedule may lead to the revocation of the student's temporary admittance; such students shall be excluded from school until the documentation is provided.

The District will not accept copies of applications requesting an exemption for the current school year that are older than two (2) weeks based on the date on the application. Students who submit a copy of an application to receive an exemption from the immunization requirements for the current year to gain temporary admittance have thirty (30) days from the admission date to submit either a letter from ADH granting the exemption or documentation demonstrating the student is in process and a copy of the immunization schedule. Failure to submit the necessary documentation by the close of the thirty (30) days will result in the student being excluded until the documentation is submitted.

Exclusion From School

In the event of an outbreak, students who are not fully age appropriately immunized, are in process, or are exempt from the immunization requirements may be required to be excluded from school in order to protect the student. ADH shall determine if it is necessary for students to be excluded in the event of an outbreak. Students may be excluded for no fewer than twenty-one (21) days or even longer depending on the outbreak. No student excluded due to an outbreak shall be allowed to return to school until the District receives approval from ADH.

Students who are excluded from school are not eligible to receive homebound instruction unless the excluded student had a pre-existing IEP or 504 Plan and the IEP/504 team determines homebound instruction to be in the best interest of the student. To the extent possible, the student's teacher(s) shall place in the principal's office a copy of the student's assignments:

- for the remainder of the week by the end of the initial school day of the student's exclusion; and
- by the end of each school's calendar week for the upcoming week until the student returns to school.²

It is the responsibility of the student or the student's parent/legal guardian to make sure that the student's assignments are collected.

Students excluded from school shall have five (5) school days from the day the student returns to school to submit any homework and to make up any examinations. State mandated assessments are not included in "examinations" and the District has no control over administering state mandated make-up assessments outside of the state's schedule. Students shall receive a grade of zero for any assignment or examination not completed or submitted on time.³

Annually by December 1, the District shall create, maintain, and post to the District's website a report that includes the following for each disease requiring an immunization under this policy:

- o The number of students in the District that were granted an exemption by the Department of Health from an immunization;
- o The percentage of students in the District that were granted an exemption by the Department of Health from an immunization; ~~and~~
- o The number of students within the District who _____ have failed to provide to the public school proof of the _____ vaccinations required and have not obtained an exemption from ADH;
- o The percentage of students within the District who _____ have failed to provide to the public school proof of the _____ vaccinations required and have not obtained an exemption from ADH; and
- o The percentage of a population that must receive an immunization for herd immunity to exist.

Notes: ¹ The table showing the age appropriate immunizations is referred to as "Table I" in the Division of Elementary and Secondary Education (DESE) rules and as "Table II" in ADH rules.

² You can amend this sentence to reflect your school's practice for when teachers are required to have their lesson plans ready in advance.

³ Your district may choose to adopt a different schedule such as docking the work a certain percentage for each day it is late.

Cross References: 4.2—ENTRANCE REQUIREMENTS
 4.7—ABSENCES
 4.8—MAKE-UP WORK
 4.34—COMMUNICABLE DISEASES AND PARASITES

Legal References: A.C.A. § 6-18-702
 DESE Rules Governing Kindergarten Through 12th Grade Immunization
 Requirements in Arkansas Public Schools
 ADH Rules Pertaining to Immunization Requirements

Date Adopted: May 15, 2017; July 20, 2020

Last Revised: May 2017

4.58-FOOD SHARING AND ITS REMOVAL FROM FOOD SERVICE AREA

Food Sharing Table

Option 1: In an effort to reduce wasted food and to provide students access to healthy foods when possible, the District shall have in the district cafeteria a food sharing table located at the end of the service line. Prior to leaving the service line, students may place on or retrieve items from the table, at no additional charge, any of the following:

- Raw whole fruit traditionally eaten without the peel (e.g. bananas and oranges);
- Raw whole fruit traditionally eaten with the peel provided the fruit is wrapped to prevent contamination (e.g. apples and grapes);
- Raw whole vegetables provided the vegetable is wrapped to prevent contamination (e.g. carrot sticks);
- Milk; and
- Juice.

Fruit and vegetables to be shared are to be placed into a designated container on the table. Milk and juice to be shared are to be placed in an ice-filled cooler. Milk and juice may not be taken by another student unless the carton is unopened and was completely covered by ice while in the cooler. A student may not return to the table to place an item for sharing after the student has left the service line.

At all times, the sharing table will be under the supervision of the food service staff. Remaining items should be discarded at the end of the meal period, and no item may remain on the table for longer than four (4) hours.

Removing Food Items From the Food Service Area

At the end of the meal period, a student may leave the cafeteria with up to 2 school provided whole fruit or whole vegetable food items. Students may not remove from the cafeteria milk, juice, or any other item requiring a temperature controlled environment.

Except for food service workers as required by their job duties, District employees may only remove school provided food items from the food service area when required by a 504 plan or a student's IEP.

Legal References: Commissioner's Memo FIN 08-076
 Commissioner's Memo FIN 15-052

Dated Adopted: May 15, 201

Last Revised: May 2017

4.59—ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOLE^{ED} STUDENTS

The District allows private school and home schoole^{ed} students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered in grades 7-12³ By the District. The District will place a list of courses that a private school or home schooled student may request to attend on its website by:²¹

1. June 1 for courses to be offered during the Fall semester; and
2. November 1 for courses to be offered during the Spring semester.

A private school or home schoole^{ed} student who desires to attend one or more of the available academic courses shall submit a written request to attend the academic course(s) to the superintendent, or designee, no later than:²¹

- a. August 1 for Fall semester courses; or
- b. December 1 for Spring semester courses.

The superintendent, or designee, is authorized to waive the application deadline on a case by case basis.

The District permits a private school or home schooled student to attend a maximum of six (6) courses per semester.

The District may reject a private school or home schooled student's request for attendance if the District's acceptance would:²²

- Require the addition of staff or classrooms;
- Exceed the capacity of a program, class, grade level, or school building;
- Cost the District more for the student to attend the academic course than the District receives for the student's attendance;
- Cause the District to provide educational services the District does not currently provide at a financial burden to the District; or
- Cause the District to be out of compliance with applicable laws and regulations regarding desegregation.

Requests to attend an academic course will be granted in the order the requests are received. Upon the receipt of a private or home schoole^{ed} student's request to attend academic course(s), the District will date and time stamp the request for attendance. If a private school or home schoole^{ed} student is denied attendance based on a lack of capacity and an opening in the requested course occurs prior to the start of the course, the District will use the date and time stamp on the request for attendance to determine the private school or home schoole^{ed} student who will be notified of an opening in the requested course.

As part of the request to attend academic courses in the District, a private school or home schooled student shall:

- Indicate the course(s) the private school or home schooled student is interested in attending;
- If the course(s) the private school or home schooled student is interested in attending is being offered by the District in both a physical and a digital format, whether the private school or home schooled student intends to attend the physical course or the digital course;

- Submit, along with the student’s application, a copy of the student’s transcript indicating that the student has received credit for the course(s), or equivalent course(s), that are a prerequisite to the course(s) the student desires to attend at the District;
- Agree to follow the District’s discipline policies; and
- ~~Submit immunization documentation required by Policy 4.57—IMMUNIZATIONS. In addition to the documentation methods provided in Policy 4.57, a home school student may submit a letter to the superintendent, or designee, stating an objection to immunizations and listing the immunizations the student has received, if any.~~

A private school or home schooled student who fails to attend an academic course by the eleventh (11) day of class or who is absent without excuse for eleven (11) consecutive days during the semester shall be dropped from the course.; however, a private school or home schooled student shall not be considered truant for unexcused absences from the course(s) the student is attending at the District.

Private school or home schooled students shall receive a final grade and transcript for each academic course the student completes.

The responsibility for transportation of any private school or home schooled student attending academic courses in the District shall be borne by the student or the student’s parents.

The opportunity provided to home schooled students under this policy is in addition to the opportunity provided in Policy 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS.

Notes: This is **NOT** an optional policy. Districts who do not wish to open academic course attendance to private school or home schooled students are required to receive a waiver from the provisions of A.C.A. § 6-18-232 from the Division of Elementary and Secondary Education.

¹ ~~Allowing private school and home school students to attend classes starting in 7th grade is intended to match what is allowed for permitting home school students to participate in extracurricular activities. Districts have the option to allow private and home school students to begin attending courses in earlier grades or may restrict attendance to later grades.~~

² The dates provided here are only suggestions and are not set by statute. You may advertise available courses your course offerings for a shorter or longer period of time; or set the deadline for applications to match the traditional student enrollment deadlines.

³ Your application of “capacity” should be consistent in order to avoid potential exposure to liability for unlawful discrimination against individuals with disabilities. For example, you should not choose to accept a student who requires no special services, but would require you to add an additional elementary teacher, but refuse to accept a student with a disability because it would require you to add an additional special education teacher. You may refuse to accept the attendance of a student with a disability whose acceptance would necessitate the hiring of an aide, interpreter, or other additional staff member.

Cross References: 4.6—HOMESCHOOLING
4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS
4.57-- IMMUNIZATIONS

Legal References: A.C.A. § 6-15-509
A.C.A. § 6-18-232
A.C.A. § 6-18-702
A.C.A. § 6-47-401 et seq.
ADESE Rules Governing Distance and Digital Learning
ADESE Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools
[Commissioner's Memo COM-19-021](#)

Date Adopted: July 22, 2019

Last Revised: